

CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO
RONALD J.H. O'LEARY, JUDGE

Case No. _____

-v-

JUDGE RONALD J.H. O'LEARY

MOTION TO SHOW CAUSE
(Breach of Mediated Agreement)

1. I am the _____ Landlord (or) _____ Tenant in this case.
2. On _____, 20____ a mediated agreement was signed in this case. I have attached a copy of that agreement.
3. The _____ Landlord (or) _____ Tenant has not followed the terms of our agreement as follows: (Explain): _____

4. I, therefore, request that the court order _____

SERVICE CLAUSE

I (*check one*) ___ sent a copy of this motion by regular mail (*or*) ___ other _____
(*specify*) to ___ plaintiff(s)/counsel if plaintiff has counsel (*or*) ___ defendant(s)/counsel if
defendant has counsel at the address of record on ___/___/___.

(Signature)

WAIT! READ THIS BEFORE YOU FILL OUT THIS MOTION!

***FILING THIS MOTION WILL NOT STOP A MOVE OUT. YOU MUST FILE A SEPARATE MOTION FOR STAY TO ASK THE COURT TO STOP A MOVE OUT! THE MOVE OUT WILL GO FORWARD UNLESS THE COURT ISSUES AN ORDER SAYING IT WILL NOT!**

- **When would somebody file a Motion to Show Cause?**
 - When the parties in a Civil case have a written agreement that was signed by the Judge; AND
 - One of the parties is not performing their duties under the agreement; AND
 - One of the other parties wants the Court to step in and enforce the agreement.
- **Who files this Motion to Show Cause?**
 - The party who claims that the other side is not following the agreement is the one who files the Motion.
 - Examples can include (but are not limited to): If the landlord was supposed to repair the property and did not.
 - If the tenant agreed to stop doing something that was bothering other tenants and he/she did not;
 - If both parties agreed that certain payments would be made, and they weren't;
 - If the landlord agreed to restore utilities to the property and he/she has not.
- **What are the legal requirements for this motion? The Court can only consider:**
 - The agreement, itself; AND
 - The behavior of the parties, **after the date** of the agreement.
- **What has to be attached to this motion?**
 - A copy of the agreement; AND
 - An explanation of exactly what the other side did that violated that agreement.
- **What is 'service' and what do I have to do to properly serve this motion?**

Service is when you officially give a copy of the motion you are going to file, with all the attachments, to the other side. It is required for **every item that you file** with the Court.

 1. **BEFORE YOU FILE, mail or hand-deliver** a copy of the motion and attachments to the other side's attorney (or directly to them if they don't have an attorney); **AND**
 2. **Fill out and sign** the section of the motion that shows the Court how and to whom you delivered the copy.
- **What does it cost to file this Motion?**

The party filing the motion usually has to pay a fee to the Clerk of Courts. Contact the Clerk's Office at 216-664-4870, or <http://clevelandmunicipalcourt.org/home.html> (click on the words 'Clerk of Courts' at the bottom, then the 'fees' tab at the top of the page) for a list of fees.

If you cannot afford the filing fee, you can file a 'poverty affidavit' which, if approved, will let you pay all or some of the filing fee at a later date.

Contact the Cleveland Legal Aid Society for a sample 'Poverty Affidavit' (216-687-1900)

This instruction sheet is not legal advice. Housing Court Specialists are not attorneys and cannot give you legal advice. Because this Motion (or form) will have an impact on your rights, you should contact a licensed attorney to help you.