

In The County Courts of Sandusky County

Local Rules

ADMINISTRATIVE RULES

1.00 SCOPE AND EFFECTIVE DATE

These rules are adopted as Local Rules of Court governing practice and procedure in the Sandusky County County Courts. They are adopted pursuant to the Court's inherent authority as set forth in the Rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as "S.C.C. Rule ()". They are effective as of March 30, 2008 (or as later amended) and shall govern all proceedings filed subsequent to that date.

2.00 COURT SESSIONS

Generally, the hours for court sessions and for the Clerk of Court's Office are: Monday through Friday, 8:00 a.m. until 4:30 p.m. The Court is closed for: New Year's Day, Martin Luther King, Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving Day, the afternoon of Christmas Eve, Christmas Day, and at such times deemed appropriate by the Presiding Judge.

Special Sessions:

Traffic arraignments are heard on Mondays at 8:30 a.m. in Woodville and Tuesdays at 8:30 a.m. in Clyde.

Civil actions and small claims actions will generally be heard on Mondays beginning at 11:00 a.m. and Tuesdays at 10:00 a.m. in Clyde.

Pre-trials and trials will generally be heard on Wednesdays in Woodville beginning at 8:00 a.m. on Thursdays in Clyde beginning at 8:00 a.m.

Fines and Costs hearings will generally be heard on the first Friday of the month at 9:00 a.m. in Clyde.

The OVI Specialized Docket will generally be held on Thursdays in Clyde at 4:30 p.m.

In the event of a court holiday falling on a traffic arraignment date, any arraignments normally scheduled on that date shall be heard on the next business day.

2.10 SPECIALIZED DOCKET

(A) Establishment of OVI Specialized Docket:

The County Court in Clyde (Court No. 1) establishes a docket for OVI Offenders. The Specialized Docket shall comply with the requirements set forth in Sup. R. 36.20-36.29. The Pilot Program began in September 2010 and has continued in operation through the current date. The goal of the program is to prevent recidivism in OVI Offenders who have at least one prior OVI offense/conviction and who are deemed to be eligible according to the standards set forth by the court in the OVI Court Manual. The purpose as set forth in the manual is "to provide effective supervision and enhanced treatment services for repeat misdemeanor OVI offenders in order to reduce recidivism and long term jail sentences."

(B) Placement in OVI Specialized Docket:

Placement in the OVI Specialized Docket is at the discretion of the judge following a recommendation by the Treatment Team. Generally those offenders who are eligible will be screened by Probation and offered the opportunity to participate. The factors to be considered are set forth in the OVI Court Program Description. The written legal and clinical eligibility criteria do not create a right to participate in the Specialized Docket.

Target Population

The target population is set forth in the OVI Court Program Description. Generally the Target population is repeat misdemeanor OVI offenders who meet the following criteria:

- Second or third OVI offense conviction within six (6) years
- First offense conviction within six (6) years with prior lifetime OVI convictions
- Sandusky County resident
- Out of county resident if the person has the financial resources to cover treatment costs and reliable transportation to attend OVI Court sessions
- Moderate to severe alcohol problems

Disqualification Factors

Recommended disqualification factors may eliminate some OVI offenders from participation. These disqualifications are set forth in the OVI Court Program Description as follows:

- Significant mental illness
- History of violent offenses
- Pending felony charges
- Sex offense convictions
- Previous prison and/or parole history
- Currently on post release control or felony supervision
- Significant drug related charges
- Substantial drug abuse history
- Highly resistant to changing behavior in spite of previous interventions and/or punishments
- Lack of transportation or support from family/friends
- Receiving Developmental Disability services or eligible for such services
- Transient residency, or temporary or unstable housing

(C) Case Assignment:

Only cases within the jurisdiction of County Court No. 1 shall be eligible for the program.

(D) Case Management:

Offenders must appear in Court before the OVI Court Judge on a schedule established by the program's phase guidelines. All OVI Court hearings will be held on Thursday or another day as determined by the OVI Court Judge. After each hearing, the OVI Court Judge will complete an entry of continuance, ordering an offender's next court appearance in one (1) week for Phase I participants, in two (2) weeks for Phase II participants, and in one (1) month for Phase III participants. The OVI Court Program Description, Participant Handbook and participation agreement are incorporated by reference and details participants' progression through the program.

(E) Termination from OVI Specialized Docket:

Termination from the Program shall be for causes set forth in the OVI Court Program Description, the Participant Handbook and the Participation Agreement and in the absolute discretion of the OVI Court Judge. When a participant is terminated from the program, the participant shall either be placed back on Supervised Probation or terminated from probation with or without additional sanctions depending on the circumstances causing the termination. Additional sanctions shall be imposed after appropriate probation violations are adjudicated.

3.00 ACTING JUDGE

Acting Judges shall be appointed pursuant to R.C. §1907.14 and shall serve at all times when the incumbent Judge is temporarily absent or incapacitated.

4.00 CLERK OF COURT

The Clerk shall maintain such dockets, books of record and indices as are required by law or practical necessity as public record, utilizing electronic media for storage whenever possible.

