

These Rules may be cited as “Local Rule \_\_\_\_\_”.

**RULE 1**  
**Term or Court**

1.01 The Court shall be in continuous session for the transaction of judicial business. Each calendar year shall be one term divided into three (3) parts, for purposes of Chapter 2313, O.R.C. Said parts shall be more particularly determined by Court order annually.

**RULE 2**  
**Hours of Court Sessions**

2.01 The hours for holding the regular sessions of this Court shall be from 8:00 a.m. until 4:30 p.m. on Monday through Friday each week, except for those days designated by law as legal holidays. Said hours may be modified by the trial Judge to meet special conditions; hearings on motions, temporary restraining orders, or other matters of emergency will be held on Saturday mornings if requested and deemed necessary by the Court.

**RULE 3**  
**Costs in Civil Matters**

3.01 No civil actions or proceedings shall be accepted for filing by the Clerk unless the party or parties offering the same for filing shall have first paid court costs. Except as otherwise provided by law, when applicable, such costs shall be as follows:

Complaint Filing (plus original service as set forth below)	\$101.00
Each Defendant:	
Certified Mail Service	15.00
Personal/Residential Service	20.00
Express/Overnight Mail Service	25.00
Ordinary Mail Service, Each Defendant	10.00
Third Party Complaint (plus service as set forth above)	10.00
Certificate of Judgment, Issuance	15.00
Certified Copy (per page)	1.00
Civil Warrant Issuance	50.00

Execution (\$50 non-refundable; \$175 deposit toward costs incurred; plus actual charges in excess of \$175)	195.00
Garnishment (wages)	100.00
Garnishment Other Than Personal Earnings (Plus separate \$1 fee payable to garnishee)	50.00
Judgment Debtor Examination (plus service)	25.00
Jury Demand (due on date of jury pretrial)	
One Day	500.00
Each Additional Day	200.00
Motion for Contempt (plus <u>personal</u> service)	25.00
Praecipe for Subpoena, each witness	5.00
Replevin (plus required bond)	100.00
Returned Check fee	25.00
Revivor of Judgment	15.00
Small Claims Complaint Filing (plus service as set forth above)	64.00
Transfer to Civil Docket (plus service)	42.00
Witness Fees (Plus ten cents per mile)	
Half Day	6.00
Whole Day	12.00
Writ of Restitution	35.00

**Affidavit of Inability to Pay**

3.02

Where the Plaintiff makes an affidavit of inability to pay or secure costs as provided by 2323.31 O.R.C., the Clerk of Court shall receive and file such complaint without such deposit, provided, however, the Clerk shall not accept for filing any affidavit of a party's inability to pay costs unless and until the Court has indicated approval thereon. Said affidavits are subject to Court review at any stage of the proceeding.

To secure such approval, the attorney for the party desiring to file the affidavit shall certify that no monies have been paid to him by the party, and that to his best knowledge and belief, the party is unable to pay the costs.

### **Discretion of Clerk**

3.03 The Clerk of this Court is granted the following powers in her discretion:

1. If any deposit is insufficient, the Clerk may require the deposit to be increased.
2. In order to effectively collect costs, fines, restitutions or other monies due, to (a) apply any deposits, bonds or other monies in the possession of the Clerk; (b) to issue executions for the recovery of said monies; (c) to file Certificates of Judgment with this or any other Court, and (d) effect collection of such monies due by any other legal means.
3. Monies deposited by a defendant for bond shall be applied to the court costs, fine and restitution.
4. The Clerk may make periodic or partial distribution of monies deposited for the purpose of fines and restitutions.
5. To refuse to file any paper or pleading not in complete conformity with these or any applicable court rules.
6. To refuse any check tendered for any payment unless certified.

### **Removing Files**

3.04 The Clerk of Courts shall not permit any of the files to be taken from her custody except with written approval by the Court.

### **Number of Copies Required**

3.05 Upon filing of an original pleading, a sufficient number of copies of the pleading shall be filed with the Clerk for service upon necessary parties, plus the number of copies required to be returned to the party filing same.

### **Facsimile Filings**

3.06 See Separate Rule

### **Copying Files**

- 3.07 The Clerk shall, upon request, furnish copies of pleadings (except bills of exceptions or transcripts of evidence) belonging to the files of the Court at a cost of ten cents per page.

