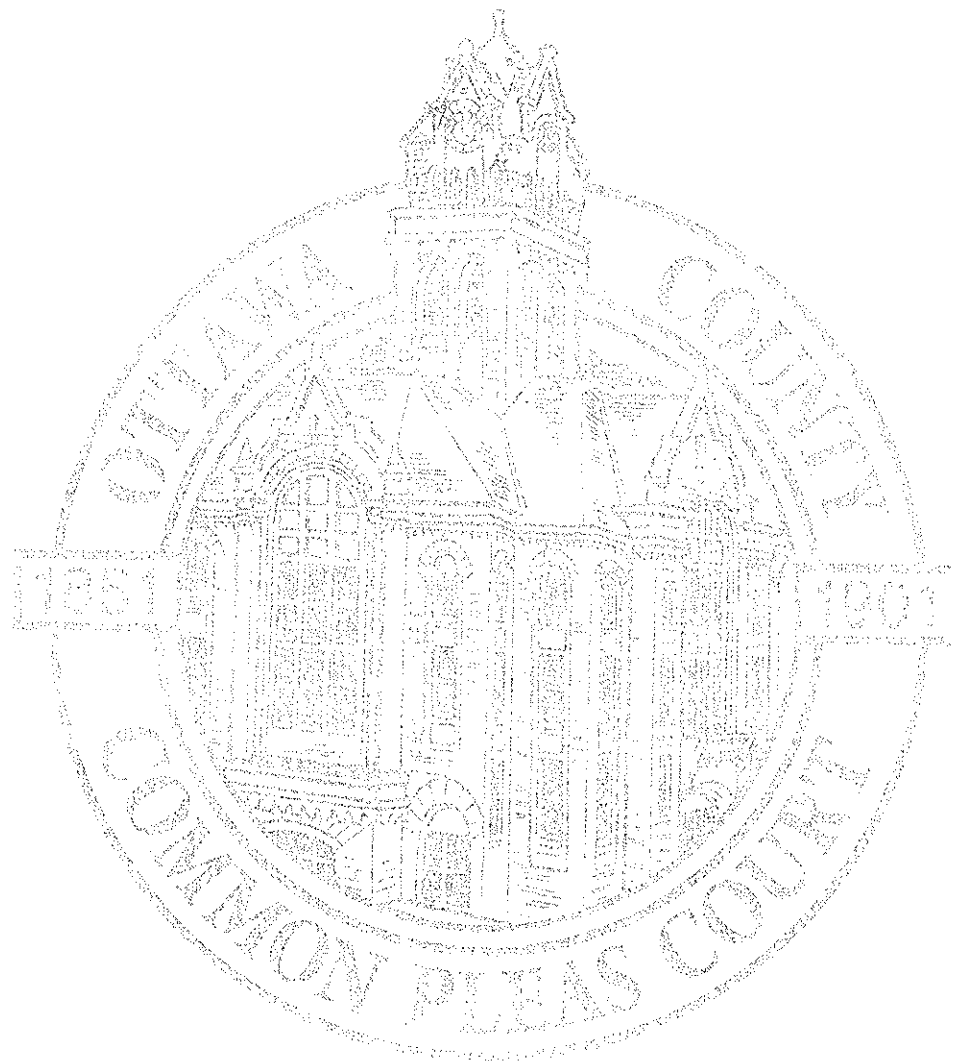


Ottawa County Common Pleas Court Local Rules



Judge Bruce Winters
Effective:

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LOCAL RULES OF PRACTICE
OTTAWA COUNTY COURT OF COMMON PLEAS

RULE 1. Administration of civil and criminal litigation

Effective Date: This section applies to all civil and criminal cases filed in or transferred to Ottawa County Common Pleas Court after _____. All local rules filed before _____ are revoked. These Rules supercede any previously issued Administrative Order inconsistent herewith.

1.01 Caseflow Management

It is the policy of the Ottawa County Common Pleas Court to adopt and follow the American Bar Standard relating to court delay reduction. From the commencement of litigation to its resolution, this Court is committed to just and efficient resolution of cases. The Court will control the pace of litigation, reduce delay and maintain a current docket.

1.02 Case Management

The essential element which this Court uses to manage its cases are:

1. Court supervision and control of the movement of all cases from the time of filing of the first document invoking court jurisdiction through final disposition.
2. Promulgation and monitoring of time standards for the overall disposition of cases.
3. Rules, conference or other techniques establishing times for concluding the critical stages in the litigation process, including the discovery phase.
4. Early identification of cases that may be protracted, and giving them special administrative attention where appropriate.
5. Adoption of a trial setting policy which schedules a sufficient number of cases to ensure efficient use of judge time while minimizing resetting caused by overscheduling.
6. Commencement of trials on the original date scheduled with adequate advance notice.
7. A firm, consistent policy for minimizing continuances.

1.03 Standard of Timely Disposition

The following time standard apply to cases in this Court:

General Civil

90% of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing; 98% within 18 months of such filing; and the remainder within 24 months of such filing except for individual cases in which the Court determined exceptional circumstances exist and for which a continuing review should occur.

Domestic Relations

90% of all domestic relations matters should be settled, tried or otherwise concluded within 3 months of the date of case filing; 98% within 6 months of such filing and 100% within one year.

Criminal

Felony – 90% of all felony cases should be adjudicated or otherwise concluded within 120 days from the date of arrest; 98% within 180 days and 100% within one year.

Persons In Pretrial Custody – Persons detained should have a prompt determination of custodial status. Persons incarcerated before trial will be afforded priority for trial.

1.04 Matters Submitted to the Judge

Matters under submission to the Judge or judicial officer will be promptly determined. Short deadlines will be set for party presentation of briefs and affidavits and for production of transcripts. Decisions where possible, will be made from the bench.

RULE 2. Term of Court

The Court shall be in continuous sessions for the transaction of judicial business but for the purposes of R.C. 2313.02 et seq. each calendar year shall be divided into three (3) terms of Court. The January term shall begin on the first Monday following the first day of January; the May term shall begin on the first Monday of May; and the September term shall begin on the day following Labor Day.

RULE 3. Hours of Session

The sessions of the general division of this Court shall, unless otherwise ordered by the Judge, begin at 8:30 a.m. and close at 4:30 p.m. on Monday through Friday, each week, except on those days designated by law as a legal holiday.

RULE 4. Clerk of Courts

4.01 Duties

The Clerk of Courts in the performance of his/her duties shall be under the direction of the Court.

4.02 Acceptance of Documents for Filing

The Clerk of Courts shall accept all documents presented for filing except as authorized by R.C. 2701.20.

4.03 Unauthorized Practice of Law

The Clerk of Courts is not permitted to practice law in this Court and cannot assist in completion of legal forms; however, the Clerk shall provide information regarding the legal process and information to assist the public in the filing or research of legal matters.

4.04 Dockets/Calendars/Journals

The Clerk of the Court shall prepare and maintain for the use of the Judge, the following dockets, calendars and indexes:

- A. A general Appearance Docket
- B. A general Trial Docket
- C. A journal
- D. A separate Execution Docket
- E. The Clerk shall keep an index to the Appearance and Execution Dockets direct and reverse and to all other books direct.
- F. An index of all Administrative Orders

4.05 Files

The Clerk shall use color-coded files as directed by the Court.

- A. All civil cases, correctly prepared, received by the Clerk for filing shall be numbered consecutively in a new series each calendar year. Said number shall carry the prefix of the year, followed by a category designation, followed by the consecutive number each year beginning with the number 1.

- B. The Clerk shall file together and carefully preserve in his or her office all papers delivered to him or her for that purpose in every action or proceeding.
- C. No persons, except a judge of the Court or one of his or her employees, shall remove any court papers, files of the Court or parts thereof from the custody of the Clerk of Courts without the consent of the judge to whom the case is assigned. Removal of such papers and files shall be in accordance with a procedure approved by the Court.
- D. The Clerk shall permit any party to an action or his/her attorney to obtain a copy of any papers the files of the Court. The Clerk shall require a deposit in advance to secure copying costs.

4.06 Filing and Docketing

- A. The Clerk shall cause all papers, including returned mail, presented in an action to be immediately file-stamped and docketed. The file-stamp shall be positioned on the pleading in a clearly legible, blank area of the pleading as near the top of the pleading as possible. Every filing, including but not limited to: pleadings, returned mail, and returns on service of warrants shall be promptly sent to the Court for review. A copy of all pleadings in criminal cases shall be provided to the Adult Probation Department. All papers presented in an action shall be inserted in the proper case file on the same business day the document is received.
- B. Additional copies of pleadings presented by counsel, to the Clerk by mail, for filing shall be filed/docketed as outlined in paragraph (A) above and shall be immediately returned to counsel in the envelope provided. The Clerk is not permitted to hold pleadings until and Order/Judgment Entry is filed and send said Order/Entry with counsel's pleadings.
- C. All Orders/Judgment Entries or other pleadings signed by a Judge or Magistrate in the General and Domestic Relations Division shall be sent by the Clerk to all parties/counsel of record immediately upon filing/docketing.
- D. With the exception of Certificates of Service, the Clerk shall separately file-stamp and docket any separate headings within a pleading, which heading requests action from the Court/Clerk or notes actions taken by parties/counsel. Examples include, but are not limited to: Time Waivers and Praecipes
- E. When docketing pleadings, the Clerk shall note the date said pleading was filed, and describe the pleading with a minimum of the entire caption of the pleading, the name of the attorney/self-represented litigants filing said pleading, and which

party said attorney represents. In addition to the above requirements, the following pleadings shall be noted on the docket as follows:

1. Motions to continue shall also include a notation of the currently scheduled date that the party is requesting to continue and the type of hearing the party is requesting to continue.
2. Judgment Entries, Orders and Decisions shall also include a summary of the content of the Entry/Order.
3. Mediation Reports shall also include a notation as to the outcome of the mediation session.

No other interoffice or intraoffice communications or docket notes shall be included when docketing.

- F. The Clerk shall keep all attorney contact information for a case updated and shall include all attorney information for each and every attorney assigned to a case in the Clerk's computer system. The Clerk shall review all filings for any changes in attorney contact information and shall immediately make any such changes in the Clerk's computer system. The Clerk shall immediately remove the contact information for any attorney who has withdrawn from a case and shall immediately add the contact information for any attorney who enters an appearance in a case.

4.07 Case Designations

The case designations by category are:

Civil Litigation

Professional Tort	CVA
Products Liability	CVB
Other Torts	CVC
Workers' Compensation	CVD
Foreclosures	CVE
Administrative Appeals	CVF
Complex Litigation	CVG
Other Civil	CVH

Criminal Cases

CR

Domestic Relations

Divorce with Minor Children	DRA
Divorce without Minor Children	DRB
Dissolution with Minor Children	DRC
Dissolution without Minor Children	DRD

Change of Custody	DRE
Visitation Modification/Enforcement	DRF
Support Modification/Enforcement	DRG
Domestic Violence	DRH
URESAs	DRI
Parentage	DRJ
All Others	DRK

4.08 Public Access to Records

The Clerk of Courts shall maintain records in a manner so as to provide the public with access as required by law. Upon payment of reasonable copy charges, copies of requested records shall be provided within a reasonable time, during regular business hours, and in accordance with the Ohio Revised Code and this Court's Public Records Policy.

RULE 5. Security for Costs

This Rule shall be governed by R.C. 2323.30 *et seq.*

5.01 Security for Costs

Except as otherwise required by law, no civil action or proceeding shall be accepted by the Clerk for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by law. Such advance deposit shall be in accordance with the schedule approved by the Court and prepared and published by the Clerk from time to time.

5.02 Failure to submit security for costs; Inadequate security for costs

The Clerk shall, immediately upon receipt of a civil action, proceeding or pleading which requires security for costs, determine if the correct amount of security for costs has been tendered with the pleading(s). If the appropriate amount of security for costs has not been tendered, the Clerk shall, immediately notify the person tendering the pleading(s) of the deficiency via telephone during regular Court hours. The Clerk shall note on the docket a Notice of Filing Deficiency. The Clerk shall hold the pleading(s) for three business days, for receipt of the security for costs. If after three days, the appropriate security for costs has not been tendered, the Clerk shall immediately return the pleadings(s) to the sender via ordinary U.S. mail service. The Clerk shall keep accurate records of all action taken under this section.

5.03 Inability to give security or deposit for costs

If a party initiating a civil action is unable to give security or a cash deposit as provided under this rule, then said party shall file an Affidavit of Inability to Prepay or Give Security for Costs along with the complaint. The affidavit shall be accepted by the Clerk of Courts and the collection of costs shall be postponed until the case is terminated. The Court retains jurisdiction to review the affidavit at any time during the pendency of the action.

5.04 Transfers from Municipal Court

Upon the transfer of a case to this Court for the reason that a counterclaim is in excess of the Municipal Court's jurisdictional limit, the counterclaimant shall deposit with the Clerk a deposit for the counterclaim. Any deposit transferred to this Court from the transferring court shall be credited to the deposit to be filed with this Court.

5.05 Transfers from other courts

Upon the transfer of a case to this Court from another court a notice will be sent to parties to pay the balances owed on deposits for the complaint and any counterclaim within thirty (30) days and to inform them that if a party is delinquent, the complaint or counterclaim will be dismissed. After thirty (30) days, if the balance owed on deposits is not paid, the complaint or counterclaim for which the balance owed on deposits was not paid is subject to dismissal. Any deposit transferred to this Court from the transferring court shall be credited to the deposit to be filed in this Court.

5.06 Additional Deposits During Pendency of Case

When during the pendency of a case, the Court determines that the security for costs will be insufficient to cover the anticipated total costs of the case, the Court may, in its discretion, require an additional deposit as security for future costs. The Clerk shall notify the Court of any cases to which this rule may apply.

5.07 Application of Deposit

Upon final judgment, the Clerk of Courts is directed to apply the deposit for costs to the case, regardless of the party against whom costs are assessed. The Clerk shall thereupon assess the costs against the proper party and notify and bill such party, reimbursing the Court costs depositor upon receipt of such costs from the proper party. Application, assessment and billing of Court costs shall be completed within thirty (30) days after final judgment. Court costs in civil cases shall be assessed equally between parties unless otherwise ordered by the Court.

All court costs shall be timely paid according to the final judgment entry. Except as otherwise provided by law, all accrued court costs shall be paid by the proper

party or parties before the clerk shall accept any motion or pleading from said party or parties which would open the file.