The Clerk shall permit any person to make a copy of any papers filed, but original papers filed in any case shall not be removed from the office without prior authority of the Clerk. Any copies provided for constituents will have social security numbers and bank account numbers redacted.

Officers or employees of this Court shall not prepare or help to prepare any pleading, affidavit, entry or order in any civil matter, except as provided under Section 1925 of the Ohio Revised Code.

Except for good cause shown, the Clerk shall not be required to issue subpoenas, nor shall the Bailiff be required to serve the same, unless requests are filed with the Clerk at least three (3) working days prior to the trial date.

5.00 COURT COSTS/FILING FEES

Costs shall be determined from time to time by the Presiding Judge and appended to these Rules. (See Appendix A)

6.00 COURT REPORTER/RECORDING OF ALL PROCEEDINGS

All proceedings except pre-trials shall be recorded by audio. If counsel or a party desires a court reporter then the counsel or party must make their own arrangements for the presence and payment of a court reporter.

Parties appealing a decision of the trial court shall file a praecipe advising the Court what portion(s) of the record they wish transcribed. The Court, once a fee is paid, will provide a digital copy of the recording to the attorney or party as the certified transcript of the proceeding.

If the party wishes a typewritten transcript then payment arrangements can be made with a court reporter who will then certify the typewritten transcript.

All audio recordings will be maintained on file for a period of one (1) year..

6.10 MEDIA IN COURTROOM

Media shall conduct themselves in accordance with the Rules of Superintendence for the Courts of Ohio, Rule 12, which requires that permission to broadcast or record video, audio or take photographs be in writing and any order pertaining to the issue be written and made a part of the record. In accordance with that rule the court will allow one photographer and one

portable television, videotape or movie camera. Additional photography or video/audio will only be permitted at the discretion of the judge and in accordance with Superintendence R. 12. The court will designate the place or places within the courtroom where the operators shall be positioned. **All media present shall designate a person who shall be the media representative for the purpose of this matter and that representative shall be responsible to ensure compliance with this order and to coordinate with any other media present.**

Superintendence Rule 12 states as follows:

RULE 12. Conditions for Broadcasting and Photographing Court Proceedings.

(A) Presiding judge. The judge assigned to the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings that are open to the public as provided by Ohio law. After consultation with the media, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording, or taking of photographs in the courtroom shall be in writing and the written order of the judge shall be made a part of the record of the proceedings.

(B) Permissible equipment and operators.

- (1) Use of more than one portable television, videotape, or movie camera with one operator shall be allowed only with the permission of the judge.
- (2) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge. Still photographers shall be limited to two cameras with two lenses for each camera.
- (3) For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.
- (4) Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.
- (5) Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representative authorized to cover the proceeding. "Pooling" arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings.
- (6) The judge shall prohibit the use of electronic or photographic equipment that produces distracting sound or light. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.
- (7) Still photographers and television and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the judge, except to leave or enter the courtroom.

(C) Limitations.

- (1) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge.
- (2) The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.

(3) This rule shall not be construed to grant media representatives any greater rights than permitted by law.

(4) Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.

(D) Revocation of permission. Upon the failure of any media representative to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to broadcast or photograph the trial or hearing.

7.00 FORM ENTRIES AND ABBREVIATIONS

The Court adopts the following abbreviations and/or symbols that may be used in entries and case filings.

TRC - operating a vehicle while intoxicated

TRD - regular traffic cases

CRA - felony filings

CRB – criminal misdemeanor filings

CVI - small claims

CVF - civil complaint – money or accounts

CVE - complaint for personal injury or property damage

CVG - landlord/tenant or property issues

CVH – miscellaneous filings (BMV petitions, occupational driving petitions, etc.)

CRIMINAL/TRAFFIC DIVISION

8.00 DUTIES OF COUNSEL/PROSECUTION

Designation of Trial Counsel: Attorneys and not parties will designate their capacity as trial counsel on all documents in criminal-traffic cases and shall include their office address, zip code, telephone number, fax number and email address. Normally, a law firm should not be named as trial attorney. However, substitution of counsel within the same law firm at hearings is authorized with prior approval of the Assigned Judge. Also, the attorney's Supreme Court registration number shall be included on all documents filed. For purposes of this rule, "attorneys" includes "prosecutors" and "law firms" includes "Prosecutor's Office".

Withdrawal of Counsel: Counsel shall be allowed to withdraw from trial counsel responsibility with the consent of the assigned Judge. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made prior to five (5) working days of the trial date except for good cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to his/her client's last known address.

Traffic/Criminal Filings: With the exception of traffic citations, minor misdemeanor citations, and those complaints where the officer observed the offense take place, no criminal misdemeanor complaints shall be accepted for filing by the Clerk of Court until and unless the Prosecutor's Office has first approved the filing of the complaint.

Use of electronically produced tickets: The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Sandusky County Courts. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket in accordance with

Traffic Rule 3(E).

Arresting Officer Duties; Statements/Reports: All law enforcement agencies shall leave a copy of their complete report including accident reports on OVI'S with the Prosecutor's Office within twenty-four (24) hours of the arrest and with the Court at the time of the filing of the citation.

For all cases where the offender is incarcerated, the complete report, record check and recommendations on bond shall be left with the Court upon filing the complaint.