### **Service by Publication**

- 3.08 Counsel for a party desiring service by publication shall submit to the Clerk of Court the proposed legal notice for approval. After approval, the Clerk will cause publication pursuant to Civil Rule 4.4 by returning said notice to the party for transmittal to a paper of general circulation. The requesting party shall be responsible for publication costs.
- 3.09 The Clerk shall not accept for filing any final judgment or order unless responsibility for costs shall be clearly designated.

### **RULE 4** **Trial Counsel**

- 4.01 In all actions in this Court all parties not appearing in propria personae shall be represented of record by a trial counsel who is entitled by the Supreme Court of Ohio to practice before this Court. When two (2) or more attorneys join in a single pleading only one (1) trial counsel shall be designated. Thereafter until such designation is changed by order of the Court, upon written motion, all papers filed on behalf of one (1) or more parties represented by counsel shall be signed by one (1) attorney in his individual name as the trial counsel, followed by the designation "Trial Counsel", together with his or her typed name, office address, zip code, telephone number and area code. Firm names and the names of co-counsel may appear on the pleadings for information only.

### **Responsibility**

- 4.02 The trial counsel shall be responsible for the action and shall attend all hearings, conferences, pretrials and the trial. All notices and communications from the Court, and all documents required to be served on parties by law will be sent to the trial counsel. He or she shall be responsible for notifying the parties, co-counsel and associate counsel of all matters affecting the action.

### **Participation by Co-Counsel**

- 4.03 Any member in good standing of the Bar of the United States District Court or the

highest Court of any state, may be permitted to appear and participate as co-counsel or associate counsel, upon Motion of the trial counsel for any party. Such permission may be withdrawn at any time. Said motion is not required for the purpose of having counsel's name appear on the pleadings.

**RULE 5**  
**Bail or Surety**

- 5.01 No attorney of law or other officer of this Court shall be accepted or received as bail or surety on any undertaking of any kind in this Court, nor shall any bond or undertaking be approved having the name of any such person thereon as surety.

**RULE 6**  
**Pleadings, Motions - General Form**

- 6.01 All pleadings, motions and applications shall be legibly typewritten or printed on letter size (8 ½" x 11") paper. All filings shall bear the personal signature of counsel or the filing party if not represented by counsel. All filings filed in this Court by counsel shall bear that attorney's registration number issued by the Supreme Court of Ohio. All filings shall be secure, bound at the top and unfolded. The caption at the top thereof, in addition to stating the name of the Court, shall state the name and address of all parties. A blank space of at least 3" shall be left at the top of the right side of the first page for endorsement thereon by the Clerk. Pleadings filed subsequent to the complaint, including motions or applications, shall state the number of the cause, the name of the first party plaintiff and first party defendant on each side.

**Captions**

- 6.02 Any pleadings or other papers filed shall state in the caption the nature of the complaint, pleading or paper, such as "Complaint for Personal Injury", "Answer to Amended Complaint", etc.

**Jury Demand**

- 6.03 A party or counsel demanding a jury shall endorse the demand on the pleading and make it a part of the caption.
- 6.04 The Clerk is authorized to reject for filing any pleading not in conformity with this rule.
- 6.05 Any party demanding trial by jury in a civil case shall deposit the sum of \$500 for one day and \$200 for each additional day as costs of said jury. Said deposit shall be

delivered to the Clerk on the day of the jury pretrial. Further, failure to deliver and make such deposit shall constitute a waiver of trial by jury.

**RULE 7**  
**Service of Copies and Notices**

- 7.01 It is suggested that all attorneys utilize service by certified mail pursuant to Civil Rule 4.1(1), or personal service by a person designated by the Court to serve process pursuant to Civil Rule 4.1(2). It is further suggested service should be made through the Bailiff pursuant to Rule 4.1(2) only where an emergency exists, a temporary restraining order is requested and/or has been granted or in such other situation the attorney shall deem necessary to protect the interest of the filing party.

**RULE 8**  
**Correspondence with the Court**

- 8.01 Copies of all correspondence addressed to the Court by any party or counsel shall be mailed or furnished to other counsel or parties in the case, and the correspondence to the Court should disclose to whom it was furnished. The Court will disregard correspondence not in compliance with this Rule.