5.08 Collection of Costs

The Clerk of Court shall collect costs in accordance with R.C. 2335.18, *et seq.*

5.09 Court Cost Arrearage and Death of a Party

Upon any notice to the Clerk of Courts, of the death of a party or a criminal defendant, who was ordered to pay court costs for which there is an arrearage, the Clerk shall seek confirming information and documentation and:

- A. If properly notified that an estate is filed, the Clerk shall present a written claim for the court costs under R.C. 2117.06 to the executor or administrator of the estate and to the probate court.
 1. If the claim is accepted by the executor or the administrator, the Clerk shall accept payment as provided in the handling of the estate; if the claim is rejected in whole or in part by the executor or administrator, the Clerk shall pursue the collection of the claim within two (2) months after the rejection as provided in R.C. 2117.12.
 2. If the claim is accepted by the executor or the administrator and the Clerk receives notice under R.C. 2117.17(A)(2) that the estate is insolvent as provided in R.C. 2117.15, the Clerk shall accept payment under R.C. 2117.25 as payment in full; if no payment is received or a deficiency balance exists after receipt of a payment, the balance of the court costs shall be written off as hereinafter provided.
- B. If the Clerk is notified by any means that a party or criminal defendant has died, for which no estate is or has been filed in any probate court, the Clerk shall confirm the death by receipt of a death certificate or a certified copy thereof, and write off the court cost arrearages if an estate is not filed within 180 days of the date of death. In the event the court cost arrearages are written off, the Clerk shall make an entry on the docket, reflecting the amount of the write off, the date of the write off and shall file in the record the death certificate or a certified copy of the death certificate.

RULE 6. Personal Identifiers

This Rule shall be governed by Rule 45 of the Rules of Superintendence for the Courts of Ohio and Local Administrative Order entitled *In re: Protection of Personal and Private Information in Court Records*

6.01 Personal Identifiers Form (See Appendix – Form 1)

All pleadings containing personal identifiers such as social security numbers, dates of birth and account numbers shall be redacted by the filing party prior to presentment to the Clerk.

Upon the filing of any pleading which requires or contains personal and private information as outlined in Rule 45 of the Rules of Superintendence for the Courts of Ohio and Local Administrative Order entitled *In re: Protection of Personal and Private Information in Court Records*, the filing party shall submit the personal and private information on the Personal Identifiers form. The PIF shall be deemed a non-public record.

RULE 7. Communications with Judges or Magistrates

7.01 Communication Prohibited

No attorney shall discuss the merits either orally or in writing, of any litigation with the Judge or Magistrate presiding over the matter before final disposition thereof without the presence of, consent of, or by mailing or delivering a copy of any writing to opposing counsel or the party, if not represented.

7.02 Request for Conference

If it is determined that an issue in a pending action needs to be discussed with a Judge or Magistrate prior to hearing or disposition of the action, the attorney requesting said conference may, with notice to opposing counsel, request a conference with the Judge or Magistrate.

RULE 8. Pleadings

Form 8.01

All pleadings, motions and memoranda filed or submitted by facsimile (if permitted) with the Court shall have a top margin of at least one and one-half inches and contain the following information:

- A. Name, address, telephone number, Supreme Court number and email address of counsel.
- B. The name of the Judge and/or Magistrate to whom the case is assigned.
- C. The case number.

- D. Current address of all parties to the action on original pleadings and final judgment entries. (All post-judgment motions shall be considered an original pleading for purposes of this rule).

8.02 New Parties.

When a new party plaintiff or defendant is added to a case after the commencement thereof, the caption of the first pleading in which or after which such new party is added shall contain the name and address of the new party.

8.03 Final Judgment Entries.

The name of the attorney preparing a judgment entry shall appear in the caption of the Entry. The Clerk shall serve a date-stamped copy of the entry on all parties who have appeared, and their counsel, forthwith.

8.04 Motions/Requests

All Motions and other pleadings requiring a court ruling shall be accompanied by a proposed judgment entry or order not attached to the motion/pleading, and a signature line with "Judge/Magistrate" thereunder.

8.06 Certificate of Service

Proof of service of all pleadings, motions briefs, memoranda or other writing filed with the Court shall be in accordance with Civ. R. 5. Each certificate of service shall state the name, address and email address (if applicable) of all persons served. Where a case is assigned to a Visiting Judge, a copy of all pleadings shall be mailed or emailed (per the preference of the Visiting Judge) to the Visiting Judge, by the filing party. Said service shall be noted in the certificate of service.

RULE 9. Facsimile Filing (FAX)

9.01 General

All pleadings, except initial filings, may be filed with the Court by facsimile transmission subject to the following provisions:

- A. All FAX documents shall be sent to the following number: 419-734-6875
- B. A FAX document will be accepted as original and the signature accepted as original consistent with Civil Rule 5(E). No additional paperwork need be filed.

- C. A Facsimile Coversheet must accompany all FAX filings. The coversheet must contain the following:
1. the name of the court;
 2. the title of the case;
 3. the case number;
 4. the assigned judge;
 5. the title of the document being sent
 6. the date of the transmission;
 7. the transmitting fax number;
 8. an indication of the number of pages included in the transmission, including the cover page;
 9. if a judge or case number has not been assigned, state that fact on the cover page;
 10. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
 11. if applicable, a statement explaining how costs are being submitted.
- D. The Clerk will time stamp the cover sheet and return a copy of it to the attorney filing the FAX transmission via facsimile after checking that all pages have been received.
- E. Costs for FAX transmissions shall be assessed as follows: \$2.00 per transmission plus \$1.00 per page.

RULE 10 Change of Address

Counsel shall file with the Clerk, written notice of any change of address for counsel or parties.

RULE 11. Rule Day Extensions

11.01 Computation of Time

Time in these rules shall be computed in accordance with Civil Rule 6.

11.02 Leave to Move, Plead or Answer

Civil Rule 12, prescribing Rule Day for pleadings, and the time periods designated for answering interrogatories, requests for admissions and requests for production shall be strictly enforced. However, a party may, with leave of court, obtain one or more extensions not to exceed thirty (30) days each, in which to move, plead or answer. Each motion for an extension shall be in writing, shall state the number of prior extensions granted, and shall state the date the

answer/response is currently due. A separate Judgment Entry/Order must be provided with each motion.

As a courtesy to opposing counsel, counsel requesting the extension shall orally notify opposing counsel(s), request consent thereto and note whether opposing counsel consents to the motion.

RULE 12. Continuances

12.01 Continuance Policy

This Rule shall be governed Rule 41 of Rules of Superintendence for the Courts

12.02 Requirements

Continuance of a hearing or trial will be granted only by the Judge or Magistrate for good cause upon the filing of a written motion and in accordance with Rule 41 of the Rule of Superintendence, if applicable. Requests for continuance must be filed no later than seven (7) days prior to the scheduled court date, except for good cause shown. Counsel shall attach a copy of the conflicting scheduling notice, if the request is due to a scheduling conflict. Each motion shall state the date the current hearing is scheduled and shall be accompanied by a separate Judgment Entry/Order.

Attorneys entering an appearance in a case less than seven (7) days prior to a scheduled hearing shall comply with this rule.

As a courtesy to opposing counsel, counsel requesting the continuance shall orally notify opposing counsel(s), request consent thereto and note whether opposing counsel consents to the motion.

Where continuances and extensions are requested with excessive frequency or insubstantial grounds, the Court will adopt one or a combination of the following procedures:

- A. Cross-referencing all requests for continuances and extensions by the name of the attorney requesting them.
- B. Requiring that requests for continuances and stipulations for extensions be in writing and the litigants be notified.
- C. Summoning lawyers who persistently request continuances and extensions to warn them of the possibility of sanctions and to encourage them to make necessary adjustments in the management of the practice.

Restrictions may be imposed on the number of cases in which the attorney may participate at any one time.

12.03 Oral Requests for Continuance

No oral requests for continuances will be considered or granted, except during hearings, or for other good cause shown.

12.04 Judgment Entry/Orders

All requests for continuance shall be accompanied by an appropriate judgment entry/order with a blank space for the Court to fill in the new date/time, a space to deny the motion and a signature line with "Judge/Magistrate" thereunder.

RULE 13 Discovery

13.01 Criminal cases

In all criminal cases, discovery shall be conducted in accordance with Crim. R. 16.

13.02 Civil Cases

In all civil cases, discovery shall be conducted in accordance with Civil R. 26 – 37. Interrogatories under Civ. R. 33, Requests for Production or Inspection under Civ. R. 34 and Requests for Admissions under Civ. R. 36, shall be served upon opposing counsel or parties in accordance with such rules, but shall not be filed with the Court. Said party shall file with the Court a notice that same were served upon the opposing counsel or party. The party responding shall file with the Court a certification that answers have been served on the adverse party. If relief is sought under Civ. R. 26(c) or Civ. R. 37 concerning any interrogatories, requests for production or inspection and requests for admissions, copies of the portions of such documents which are in dispute shall be filed with the Court contemporaneously with any motion filed.

RULE 14. Depositions

14.01 General

Any deposition filed with the Clerk of Courts shall not be withdrawn except by leave of Court. The use of depositions shall be conducted in accordance with the applicable Statutes, Criminal Rules, Civil Rules and the Rules of Superintendence.

14.02 Scheduling

Counsel shall make a timely and good faith effort to confer and agree to schedules for taking depositions.

14.03 Documents

During the deposition, examining counsel shall provide to all counsel copies of all documents shown to deponent.

14.04 Use at Trial

If depositions are to be used at trial, the tape/recording and accompanying transcript(s) must be filed with the Clerk of Court no later than seven (7) days prior to trial. The party filing the tape/recording shall also file contemporaneously therewith a Notice of the party's intent to use same at trial with a list of all objections within the transcript, including citation to the page and line of the objection. Counsel shall confer and contact the Court to schedule a hearing for argument/rulings on objections.

RULE 15. Transcripts and Exhibits

15.01 Transcripts.

The furnishing of transcripts by the Official Court Reporter and the amount and method of paying the compensation for them shall be fixed by Court order and as provided by R.C. 2301.21 – 2301.25. The transcription of proceedings in any case other than indigent criminal cases shall not be begun and transcribed by an official reporter for the court until there is deposited with her or him a sum equal to the estimated cost thereof as estimated by the official reporter. In the event the deposit is not sufficient to cover the entire cost of the transcript, the unpaid balance shall be paid to the official reporter before the transcript is delivered to the party ordering it. In the event the deposit exceeds the cost of the transcript, the unused portion thereof shall be returned by the official reporter to the party ordering and paying for the transcript.

Copies of filed transcripts may be obtained from the Clerk of Courts at the current Public Records rate. PDF copies of filed transcripts will be emailed at no cost upon an email request to the official court reporter: jheld@co.ottawa.oh.us

Any proceeding recorded by electronic means, the recording shall be the official record and shall be transcribed, if required, by the official reporter or the reporter's designee. Records in the custody of the Clerk of Courts and the shorthand notes of the Official Court Reporter may be destroyed ten (10) years after a case is concluded and after compliance with R.C. 149.40, except in murder and aggravated murder cases.

All grand jury proceedings shall be recorded. The Official Court Reporter shall not prepare transcripts of testimony of grand jury proceedings except under order of court.

15.02 Exhibits

Exhibits will remain in the custody of the Court Reporter and shall be available for return to the offering party six (6) months after the expiration of the appeal process. If they are not obtained from the Court Reporter, the exhibits shall be destroyed, except exhibits in criminal cases shall be returned the Ottawa County Prosecutor's Office.

RULE 16. Dismissals

Upon notice, the Court may dismiss, on its own motion, all cases in which:

- A. There has been no affirmative action taken for an unreasonable time; or
- B. There has been no response to inquiries from the Court or Assignment Commissioner regarding the status of the case.

If no affirmative action is taken in a case or no response to court inquiries, a case may be dismissed after fourteen (14) days from the date of notice to counsel and/or parties that the court is considering dismissal of such case. Such dismissals shall be without prejudice with costs to be taxed as the court deems just.

RULE 17. Withdrawal/Substitution of Counsel

17.01 Withdrawal of Counsel

No attorney shall be permitted to withdraw in a pending case without good cause shown. The attorney seeking to withdraw shall file a motion citing the cause for seeking to withdraw and shall attach a certificate of service to all opposing counsel and the withdrawing attorney's client with instructions to the client for obtaining his/her file. Said motion shall be filed no later than seven (7) days prior to the next scheduled hearing.

17.02 Substitution of Counsel

An attorney may withdraw in a pending case where he/she or the substituting attorney files a notice of substitution of counsel identifying the name, Supreme Court registration number, address, telephone number and email address of the attorney substituting his/her appearance. The substituting attorney is responsible for reviewing the Court's file and/or docket to ensure all upcoming Court dates are on and not in conflict with, the substituting attorney's schedule. Substitute

counsel is expected to be at all scheduled hearings, unless a continuance is requested and granted by the Court.

RULE 18 Judgment Entries/Orders

18.01 Preparation

After a hearing which disposes of a case, after a mediation which results in settlement, or after a case has been reported settled, unless the Court otherwise directs or the parties otherwise agree with the Court's consent, counsel for the party in whose favor an order, decree, or judgment is rendered, shall within fourteen (14) days thereafter prepare the proper journal entry, and submit it to the counsel for the adverse party, who shall approve or reject the same within ten (10) days after the receipt thereof. If counsel fails to present an entry within thirty (30) days after the order is decreed, or judgment is rendered, the Judge may cause the proper entry to be prepared and filed without submission or notice to counsel, schedule a hearing or take such other action as may be appropriate under the circumstances.

18.02 Approval of Entry

When the entry is approved by counsel, it shall be so endorsed and presented to the Judge to whom the case is assigned for approval and if signed, shall then be filed with the Clerk.

18.03 Failure to Agree

If counsel are unable to agree upon the entry, it shall be submitted to the Judge who will direct what entry shall be made. The party who does not agree with the proposed entry may file with the Court, within seven (7) days after the entry is submitted to the Judge, a list of objections to the proposed entry.

18.04 Failure to Return

If the entry is presented to the adverse party as in section 18.01 above, and the adverse party fails to sign, return and/or file the entry after ten (10) days, the party who prepared the entry shall submit the entry to the Court and shall indicate on the signature line when the entry was presented to the adverse party and the manner of presentment. The Judge may sign the entry if it comports with the parties' agreement.

18.05 Oral Hearing

Any party may request an oral hearing on entries to which the parties/counsel cannot agree pursuant to 18.01 above.

18.06 Findings of Fact and Conclusions of Law

When a party requests the Court to state its findings of fact separately from its conclusions of law under the provision of Civil Rule 52, the party requesting such statement shall, within seven (7) days after the receipt of notice of the Court's decision, submit to the Court a statement of proposed findings of fact and conclusions of law and shall serve copies thereof to all opposing parties or their counsel. Within seven (7) days after receipt of such proposed statement each opposing party shall submit to the Court a proposed statement of findings of fact and conclusions of law. For want of a strict compliance with this Rule by the party requesting such findings of fact and conclusions of law, unless good cause shown, the Court upon its motion will enter a general finding.