For those cases where a "not guilty" plea is entered at arraignment, a complete copy of the police report and accident report shall be left with the Prosecutor. Otherwise, all materials set forth in Criminal R. 16, in possession of the arresting agency shall be provided to the Prosecuting Attorney's Office within five (5) days of receipt of the trial notice by the arresting officer. Failure to provide this information to the Prosecuting Attorney may be cause for dismissal of the charges.

Written "Not Guilty Pleas": "Not Guilty Pleas" may be entered prior to the date of arraignment. If the written plea is entered, neither counsel nor the defendant need appear at the arraignment. All telephone pleas must be followed by a written plea to be effective. When filing written "Not Guilty Pleas" on multiple charges, it is counsel's duty to insure that a plea form is signed and completed and file stamped for each offense (incident) and to notify the clerk of the number of charges. If the plea form does not contain a case number, the following information shall be provided in the caption of the form:

Ticket number, if any;

Nature of offense(s);

Code number of offense(s);

Date of offense(s);

Date of arraignment(s).

Continuances: Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on the opposing counsel or the opposing party. The motion shall set forth the date from which a continuance is requested and reasons for the continuance. If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion. A separate entry shall accompany the motion with blanks for the new trial time and date, and if agreed to by opposing counsel. No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial. It is suggested that counsel provide available dates to the Assignment Administrator.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was set first for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the Administrative Judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

Motions Practice: All motions, except those normally made at the trial, shall be in writing,

served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. Citation should be to the official Ohio WebCite if available (after May 1, 2002), i.e. ___-Ohio-___. Copies of significant decisions need not be attached unless truly an unreported case for which no electronic citation is available.. Unless the following statement appears prominently upon the first page of the motion, no oral hearing will be allowed: "Counsel Requests an Oral Hearing of Approximately ___ Minutes at Which Time ___ Witness(es) will be Called." A date and time for oral hearings on motions must be obtained from the Assignment Administrator. Parties wishing to respond in writing to such motions shall do so no later than the fourteenth day following service of the motion or three (3) days prior to the oral hearing date, if an oral hearing has been requested. In Motions to Suppress, the grounds must be stated with particularity and the items of evidence in question shall be specified. Any motions filed which are not in compliance with this rule shall be summarily overruled. All motions where an oral hearing is not required shall be accompanied by a separate proposed entry.

Discovery: Failure by the investigating officer to provide a discovery packet to the Prosecutor within five (5) days of the date of the notice may result in a dismissal of the charges. Failure by the Prosecutor to provide complete discovery within fifteen (15) days of the demand or by the pretrial, whichever is later, may be cause for dismissal by the Court, unless good cause is shown. Failure to demand discovery in a timely manner will not be considered good cause for a continuance. The defense shall provide reciprocal discovery within ten (10) days of the receipt of discovery from the Prosecutor or at the date of pretrial, whichever is later.

Trials to Court-Scheduling: Whereas, one-half hour is normally set aside for a minor misdemeanor Trial to Court where the defendant is not represented and more time is necessary when the defendant is represented, it is counsel's duty when representing a defendant in a Trial to Court, to enter an appearance as soon as possible in order for the Assignment Administrator to schedule adequate time for trial. Counsel shall notify the Assignment Administrator if a lengthy trial is anticipated.

If an Entry of Appearance is made less than seven (7) days prior to trial, then it shall be considered good cause for the Court to continue the trial to a date where suitable time exists for trial. In such a case, the period of time in which the accused shall be brought to trial pursuant to Section 2945.71 of the Ohio Revised Code shall be considered extended by the defendant pursuant to Section 2945.72(H) of the Ohio Revised Code.

Pretrial Procedure: No case, with the exception of minor misdemeanor cases or third and fourth degree misdemeanors where a speedy trial has not been waived or where a trial to court was initially scheduled, shall be called for trial unless a pretrial conference has been held.

THE DEFENDANT IS REQUIRED TO BE PRESENT FOR ALL PRETRIAL HEARINGS UNLESS EXCUSED BY THE ASSIGNED JUDGE

The pretrial conference shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon shall be filed in said case.

Jury Trial: Whereas, Sandusky County is a rural county and jurors are summoned for a particular day on particular cases; when a jury trial has been requested, it is the duty of the trial counsel demanding trial by jury to notify the Assignment Administrator at least ten (10) days prior to the trial date if the jury is to be waived or the case has been settled.

FAILURE OF DEFENSE COUNSEL TO NOTIFY THE CLERK BY 3:00 P.M. ON THE DAY PRECEDING THE DAY SCHEDULED FOR TRIAL OF ANY LATE CHANGE IN PLEA OR JURY WAIVER WILL RESULT IN ASSESSMENT OF COSTS OF THE JURY.

Views: A request for a view by the Judge or Jury shall be made at the time of the pretrial

conference. It is within the discretion of the Judge whether or not to permit a view.

9.00 VIOLATIONS BUREAU

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13, with authority to process and dispose of those traffic offenses for which no court appearance is required by law or in the discretion of the arresting officer. In accordance with the Ohio Rules of Criminal Procedure Rule 4.1, there is hereby established a Minor Misdemeanor Violations Bureau, with authority to process and dispose of minor misdemeanors for which **no court appearance is required** either at the discretion of the arresting officer or the Court. A schedule of fines has been adopted and is posted in the Clerk's Office.