**Continuances**

- 8.02 A continuance may be granted only upon full compliance with Rule 16 of the rules of Superintendence for Municipal and County Courts. All such requests must be accompanied by a copy of the order creating the conflict. If the request is granted, the applicant shall prepare a judgment entry which shall contain the reason for the continuance, the name of the attorney who made the request and the new date certain to which the matter has been continued, which date shall be first obtained from the Clerk. The applicant shall thereupon notify the opposing counsel by sending a copy of such entry with proof of service noted thereon, immediately after filing. All continuances are discouraged. Counsel who plan to be away on vacation or otherwise, should notify the Clerk well in advance of their anticipated absence. After a trial schedule is established, counsel who have a conflict with a scheduled trial date should immediately apply for a continuance so that their case may be rescheduled and a replacement case inserted in its stead.

- 8.03 **A continuance of a post-judgment action hearing may only be granted one (1) time without the moving party providing the Court with a current address of**

**the opposing party, so long as the request contains a reference to this Rule in both the caption and the body of the motion. This continuance shall not be scheduled for later than 60 days after the original post-judgment action hearing was set to be heard. Subsequent requests for a continuance of the post-judgment hearing will not be granted unless, at the time of filing for the continuance, the moving party or their counsel is able to provide the Court a current address for the opposing party for the purposes of service.**

**RULE 9**  
**Rule Day**

- 9.01 A party who desires to plead after rule date shall apply in writing to the Court before rule date expires. Up to fifteen (15) days will be granted without approval of opposing counsel. All other applications for leave to plead after the first fifteen (15) days must have the approval of opposing counsel and be filed before the expiration date of the former leave to plead. Failure to comply will be at the risk of Default Judgment being granted pursuant to Rule 55 of the Civil Rules.
- 9.02 In all cases where the time for filing of a pleading or an amended pleading is not fixed by law or another rule, the pleading or amendment shall be filed on or before the tenth day after the file date of the entry requiring or granting leave for the filing of such pleading or amended pleading, unless otherwise specified in the entry.

**RULE 10**  
**Hearing and Submission of Motions**

- 10.01 Motions to be ruled upon by the Court shall be in writing, accompanied by a memorandum. If applicable, said memorandum shall include citations supporting movant's position. Within fifteen (15) days after filing of such motion, each party opposing the motion shall serve and file an answer memorandum. The moving party may file a reply memorandum with leave of Court within seven (7) days after the filing of such answer memorandum. Upon expiration of the time of filing memorandum, the matter shall be deemed submitted unless otherwise ordered by the Court. Failure to file a memorandum at the time required is a waiver and consent to submit the issue or case to the Court forthwith for decision.
- 10.02 This Rule shall apply to Motions to Dismiss filed pursuant to Civil Rule 12, but shall not apply to Motions for Summary Judgment filed pursuant to Civil Rule 56 or to any Criminal Motions. In the event a Motion to Dismiss is filed pursuant to Civil Rule 12 and the Court determines that it is in the nature of a Motion for Summary Judgment, notice of this fact will be given by the Court to the parties and adequate time will be given opposing counsel to reply to the Motion pursuant to the Civil Rules.

10.03 All Motions shall be submitted without oral argument on the memoranda filed with the Clerk, unless otherwise ordered by the Court. Upon the filing of any Motion which requires oral hearing pursuant to the Ohio Rules of Civil or Criminal Procedure or any provision of the law, the Movant shall, upon filing said Motion, obtain a date for such hearing and prepare the process or notice for signature by the Clerk.

10.04 This Court may, for good cause shown, provide for early disposition of any Motion with or without the filing of memoranda by the parties. Further, to expedite the business of the Court, the Court may decide any Motion upon filing without notice to the parties when the Motion addresses procedural matters only, is a request for an extension of time or for a correction pursuant to Civil Rule 60(A), if supported by a showing of good cause made orally or in writing to the Court. In the event the opposing parties are in any way prejudiced by the granting of such ex-parte relief, the Court will afford them, upon their request, an immediate oral hearing which shall be granted priority on the calendar of the Court.