RULE 19 Report of Settlement

At any time prior to commencement of trial, counsel shall advise the Court promptly via telephone, when a case has been resolved. Thereafter, the attorneys shall cooperate and fax a notification to the Court in writing at 419-734-6852 indicating which attorney will be preparing the settlement entry and when the entry will be filed. Upon report of settlement, the Court will schedule a hearing on the status of the judgment entry in 30 days, or other time period for good cause. If the entry is filed on or before the date and time of the hearing, counsel need not appear for the hearing. If the entry has not been timely filed counsel must appear at the designated hearing date and time.

RULE 20 CIVIL CASES

20.01 Original Actions

Original actions and refiled actions shall be accompanied by a completed case designation sheet. (See Appendix – Form 2). The attorney/party filing the action is responsible for choosing the appropriate designation.

Attorneys/Parties designating a case "Complex Litigation" shall comply with the Rules of Superintendence.

20.02 Case Flow

Civil Cases, excluding domestic relations cases, shall consist of one or more of the following: Telephone Status Conference, a Case Management Conference, a Pretrial conference, a Settlement Pretrial and a Trial. At the Court's discretion, cases may be scheduled for a Mediation and/or additional Conferences. Counsel shall advise the Court of any unique circumstances which would warrant a departure from the above case flow.

A. Case Management Conference (CMC) (See Appendix – Form 3)

The purpose of the case management conference is to establish a timetable for the case, to address any preliminary discovery issues and determine whether the case is appropriate for assignment to mediation. Attorneys must attend the CMC, but for good cause shown, may be granted leave to attend via telephone upon written motion filed with the clerk in accordance with Rule 8.04 above. Parties are not required to attend the CMC.

B. Pretrial Conference (PT)

The purpose of the pretrial is to report the status of discovery, resolve discovery disputes, and explore further settlement. Counsel should, at a minimum, accomplish the following prior to the conference:

1. Produce documentary evidence for which there has been a timely request pursuant to discovery rules.
2. Answer interrogatories timely served pursuant to discovery.
3. Depose the parties or their principal agent or spokesperson.
4. Confer with clients and opposing counsel about settlement.

Pretrial conferences shall be attended by all counsel and all parties. In cases where the real party in interest is an insurance company, the presence or availability by telephone of a representative of the company shall constitute compliance with this rule. Counsel attending the pretrial shall have complete authority to stipulate to matters of evidence, make admissions and discuss settlement. Attorneys must attend pretrials, but for good cause shown, may be granted leave to attend via telephone upon written motion filed with the clerk in accordance with these Rules.

C. Settlement Pretrial Conference (SPT) (See Appendix – Form 4)

The purpose of the settlement pretrial is to determine if settlement can be accomplished prior to trial, and discuss trial/evidentiary issues. All parties and counsel must attend. In cases where the real party in interest is an insurance company, the presence or availability by telephone of a representative of the company shall constitute compliance with this rule.

D. Trial

The Court will issue a Case Management Conference Order at the time of the CMC. In addition, unless the Case Management Conference Order states otherwise, parties must adhere to the following deadlines,

1. The following pleadings shall be filed no later than fourteen (14) days prior to the date of the trial:

a. Pretrial Motions including motions in limine.

b. Objections to Depositions to be used at trial. Responding briefs shall be served so as to actually be received by opposing counsel and filed with the Court no later than noon the Friday immediately before trial. FAILURE TO COMPLY MAY CONSTITUTE A WAIVER. A transcript of deposition testimony shall be provided to the Court and objections shall be noted to the page(s) and lines pursuant to Local Court Rule 14.04. Videotaped objections shall additionally be time-marked at the beginning and end of each objection. See Local Court Rule 14.04 for requirements of videotaped testimony.

c. Trial Briefs. Any trial briefs shall be filed with the Court fourteen (14) days before trial.

d. Request for Jury View. A request for a jury view shall be in writing and filed with the Court fourteen (14) days before trial. Counsel so requesting pay the applicable deposit to the Clerk of Courts, which will be applied to transportation costs. Instructions for the view shall be in writing, served on opposing counsel and filed with the Court fourteen (14) days before trial. Counsel for any party may file additional instructions for the view, provided they are in writing and served, so that they are actually received by opposing counsel and filed with the Court not later than noon on the day before trial. Objections to instructions for the view may be made orally and will be determined on the day of trial. A record will be made of the jury view instructions to be given by the Bailiff to the jury and any objections thereto. (Not applicable to non-jury cases.)

e. Jury Instructions/Interrogatories. Request Jury Instruction, Interrogatories and Verdict Forms shall be served on opposing counsel and filed with the Court fourteen (14) days before trial. An electronic copy shall also be supplied to the Staff Attorney. Requested instructions from O.J.I. should cite the O.J.I. instruction number. Other instruction should cite authorities. Each instruction should be set forth on a separate page. (Not applicable to non-jury cases.)

2. The following shall be delivered to the Staff Attorney (for Bench Trials) or Opposing Counsel (for Jury Trials) no later than 4:00 p.m. the Friday immediately prior to commencement of trial:

a. Original Exhibits. Original Exhibits, except rebuttal exhibits, shall be marked and delivered as outlined above, no later than four

o'clock on the Friday immediately before the trial. Copies of exhibits shall be served on opposing counsel no later than the day before trial. FAILURE TO SO DISCLOSE AN EXHIBIT MAY BE GROUNDS FOR EXCLUSION OF THE EXHIBIT AT TRIAL. COUNSEL SHALL NOT MAKE REFERENCE IN OPENING STATEMENT TO AN EXHIBIT NOT SO DISCLOSED.

3. Jury Questionnaires. Jury Questionnaires are available from the Court seven (7) days before trial. (Not applicable to non-jury cases.)

4. Settlement. The Court shall be notified immediately if a case is settled and shall further notify the Court which attorney will be preparing the entry. Jury costs may be assessed if the court is not advised of settlement at least forty-eight (48) hours before trial.

E. Telephone Status Conference (TSC)

The purpose of the telephone status conference is to address any issues where an in-court pretrial is not necessary. In the discretion of the Court, the TSC may be scheduled on the Court's conference line, which telephone number shall be noted on the assignment notice scheduling such.

F. Mediation

The Court will refer appropriate cases to mediation. Counsel may request a case be referred to mediation, by written motion. For any case that has been referred for mediation, a separate Mediation Order will issue, outlining the date of the mediation and the date by which the mediation fee is due. Failure to attend mediation or pay the mediation fee, may result in a charge of contempt of court.

G. Informal Conferences

Parties may request informal conferences with the Judge or Magistrate by contacting the Assignment Commissioner to schedule a chamber's conference or telephone conference.

20.03 Appearance by Telephone

Any motion/request to attend a pretrial, case management conference or other hearing in any civil case by telephone will be summarily denied if filed less than 7 days prior to the scheduled hearing, unless extraordinary circumstances can be demonstrated.

Any attorney or self-represented litigants who is granted permission to appear via telephone must contact each and every other attorney/self-represented litigants, and provide him/her the opportunity to participate via telephone. The requesting party shall be responsible to coordinate one call to the Court at 419-734-6790 on the designated date and time.

20.04 Jury Deposits

Unless otherwise Ordered by this Court, jury deposits shall be paid no later than 14 days following the Case Management Conference. Failure to timely pay the jury deposit may result in the jury demand being stricken, the jury trial date being vacated and the matter rescheduled for bench trial.

20.05 Civil Motions and Hearings

This rule applies to all civil motions except rule day extensions which are governed by Loc. R. 11, Motions for Continuance which are governed by Loc. R. 12 and Domestic Relations Motions.

A. Motions for Default Judgment

1. Motions for Default Judgment must be accompanied by an Affidavit and must comply with Civ. R. 55.
2. Motions for Default Judgment in Foreclosure cases shall be scheduled, by the Assignment Clerk, for an Oral Default Hearing, unless otherwise Ordered by the Court.
3. Motions for Default Judgment in non-Foreclosure cases shall be considered decisional upon filing. Such motions may be scheduled by the Assignment Clerk, for an Oral Default hearing, in the Court's discretion.

B. Motions for Summary Judgment

The party filing the motion shall file with it and cause to be served on the opposing party(s), supporting affidavits, depositions, exhibits and documentation and a memorandum of authorities in support of the motion. Not later than 14 days thereafter, the opposing party(s) shall file with the Court and cause to be served upon the moving party, a Memorandum in Opposition with opposing affidavits, depositions, exhibits and documentation and a memorandum of authorities opposing the motion. The moving party may file with the Court and cause to be served upon the opposing party(s) a Reply memorandum of authorities not later than 7 days after the filing of the Memorandum in Opposition. The motion shall

be considered decisional after the time for filing a Reply memorandum. Parties may submit a proposed Order with the Motion.

C. Motions for temporary restraining order or for other urgent relief

Motions for a temporary restraining order or for other urgent relief shall be heard by the Court at a date and time to be fixed by the Assignment Commissioner upon application of the party seeking relief. The moving party shall contact the Assignment Commissioner to obtain the hearing date and time, and thereafter notify the opposing party or his counsel in an appropriate manner calculated to give actual, timely notice of the hearing pursuant to the Civil Rules. Such motions will be heard ex parte only upon a showing that an extraordinary hardship will result to the moving party by any delay in the proceedings and in appropriate cases a bond will be required. Ex parte determination shall be subject to immediate review in a hearing before the Court upon application of the party against whom the court's order was issued/enforced. The party seeking review should contact the Assignment Commissioner to obtain the hearing date and time and thereafter, notify the opposing party of his counsel in an appropriate manner calculated to give actual, timely notice of the hearing.

D. All other civil motions

1. Regarding all other civil motions shall, in the Court's discretion, the Court may:

- a. Issue a scheduling order regarding said motion.
- b. Hold for a period of fourteen (14) days, at which time the motion is decisional.
- c. Issue an Order any that any objection must be filed within a certain number of days of this Order, if the relief sought is opposed. The Court is authorized to grant the relief requested without further notice unless a timely objection is filed.
- d. Schedule the matter for oral hearing, TSC or PT.
- e. Take any other action, in the interest of justice.

F. Oral Hearing

An oral hearing may be requested on any motion by any party moving or opposing the motion by filing a request for oral hearing at any time prior to

the time the motion is considered decisional. The Court may sua sponte set any civil motion for oral argument with due notice to the parties.

20.06 Settlement

Cases may be reported settled by contacting the Court as provided by Rule 19. The Court will then schedule a Status Hearing in approximately thirty (30) days. Counsel shall have the agreement(s) to the Court on or before said date. If the agreement has not been presented to that Court on or before said date, counsel shall appear for said hearing. For good cause shown and upon written request, the Court may grant an extension on the Status Hearing.

RULE 21. CRIMINAL CASES

Criminal cases shall be governed by the Ohio Rules of Criminal Procedure, the provisions of the Ohio Revised Code, Ohio Constitution and Constitution of the United States. Pursuant to Crim. R. 43, notice is hereby given that, initial appearances, arraignments and bond hearings may be held via video, at the discretion of the Court.

21.01 Case Flow

Criminal cases consist of (if applicable) initial appearance, arraignment, pretrial, motion hearing, plea change hearing and trial.

A. Initial Appearance.

Bond shall be addressed at initial appearance. Persons detained should have a determination of custodial status or bail set the next business day following arrest.

B. Arraignments.

Arraignments will be scheduled as ordered by the Court. Counsel shall, prior to the time of the arraignment, obtain a pretrial, final pretrial and jury trial date from the Assignment Commissioner located in the Adult Probation Department. The issue of bond may be addressed at arraignment upon oral request of either party.

At arraignment, a packet shall be delivered by the State to defendant's counsel upon execution of the demand and receipt for same. The packet shall contain all discovery as provided by Crim. R. 16. Execution of the demand and receipt obligates the defendant to supply reciprocal discovery as provided by Crim. R. 16.

C. Pretrial (See Appendix – Form 6)

The purpose of the pretrial is to agree or disagree on settlements or pleas and discuss trial issues and to advise the court of same. The prosecutor shall provide a plea offer, if any, to the defendant at least seven (7) days prior to the pretrial conference. Counsel for defendant shall have discussed the plea offer with the defendant prior to the pretrial.

At the pretrial, counsel shall cooperate to complete a Criminal Pretrial Order and present it to the Court for review. Incarcerated Defendants are not transported to the Court for pretrials.

D. Final Pretrial (See Appendix – Form 7)

Final Pretrials are scheduled on the Wednesday immediately prior to the commencement of the Trial. The purpose of the final pretrial is to make a final attempt at resolving the case.

At the final pretrial, counsel shall cooperate to either complete a Criminal Final Pretrial Order (Case Resolved) or proceed to trial.

Any case that is proceeding to trial, shall be scheduled for a final pretrial hearing prior to trial. At the hearing, the attorneys will be expected to:
(See Appendix – Form 8)

1. Acknowledge that the plea offers, if any, were conveyed to Defendant and that defense counsel has advised Defendant regarding same;
2. Acknowledge that each has made a determination that all discovery/witnesses have been disclosed;
3. Have any stipulations reduced to writing and filed with the Court;
4. Accept the Court's Jury Instructions, or be prepared to present arguments, supported by law, for additions/modification to the Instructions;
5. Be prepared to present any argument, supported by law, on pending pretrial motions; and
6. Bring to the attention of the Court, any other issues that need to be addressed prior to trial.

E. Trial

1. Motions in Limine

Motions in Limine and Objections in Depositions to be used in trial and briefs in support shall be served on opposing counsel and filed with the Court five (5) days before trial. Responding briefs shall be served so as to actually be received by opposing counsel and filed with the Court no later than the Friday before trial.

2. Jury View

Motions for jury view shall be filed at least fourteen (14) days prior to trial. A request for a jury view shall be in writing and filed with the Court with the required fee, which will be applied to transportation costs. Instructions for the view shall be in writing, served on opposing counsel and filed with the Court fourteen (14) days prior to trial. Counsel for any party may file additional instructions for the view, provided they are in writing and served, so that they are actually received by opposing counsel and filed with the Court not later than noon on the day before trial. Objections to instructions for the view may be made orally and will be determined on the day of trial.

3. Jury Questionnaires

Jury questionnaires are available from the seven (7) days before trial. (Not applicable to non-jury cases).

4. Exhibits.

Exhibits, except rebuttal exhibits, shall be marked and exchanged by counsel not later than one half hour before trial commences. A copy of each party's proposed exhibits shall be served on opposing counsel before trial.

5. Jury Instructions and Interrogatories

Jury Instructions and Interrogatories shall be served on opposing counsel and filed with the Court no later than the final pretrial. It is not necessary to submit standard O.J.I. instructions applicable to all cases. Requested instructions from O.J.I. should cite the O.J.I. instruction number. Other instruction should cite authorities Shepardized to date. Instructions filed with the Court should

consist of one set numbered containing citations and an electronic copy for the Court.