10.00 CRIMINAL/TRAFFIC DIVISION CASE MANAGEMENT

Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for criminal/traffic case management which will provide the fair and impartial administration of criminal/traffic cases. These rules shall be construed and applied to eliminate unnecessary delay.

Clerical Steps: The clerk shall process all complaints filed for purposes of arraignment. All cases filed will be tracked by event in accordance with the Supreme Court reporting requirements utilizing the worksheet provided by the Ohio Supreme Court.

Upon the filing of a written not guilty plea the clerk shall immediately forward the case to the appropriate staff for scheduling.

Upon the filing of a motion the clerk shall immediately forward the motion and case file to the office of the Assigned Judge for review.

Judicial Steps:

Motions: All motions not heard or decided prior to trial will be disposed of at trial.

Hearings/Pretrials/Trials: In all cases the court will comply with the speedy trial guideline unless said guidelines are waived in writing.

Sentencing: Upon a finding of guilty, sentencing shall occur immediately unless the Court orders a pre-sentence investigation or a restitution hearing is required. In cases where a separate sentencing hearing is required, the Assignment Administrator shall schedule a final disposition. Where restitution must be determined, the restitution hearing shall occur immediately prior to sentencing. The State shall be responsible for attendance of any witnesses necessary.

11.00 SPECIAL PROCEEDINGS CASE MANAGEMENT

The purpose of this rule is to establish a case management system for special proceedings to achieve a prompt and fair disposition of these matters. Examples of special proceedings would include contempt hearings, preliminary hearings, extradition hearings, bond hearings, criminal rule 4 hearings, and probation violation hearings.

Cases that have time limits established by the Ohio Revised Code or the Ohio Rules of Criminal Procedure shall be set for hearing within those limits. In all other special proceedings, the case shall be set for hearing within a reasonable time.

CIVIL DIVISION

12.00 DUTIES OF COUNSEL

Designation of Trial Counsel: Attorneys and not parties will designate their capacity as trial counsel on all documents in civil cases and shall include their office address, zip code, telephone number, fax number and email address. Normally, a law firm should not be named as trial attorney. However, substitution of counsel within the same law firm at hearings is authorized. Also, the attorney's Supreme Court registration number shall be included on all documents filed.

Withdrawal of Counsel: Counsel shall be allowed to withdraw from trial counsel responsibility with the consent of the assigned Judge. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client, and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made prior to five (5) working days of the trial date except for good cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to his/her client's last known address.

Continuances: Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on opposing counsel or party. The motion shall set forth the date from which a continuance is requested, reasons for the continuance and certificate of service on opposing counsel and/or client. If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion. A separate entry shall accompany the motion with blanks for the new trial time and date, and if agreed to by opposing counsel. No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was set first for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the administrative judge may require the trial attorney to provide a substitute trial attorney.

Motions Practice: All motions, except those normally made at trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Civil Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. Citation should be to the official Ohio WebCite if available (after May 1, 2002), i.e. ___-Ohio-___. Copies of significant decisions need not be attached unless truly an unreported case for which no electronic citation is available. Unless the following statement appears prominently upon the first page of the motion, no oral hearing will be allowed: "Counsel Requests an Oral Hearing of Approximately ___ Minutes at Which Time ___ Witness(es) will be Called." A date and time for oral hearings on motions must be obtained from the Assignment Administrator. Parties wishing to respond in writing to such motions shall do so no later than the fourteenth day following service of the motion or three (3) days prior to the oral hearing date, if an oral hearing has been requested, whichever is earlier. All motions not heard or decided prior to trial will be disposed of at trial. All motions where an oral hearing is not required shall be accompanied by a separate proposed entry.

Pretrial procedure: No case with the exception of FED cases shall be called for trial unless a pretrial conference has been held. Counsel shall agree on a trial date with the Judge or Assignment Administrator at the time of the pretrial conference. A pretrial conference may be held by telephone if a written motion is filed three (3) days prior to the hearing date.

Appearance: The counsel who will be trial counsel and who is authorized to act and negotiate on behalf of the party must be present. All parties in interest must be present at the pretrial unless such presence is excused by the Trial Judge. Telephone conferences may be arranged with approval of the Judge. If the defense is being presented by an insurer, a representative of the casualty company should attend the pretrial conference and, in that event, it will not be necessary for the defendant to be personally present.

Statements: Each counsel shall present to the Court in writing three (3) days before a pretrial hearing, a statement of the issues involved; whether or not a jury trial previously demanded will now be waived and if not, the number of jurors demanded; whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages, if liability be found; estimate of trial time; discovery difficulties; exhibits; an itemization of special damages; witnesses; other matters which it is expected will be involved in the case; and whether a view is requested.

Counsel will have in their Pretrial Statement a list of all witnesses they expect to call to testify. In the absence of reasonable notice to opposing counsel to the contrary, only those witnesses listed in the Pretrial Order will be permitted to testify at the trial. The only exceptions will be witnesses solely for the purpose of impeachment, rebuttal, or other witnesses permitted called upon the showing of good cause.