#### **Motions for Summary Judgment**

10.05 Motions for Summary Judgment shall be in accordance with Civil Rule 56. Unless otherwise ordered by the Court, such Motions shall be heard on briefs and other materials authorized by Civil Rule 56(C) without oral argument twenty-one (21) days after the filing of the Motion with the Court. The opposing party shall file any desired response within said 21 day period. The moving party may file a reply memorandum to the opposing party's response within seven (7) days after the response is filed with the Court, only with Court approval.

If an adverse party also files Motion for Summary Judgment the hearing date shall be extended to twenty-one (21) days from the filing date of the opposing party's latter motion.

No Motion for Summary Judgment shall be filed in any case after it has been set for pretrial or trial without leave of the trial Judge first obtained, who may establish the times for filing of briefs and submission of the Motion.

#### **RULE 11** **Civil Case Management**

11.01 Summons shall be issued and served in accordance with the Ohio Rules of Civil Procedure.

11.02 If there is no return of service within 28 days of issuance, the case will be checked every 14 days thereafter until a return is filed.



11.03 In the event there is failure of service, the Clerk shall notify counsel immediately that unless service is obtained the case will be dismissed.

Fourteen days after this notice is served the action shall be dismissed if no effort has been made to obtain service.

11.04 If service is complete the case shall be diaried forward 28 days from the date of service when the following shall take place:

1. If all party defendants have filed an answer the Clerk shall assign the matter for a Scheduling Conference.
2. If no answer has been filed, then the Clerk shall send counsel for plaintiff notice to either proceed with a default judgment or dismiss the action. If neither action has been taken after 15 days, then an entry dismissing the action shall be submitted to the Judge for approval and filing.

#### **Scheduling Conference**

11.05 Scheduling Conferences may be held in chambers or by telephone conference as the Court may direct. At the scheduling conference trial counsel shall be prepared to discuss the following:

1. Nature of proceedings.
2. Peculiar issues involved.
3. Analysis of the issues.
4. Scope and time needed for discovery including cutoff date. There shall be no distinction between discovery depositions and trial depositions.
5. A possible settlement.

As a result of the scheduling conference, the following scheduled dates will be set and forwarded to the parties in a Scheduling Conference Order:

1. Cutoff dates for discovery.
2. Cutoff date for filing pretrial motions.

At the scheduling conference the Court shall have the authority to decide any

undetermined preliminary matters; to record any admissions, stipulations or agreements; to hear and decide the case with the consent of the parties; to make whatever findings, orders, judgments or decrees which may be warranted or proper under the circumstances.

The parties are not required to appear at scheduling conferences unless specifically ordered by the Court.

The Court may set the case for back-up trial at the scheduling conference. Counsel shall be prepared to go forward with trial. The Court will make every effort to advise trial counsel as early as possible as to whether the back-up trial will go forward or be preempted by assigned primary trial.

## **RULE 12**

- 12.01 All civil cases shall be assigned for pretrial conference unless specifically omitted by Court order.
- 12.02 It is the intent of the Court to assign pretrial and trial within a short period of time. Accordingly, it is suggested to counsel that a preparation for the pretrial hearing shall encompass the same type of preparation as would be required for trial.
- 12.03 Trial counsel shall appear at each pretrial conference. Parties need not appear unless ordered by the Court. In any event, counsel shall have complete authority to stipulate on items of evidence, admissions and must have full settlement authority. If the parties to the proceeding are not willing to grant such complete authority to counsel, it is absolutely necessary that the parties to the proceeding shall be in attendance at the pretrial conference.
- 12.04 At pretrial counsel shall be prepared to:
1. Freely discuss the theory or theories of their case, both factual and legal.
  2. Discuss the necessity or desirability of amendments to any pleadings or the filing of additional pleadings.
  3. Discuss simplification of the issues.
  4. Make admissions as to the facts and genuineness of documents and other exhibits which are not in dispute.
  5. Eliminate parties unnecessary to the case.

6. Give the names and addresses of witnesses whom they intend to call and state the general nature of their testimony. The refusal or failure of any counsel to disclose a witness at least ten days before trial shall render evidence by that witness inadmissible at trial. This shall not apply to rebuttal witnesses.
7. Give the number and nature of exhibits they intend to introduce and produce them for examination by the Court or parties.
8. Give the names, addresses and specialties of any anticipated expert witnesses; unless disclosure of such witnesses has been previously ordered.
9. Exchange reports of expert witnesses expected to be called by the parties.
10. Exchange medical reports and hospital records.
11. Discuss limitations on the number of expert witnesses.
12. Discuss the necessity of supplementing interrogatory answers or other previous discoverable matters.
13. Discuss procedures and time limitations for the completion of any further anticipated discovery.
14. Submit and consider authorities on unique or controversial issue or guarantee their submission at least one week prior to trial.
15. Discuss any other matters that may expedite the trial or disposition of the case.
16. File requests for admissions, interrogatories and depositions, and all other discovery material.
17. Estimate of trial time.
18. Set firm trial date.