F. Sentencing

The Presentence investigation report (except for confidential portions) shall be available at the Adult Probation Department, for review by the State and counsel for the defendant the day of the sentencing. Counsel for defendant shall have reviewed the PSI with the defendant prior to the time set for the sentencing hearing. Presentence investigation reports shall be returned to the Adult Probation Department immediately after the sentencing hearing has concluded. Except for good cause shown, all information that defendant would like considered at sentencing shall be received by the Court no later than seven days prior to sentencing.

Any sentencing memoranda shall be filed no later than seven (7) days prior to sentencing.

G. Pretrial Motions

Pretrial Motions are governed by Crim. R. 12 and other applicable statutes and rules of Criminal Procedure and shall be filed in accordance with those Rules or in accordance with any Court Order issued.

1. Motions to Continue and Motions to Modify Bond

Any party filing a motion to continue or a motion to modify bond, shall note on the motion, whether the opposing party is in agreement or objects to the motion. Where the opposing party is in agreement with the Motion, the motion shall be considered immediately decisional. Where the opposing party objects to the Motion, said Motion shall be held for a period of three business days for the opposing party to file any responsive pleading. Thereafter, the Motion shall be considered decisional.

2. All other criminal motions, except motions to continue, shall be held for a period of fourteen days. Unless otherwise ordered by the court, the matter shall be considered decisional after fourteen (14) days. Without leave of court, any response to the motion must be filed prior to the date that motion is considered decisional. An oral hearing may be requested by any party. The court may sua sponte schedule an oral hearing.

H. Pretrial Diversion and Motions for Intervention in Lieu of Conviction.

Upon Application for participation in the Prosecutor's Pretrial Diversion Programs or a Motion for Intervention in Lieu of Conviction supported by a memorandum outlining Defendant's appropriateness for Intervention, the Court shall issue an Order directing Defendant to report to the Adult Probation Department to execute/obtain necessary documentation to determine eligibility.

Unless otherwise ordered by the Court, objections to the Application/Motion shall be filed on or before the fourteenth day after the Application/Motion was filed.

I. Plea Change Hearings

The prosecutor shall provide a proposed plea change agreement to defendant's counsel and the Court at least seven (7) days prior to the plea change hearing. Defendant's counsel shall confer with the prosecutor prior to the scheduled hearing, regarding any objections to the plea change agreement. If the prosecutor and Defendant's counsel cannot reach an agreement as to the plea change agreement, counsel shall notify the Court no later than the day prior to the scheduled plea change date. Defense counsel shall review the plea agreement with the Defendant prior to time set for the plea change hearing.

At the time of the plea change hearing, counsel for defendant shall obtain a sentencing date from the Assignment Commissioner located at the Adult Probation Department.

J. Certificate of Qualification for Employment

The purpose of this rule is to define the requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2925.25 (See Appendix Form 10) and related rules established by the Department of Rehabilitation and Corrections (DRC).

1. In order to request a CQE, the Petition for Certificate of Qualification for Employment pursuant to RC 2953.25 shall be filed with the Clerk of Courts by the Petitioner. The Petitioner shall provide the DRC Electronic Petition Number and attach a printed receipt of electronic Petition if submitted through the DRC. If not submitted electronically through the DRC, a written Petition must be completed on the form prescribed by the DRC and attached to the pleading.
2. All Petitions submitted through the DRC shall be accompanied by the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).

3. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount of \$50.00. Payment of this deposit may be made in any form otherwise accepted in the court of filing. A Judge may waive some or all of the deposit otherwise required by this Rule. The Petitioner may submit an Affidavit of Indigency or other relevant information for the Court's consideration if requesting a reduction in the filing fees.
4. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this court and the Rules of Superintendence. Records or information received by a court to assist the court with making its decision under Section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.
5. Upon receipt of a Notice of Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number and shall assign the matter to a trial judge.
6. The Court shall obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition (see Order for Investigation) or otherwise.
7. The Court shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation. The Clerk of Courts shall send a Notice to Court Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to each court so identified. Such Notice shall be sent via ordinary US mail.
8. The Clerk of Courts shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to the Prosecuting Attorney of the county in which the Petition was filed.
9. The Judge or Magistrate shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community services, and all other relevant evidence.

10. The Judge or Magistrate may order any report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision (see Order for Investigation and Order for Additional Information).
11. Once all information requested has been received, a Judge shall decide whether to grant or deny the Petition within sixty days, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition may be referred to a Magistrate, and then sent to the Judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.
12. The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequently filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC of the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.

21.02 Indigent Defendants/ Court Appointed Counsel

Indigent defendants requesting court-appointed counsel shall complete a Financial Disclosure/Affidavit of Indigency and shall pay all statutory fees prior to appointment of counsel. Upon determination that a defendant qualifies for court-appointed counsel, an attorney from the Court's list of qualified attorneys shall be assigned to the case.

Court-appointed counsel shall be paid as set forth in the Ottawa County Ohio resolution entitled "In the Matter of Setting Fees for Assignment of Counsel in Criminal Cases." Counsel shall file the Motion, Entry, and Certification for Appointed Counsel Fees within thirty days after the final disposition of the case. Counsel shall attach a copy of defendant's Financial Disclosure/Affidavit of Indigency to the Motion, Entry, and Certification for Appointed Counsel Fees. **FAILURE TO COMPLY WITH THESE PROVISIONS MAY RESULT IN DENIAL OF PAYMENT OF APPOINTED COUNSEL FEES.**

Motions for extraordinary fees will be considered on a case by case basis. Motions shall be accompanied by a detailed explanation of dates services were provided, the amount of time for each service and a description of the service provided. Extraordinary fees will be granted only in extraordinary circumstances. Motions for Extraordinary Fees may be scheduled for oral hearing, at the discretion of the Court.

21.03 Post conviction petitions.

Post-conviction petitions are governed by all applicable Rules and Statutes. Petitions shall be served on opposing counsel. Unless otherwise ordered by the court, the motion shall be considered decisional fourteen (14) days after the filing of the motion. Without leave of court, any response to the motion must be filed prior to the date the motion is decisional. Any party may request an oral hearing. The Court may *sua sponte* schedule a motion for oral hearing.

21.04 Expungements (See Appendix – Form 5)

Petitions shall contain the petitioner's full name and address in the caption. In addition, the petitioner shall comply with Rule 6 and file an Expungement Information Form. All court costs in the case which is the subject of the petition, shall be paid before the petition may be accepted by the Clerk of Courts.

RULE 22 COGNOVIT JUDGMENTS

When a complaint is presented to the Court for the rendering of a Cognovit judgment together with the original warrant, it shall contain, or be accompanied by, an affidavit to the effect:

- A. That the maker of the Cognovit now resides in Ottawa County, or
- B. That the maker, or any one of several makers, of the Cognovit note signed the warrant of attorney in Ottawa County.

The attorney who represents the judgment creditor shall include in the complaint a statement setting forth to the best of his knowledge the last known address of the defendant or defendants.

Immediately upon the entering of any judgment the attorney who represents the judgment creditor shall furnish a copy of the judgment entry and a copy thereof for each defendant to the Clerk of this Court, together with the original warrant. The attorney for the plaintiff shall deliver two copies of the Notice of Judgment Entry for each defendant to the Clerk, together with an envelope addressed to each defendant, bearing the Clerk's return address, properly stamped for registered or certified mail. The Clerk shall notify the defendant or defendants by mailing a copy of the judgment entry by registered or certified mail at the address set forth in the complaint.

RULE 23 NOTARIES PUBLIC

The Court shall appoint a Notary Commissioner, or Commissioners, who shall be charged with overseeing Notary Applications.

- A. New Applicants for a Notary Public Commission must meet all of the following requirements in order to be eligible for a Notary Public Commission:
1. Applicants must be at least 18 years of age;
 2. Applicants must be a resident of the State of Ohio and of Ottawa County. Applicants must prove same by a photo ID;
 3. Applicants must attend a Notary Public Seminar provided by the Court;
 4. Applicants must pass a Notary Public written test with a score of at least 75%;
 5. Applicants must pass a Notary Public Interview;
 6. Applicants must complete a BCI background check;
 7. Applicants must complete an Affidavit of Good Moral Character;
 8. Applicants must complete a Notary Public Application and pay a \$50 application fee. The application fee shall be collected by the Clerk of Courts; and
 9. Applicants must have a check or money order made payable to the Notary Commission Clerk, in the amount of \$15.00.

If a New Applicant has met all of the above criteria, and the Common Pleas Court Judge is satisfied that the applicant possesses the qualifications necessary to a proper discharge of the duties of the office, the Judge shall approve the Notary Public application.

When New Applicants receive their Commission from the State, the Applicant must bring the Commission to the Clerk of Courts for recording and payment of recording fees.

If a New Applicant fails the Notary Public test, the Applicant must retake/pass Notary Public test and must also comply with 1(a) – (i) above, including attendance at another Notary Public seminar and payment of another application fee. If a New Applicant fails a second Notary Public test, the Applicant is ineligible to become a Notary Public for a period of one (1) year from the date of the second failed test. Thereafter, the New Applicant must comply with 1(a) – (i) above.

B. Applicants seeking a Renewal of Notary Commission must meet all of the following requirements in order to be eligible to renew a Notary Public Commission:

1. Applicants must have a valid Notary Public Commission;
2. Applicants must be a resident of the State of Ohio and of Ottawa County. A photo ID is required;
3. If the Applicant has never attended the Notary Public seminar, Applicant must attend a 30 minute Notary Public seminar;
4. Applicants must attend and pass a Notary Public Interview;
5. Applicants must complete a BCI background check;
6. Applicants must complete an Affidavit of Good Moral Character; and (See Appendix – Form 9)
7. Applicants must complete a Notary Public Application and pay a \$35 application fee. The application fee shall be collected by the Clerk of Court; and
8. Applicants must have a check or money order made payable to the Notary Commission Clerk, in the amount of \$15.00.

If the Applicant seeking a Renewal of Notary Commission has met all of the above criteria, and the Common Pleas Court Judge is satisfied that the applicant possesses the qualifications necessary to a proper discharge of the duties of the office, the Judge shall approve the Notary Public Renewal application.

When Applicants seeking a Renewal of Notary Commission receives the Commission from the State, the Applicant must bring the Commission to the Clerk of Courts for recording and payment of recording fees.

RULE 24 APPEALS TO THE COMMON PLEAS COURT

24.01 Filing of Briefs

A. Time Fixed by Statute

Where the time for filing assignments of errors and briefs are fixed by statute or by Rule of Supreme Court, they shall be filed within such time or extension thereof as may be granted in writing by the Judge after notice to opposing counsel

or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument is requested in writing and granted by the Judge. When granted, such oral argument shall not exceed fifteen (15) minutes per side unless extended by the Judge.

B. Time not Fixed by Statute

Where the time for filing is not fixed by statute or rule of the Supreme Court, the Appellant shall file a brief within twenty (20) days after the filing of the transcript of the record: the Appellee shall file his brief within ten (10) days after the filing of the brief of Appellant and any reply brief shall be filed within five (5) days after the filing of the Appellee's brief. Extensions of time may be granted by entry by the Judge for good cause shown after notice to all parties.

Upon the expiration of the time for filing of the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the Judge to whom the case is assigned or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by such Judge.

24.02 Timely Request of Transcript

In all cases, in which demand or request to the agency by the Appellant is a prerequisite to the preparation or filing of the transcript of the record by the agency, the Appellant shall make such request at the time of filing the notice of appeal, unless otherwise provided by law, or Rule of Supreme Court.

24.03 Failure to File

Failure of an Appellant to file his assignments of error, his brief or a demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the discretion of the Judge.

RULE 25 COURT SECURITY

This Rule is governed by R.C. 2923.126

The Ottawa County Common Pleas Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of the Court procedures, protect the rights of individuals before it, sustain the decorum and dignity of the Court, and assure that Court facilities are secure for all those who visit and work there.

RULE 26 FORECLOSURE, QUIET TITLE AND PARTITION

26.01 Preliminary Evidence of the State of the Record Title

In actions to quiet title, partition and for the marshaling and foreclosure of liens on real property and except those involving foreclosure of real property for delinquent land taxes by *In Rem* proceedings under Section 5721.18, the attorney for the plaintiff shall procure and file with the Clerk, within thirty (30) days after the filing of the complaint, evidence of the state of the record title to the premises in question including the name of the owners of the property to be sold and a reference to the volume and page of the recording of the next preceding recorded instrument by or through which the owners claim title as the same shall have been prepared and extended by a responsible title and abstract company to a date not over thirty (30) days prior to the filing of the complaint. The Court may, however, upon motion and notice to all interested parties and for good cause shown, permit such evidence of title to be prepared by any qualified person of recognized good standing. A true copy certified by the attorney or a photostatic copy of the original evidence of title may be filed with the Clerk in lieu of such original. Upon failure of the attorney for the plaintiff to comply with the foregoing requirement within sixty (60) days after filing of the complaint, any cross-complainant or other interested party upon notice to plaintiff's attorney may procure leave to furnish and file such evidence of the state of title within the ensuing thirty (30) days. Such evidence of title or copy thereof shall become and remain a part of the files in the case. Where the evidence of title indicates that necessary parties have not been made defendants, the attorney for the party filing the same shall proceed without delay to cause such new parties to be added and served. In all foreclosure actions, it is not necessary for the Ottawa County Treasurer to be named as a party or for the Treasurer to file and answer. It shall, however, be the responsibility of the attorney for the plaintiff to provide for payment of real estate taxes in the confirmation order. Further, no sheriff's deed shall be issued unless and until the real estate taxes have been paid in full to the date of transfer.

26.02 Final Evidence of the State of the Record Title

At the time of entry of judgment in any such case a final certificate of extension of the evidence of title shall be prepared and filed in accordance with the foregoing requirements showing the address or location of the property and the record state of title as of a date not more than thirty (30) days prior to the taking of the decree. Such extension shall also become and remain a part of the files in the case.

Failure to comply with the foregoing rule shall be grounds for dismissal of an action.

26.03 Expenses

The expenses of the title work required under this rule shall include a base search fee not to exceed \$160.00, plus a premium on the Judicial Report issued, based on the fair market value of the property, or in the case of a foreclosure, the balance due on the first mortgage or such additional amount as may be allowed by the Court for each property involved, and said costs shall be taxed as part of the costs in said cause. The premium on the Judicial Report is the rate allowed by the Ohio Department of Insurance. A statement of the costs for the title work and the Judicial Report premium shall be filed with the Clerk before the sale will be confirmed.