All Pretrial Statements must contain certificates of service.

Discovery: All discovery shall be completed by the date of the pretrial conference, unless good cause is shown.

Pretrial Order: Upon request of either party or the Judge, plaintiffs counsel shall prepare and tender to opposing counsel for signature a Pretrial Order and the same shall be filed within fourteen (14) days subsequent to the pretrial and shall control the subsequent course of action unless modified at the trial to prevent manifest injustice.

Exhibits: Each counsel shall bring to the pretrial conference all exhibits which are expected to be offered in evidence at the trial. Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the Pretrial Order, with the exception of exhibits to be used solely for the purpose of impeachment.

Preliminary Conference: Counsel for all parties shall have a preliminary conference before the pretrial hearing at which time they will inspect exhibits, and arrive at all possible stipulations and fully explore the question of settlement.

Jury Trial: Whereas, Sandusky County is a rural county and jurors are summoned for a particular day on particular cases; an advance deposit of Five Hundred Dollars (\$500.00) is required seven (7) days prior to the trial date or the jury is deemed waived. The Court will consider affidavits of hardship in appropriate circumstances.

Views: A request for a view by the Judge or Jury will be made at the time of the pretrial conference. It is within the discretion of the Judge whether or not to permit a view.

13.00 TRIAL BRIEFS AND JURY INSTRUCTIONS

Trial Briefs and Jury Instructions shall be filed with the Clerk on all jury cases three (3) days prior to trial and shall include the text of, and citations of authority for any instructions requested by counsel. Trial Briefs are also required for non-jury cases when there is a substantial conflict of views as to specific questions of law or when the Judge so requests.

14.00 DEFAULT JUDGMENT

All Motions for Default Judgment shall be in writing and clearly state the date the complaint was filed, how service was made, proof of service and answer date. All Motions for Default Judgment shall also contain a list of all damages supported by documentary or other evidence. A separate proposed entry shall accompany the motion. An oral hearing may be required at the discretion of the trial Judge or where an appearance has been made.

15.00 FORCIBLE ENTRY AND DETAINER ACTIONS

Hearing: All forcible entry and detainer cases shall be set for hearing before the Judge, pursuant to the time limits set forth in the Ohio Revised Code.

Answer/Jury Demand: If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall forward the file to the Assignment Administrator for scheduling of the appropriate hearing.

Appearance: Plaintiff's failure to appear will result in the case being dismissed without prejudice. Defendant's failure to appear after having been duly served may result in the issuance of a Writ of Restitution for the premises.

Proceedings: The Judge may decide at the first hearing both causes of action (possession and damages). If the defendant appears, the Court shall inquire whether the defendant chooses to contest damages. If the defendant responds affirmatively or if Plaintiff requires time to inspect the premises prior to a determination of damages, the Court shall grant a continuance for a hearing to determine damages. If the defendant makes a knowing waiver of the right to respond to the second cause, the Court may proceed to hear both causes. The Bailiff shall serve upon the plaintiff(s) and defendant(s), if they appear, a copy of the Judgment Entry.

Trial by Jury will be deemed waived unless demand is made and the appropriate deposit paid before date of appearance, as set forth on the summons.

Praecepte for Writ of Restitution: The plaintiff shall file with the Clerk a praecipe for a Writ of Restitution within sixty (60) days after the date of the judgment, with the appropriate deposit (see appendix A), unless the Judge issues the writ at the time of the hearing.

Writ of Restitution: Upon the receipt of the praecipe or order of the Court, the Clerk shall issue to the Bailiff a Writ of Restitution for the premises and the Bailiff shall execute the writ within ten (10) days unless a written motion for stay has been filed.

Set-out Procedure: Should actual, physical eviction of property be required pursuant to a Writ of Restitution of premises, plaintiff shall arrange for sufficient workers to be present to accomplish the set out, under the supervision of the Bailiff, subject to the appropriate security deposits.

16.00 BMV PETITIONS/REINSTATEMENT FEE PLANS/NONCOMPLIANCE SUSPENSIONS

Counsel or a Petitioner who files a complaint appealing a BMV suspension shall attach an affidavit signed by the petitioner along with the appropriate filing fee and the letter received by the petitioner from the Bureau of Motor Vehicles setting forth matters necessary to consider work related driving privileges. As examples only; home address, employer's business name and address, days and hours, business vehicles, and reasons for driving during work.

Petitioner must come to the court to obtain the appropriate paperwork.

17.00 DISMISSAL FOR FAILURE TO PROSECUTE

Civil cases which have been pending sixty (60) days without any proceedings being taken shall be dismissed, unless good cause is shown to the contrary.

18.00 CIVIL CASE MANAGEMENT

Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

Clerical Steps:

Complaint: The clerk shall process all complaints within seven (7) days for service of summons. All cases filed will be tracked by event in accordance with the Supreme Court reporting requirements, utilizing the worksheet provided by the Ohio Supreme Court.

Summons: Summons shall be served in accordance with the Ohio Rules of Civil Procedure.