12.05

Failure of any attorney to be prepared for pretrial conference, or failure of a party or attorney to appear, or to cooperate in good faith in the conduct of the pretrial conference, shall subject said attorney or party, in the discretion of the Judge, to any sanctions provided by Rule 37 of the Ohio Rules of Civil Procedure, including an award of expenses and/or attorney fees to any party prejudiced by said failure. In addition, the Court shall have the authority to proceed with all or any portion of the case and to decide and determine any or all matters ex-parte upon failure of the

plaintiff or defendant to appear in person or by counsel at pretrial conference. In addition, the Court may exclude exhibits if not produced at pretrial or exclude testimony of witnesses who have not been identified to opposing counsel on witness lists at pretrial.

**RULE 13**  
**Discovery**

- 13.01 Unless circumstances clearly dictate otherwise, counsel shall participate in informal pretrial discovery conferences to reduce, in every way possible, the filing of discovery demands and procedures. To that end, it is suggested that no interrogatories, requests, motions or applications for protective orders shall be filed under Civil Rules 26 through 37, inclusive, until counsel have diligently explored such objectives with opposing counsel in an effort to informally handle all discovery matters and to reduce or clarify the issues in controversy to facilitate their presentation at trial.
- 13.02 At such time as discovery cannot be completed informally, the party seeking discovery shall advise the Court in writing and file such interrogatories, requests, motions or applications for protective orders as may be necessary or advisable to counsel for protecting the interests of their client. Such statements shall recite efforts made to resolve differences informally. In addition, such statements shall recite those matters that remain in dispute, and in addition, the date, time and place of such conference, and names of all parties participating therein.
- 13.03 Discovery demands, replies, interrogatories, depositions and other discovery material shall not be filed with the Clerk until needed for trial.
- 13.04 All discovery shall be completed by date of pretrial or at such time as may be set by the Court. Unless authorized by the Court, any discovery after said date may not be offered at trial.
- 13.05 Any person who has responded to a request for discovery is under a continuing duty to supplement such response pursuant to Civil Rule 26(E). Any party who fails to supplement such responses will be subject to sanctions by the Court at trial.
- 13.06 A protective order pursuant to Civil Rule 26 will be issued ex-parte against interrogatories consisting of more than forty (40) single questions.

**RULE 14**  
**Orders and Decrees**

### **Litigated Judgment Entries**

14.01 Unless the Court otherwise directs, counsel for the prevailing party shall within seven (7) days thereafter prepare the proper judgment entry and submit to opposing counsel who shall approve or reject the same within seven (7) days after receipt. When approved, it shall be endorsed and furnished to the Court for approval and signature.

If counsel are unable to agree upon an entry, or if counsel to whom the entry has been submitted fails to return such entry, prevailing counsel shall prepare a substitute entry and submit the same to the Court with the notation that it has been submitted to opposing counsel pursuant to this rule. Opposing counsel's failure to return such entry or an alternative entry to the prevailing counsel shall be deemed approval of prevailing party's entry. If such entry is not prepared and presented for filing with the Court within fifteen (15) days, then it shall be prepared and filed by the Court.

### **Agreed Settlement/Dismissal Entries**

14.02 Counsel shall promptly submit an order of dismissal or judgment entry following the settlement of a case. If counsel fails to do so within fifteen (15) days after representations to the Court that the case has been settled, the Court may order the case dismissed for want of prosecution or file a judgment entry of settlement and dismissal and assess costs.

14.03 Provisions of this rule shall not be deemed to preclude the Court, at any time, from sua sponte preparing and filing with the Clerk its own judgment or order.