26.04 Attorney Fees in Partition Suits

Attorney fees for all parties entitled thereto in partition suits may be allowed according to the following schedule:

- Valuation - \$2,500 or less, \$125. - \$250.
- Valuation - \$2,500 to \$5,000, \$250. - \$400.
- Valuation - \$5,000 to \$10,000, \$400. - \$500.
- Valuation in excess of \$10,000 to \$55,000, additional 3% .
- Valuation in excess of \$55,000, additional 2%.

RULE 27 RECEIVERSHIP

27.01 Inventory

As soon as practicable after appointment, and not more than thirty (30) days after taking possession of property, a receiver shall file an inventory of all property and assets in his/her possession unless otherwise ordered by the Court.

27.02 Reports

A receiver shall file reports of receipts and of all moneys disbursed by him/her (with receipts for same) and of his/her acts and transactions as receiver within three (3) months after the date of appointment and at regular intervals every three (3) months thereafter until discharged or at such other times as the Court may direct. Failure to file any report within thirty (30) days after the same is due or ordered shall be grounds for removal without notice and without compensation. Any person removed as receiver shall be ineligible for any subsequent appointment.

27.03 Compensation

Applications for allowance of compensation to receivers or attorneys for receivers shall be made only upon prior notice to creditors and other persons in interest as the Court may direct. Such applications shall be heard at the convenience of the Court.

(Fee schedule for Collection of Rents)

Single Residence - 12½ % of gross monthly income up to \$60.00 and 10% of gross monthly income of \$60.00 or more.

Double and Miscellaneous Residence Properties - 10% of gross monthly income if fully occupied or same as single residence if but one unit is occupied.

Apartment Houses, Storerooms and Office Buildings - from 6% to 9% of the gross income.

Ninety-Nine Year Leases - 5% of collections where rent is payable quarterly or collections range between \$2,500.00 and \$5,000.00; 3% of collections above \$5,000.00

A minimum fee of \$60.00 shall be allowed in all cases to cover cost of bond and care of property.

27.04 Additional Compensation

Where extraordinary repairs or construction are necessary and upon application and estimate the Court has authorized the same, a receiver may be allowed additional compensation for supervision thereof to the extent of 10% of the amount authorized and expended. For the securing of new tenants an allowance of 50% of the first month's rent may be made except that where a custodian or janitor is in charge the allowance may be 25%. Notwithstanding the provisions of the paragraph, the Court or a Judge thereof may allow additional compensation to a receiver for extraordinary services rendered and not related to repairs or construction upon the filing of a detailed statement of such services. To entitle a receiver to compensation under the foregoing it shall be incumbent upon him/her to collect the rent and income of the properties in his/her charge, pay insurance premiums, pay water, fuel, gas and light bills, and cause ordinary repairs to be made.

RULE 28 SHERIFF SALES

28.01 Payment

In every Sheriff's sale of real property, a 10% deposit is required unless specifically ordered by the Court. Full payment of purchase price shall be required when sale has been confirmed by the Court or within thirty (30) days, whichever occurs first. In cases where the purchaser is a lienholder, only the monies in excess of the amount of the lien will be required to be paid.

28.02 Schedule

The Sheriff shall normally conduct sales of real property on Fridays unless time limitations prohibit same. Sales shall be held in the assembly room on the first floor of the Ottawa County Courthouse.

28.03 Withdrawal of Sheriff Sales

Except for good cause shown, a Plaintiff requesting a withdrawal of a Sheriff's Sale shall file a Motion requesting same, no later than ten (10) days prior to the scheduled Sheriff's Sale. Such Motions shall be held for a period of seven (7) days for the filing of any objections.

Any Plaintiff filing a Motion requesting withdrawal of a Sheriff's Sale, which is scheduled less than ten (10) days from the date of the Motion, shall contact Defendant(s)/Defendant(s) counsel to determine if any Defendant has an objection to the Motion. Plaintiff shall note in its Motion, whether opposing counsel(s)/party(ies) consents to the motion.

RULE 29 COURT MAGISTRATES

29.01 Appointment

Magistrates may be appointed by the Court and serve as employees of the Court as provided by Civil Rule 53.

29.02 Matters Heard

A Court Magistrate may hear any trial or hearing which is referred by the Judge, on any issue or issues as to which either no jury right attaches, or as to which such jury right has been waived. Trials, including jury trials, or hearings may also be heard by a Court Magistrate as to any issues submitted by consent of the parties. In such cases, the Magistrate shall sit as a Judge for rulings on all matters.

All hearings for divorce, legal separation, post-divorce, URESA, garnishment, and judgment debtor examinations may be before the Magistrate or Judge, in the Judge's discretion, at such times and dates as the Assignment Commissioner designates.

29.03 Procedure

Trial and hearings before the Magistrate will be conducted in accordance with the standards set out in Local Rule 33. A record will be made of all proceedings before a Magistrate.

29.04 Magistrate's Decisions or Orders

The Magistrate will issue his order or decision after the trial or hearing in accordance with Rule 53 of the Ohio Civil Rules, but may require that briefs, proposed findings or other memoranda be submitted by counsel prior to the issuance of the decision. No findings of fact and conclusions of law are required after a jury trial before a Magistrate upon stipulation.

29.05 Objections to Magistrate's Decision

A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision. If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. The original objecting party shall then have ten (10) days from the date of filing to file a response.

An objection to a magistrate's decision shall be specific and state with particularity all grounds for objection. If a party makes a timely request for findings of fact and conclusions of law, the time for filing objections begins to run when the magistrate files a decision that includes findings of fact and conclusions of law.

A memorandum shall be filed in support of objections to the Magistrate's Decision at the time of filing the objections unless a transcript of proceedings is necessary for the Court's review of the Magistrate's Decision and has been ordered from the court's reporter.

An objection to a factual finding, whether or not specifically designated as a finding of fact, shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that finding or an affidavit of that evidence if a transcript is not available. With leave of court, alternative technology or manner of reviewing the relevant evidence may be considered. The objecting party shall file the transcript or affidavit with the court within thirty (30) days after filing objections unless the court extends the time in writing for preparation of the transcript or other good cause. If a party files timely objections prior to the date on which a transcript is prepared, the party may seek leave of court to supplement the objections.

If a transcript of proceedings has not been submitted within the time permitted above, the objections shall be heard without a transcript.

A request for a transcript must be submitted to the court reporter in writing and a deposit for the transcript paid. The objecting party should state on the objections that a transcript of proceedings has been ordered.

If a party desires an oral hearing on objections to a Magistrate's Decision, a written request must be filed.

RULE 30 Media Recording of Proceedings

Pursuant to the Rules of Superintendence for Court of Common Pleas and the Code of Judicial Conduct, the broadcasting, televising, recording and photographing by news media during courtroom sessions, including recesses between session, shall be permitted under the following conditions:

30.01 Administration

Requests for permission to broadcast, televise, record or photograph in the courtroom shall be in writing and approved by the Judge or Magistrate as far in advance as reasonably practical, but at least sufficiently in advance of the courtroom session to be broadcast or photographed so as to permit the Court to timely consider the request.

30.02 Equipment and Personnel

Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without authorization of the trial Judge.

Not more than one audio system for radio broadcast purposes shall be permitted without authorization of the trial Judge.

If audio arrangements cannot be reasonably made in advance, the trial Judge may permit one audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session.

Visible audio portable tape recorders may not be used by the news media without prior permission of the trial Judge.

Not more than one video recording device for television broadcast purposes shall be permitted without authorization of the trial Judge.

30.03 Light and Sound Criteria

Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound and light shall be employed to cover courtroom sessions. No motor driven still cameras shall be permitted.

No artificial lighting device other than normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without becoming obtrusive, the trial Judge may permit modification.

Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located only at the trial Judge's bench, witness stand and podium. A microphone may be temporarily located at the jury rail during voir dire. Microphones shall be visible, secured, but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones, and related wiring essential for all media purposes shall be unobtrusive and located in places designated by this rule, or the trial Judge, in advance of any session

30.04 Location of Equipment and Personnel

One television camera shall be positioned in a tripod where the Court directs and shall remain fixed in that position. The designated area shall provide reasonable access to coverage. Videotape recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located in a room adjacent to or outside of the courtroom.

The television, broadcast and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as not to call attention to themselves in a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts or zooms by television or still camera operators are prohibited. Operators shall not be permitted to move about the Court in order to obtain photographs or broadcasts of courtroom sessions, except to leave or enter the courtroom.

Television cameras, microphones and taping equipment shall not be placed in, moved during, or removed from the courtroom except prior to commencement or after adjournment of the session (the trial Judge has not gavelled the proceeding to order or adjournment), or during a recess. Neither television film magazines, rolls or lenses, still camera film, nor audio portable tape cassettes shall be changed within a courtroom except during a recess.

Proper courtroom decorum shall be maintained by all media pool participants.

All media representatives shall be properly attired.

30.05 Limitations

There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, or the trial Judge and counsel.

The trial Judge shall prohibit photographing or televising by any means victims of sexual assaults and undercover police officers. The trial Judge shall retain discretion to limit or prohibit photographing or televising the counsel or his work

product, upon objection. The filing, videotaping, recording, or taking of photographs of victims or witnesses who object shall not be permitted. The filing, videotaping, recording or taking of photographs of jurors shall not be permitted.

30.06 Revocation of Permission

Upon the failure of any media representative to comply with the conditions prescribed by the trial Judge, the Rules of Superintendence of the Supreme Court, or this Rule, the trial Judge may revoke the permission to broadcast, photograph or record the trial or hearing.

RULE 31 Arbitration

31.01 Cases for Arbitration

The Judge of the general division of the Court of Common Pleas may, at any time by a general entry, order any case assigned to that Judge to be heard and decided by a Board of Arbitration, consisting of not more than three (3) members who are licensed Ohio attorneys to be selected as provided in this Rule, except cases involving title to real estate, equitable relief and appeals, provided the following conditions are satisfied:

- A. The case must be at least sixty (60) days old unless earlier agreed to by all parties.
- B. The amount actually in controversy in the case (exclusive of interest and costs), as determined by the assigned Judge, does not exceed \$25,000, unless agreed to by all parties. Where other parties in the case have filed counterclaims or crossclaims, all the parties' claims shall not be aggregated in determining the amount "actually in controversy". The Judge may order any or all of said claims for arbitration, and may sever others, as he shall see fit in his discretion provided that no claim or claims of anyone which the Court determines exceeds \$25,000 as the amount in controversy, may be referred to arbitration, except by agreement of all parties.

All times provided herein shall be computed from the date the Arbitration Entry is filed in the office of the Clerk of Courts, unless stated otherwise.

Upon the filing by any party of a motion to arbitrate at any time after the case is at issue, but in no event later than 270 days after the case is at issue in personal injury cases, and 180 days in all other cases, the assigned Judge may within 30 days after said filing hold a hearing upon notice to all parties, to determine whether a case is ready and appropriate for arbitration under this rule. A party who wishes to oppose arbitration shall file a memorandum contra within 14 days of service of the Motion to Arbitrate.

At the hearing the Court shall determine whether all necessary discovery has been concluded before the arbitration, whether the amount in controversy is within this rule, and whether the action is otherwise ready and appropriate for arbitration.

The arbitration shall be non-binding appealable to the Common Pleas Court unless the parties in writing filed with the Court agree to binding arbitration.

31.02 Exception to Order for Arbitration

Exceptions to an order referring a case to arbitration or the selection of any arbitrator shall be raised by motion filed within fourteen (14) days of the mailing of the notice of the order or selection, and shall be decided by the assigned Judge

31.03 Selection of Arbitrators

When the order or arbitration is made by the Judge, the Judge shall select the Chairman and shall forward the entry to the Assignment Commissioner, who shall select the time and location of the hearing, file the entry, and forward a copy to all parties.

The Chairman shall be an attorney with at least three (3) years experience, appointed from a list of volunteers maintained by the Assignment Commissioner.

Within fifteen (15) days of the filing of the entry, each side shall appoint an arbitrator who can be available for the scheduled date, and shall notify all parties and the Assignment Commissioner in writing. Upon failure to do so, the party will be deemed to have waived their right to so appoint and the Judge may appoint their arbitrator for them

Where there is more than one Plaintiff or more than one Defendant, each side shall nominate one arbitrator. If any conflict arises out of the differing interests of the parties, the Judge shall make appropriate rulings

By agreement or by waiver, the parties may proceed with the Chairman as the sole arbitrator.

Before the hearing, the Chairman shall obtain the Court file on the case, along with the appropriate forms for the required Report and Award.

No more than one member of a law partnership or association of attorneys shall be appointed to the same Board, nor shall any attorney be appointed to a Board who has an interest in the determination of the case or a relationship with the parties or their counsel which would interfere with an impartial consideration of the case.

31.04 Compensation of Arbitrators

Each member of a Board who has signed an award or files a minority report shall receive as compensation for his or her services in each case a fee of Three Hundred (\$300) Dollars. When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the arbitrators is concerned.

In cases requiring hearings of unusual duration involving questions of unusual complexity, the assigned Judge, on motion of the members of the Board and for

cause shown, may allow additional compensation. The members of a Board shall not be entitled to receive their fees until after filing the Report and Award with the Court. Fees paid to arbitrators shall not be taxed as costs nor follow the award as other costs.

The Chairman shall receive as additional compensation the sum of One Hundred (\$100) Dollars for each case heard by the Board.

Each side shall be responsible for paying the fee of one arbitrator and one-half the fee of the Chairman. Payments shall be made to the Clerk of Courts no later than fourteen (14) days before the date set for the arbitration hearing.

In the event that one or more parties is unable due to poverty to make the payment for arbitrators' fees, he may file a motion and affidavit under Rule 65.15 (A) 1. c) herein, and all of the provisions of the subsection shall apply.

In the event that a case shall be settled or dismissed more than two (2) days prior to the date scheduled for the hearing, the Board members shall not be entitled to the fee. In the event that a case has been settled or dismissed within said two-day period, the Board members shall be entitled to receive the fee. The parties are required to notify the Chairman and the Assignment Commissioner immediately of settlement or dismissal.

In the event that a case is settled or dismissed more than two (2) days prior to the date of hearing, the parties shall file the standard Settlement & Dismissal Entry, shall serve the Assignment Commissioner with a copy, and shall notify the arbitrators of the settlement. If the settlement is within two (2) days or less prior to the arbitration, the Settlement & Dismissal Entry shall also contain an order for payment of fees to the arbitrations, designating their names, addresses and amounts due.

31.05 Hearings; When and Where Held; Notice

Hearings shall be held at a time scheduled by the Assignment Commissioner at a courtroom or hearing room unless the Chairman, upon agreement by all parties, shall designate another place, such as a law office, or another public office. A hearing shall be scheduled not more than sixty (60) days after the appointment of the Chairman.