Service: The clerk will not notify counsel of service. However in the event that no action is taken within sixty (60) days, the clerk may notify the parties case will be dismissed for want of prosecution pursuant to S.C.C. Rule 17.00.

Failure of Service: In the event there is a failure of service, the clerk shall notify counsel immediately in accordance with Rule 4.1 of the Ohio Rules of Civil Procedure. If no action is taken within sixty (60) days the case will be dismissed for want of prosecution pursuant to S.C.C. Rule 17.00.

Responsive Pleading: After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Assignment Administrator for scheduling.

Administrative Dismissal: A case may be administratively dismissed (without prejudice) by the court if after discussion with the parties a settlement has been reached but a final entry has not been received by the court within 30 days. Generally, if no entry is received the clerk will notify counsel that the case may be dismissed within 14 days; the clerk shall forward the file to the assigned Judge for dismissal of the case without prejudice. This procedure, however, is not binding on the court, and any case that has no activity within sixty (60) days may be administratively dismissed by the assigned judge without prejudice.

Motions: Upon the filing of a motion, the clerk shall immediately forward the motion and case file to the assigned Judge's office for review by the assigned Judge.

Judicial Steps:

Motions: After review of motions filed, the Assignment Administrator will assign for oral or non-oral hearing if appropriate or immediately forward said file to the Assigned Judge for ruling.

Pre-trials: A pretrial conference shall be scheduled by the Judge to be heard within fifty-six (56) days of the status conference. All parties in interest must be present at the pretrial unless such presence is excused by the Trial Judge. Telephone conferences may be arranged with prior approval of the Judge.

Court Trials/Jury Trials: At the completion of the pretrial hearing, the trial date shall be scheduled by the Judge to be held within ninety (90) days of the pretrial conference.

20.00 SPECIAL PROCEEDINGS CASE MANAGEMENT

The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. Examples of special proceedings would include default hearings, rent escrow, replevin, contempt hearings, garnishment hearings, debtor's exams, and B.M.V. hearings.

Cases that have time limits established by the Ohio Revised Code or the Ohio Rules of Civil Procedure shall be set for hearing within those time limits. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.

SMALL CLAIMS DIVISION

21.00 AUTHORITY

The Small Claims Division of The Sandusky County Courts is established and operated pursuant to Chapter 1925 of the Ohio Revised Code and the Rules of Court of The Sandusky County Courts.

22.00 PURPOSE

The purpose is to allow the public to resolve minor money disputes quickly, inexpensively, and fairly without requiring an attorney's involvement.

Types of Cases: The Small Claims Division handles all types of cases involving amounts less than \$3,000.00. These include landlord-tenant, unpaid accounts, defective merchandise, minor traffic accident repair costs, overcharge of services, and minor property damages.

23.00 JURISDICTION

Territorial: The defendant must live within Rice, Riley, Townsend or Green Creek Townships, or the City of Clyde; have his place of business within said territorial jurisdiction, or the transaction must have taken place within said territorial jurisdiction for Sandusky County Court District #1. The defendant must live within the confines of Jackson, Madison (including the Village of Gibsonburg), Scott, or Woodville (including the Village of Woodville) Townships, have his place of business with said territorial jurisdiction, or the transaction must have taken place with said territorial jurisdiction for Sandusky County Court District #2.

Monetary: Damages must be for money only and must not exceed \$3,000.00 on plaintiff's complaint or \$3,000.00 on defendant's counter-claim.

24.00 DUTIES OF COUNSEL/PARTIES AND COURT

Filing of Complaint: A complaint is filed by the plaintiff along with supporting documents. The plaintiff must bring with him/her two (2) copies of any documents supporting his/her claim and plaintiff must have the current address of defendant. The plaintiff shall also file, at the time of filing the complaint, a request for regular mail service in the event of failure of certified mail service.

No more than twenty-four (24) separate claims can be filed by one (1) person in any one (1) year.

A Deputy Clerk shall assist persons in filing claims, docketing the same, setting them for hearing and receiving court cost deposits.

Failure of Service on Defendants: Upon failure of service on the defendant(s), the clerk shall notify the plaintiff that the case will be dismissed within sixty (60) days unless the plaintiff has a new address for the defendant(s).

See S.S.C. Rule 12.00 on continuances. Under no circumstance will a continuance be permitted less than four (4) days prior to the hearing without consent of the Judge and for good cause shown.

Counter-claims: Counter-claims are filed by the defendant against the plaintiff for a sum arising

out of the same incident not to exceed \$3,000.00. A counter-claim must be filed no later than seven (7) days prior to the hearing. If Defendant files a counter-claim with the Court, Defendant must serve the Plaintiff and all other parties with a copy of the counter-claim at least seven (7) days prior to the date of the hearing.

Contested Hearings: Proceedings are informal and shall be recorded by means of audio tape. WITNESSES AND EXHIBITS, IF ANY, ARE NECESSARY FOR THIS HEARING.

Plaintiff(s)' failure to appear will result in dismissal without prejudice. Defendant(s)' failure to appear for the contested hearing will result in a default judgment for the plaintiff.