## **RULE 15** **Defaults**

15.01 Default judgments shall be governed by Civil Rule 55.

15.02 In all cases where a party is seeking unliquidated damages or is entitled to a jury trial, at a time designated for default judgment, the party entitled to judgment shall present proper evidence in support of the allegations in pleadings for consideration by the Court and judgment shall be rendered according to the evidence and applicable law. Counsel shall set forth in the entry that a trial by jury was waived and the matter submitted for decision by the Court.

15.03 In any action or proceeding commenced in this Court, if there shall be a default of any appearance by any party, the party seeking judgment shall file with the Court an affidavit setting forth facts showing that the party in default is not in the military service. If unable to file such affidavit, the party seeking judgment shall in lieu thereof file an affidavit setting forth that the party in default is either in the military

service or the affiant is not able to determine whether or not such defaulting party is in the service. Unless it appears from the affidavit filed the defaulting party is not in such military service, before judgment can be entered, further proceedings shall be had pursuant to the Soldiers and Sailors Civil Relief Act (50 U.S.C. 520 et. seq.).

- 15.04 In cases in which a judgment entry, order or decree has been rendered upon default, in addition to the requirements of Civil Rule 60 (B), the judgment entry, order or decree shall not be set aside unless the party in default presents or offers to file a proper pleading in the case together with his affidavit or the affidavit of his agent or attorney, setting forth the facts showing the cause of the default and that there is a meritorious cause of action or defense and the facts showing the nature of it, in which case the Court may, if justice requires it, set aside the default judgment, order or decree, upon such terms as to costs as may be just, and shall order the pleadings for want of which the default existed to be filed forthwith, or within such time as the Court may designate.

**RULE 16**  
**Trusteeship**

In all cases where a trustee is appointed by this Court pursuant to Section 2329.70, O.R.C., the following shall apply:

- 16.01 A person making application for appointment of a trustee must have in his possession a fifteen day notice of garnishment that has been served on him by a creditor.
- 16.02 To be eligible for the appointment of a trustee a debtor must be a resident of Shelby County or a non-resident of Ohio employed in Shelby County and must be subject to garnishment in accordance with the law.
- 16.03 The application must be accompanied by a statement as to creditors, containing the name and complete address of each creditor, what was purchased, amount due each creditor, and the account number.
- 16.04 No debt for \$50.00 or less shall be included in the trusteeship.
- 16.05 Debtor shall pay to the Trustee twenty-five percent (25%) of his gross income, less taxes only, weekly, bi-weekly or monthly, according to his pay schedule. Other items which appear on check stubs which are withheld such as union dues, credit union charges, insurance, savings or anything of this nature will be included in the wages on which the 25% is based. Debtor's paystub shall be submitted with each trusteeship payment.
- 16.06 Any payment which is ten days late will cause the trusteeship to be dismissed. If the

debtor misses two consecutive payments to the Trustee and the reason for missing the payment is that the debtor has not worked and has not received wages from his employer, the debtor must, by the date that the second payment is due, submit to the Trustee a written statement from the employer indicating that no wages were paid for the preceding work period. The debtor may not reopen or file for a new trusteeship within six months without satisfactorily showing that the failure to pay was not due to willful negligence.

- 16.07 If the debtor becomes unemployed a minimum payment of \$10.00 per week must be paid to the Trustee.
- 16.08 Distribution to creditors will be made when \$800.00 has been accumulated in the trusteeship. A fee of 2% of the distribution will be assessed to cover costs. Debtor will be advised of amount distributed and new balances due creditors.
- 16.09 Debtor shall notify the Court immediately of any change in address or employment.
- 16.10 A secured creditor may elect not to participate in the trusteeship. Therefore the debtor would be required to make payment directly to them, over and above the amount that is paid into the trusteeship. Failure of the debtor to make payments to the secured creditor who does not wish to participate in the trusteeship can result in the creditor repossessing the property that is given as security. However, no creditor can garnish the debtor's wages while he is in trusteeship regardless of whether the creditor has or has not elected to participate in the trusteeship.

### **RULE 17** **Depositions**

- 17.01 There shall be no distinction between a discovery deposition and a trial deposition. Depositions shall not be filed with the Clerk until needed for trial.

### **Fees and Costs**

- 17.02 The fees of officers taking and certifying depositions shall be paid by the party on whose behalf such depositions are taken. If the deposition is used to present evidence at the trial, such payments may be taxed as costs in favor of the prevailing party and shall then become part of the judgment in the action, except as otherwise ordered by the Court.