The sixty (60) day period may be extended only by the Court. No hearing shall be fixed for Saturdays, Sundays, legal holidays or evenings, except upon agreement of counsel for all parties and the Board.

Since sufficient time is available to the parties prior to the hearing date to settle or compromise their disputes, once a hearing date is determined, the hearing shall proceed at the scheduled time. There shall be no communications by counsel or

the parties with the arbitrators concerning the merits of the controversy prior to the commencement of the arbitration hearing.

31.06 Oath of Arbitrators

When all the arbitrators are assembled and before the hearing begins, each arbitrator shall take an oath or affirmation, as follows:

“I solemnly swear or affirm that I will faithfully and fairly hear and examine the matter in controversy and that I will make a just award to the best of my understanding and ability.”

31.07 Default of a Party

The arbitration may proceed in the absence of any party who, after due notice, fails to be present, appoint its arbitrator, obtain a continuance, or to present evidence. An award shall not be made solely on the default of a party. The Board shall require the other party to submit such evidence as it may require for the making of an award.

31.08 Supervisory Powers of Court

The Judge of the General Division of the Court of Common Pleas shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in the application of these Rules

31.09 Witness Fees, Written Depositions, Videotape Depositions

Witness fees in any case referred to arbitration shall be in the same amount as now or hereafter provided for witnesses in trials in the Common Pleas Court. Costs of written and videotaped depositions and witness fees may be ordered taxed as costs. The costs in any case shall be paid by the same party or parties by whom they would have been paid had the case been tried.

31.10 Transcript of Testimony

The arbitrators shall not be required to make a transcript of the hearing. If any party desires a transcript, he or she shall provide a reporter and cause a record to be made. The party requesting the record shall pay the expenses which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided with it by the reporter upon payment of the usual charges for a copy of a deposition plus the party's proportionate share of the cost of the reporter's attendance.

31.11 Continuance of Hearing, Inability of Hearing to Proceed

The Chairman may continue a hearing date only upon a showing by a party or parties of extraordinary reasons. In such event, it shall be the responsibility of the party requesting the continuance to reschedule such hearing at a date and time, not later than thirty (30) days, mutually agreeable to the Assignment Commissioner, the arbitrators and the parties, and provide written notice of the rescheduled hearing date to the Assignment Commissioner, the arbitrators and the parties. In no event shall a case be continued more than twice without the approval of the Judge

In the event that one or two members of the Arbitration Board are unable to attend the hearing, the parties shall obtain a substitute arbitrator or may agree that the hearing proceed before a Board of less than three arbitrators.

In no event shall the hearing proceed in the absence of the assigned Chairman. In such event, the hearing shall be continued to a date and time mutually agreeable to the arbitrators, parties, and the Assignment Commissioner. Such a continuance shall be deemed to be at the request of the Chairman.

In the event that the hearing is unable to proceed as a result of the death or long-term illness or disability of a party or counsel, the Chairman shall return the case file to the Court with notice of such fact. The Judge shall summon the parties or their counsel and make such orders as are just relative to further proceedings in the case.

Any motion that has not been ruled on prior to the date of the arbitration shall be disregarded by the Board and for the purposes of arbitration treated as a nullity.

31.12 Conduct of Hearing - General Powers

Although strict conformity to legal rules of evidence is not necessary, the Board shall receive all relevant and material evidence as determined by a majority of the members of the Board. All evidence received shall be given such weight as the Board deems appropriate after consideration of any objections. Rulings upon objections shall be made by the Chairman, based upon the majority decision of the Board. All evidence shall be taken in the presence of the arbitrators and all the parties except where any of the parties is absent and consents, or is in default, or has waived his right to be present. The Board may receive evidence in the following forms:

A. Testimony.

Testimony by competent witnesses, whether live, or by deposition, pursuant to stipulation or Civil Rule 32, signed and dated witness

statements or transcripts of the same, or affidavits. The Board shall administer oaths or affirmations to all live witnesses.

B. Documentary Evidence.

1. Medical Bills, Property Damage Bills or Estimates.

In actions involving personal injury and/or damage to property, the following bills or estimates may be offered and received in evidence without further proof, for the purpose of proving the value and reasonableness of the charges for services, labor and materials, or items contained therein, and, where applicable, the necessity for furnishing the same.

a. Health Care Providers.

Bills of hospitals, doctors, dentists, nurses, therapists, and all other health care providers, on the proper form or letterhead, when itemized and dated.

b. Bills for Medicines, etc.

Bills for medicines, eye glasses, prosthetic devices, medical appliances, or similar items.

c. Property Repair Bills or Estimates.

Property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used in the repair of property, provided that sufficient proof of ownership is offered by the party seeking to introduce such bill or estimate.

d. Procedure in Case of Estimate

In the case of an estimate, the party intending to offer the estimate shall forward with his or her notice to the adverse party, together with the copy of the estimate, a statement indicating whether or not the property was repaired, and if it was, whether or not the repairs were made in full or part, attaching a copy of the receipted bill showing the items or repair made and the amount paid.

C. Records and Reports.

1. Police, sheriff and highway patrol reports.

2. Hospital, medical, therapy, doctor's reports, and x-rays.
3. Employer's reports on lost wages, economist reports.

All written or documentary evidence as listed above must be served upon the adverse parties or their counsel at least seven (7) days before the hearing, unless counsel otherwise agree. Failure to give such notice or serve such evidence upon opposing parties can be sufficient grounds for exclusion of the evidence, in the discretion of the arbitrators.

Counsel shall, upon request whenever possible, produce a party or witness at the hearing without the necessity of a subpoena. Subpoenas are to be issued as provided in Civil Rule 45 through the Clerk's office as in any other case.

The Chairman may compel the reasonable production of books, papers and documents which may be material to the case.

Should a party or witness fail to produce documents or testify as to a matter after being ordered to do so by a Board, the Board may treat that particular matter as not controverted and proceed to make a final award without the necessity of issuing a citation for contempt.

Where documentary evidence of special damages including, but not limited to, the types of evidence referred to in Subsection (2) above, will be offered for admission at the hearing, counsel for the party offering the evidence shall secure a copy of each document for every arbitrator and a list summarizing and totaling items of special damages.

The Chairman, at the discretion of the Board, may request that counsel provide the Board with brief written arguments of law, together with supporting authorities, if necessary to a just determination of the issues. The Board shall decide the law and the facts of the case submitted to them.

This Section shall be construed to promote the efficient, fair and expeditious handling of arbitration hearings.

31.13 Report and Award

Within ten (10) days after the hearing, the Chairman shall file a Report and Award with the Clerk of Courts and the Assignment Commissioner, and on the same day shall mail or otherwise forward copies to all parties or their counsel. An award may not exceed \$25,000 exclusive of interest. The Report and Award shall be signed by all of the members of the Board. In the event that all three members do not agree on the findings and award, the dissenting member shall write the word "Dissents" before his or her signature. A minority report shall not be required unless the dissenting arbitrator elects to submit one. The Clerk of Courts

shall note the Report and Award on the docket, and shall provide a copy to the Judge.

31.14 Legal Effect of Report and Award; Entry of Judgment

The Report and Award, unless appealed from, shall be final. If no appeal is taken within the time and in the manner specified, the Court shall enter judgment on such award. After the appeal time runs, the prevailing party shall prepare a judgment entry, which shall be submitted to opposing counsel for approval and to the Judge for signature. If no entry has been submitted to the Court as set out in Rule 39.01 of the Local Rules, from the date of the filing of the Report and Award, the Court will file its own entry. The Court shall order the Clerk of Courts to pay the arbitrators, as soon as practicable, following the filing of an award by the Chairman, or a settlement or dismissal entry or stipulation entitling the arbitrators to payment under 65.04.

31.15 Appeals

A. Right of Appeal *De Novo*.

Unless the parties have agreed to binding arbitration, any party may appeal from the action of the Board to the Common Pleas Court. No appeal can be withdrawn without the consent of all parties. The filing of a single appeal shall be sufficient to require a *de novo* trial of the entire case on all issues and as to all parties without the necessity of each party filing a separate notice of appeal. The right of appeal shall be subject to the following conditions, all of which shall be complied within thirty (30) days after the filing of the award with the Clerk of Courts.

1. Notice of Appeal and Costs.

An appellant shall file a Notice of Appeal *de novo*, together with an affidavit that the appeal is not taken for delay but because he believes an injustice has been done, in the office of the Clerk of Courts. Appellant shall pay to the Clerk of Courts the sum mentioned in 1. b) below. Appellant shall serve a copy of the Notice of Appeal and Affidavit upon all parties or their counsel and the Assignment Commissioner.

2. Repayment of Arbitration Fees.

The appellant shall deposit with the Clerk of Courts, all fees received by the members of the Board in the case which shall be refunded to the parties who had made deposits for arbitration costs. The sum paid shall not be taxed as costs in the case and shall not be recoverable by the appellant in any proceeding.

3. Poverty Affidavit and Notice.

A party, desiring to appeal an award, may concurrently with the filing of a Notice of Appeal *de novo*, file with the Judge a written motion and affidavit averring that by reason of poverty he or she is unable to make the payments required for an appeal and requesting the Court to allow an appeal *de novo* without payment of the amount specified in 1.(b). If after due notice to the opposite parties, the Judge is satisfied with the truth of the statements in the affidavit, the Judge may order that the appeal of such party be allowed although the amounts are not paid by the appellant.

If, however, the plaintiff or party appealing, who has filed a poverty affidavit as described above, receives a settlement or judgment in the case, the defendant or party who agrees to or is ordered to pay the judgment, shall pay first to the Clerk of Courts out of such settlement or judgment, before making payment to anyone else, an amount equal to the non-deposit portion of the compensation due for the appeal *de novo*.

B. Return to Judge.

After perfection of the appeal, the case shall be returned to the Judge for trial.

1. Appeal *De Novo*

All cases which have been duly appealed shall be tried *de novo*. No mention of the arbitration or its result shall be made at the time of trial. However, this section shall not be construed to prohibit a party from employing the transcript of testimony of a witness or party made at the arbitration hearing for the purpose of impeachment, or for any other purpose allowed by law or the Ohio Rules of Civil or Criminal Procedure.

2. Testimony of Arbitrators on Appeal

In the event of an appeal from the award or decision of the Board, the arbitrators shall not be called as witnesses as to what took place before them in their official capacity as arbitrators.

3. Exceptions and Reasons Therefor

Any party may file exceptions with the Clerk of Courts, from the decision of the Board, within thirty (30) days from the filing of the Report and Award for reasons set out in O.R.C. 2711.10.

Copies of the exceptions shall be served upon each arbitrator within three (3) days after filing and shall be forthwith assigned for hearing before the Judge to conduct a hearing thereon.

If the exceptions are sustained, the report of the Board shall be vacated by the Court and the Court shall return the case to the trial docket for trial or assign the case again to arbitration before a new Board of Arbitrators. The Judge vacating the Report and Award may also withhold arbitrator's compensation, or require a refund of such compensation, from any one or more of the arbitrators. The filing of exceptions shall toll the running of the thirty (30) day appeal period provided in (A) above until a determination of the exceptions by the Court.

Rule 32 CIVIL PROTECTION ORDERS

A Petition for a Civil Protection Order shall be verified and comply with the requirements of Ohio Revised Code. It shall contain therein the names, dates of birth and Social Security Numbers of the Petitioner, Respondent and family or household members for whom protection is sought. Where protection is sought for any minor child, the petition shall be accompanied by a Child Custody Affidavit.

Petitioners not represented by counsel may obtain appropriate forms from the Clerk of Courts office or the Supreme Court of Ohio website. Forms may be filled out in longhand or typed. At all stages of a proceeding for a Civil Protection Order, a Petitioner may be accompanied by a victim advocate. The Assignment Commissioner must be contacted to arrange for an *ex parte* hearing. An *ex parte* hearing on a Petition for a Civil Protection Order will be conducted by the Court as soon as it can be reasonably scheduled on the day it is filed with the Clerk of Court. If the Petition is found to be well taken, the Court will issue a Temporary Civil Protection Order. Certified copies of the Order will be given to Petitioner, the Ottawa County Sheriff for service on Respondent and all other relevant agencies/persons.

A full hearing on the Petition shall be conducted pursuant to the Revised Code. Continuances of hearings on Civil Protection Orders are discouraged and will be granted only upon good cause shown, in the discretion of the Court. Discovery matters shall be concluded without continuances.

Rule 33 BANKRUPTCY FILING BY PARTIES

Where a party to a pending case files bankruptcy, the party, or counsel if applicable, shall file a Notice of Bankruptcy Stay, which shall include the chapter filed, the date of filing and the bankruptcy case number. The Court will schedule

a telephone status conference approximately 4 months after bankruptcy filing for chapter 7 cases and 6 months after filing for chapter 13 cases. Post-judgment cases will not be scheduled for a telephone status conference.

Rule 34 OBTAINING AUDIO RECORDING OF PROCEEDINGS

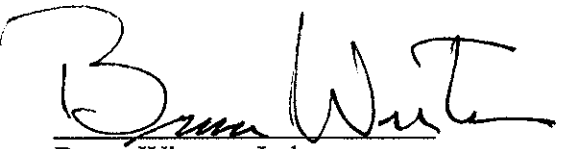
Any person may request an audio copy of proceedings held in open Court by doing the following:

1. Providing a written request filed with the Clerk of Court with the case number, case caption and date/time of hearing.
2. Paying the cost or providing a CD as follows:
 - a. \$7.00 if the requester does not provide a CD and wants the completed CD mailed to him/her.
 - b. \$4.00 if the requester supplies a blank CD and wants the completed CD mailed to him/her
 - c. \$3.00 if the requester does not supply a blank CD and picks up the completed CD.
 - d. There is no cost if the requester supplies a blank CD and picks up the completed CD.

Subject to the availability of the recording equipment, CDs can normally be completed within three (3) business days of the written request.

All Administrative Orders not inconsistent with these Rules remain in full force and effect. The provisions in these rules may be altered in particular cases, on case by case basis, by Court Orders or Judgment Entries.

So Ordered.


Bruce Winters, Judge

**APPENDIX
FORMS**

<u>Form</u>	<u>Name</u>
1	Personal Identifiers Form
2	Case Designation Sheet
3	Case Management Conference Order
4	Settlement Pretrial Report/Order
5	Expungement Information Form
6	Criminal Pretrial Order
7	Criminal Final Pretrial Order
8	Criminal Trial Order
9	Affidavit of Good Moral Character
10	CQE Forms

OTTAWA COUNTY COURTS, OTTAWA COUNTY, OHIO

PERSONAL IDENTIFIERS

Pursuant to Rule 45 of the Rules of Superintendence

Plaintiff(s)/Petitioner

SSN _____

Driver's Lic. # _____

Emp. Id. # _____

Financial Account Numbers

CASE NO.