25.00 TRANSFER TO CIVIL DIVISION

A transfer to the Civil Division is accomplished pursuant to Section 1925.10 of the Ohio Revised Code and the payment of the appropriate filing fee. If more than one (1) attorney becomes involved with the case, the case shall be transferred to the civil docket of the Court for purposes of scheduling only.

26.00 SMALL CLAIMS CASE MANAGEMENT

S.S.C. Rule 18 shall also apply to the management of small claims cases.

TRUSTEESHIPS

27.00 AUTHORITY

This rule shall apply whenever a person applies to the Court for an appointment of a Trustee pursuant to Section 2329.70 O.R.C.

28.00 DUTIES OF APPLICANT-DEBTOR, CREDITOR, AND COURT

An applicant-debtor shall complete an application under oath containing names of all secured and unsecured creditors with liquidated claims, creditor's, or collector's complete mailing addresses, account numbers, and amount due. Further, the debtor shall list his/her employer, the employer's address and telephone number, present salary, amount per pay period and the pay period, statement of dependents, if there was a previous trusteeship, and the reasons for termination.

The applicant-debtor shall deposit the appropriate fee for processing; provide the clerk with pay stubs from the most recent thirty (30) days of work, and a copy of the fifteen-day notice of court action to collect debt (2716.02 O.R.C.). The application and appointment of Trustee are approved upon the filing of the journal entry.

The application should be filed within fifteen (15) days of the service of the demand on the debtor. The debtor must be a resident of the territorial jurisdiction of the particular Sandusky County Court.

The trusteeship only prevents garnishment of personal earnings.

No debt for less than \$100.00 shall be included in the trusteeship. Once the debts are reduced to the amount of \$100.00, the Trustee shall pay that debt in full on the next distribution.

The Trusteeship Clerk shall notify each creditor listed on the application, by certificate of mailing that an application for the appointment of a Trustee has been filed and require verification of all information regarding the account provided by the debtor.

Any creditor who holds a chattel mortgage or any other lien or encumbrance may elect to

participate by filing the election and agreement with the debtor, or with the Court. If the secured creditor does not wish to participate, an objection shall be filed; otherwise, failure to answer within ten (10) days of the notice, shall be held by the Court as an election to participate. Secured creditors will be stopped from asserting their liens as long as the debtor maintains his/her agreement. Unsecured creditors must answer or they will not participate in the distribution of funds. Creditors will be prohibited from garnishing personal earnings once the application for trusteeship is approved by the Judge. The trusteeship does not prevent collection against other non-exempt property.

The debtor shall pay to the Trustee the lesser of:

- (1) personal earnings less exemptions per law, or
- (2) 25% of personal earnings.

Withheld amounts such as union dues, credit union charges, insurance, or child support shall not be included in computation of personal earnings. Payments to the Trustee shall be made on the same basis as the debtor is paid.

Payments shall be made by cash, certified check, or money order on or before date due and not less than the amount specified by the Court. Direct payments to creditors will not be considered as an excuse. Reductions in pay, loss or change in employment, or change in address must be reported immediately in writing to the Trustee. In the event a payment is unable to be made, a motion and affidavit shall be filed with the Court on or before payment is due. If the debtor is unemployed a minimum payment of \$10.00 per week shall be paid. The debtor shall be required to provide verification of personal earnings every six (6) months. Failure to do so will result in termination of trusteeship.

Any trusteeship that has payments past due for a period of fifteen (15) days will be notified of a pending dismissal. Unless otherwise permitted by the court, any payment that is thirty (30) days past due, the trusteeship will be terminated without notice. The debtor may not re-open or file for a new trusteeship within six (6) months unless the debtor can show that the failure to pay was not due to willful negligence.

Funds shall be distributed to creditors after a sum of \$300.00 has been accumulated or three (3) months has passed, whichever occurs first. A fee of two (2) percent of the distribution will be assessed to cover the costs.

If the debtor fails, through mistake or otherwise, to list a creditor, upon motion to the Court, the creditor may be added to the list. The motion shall be in writing with notice to the non-moving party. Any creditor, who becomes a creditor after the appointment of the Trustee, shall share in the distribution made by the Trustee after the next ensuing distribution. No debts incurred after the appointment shall be added and may result in termination of the trusteeship.

An attorney at law representing a debtor for the appointment of a Trustee, shall be permitted to include his/her claim for services. The first \$150.00 of the fee shall be given priority in payment over all creditors. The balance of fee shall be paid as all other creditors in subsequent distributions.

If any interest was included in the liquidated claim, said sums shall be collected and distributed unless otherwise agreed between the creditor and debtor. Penalties shall not be included or collected.

Married couples may file a joint application for appointment of a Trustee and each must provide wage stubs and make payments into the trusteeship. However, any subsequent divorce will terminate the trusteeship. The termination of the trusteeship shall not prevent an approval of a

new trusteeship within the six (6) months of termination.

29.00 RENT ESCROW

Scope: Rent escrow may be used by a tenant where the landlord has breached duties under Chapter 5321 of the Ohio Revised Code. Rent escrow cannot be used against landlords who rent three (3) or less dwellings. The Sandusky County Courts can handle rent escrow cases only when other rental property is within the territorial jurisdiction of the particular Sandusky County Court.