### **Opening of Depositions**

- 17.03 When a deposition has been filed in any action, except in actions in which the law

prescribes a different procedure, it shall be opened only by the Clerk at the direction of the Court or at the direction of any counsel of record. The fact and date of opening and the name of the person making such request shall be endorsed by the Clerk on the envelope containing the deposition, which envelope shall be preserved with the deposition.

### **Withdrawal of Depositions**

- 17.04 Depositions on file shall not be withdrawn during the pendency of the action without leave of Court. After final disposition of the action, at the request of counsel for the party on whose behalf the depositions were filed, they shall be withdrawn or otherwise disposed of by order of Court.

### **Video Depositions**

- 17.05 All video depositions shall be filed no later than 14 days before trial and shall be accompanied by a written transcript of the testimony. The Court will hold a hearing as soon as possible in order to rule on objections and allow the video to be edited by trial date, if such editing is required.

## **RULE 18**

### **Executions**

- 18.01 Praecipes for execution must contain a specific description of the property to be levied on. This description shall be a part of the writ issued to the Bailiff pursuant to Sections 2327.02 and 2327.01, O.R.C. The Bailiff is authorized to return a writ of execution to the Clerk for failure to comply with this rule.
- 18.02 Any judicial sale shall be first approved by the Bailiff as to exact time and date to avoid conflict.
- 18.03 Counsel for the party requesting any judicial sale shall prepare any newspaper publication required, cause the same to be published at the party's expense and file an Affidavit of Publication with the Clerk and Bailiff prior to sale.

## **RULE 19**

### **Subpoenas**

- 19.01 Except for good cause shown, the Clerk shall not be required to issue subpoenas, nor the Bailiff required to serve the same, unless requests are filed with the Clerk at least 72 hours prior to the time set for appearance.
- 19.02 The Clerk shall not be required to issue subpoenas unless the party so requesting the



issuance of a subpoena shall have deposited sufficient funds with the Clerk to pay witness fees as required by Section 2335.06, O.R.C.

## **RULE 20**

### **Prosecutor Approval of Charges**

- 20.01 Unless otherwise provided by law, or on written order of the Court, all charges other than traffic cases and minor misdemeanors will be approved in writing by the attorney responsible for prosecuting the same. All felony charges will be approved and signed by the Prosecuting Attorney or one of the assistant prosecutors. By signing a charge the responsible attorney represents to the Court that he is sufficiently familiar with the facts to believe that they support the charge.
- 20.02 The Prosecuting Attorney or an assistant will be present at all court sessions or conferences involving felonies.
- 20.03 Park rangers and game protectors are exempted from this rule with respect to charges involving fish and game laws, park regulations and watercraft laws charged on their uniform ticket and complaint forms.

## **RULE 21**

### **Written Report**

- 21.01 Each charge more serious than a minor misdemeanor shall be accompanied by a written report of the arresting agency unless the complaining witness is present at arraignment. Failure to provide such report may result in dismissal of the charge.

## **RULE 22**

### **Computer Printouts in Traffic Cases**

- 22.01 All traffic citations for offenses requiring court appearance shall be accompanied by a computer printout of the defendant's record if the defendant is a resident of Ohio. It is the responsibility of the arresting officer to insure that the printout is filed with the case.

## **RULE 23**

### **Written Pleas**

- 23.01 Written not guilty pleas shall bear the personal signature of the defendant and his counsel if represented by counsel. All filings filed in this Court by counsel shall bear that attorney's registration number issued by the Supreme Court of Ohio.

**RULE 24**  
**Motions in Criminal Cases**

- 24.01 The time for filing a pretrial motion in criminal cases is governed by Rule 12 of the Criminal Rules. All such motions shall be heard by the Court at least 48 hours before trial.
- 24.02 All motions made, other than those made at trial, shall be in writing; and, except motions to suppress evidence and for discovery, shall contain a written memorandum citing the authorities relied upon by the movant. The Court may decide any motion after it is at issue, without hearing, or schedule the matter for hearing or oral argument.
- 24.03 All motions to suppress evidence shall state with particularity the grounds upon which the movant relies. Motions which fail to state specific grounds for suppression, including motions claiming solely the matter is in violation of the Constitution of Ohio and the United States, shall be stricken from the files.
- 24.04 A party shall serve a copy of the motion upon opposing counsel and file proof of service.