Please use this side of form for
additional defendants.

Defendant/Respondent

SSN _____

Driver's Lic. # _____

Emp. Id. # _____

Financial Account Numbers

Defendant/Respondent

SSN _____

Driver's Lic. # _____

Emp. Id. # _____

Defendant/Respondent

SSN _____

Driver's Lic. # _____

Emp. Id. # _____

Completed by: _____ Plaintiff's/Petitioner's Atty.
_____ Defendant's/Respondent's Atty.

_____ Plaintiff/Petitioner
_____ Defendant/Respondent

Name _____

Address _____

Phone _____

CASE DESIGNATION SHEET – CIVIL
OTTAWA COUNTY COMMON PLEAS COURT

Case No. _____

Date of Filing _____

PLAINTIFF

ATTORNEY FOR PLAINTIFF

-vs-

DEFENDANT

NOTICE

THIS CASE DESIGNATION SHEET MUST BE COMPLETED BY COUNSEL FOR PLAINTIFF AND FILED WITH THE CLERK WHEN THE COMPLAINT IS FILED.

CASE DESIGNATION

- (CVA) PROFESSIONAL TORT (Medical Malpractice? Y N)
- (CVB) PRODUCT LIABILITY
- (CVC) ALL OTHER TORTS
- (CVD) WORKERS' COMPENSATION
- (CVE) FORECLOSURE
- (CVF) ADMINISTRATIVE APPEAL
- (CVH) ALL OTHER CIVIL
 OHIO MORTGAGE BROKER ACT (Revised Code Chapter 1322)
 CONSUMER SALES PRACTICES ACT (Revised Code Chapter 1345)
 SPECIFY: _____

- (CVG) SHOULD THIS CASE BE DESIGNATED AS "COMPLEX LITIGATION"
 PURSUANT TO SUPERINTENDENCE RULE 8.01(B)?
 YES NO

IS THIS CASE A REILING OR A COMPANION CASE

IS THIS COMPLAINT TO BE SENT TO OHIO ATTORNEY GENERAL? Y N
(copy to be provided by Attorney)

IN THE COMMON PLEAS COURT OF OTTAWA COUNTY, OHIO

)	Case No. _____
Plaintiff,)	Judge Bruce Winters
v.)	CASE MANAGEMENT
)	CONFERENCE ORDER
Defendant.)	

Case Management Conference held. The following parties and counsel appeared:

_____	_____
_____	_____
_____	_____
_____	_____

It is hereby ORDERED, ADJUDGED and DECREED as follows: (Date of Filing: _____)

Discovery shall be completed by: _____

(except by agreement of parties)

Dispositive Motions shall be filed by: _____

NOTE: MOTIONS NOT SCHEDULED FOR NON-ORAL HEARING PURSUANT TO LOCAL RULE WILL BE OVERRULED

Expert Witnesses: Each counsel shall exchange with all other counsel, medical and expert witnesses expected to testify in advance of Trial (with/without reports). Unless otherwise indicated in this ORDER, the party with the burden of proof as to a particular issue shall be required to submit expert reports on or before _____. Thereafter, the responding party shall submit opposing expert reports on or before _____. Upon good cause shown the Court may grant the parties additional time within which to submit expert reports.

Mediation is scheduled for: _____

Pretrial Conference is scheduled for:
(All parties and counsel must appear)

All trial motions, briefs, requests for jury views, proposed
jury instructions shall be filed by:

All exhibits must be marked and delivered to the Staff
Attorney/Opposing Counsel no later than:
(Plaintiff's exhibits use numbers, Defendant's exhibits use letters)

_____ @4:00 p.m.

Trial is scheduled for:

_____ @ 8:30 a.m.

Other Orders: _____

This Order supersedes any conflict with the Local Court Rules of Practice for Ottawa
County.

**COUNSEL ACKNOWLEDGES RECEIPT OF THIS CASE MANAGEMENT
CONFERENCE ORDER**

**THE CLERK OF COURTS SHALL SEND COPIES OF THIS ORDER TO ALL
PARTIES OF RECORD OR THEIR COUNSEL BY REGULAR U.S. MAIL
FORTHWITH.**

Counsel for Plaintiff

Counsel for Defendant

It is so Ordered.

Judge/Magistrate

COMMON PLEAS COURT OF OTTAWA COUNTY (Revised 11/1/2011)

COURTROOM TECHNOLOGY

The Ottawa County Court of Common Pleas is proud to have available to trial counsel, electronic equipment to assist with trial presentation. The streamlining of the litigation process through the implementation of advanced communication technologies has enhanced the Court's ability to meet the needs of the bar and the public, while preserving the dignity and fairness of the proceedings.

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- A chalkboard/corkboard that may be positioned throughout the courtroom and on which one can write or draw, and to which documents and other exhibits may be attached.
- An easel with a flip-chart pad on which one can write and draw.
- A large ceiling-mounted projection screen.
- A media cart with TV and DVD/VHS player.

Counsel who anticipate using courtroom technology should schedule a time to meet with Court staff before the trial for a demonstration of the equipment and to ensure your equipment is compatible. **Counsel is expected to set-up and operate courtroom technology equipment without assistance of Court staff during trials. The Court will not stop or recess a trial for counsel to resolve technical difficulties.**

IN THE COMMON PLEAS COURT OF OTTAWA COUNTY, OHIO

_____) Case No. _____
Plaintiff,) Judge Bruce Winters
v.) **SETTLEMENT PRETRIAL**
_____) **REPORT/ORDER**
Defendant.)

Settlement pretrial held on _____, The following parties and counsel appeared:

I. RESULTS OF PRETRIAL: (CHOOSE A, B, or C)

A. **FULL SETTLEMENT WAS REACHED.** _____ shall prepare the settlement entry within thirty (30) days.

1. Details of the settlement are as follows: _____

2. The agreement was was not read into the record.

3. Attorney _____ will prepare the Judgment Entry and submit to the Court within _____ days.

B. PARTIAL SETTLEMENT WAS REACHED.

1. Details of the settlement are as follows: : _____

2. List all claims remaining to be litigated

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

3. List any issues that need to be addressed prior to trial

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

4. The agreement was was not read into the record.

5. Attorney _____ will prepare the Agreement and submit to the Court within _____ days.

C. NO AGREEMENT WAS REACHED.

List all claims to be litigated

1. _____
2. _____
3. _____
4. _____
5. _____

List any issues that need to be addressed prior to trial

1. _____
2. _____
3. _____
4. _____
5. _____

II. CONFIRMATION OF TRIAL DATE (CHOOSE A, B OR C).

A. Jury deposit was paid on _____.* The jury trial shall commence on _____ @ _____.m. Jury Questionnaires are available one week prior to trial.

***CHECK THIS OPTION ONLY IF THE JURY DEPOSIT HAS ALREADY BEEN PAID AND A JURY DEMAND ALREADY FILED.**

B. Jury deposit has not been paid. The parties request leave to file jury demand and/or pay jury deposit.** Leave to file a jury demand/pay a jury deposit is GRANTED; the jury trial shall commence on _____ @ _____.m. OR DENIED; the jury trial date is vacated. This matter is rescheduled for a bench trial on _____ @ _____ .m. (See assignment clerk for new date).

****CHECK THIS OPTION ONLY IF THE JURY DEPOSIT HAS NOT BEEN PAID BUT THE PARTIES REQUEST A JURY TRIAL. CHECK WITH THE COURT TO DETERMINE IF THE REQUEST IS GRANTED OR DENIED.**

C. Jury trial was not demanded.*** Bench trial shall commence on _____ @ _____ .m.

*****CHECK THIS OPTION IF NO JURY DEMAND WAS FILED.**

NOTICE REGARDING TRIALS: COUNSEL WHO WILL USE COURTROOM TECHNOLOGY DURING A TRIAL SHOULD REVIEW THE ATTACHED MEMO.

Counsel for Plaintiff

Counsel for Defendant

It is further ordered as follows:

1. _____
2. _____
3. _____
4. _____

Judge/Magistrate

COMMON PLEAS COURT OF OTTAWA COUNTY COURTROOM TECHNOLOGY

The Ottawa County Court of Common Pleas is proud to have available to trial counsel, electronic equipment to assist with trial presentation. The streamlining of the litigation process through the implementation of advanced communication technologies has enhanced the Court's ability to meet the needs of the bar and the public, while preserving the dignity and fairness of the proceedings.

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- A large ceiling-mounted projection screen.
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6th District Court of Appeals
Court of Common Pleas
Passports
Auto and Boat Titles

Ottawa County Clerk of Courts
COURT HOUSE
315 MADISON STREET
PORT CLINTON, OHIO 43452-1997

Legal Dept. Rm. 304
(419) 734-6755 or 6756
Title Dept. Rm. 107
(419) 734-6752

EXPUNGEMENT INFORMATION FORM

STATE OF OHIO

C.P. Case No. _____

-v-

Municipal Crt. Case # _____

Defendant's Address: _____
Name and address of law Enforcement Agency or Organization which
caused the applicant's arrest: (This information is not in case file.)

Applicant's Date of Birth _____

Applicant's Social Security Number _____

Date of Arrest _____

Date Released from Probation _____

Submitted by:

Failure to provide information request may result in the inability
of certain agencies to accept and process the order of expungement,
if granted.

Please complete this page and return it to the Clerk of Courts Office



Attorney General
Betty D. Montgomery

FILED
COMMON PLEAS COURT

96 JUN 10 AM 11:35

SHIRLEY J. MISSIG
CLERK OF COURTS
OTTAWA COUNTY, OHIO

TO WHOM IT MAY CONCERN:

The Federal Bureau of Investigation (FBI) does not process expungements, final dispositions and/or any other criminal record information without having first been forwarded to the Ohio Bureau of Criminal Identification and Investigation (BCI).

If the information is sent direct to the FBI, without BCI's processing stamp, the FBI packages the documents and returns them to this Bureau unprocessed.

As you may be aware, Ohio has a Single Source Agreement with the FBI. As such, the FBI has only to communicate with this Bureau instead of having to correspond with each Court, Police Department and/or Sheriff's Office.

Also, please note, BCI needs only one expungement order, as this Bureau electronically notifies the FBI through the computer system.

If you have any questions, please contact this office.

Respectfully,

A handwritten signature in cursive script that reads "Michael M. Powers".

Michael M. Powers
Deputy Director, Identification Division

For: Ted A. Almay
Superintendent
Ohio Bureau of Criminal
Identification & Investigation

TAA/MMP:mec
Enclosure(s)

f:\formltrs\singsour.exp

Ohio Bureau of Criminal Identification and Investigation
P.O. Box 365 / London, Ohio 43140
An Equal Opportunity Employer



Betty D. Montgomery
Attorney General

OHIO BUREAU OF CRIMINAL IDENTIFICATION & INVESTIGATION

OFFICE OF THE ATTORNEY GENERAL



Ted Almay
Superintendent

September 21, 2001

Dear Clerk:

The Ohio Bureau of Criminal Identification and Investigation is asking for your assistance in a renewed effort to streamline the processing of sealings/expungements of criminal records. Currently, BCI&I is receiving an average of 350-400 sealing/expungement requests per month from court jurisdictions throughout Ohio, and it is our goal to make the entire process as smooth as possible for everyone concerned.

The sealing/expungement process at BCI&I entails twelve separate steps, and requires the involvement of clerical staff, AFIS operators, and senior fingerprint examiners. Depending upon workload, the entire process may take as long as thirty days to complete, not including FBI processing. All sealings/expungements must be in compliance with provisions as outlined in Section 2953.32 of the Ohio Revised Code.

Your cooperation in the following key areas will help to ensure that all sealing/expungement requests are handled as quickly and as accurately as possible:

1. Ensure that your request is in order, including submission of a completed sealing/expungement form (sample included with this letter), accompanied by a copy of the journal entry or other court documentation.
2. If the offense to be sealed/expunged is a misdemeanor, the degree of misdemeanor must be specified; it is not necessary to specify the degree of felony.
3. Do not forward requests directly to the FBI. This will inevitably delay processing. Ohio BCI&I must be the pass-through agency for all sealing/expungement requests.
4. Advise your constituencies that the process is not instantaneous. A period of several weeks should be expected between the issuance of a sealing/expungement order and its final completion.

An Internationally Accredited
Law Enforcement Agency



P.O. Box 365, London, Ohio 43140
(740) 845-2000 FAX (740) 845-2020

An Equal Opportunity Employer

IN THE COMMON PLEAS COURT OF OTTAWA COUNTY, OHIO

State of Ohio) Case No. _____
Plaintiff,) Judge Bruce Winters
v.) **CRIMINAL PRETRIAL ORDER**
_____) **(To be Completed by Attorneys at All**
Defendant.) **Criminal Pretrials)**

1. Pretrial held on _____
2. Date Defendant Served/Arrested _____
3. Number of Days Defendant Incarcerated on **this** charge to date
 - a. Municipal Days _____
 - b. Common Pleas Days _____
 - c. What is the last date that this can be tried in order to comply with Speedy Trial Statute? _____
4. Time waiver filed? No Yes. If yes, date filed _____
5. Which track? (check one)
 Trial Track –

- a. FINAL PRETRIAL is scheduled for Wednesday, _____ at 10:00 a.m. (Wednesday immediately prior to trial)
- b. HEARING ON MOTIONS/JURY INSTRUCTIONS/DISCOVERY on Friday _____ at 11:30 a.m. (Friday immediately prior to trial) and
- c. TRIAL to commence on _____ at 8:30 a.m. Trial is expected to last _____ day(s).
- d. Are there any other PRE-TRIAL HEARINGS required? (eg. rape shield)
 Yes No. If yes, a _____ hearing is scheduled for _____ at _____ .m.

OR

Plea Track --

- a. Plea change hearing scheduled for _____ at _____ .m.

6. Anticipated Motions? No Yes. If yes, what type? _____

7. Other Issues. Counsel are directed to state below, any other issues they believe need to be brought to the attention of, or addressed by, the Court:

8. General Provisions.

Pleas

Except for good cause shown, the Court will not accept a plea agreement which is submitted after the final pretrial date. All plea agreement documents must be provided to Defendant's counsel and submitted to the Court at least **one (1) week** prior to the scheduled plea hearing date. The Court will not accept and will not be bound by any plea agreements which have agreed upon sentences. The State may make sentencing recommendations; however the Court is not bound by such recommendation.

Discovery

If a party requests discovery, the opposing party shall provide the requested discovery or an objection thereto within **fourteen (14) days** of the date of the request. If discovery is not provided as called for in this order, counsel shall file a motion to compel within **seven (7) days** after the failure. It is the responsibility of counsel to notify the Court in writing immediately of any failure to provide discovery material. The Court will not exclude evidence or continue a scheduled trial because of a failure to provide discovery if this requirement has not been complied with.