Procedure: Before a tenant can use rent escrow, the tenant must give written notice to the landlord, specifying the acts, omissions, or code violations that constitute a violation of the landlord's duties. The notice must be sent to the person or place where rent is normally paid by certified mail. If the landlord fails to fix the problem within a reasonable time or within thirty (30) days and if the tenant is otherwise current on rent payments, the tenant may:

1. Deposit all rent that is due and becomes due with the Court;
2. Apply to the Court to order the landlord to fix the problem and deposit rent and if necessary request reduced rent;
3. Or, terminate the lease.

An application for rent escrow may be filed by a tenant along with one (1) month's rent. The tenant must bring the current address of the landlord or landlord's agent. The Clerk of Court shall serve the application on the landlord by certified mail, return receipt requested. The Clerk may also have the tenant sign a request for regular mail service in the event that service by certified mail service fails.

For more information: R.C. 5321.07.

Filing fees: Court costs of 1% (one percent) of the amount deposited shall be assessed against the rent deposited at the end of the case.

Complaints: A complaint to release the total rent deposited may be filed by the landlord any time after the tenant's application for rent escrow has been filed. The Clerk shall serve the tenant by regular mail. A trial shall be scheduled within sixty (60) days.

For more information: R.C. 5321.09.

Answers and counter-claims: Answers and counter-claims may be filed by the tenant after the landlord has filed a complaint requesting total release of the rent escrow. The answer and/or counter-claim shall be heard at the time of the trial.

Partial release of rent: At any time during a pending rent escrow case, either party may file a motion for the partial release of rent deposited. If no hearing or trial has been set, the Clerk of Court shall set a hearing date. If the matter has been set for an oral hearing or trial, the motion shall be consolidated with the pending trial or hearing.

Continuances: Requests for continuance shall be in writing and bear a certificate showing that service was made on the opposing party by regular mail or personal delivery. Under no circumstances will a continuance be permitted less than seven (7) days prior to the hearing except upon showing of exceptional reasons. Continued cases will be rescheduled at the earliest possible time. Filing fee of \$20.00 must accompany the request for continuance and will not be refunded if the request is denied.

30.00 COURT RECORDS MANAGEMENT AND RETENTION

The Court will follow the retention schedule as outlined in the Rules of Superintendence #26 et. seq. as promulgated by the Ohio Supreme Court.

31.00 FACSIMILE FILING RULE

The provisions of this local rule are adopted under Civ.R. 5(E), Civ.R. 73(J), and Crim.R. 12(B).

Pleadings and other papers may be filed with the clerk by facsimile transmission to the District Court #1 in Clyde @ 419.547.9198 and in the District Court #2 in Woodville @ 419.849.3932.

Applicability: This rule applies to civil, criminal, and small claims proceedings in the Sandusky County Courts.

Original Filing: Original filings must be accomplished in person or by mail. In either case the costs for deposit must accompany the original filing. Subsequent documents may be filed by fax. The person filing a document by fax is not required to file any source document with the clerk. The person filing the document shall maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, and the source copy of the facsimile cover sheet used for the subject filing. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

Facsimile Filing: Means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end. "Facsimile transmission" does not include transmission by e-mail.

Any document (pleading, brief or other paper no greater than 8.5" X 11") may be filed with the Clerk by facsimile (fax) transmission, hereinafter referred to as "FAX". A pleading received by FAX shall be considered filed when it has been imprinted with the Clerk's date-time filing stamp, in the same manner as a pleading received in person or by mail at the Clerk's office. It is the responsibility of the person transmitting a pleading by FAX to assure that it is timely and properly filed. If the Clerk considers a document illegible, the Clerk shall notify the party to file the original; and the original, when received, shall be considered filed as of the date and time the fax copy was received.

Any signature on a pleading filed by FAX shall be deemed to be that of the attorney or party it purports to be for all purposes.

No document in excess of twenty (20) pages may be filed by FAX without the prior consent of the Clerk. The purpose of this provision is to make certain there is a sufficient supply of paper in the Clerk's FAX unit. It is suggested that if a brief or other document is substantially in excess of twenty pages, and if time is of the essence, that counsel should contact the Court (not the Clerk), to request an extension of time to file the document by mail.

The Clerk may assess a fee of twenty-five cents (\$.25) per page for all pleadings, briefs, documents, or other papers filed by FAX, which shall be taxed to the party filing the document.

WHEN A PLEADING IS FILED VIA FAX, THE ORIGINAL SHALL NOT BE FILED UNLESS ORDERED BY THE COURT.

The person filing a document by fax shall also include a cover page containing all of the following information.

- name of the Court;
- title of the case;
- case number;
- name of the judge to whom the case is assigned, if any;
- title of the document being filed, (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss);
- date of transmission;
- transmitting fax number;
- indication of the number of pages included in the transmission, including the cover page;
- if a judge or case number has not been assigned, state that fact on the cover page;
- 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;

32.00 JURY MANAGEMENT PLAN

The jurors to be used in the Sandusky County County Courts shall be selected by the jury commissioners of the county as provided in R.C. Ch 2313 and R.C. §1907.28.

33.00 EFFECTIVE DATE

These rules, as amended, are effective February 1, 2014.