**RULE 25**  
**Withdrawal of Trial Counsel**

- 25.01 Trial counsel shall not be permitted to withdraw from any action at any time within 20 days prior to trial or hearing. At other times, withdrawal shall be permitted only:
1. Upon written application with the written consent of his or her client and the entry of appearance of a substitute trial counsel, or;
  2. Upon written application, showing good cause, notice to the client and upon such terms as the trial Judge shall impose.
- 25.02 If counsel for a party shall die or formally enter withdrawal from a case, a party shall have 14 days in which to secure new counsel. During such time, no actions will be taken in said cause unless the Court shall determine that suspension shall work an injustice to the opposite party. Upon application of the parties, said time may be extended. If a party fails to procure counsel within 14 days or fails to request the Court for an extension, all pending actions will be assigned as in any other case and the case will proceed. In such case, notice of assignment, filed with the Clerk and made a part of the original papers will be deemed notice to the party without counsel.
- 25.03 Any counsel formally withdrawing from a case shall advise the party to the action of

this rule by furnishing a written copy of such rule to the party.

**RULE 26**  
**Conduct at Trial**

- 26.01 Trial counsel shall meet in chambers with the Court on the first day of trial at least 30 minutes before the time set for trial.
- 26.02 Except when making objections during testimony, counsel shall rise and remain standing when addressing the Court or jury.
- 26.03 Witnesses shall be expected to take the stand in all cases, unless prevented from doing so by physical infirmity. A witness not a party, when examined, cannot be recalled without express permission of the trial judge.
- 26.04 The Clerk shall be the official custodian of all exhibits offered and admitted during the trial of any cause; the same shall be retained until otherwise ordered by the Court.
- 26.05 After judgment and appeal, or after appeal time has expired without appeal, counsel for each party shall, upon issuing a receipt to the Clerk therefor, obtain return of the exhibits introduced into evidence by such counsel and cause them to be returned to the owner. In cases of doubtful ownership of the exhibits, counsel shall bring the matter before the Court for determination.
- 26.06 Preliminary to the trial of the cases assigned for trial, counsel, upon request of the Court, shall file a brief on all questions of law, including evidence involved in the proceeding, which briefs shall be exchanged by counsel.
- 26.07 The plaintiff or movant in any proceeding shall be seated to the left of the Court.
- 26.08 Any party or their counsel who request a view of the premises or scene must make a request in writing for such not later than seven days prior to the scheduled date of trial. No request will be honored if made with less than seven days notice. View requests will be granted only upon a showing to the Court that it will expedite or make the testimony of witnesses more understandable and that it is necessary in the interest of substantial justice.

**RULE 27**  
**Findings of Fact and Conclusions of Law**

- 27.01 When a request for findings of fact and conclusions of law is made pursuant to Civil Rule 52, the Court shall require any and all parties to submit their proposed findings of fact and conclusions of law.
- 27.02 Such request shall be made pursuant to Civil Rule 52 and within the time limitations noted therein.

**RULE 28**  
**Transcripts of Proceedings**

- 28.01 Tape recordings of courtroom proceedings shall be maintained by the Clerk for two years.
- 28.02 Any party to a case requiring a transcript of tape recorded proceedings shall make a request in writing to the Clerk for a copy of the taped proceedings. Such request shall include the style of the case, the date and time of the proceedings and be accompanied by a payment of \$20.00 to cover the cost of such copy.
- 28.03 Any party to a case requiring a transcript of tape recorded proceedings shall file a motion requesting the appointment of a court reporter for the instant case, along with an entry of appointment.
- 28.04 The Clerk shall not prepare a copy of taped courtroom proceedings for anyone not a party thereto unless all parties to the case shall consent thereto in writing.
- 28.05 Every taped transcript filed in this Court shall bear the name, address and telephone number of the court reporter making the same.

**RULE 29**  
**Expungements**

- 29.01 Expungement applications filed pursuant to Section 2953.32, ORC, shall contain the following information concerning the applicant:
1. Exact name, including any applicable former name(s);

2. Date of birth;
3. Social security number;
4. Former conviction information including court case number, description of crime, applicable code section, date of conviction and sentence of Court.