Motions

Unless otherwise ordered by the Court, Pretrial motions, including motions to suppress, shall be filed on or before in according with the Ohio Rules of Criminal Procedure. Briefs in opposition shall be filed on or before **fourteen (14) days** after the date the Motion is filed. It is expected that every motion filed will be supported by a substantial foundation and that such foundation will be explicitly stated in the motion.

Trial Documents

The following trial documents are to be submitted to the Court not later than **the date of the final pretrial** prior to the final pretrial.

1. Stipulations - Counsel for the parties are directed to confer in person, agree upon stipulations, and reduce them to writing. Stipulations are to be signed by all counsel and submitted to the Court
2. Jury Instructions - The Court intends to adhere as closely as possible to the Ohio Jury Instructions. Any jury instructions that do not follow OJI and any additional proposed jury instructions, must be submitted to the Court and opposing counsel. Such proposed jury instructions shall be supported by legal authority. THE COURT INTENDS TO ADHERE AS CLOSELY AS POSSIBLE TO THE OHIO JURY INSTRUCTIONS.
3. Evidentiary Issues for Trial - Counsel for the parties are directed to submit to the Court appropriate memoranda with citations to legal authority in support of evidentiary questions and any other legal issues which may be reasonably anticipated to arise at trial.
4. Exhibits - Counsel are ordered to exchange all exhibits with all other counsel/pro se parties. All exhibits shall be marked with Plaintiff using numbers and Defendant using letters. If the defendant has more than 26 exhibits, double letters shall be used. An index of the exhibits to be used at trial shall be provided to the Court no later than the **morning** of the trial.
5. Courtroom Technology – Counsel who will use courtroom technology during a trial should review the attached memo regarding courtroom technology.

FAILURE BY A PARTY TO RAISE DEFENSES OR OBJECTIONS OR TO MAKE MOTIONS AS SPECIFIED HEREIN SHALL CONSTITUTE A WAIVER THEREOF UNLESS GOOD CAUSE FOR SUCH FAILURE IS SHOWN.

BY SIGNING BELOW, COUNSEL ACKNOWLEDGES RECEIPT OF THIS ORDER

Counsel for Plaintiff

Counsel for Defendant

It is so Ordered.

Judge/Magistrate

COMMON PLEAS COURT OF OTTAWA COUNTY (Revised 11/1/2011)

COURTROOM TECHNOLOGY

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IN THE COMMON PLEAS COURT OF OTTAWA COUNTY, OHIO

State of Ohio) Case No. _____
Plaintiff,) Judge Bruce Winters
v.) **CRIMINAL FINAL PRETRIAL**
_____) **ORDER (Case Resolved)**
Defendant.)

This cause comes before this Court for Final Pretrial hearing held on _____. Present was the State of Ohio represented by Attorney _____. Defendant was present represented by Attorney _____. The attorneys reported as follows: This matter has been resolved as follows: _____

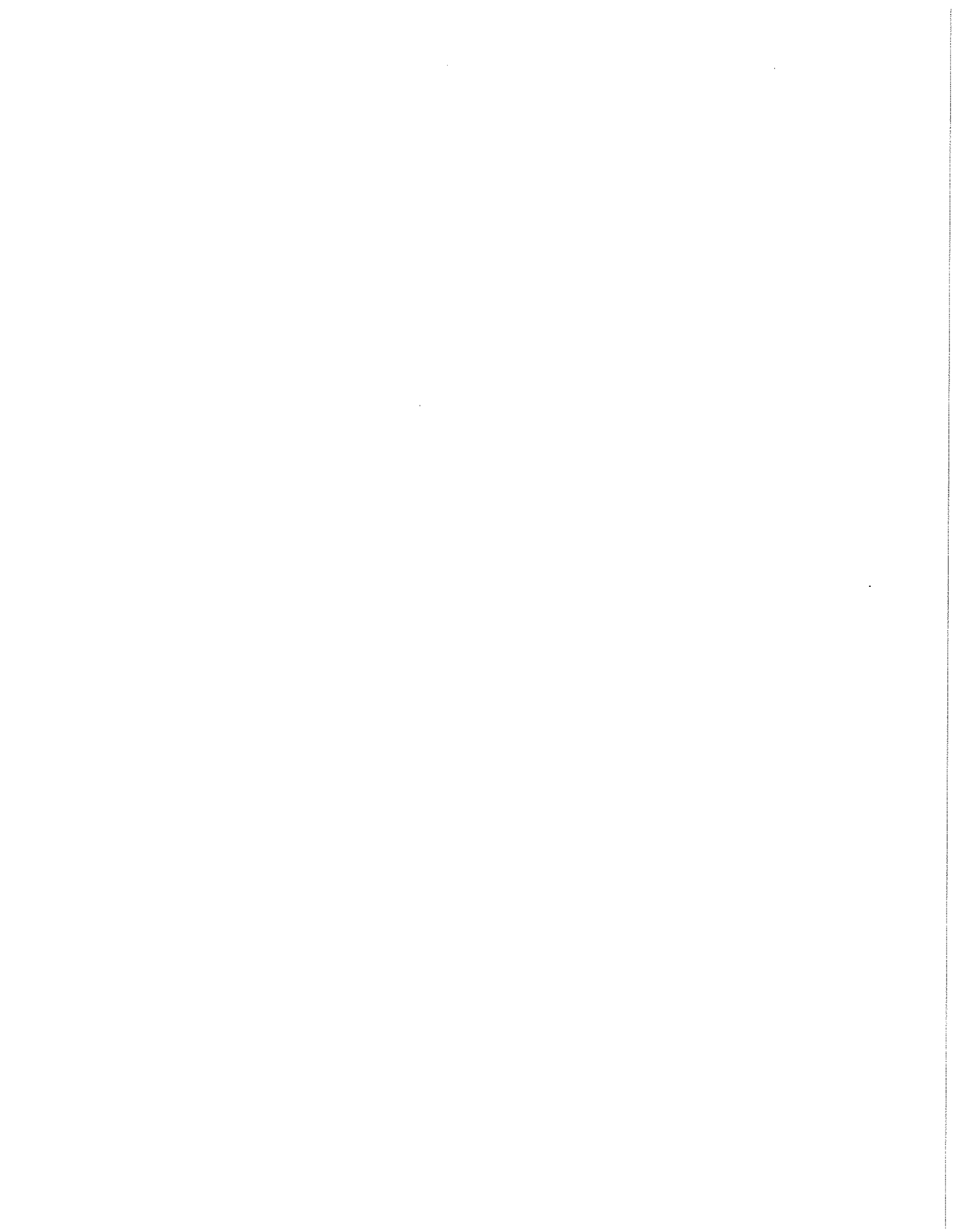
It is therefore ADJUDGED, DECREED and ORDERED that this matter is scheduled for a _____ on _____ at _____m. The Final Pretrial Hearing and Jury Trial are hereby VACATED.

Counsel for Plaintiff

Counsel for Defendant

It is so Ordered.

Judge/Magistrate



IN THE COMMON PLEAS COURT OF OTTAWA COUNTY, OHIO

State of Ohio) Case No. _____
Plaintiff,) Judge Bruce Winters
v.) **CRIMINAL TRIAL ORDER**
_____)
Defendant.)

This cause comes before this Court for Final Pretrial hearing held on _____.
Present was the State of Ohio represented by Attorney _____. Defendant was
present represented by Attorney _____. The attorneys reported as follows:

1. Plea Negotiations

The State acknowledged that it has made the following plea offers:

Defense counsel advised the Court that he/she conveyed the foregoing offer to Defendant
on _____ via _____. Defense counsel
advised the Court that he/she has given Defendant good advice on whether to accept or

reject the offer on _____ via _____. The Court personally addressed Defendant who acknowledged receipt of the foregoing offer(s) and further acknowledged that his/her counsel has given Defendant good advice on whether to accept or reject the offer on the date and manner listed above. Defendant acknowledged that he/she makes the final decision regarding accepting or rejecting the State's offer.

2. Discovery

Plaintiff's counsel acknowledged that it has completed, in due diligence, an inquiry of its file and witnesses and certified that it has disclosed all witnesses and discoverable information and documents to opposing counsel.

Defense counsel acknowledged that it has completed, in due diligence, an inquiry of the file and witnesses and certified that it has disclosed all witnesses and discoverable information and documents to opposing counsel.

3. Trial Documents

a. Stipulations

Stipulations have been filed with the Court.

OR

There are no stipulations.

b. Jury Instructions

Jury Instructions have been reviewed and approved by Plaintiff.

Jury Instructions have been reviewed and approved by Defendant.

c. Trial Evidentiary Issues

The following trial motions/evidentiary issues are pending:

1. _____
2. _____
3. _____
4. _____
5. _____

The Court makes the following rulings on the above motions/issues.

1. _____
2. _____
3. _____
4. _____
5. _____

It is further Ordered _____

It is so Ordered.

Judge/Magistrate

COURTROOM TECHNOLOGY

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IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

PETITION FOR

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

The undersigned hereby petitions for a Certificate of Qualification for Employment (see attached Exhibit A) with the Court of Common Pleas where the Petitioner resides. Petitioner claims to have suffered a collateral sanction that is related to employment or occupational licensing as a result of one or more convictions or pleas of guilty to an offense. If filing is made directly with the Court, Petitioner also asserts no time has been served on a term in a state correctional institution or in a department-funded program.

Respectfully Submitted,

Signature

Name

Street

City, State Zip

Phone Number

Fax Number (if any)

Email

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

AFFIDAVIT OF INDIGENCY

I, _____, do hereby state that I am without the necessary funds to pay the costs of this action for the following reason(s):

I am requesting that the filing fee and security deposit, if applicable, be waived.

Affiant

Sworn to, or affirmed, and subscribed in my presence this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

NOTE: This affidavit must be executed not more than six months prior to being filed in the court. Affidavits not in compliance will be rejected for filing by the Clerk.

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

NOTICE TO COURT OF PETITION FOR

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

You are hereby notified that a Petition for Certificate of Qualification for Employment was filed by the above captioned Petitioner in this Court (see Attached Exhibit A). If you are interested in providing any information regarding this petition, please complete the attached form and file with the undersigned clerk of courts within fourteen days.

CLERK OF COURTS,

Signature
Street
City, State Zip
Phone Number
Fax Number
Email

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

NOTICE TO PROSECUTOR OF

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

You are hereby notified that a Petition for Certificate of Qualification for Employment was filed by the above captioned Petitioner in this Court (see Attached Exhibit A). If you are interested in providing any information regarding this petition, please complete the attached form and file with the undersigned clerk of courts within fourteen days.

CLERK OF COURTS,

Signature

Street

City, State Zip

Phone Number

Fax Number

Email

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

RESPONSE TO REQUEST FOR INFORMATION REGARDING

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

The undersigned voluntarily submits the following information regarding the above captioned Petition.

NOTE: It is not necessary to submit any or all of the information listed below.

1. Please check one of the following:
 - I recommend the Petitioner receive a CQE.
 - I do not recommend the Petitioner receive a CQE.
 - I have no opinion.

If you marked "recommend" or "do not recommend," please comment below:

2. The Petitioner did/did not (circle one) successfully completed community control sanctions.

Comments:

3. The Petitioner does/does not (circle one) owe any outstanding monies.

Comments:

4. Additional Comments:

Respectfully Submitted,

Signature

Name of Person Submitting Information

Position (if victim, indicate here _____)

Name of Organization: Court, Prosecutor's
Office, Other

Street

City, State Zip

Phone Number

Fax Number

Email

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

ORDER FOR INVESTIGATION REGARDING

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby Orders the Probation Department to do the following and report back its findings within _____ days of this Order:

- _____ 1. Attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense.
- _____ 2. Obtain a current LEADS report on Petitioner.
- _____ 3. Verify the accuracy of information submitted in the Petition.
- _____ 4. Other: (specify)

IT IS SO ORDERED.

JUDGE/MAGISTRATE

DATE

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

ORDER FOR ADDITIONAL INFORMATION

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby Orders the Petitioner to provide the following information within _____ days of this Order:

IT IS SO ORDERED.

JUDGE/MAGISTRATE

DATE

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

JUDGMENT ENTRY GRANTING

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby finds:

The Petitioner has suffered a COLLATERAL SANCTION that is related to employment or occupational licensing as a result of individual's conviction of or plea of guilty to an offense (felony or misdemeanor) and that applies by operation of law in this state; AND

The Petitioner has established by a preponderance of the evidence that granting the petition will materially assist the individual in obtaining employment/occupational license; AND

The Petitioner has established by a preponderance of the evidence the Petitioner has a substantial need for the relief requested in order to live a law-abiding life; AND

The Petitioner has established by a preponderance of the evidence that granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

THEREFORE, it is HEREBY ORDERED, ADJUDGED AND DECREED that the above captioned Petition for Certificate of Qualification for Employment is hereby GRANTED. The purpose for this certificate is to assist the petitioner in obtaining employment and to obtain a

_____ (insert none if not applicable) license from the Ohio _____
licensing board.

IT IS FURTHER ORDERED that the Clerk Notify the Department of Rehabilitation and
Corrections that a Certificate of Qualification for Employment shall be issued to Petitioner.

The Clerk is HEREBY ORDERED to provide written notice to Petitioner.

IT IS SO ORDERED,

JUDGE

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

JUDGMENT ENTRY DENYING

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby finds:

The Petitioner has/has not (circle one) suffered a COLLATERAL SANCTION that is related to employment or occupational licensing as a result of individual's conviction of or plea of guilty to an offense (felony or misdemeanor) and that applies by operation of law in this state;

The Petitioner has/has not (circle one) established by a preponderance of the evidence that granting the petition will materially assist the individual in obtaining employment/occupational license;

The Petitioner has/has not (circle one) established by a preponderance of the evidence the Petitioner has a substantial need for the relief requested in order to live a law-abiding life;

The Petitioner has/has not (circle one) established by a preponderance of the evidence that granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

THEREFORE, it is HEREBY ORDERED, ADJUDGED AND DECREED that the above captioned Petition for Certificate of Qualification for Employment is hereby DENIED.

IT IS FURTHER ORDERED that the following conditions (if any) are placed on Petitioner's subsequent filings:

The Clerk is HEREBY ORDERED to provide written notice to Petitioner and the Department of Rehabilitation and Corrections.

THIS IS A FINAL, APPEALABLE ORDER. THERE IS NO JUST CAUSE FOR DELAY.

IT IS SO ORDERED,

JUDGE

FOR MORE INFORMATION ON CERTIFICATES OF QUALIFICATION FOR EMPLOYMENT

<http://ohiojudges.org/index.cfm?PageID=064FB3E4-926C-42EE-BD1FD2E82285CE8C&PageObjectID=1109>