LOCAL RULES
OF
PRACTICE AND PROCEDURE

Clark County Common Pleas Court
General Division

(DATE OF ADOPTION: October 30, 2012)

FORWARD

We the Judges of the Common Pleas Court of Clark County, Ohio, General Division, offer this Revised Edition of the Rules of Court, to help make the Judicial System better for the people whom we all serve.

Richard J. O'Neill
Judge, Clark County Ohio
Court of Common Pleas General Division

Douglas Rastatter
Judge, Clark County Ohio
Court of Common Pleas General Division

Judge Thomas J. Capper
Judge, Clark County Ohio
Court of Common Pleas General Division

FILED
2012 OCT 30 PM 4:07
ROBERT WILLIAMS, CLERK
COMMON PLEAS COURT
CLARK COUNTY, OHIO

TABLE OF CONTENTS

GENERAL RULES
RULE 1.01 RULES OF CONSTRUCTION 3
RULE 1.02 STATEMENT ON PROFESSIONALISM 4
RULE 1.03 PROCEDURE FOR ADOPTING, MODIFYING, AND REPEALING. . . . 4

LOCAL RULES
RULE 1.05 TERMS AND SESSIONS OF THE COURT 5
RULE 1.09 DIVISIONS OF THE COURT 6
RULE 1.11 COURT ADMINISTRATOR 6
RULE 1.13 FILING AND REMOVAL OF PAPERS FROM CUSTODY OF CLERK . .6
RULE 1.15 THE APPEARANCE DOCKET 7
RULE 1.17 THE ASSIGNMENT SYSTEM 7
RULE 1.19 BAIL OR SURETY 9
RULE 1.21 JURY MANAGEMENT PLAN 9
RULE 1.23 RECORDING OF COURT PROCEEDINGS 13
RULE 1.25 VIDEOTAPED TESTIMONY 15
RULE 1.27 DISCLOSURE OF TRANSCRIPTS OF TESTIMONY 17
RULE 1.29 ATTORNEYS 18
RULE 1.31 EXAMINATION, CERTIFICATION, RENEWAL, AND REMOVAL OF NOTARIES PUBLIC 19

CIVIL RULES OF PRACTICE AND PROCEDURE
RULE 2.01 CIVIL CASE MANAGEMENT PLAN 19
RULE 2.03 DEPOSITS FOR COST 22
RULE 2.04 FILING BY FACSIMILE TRANSMISSION 24
RULE 2.05 PLEADINGS AND MOTIONS 24
RULE 2.07 PRETRIAL PROCEDURES IN CIVIL CASES 26
RULE 2.09 DISCOVERY 29
RULE 2.11 INTERROGATORIES & REQUESTS FOR ADMISSIONS 30
RULE 2.13 PAYMENT OF WITNESS FEES 31
RULE 2.14 CONSOLIDATION OF CASES 31
RULE 2.15 DISMISSAL OF ACTIONS 31
RULE 2.17 JUDGMENT 32
RULE 2.19 EX PARTE ORDERS 33
RULE 2.21 CANCELLATIONS AND RELEASES 33
RULE 2.23 JUDICIAL SALE OF REAL ESTATE 34
RULE 2.25 APPLICATIONS FOR AND CONFIRMATION OF PUBLIC SALES . . . 40
RULE 2.27 ATTORNEY'S FEES IN MECHANIC LIEN CASES 42
RULE 2.29 RECEIVERSHIPS 42
RULE 2.30 FEES-PARTITION CASES 46
RULE 2.31 PROCEEDINGS IN AID OF EXECUTION-GARNISHMENTS 46
RULE 2.32 MAGISTRATES 47
RULE 2.33 FORECLOSURE MEDIATION PROGRAM. 48
RULE 2.34 APPEAL FROM ADMINISTRATIVE AGENCIES. 51
RULE 2.35 RECORD RETENTION AND DESTRUCTION. 52

GENERAL RULES

RULE 1.01
RULES OF CONSTRUCTION

I. FOREWORD

The General Division of the Common Pleas Court for Clark County, Ohio adopts the following rules for the conduct, government and management of business operations, court proceedings, and other functions and services of the Court. These rules govern the procedure in the Clark County Common Pleas Court, General Division, and supersede all previous rules promulgated by the General Division. These rules do not govern the procedure in the Probate, Juvenile, and Domestic Relations Divisions.

II. SCOPE

These rules shall supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Rules of Superintendence for the Courts of Ohio, the Ohio Revised Code and any other applicable authority.

III. CONSTRUCTION

A. These rules shall be interpreted and applied so as to avoid inconsistency with other governing authority. Any conflict between these rules and the Ohio Rules will be resolved by application of the Ohio Rules.

B. These rules shall be construed and applied to provide fairness and simplicity in procedure and to secure the just, expeditious and economical determination of all cases.

C. Nothing in these rules prevents the adoption of a rule of practice that promotes the use of any device or procedure to facilitate the expeditious disposition of cases.

IV. EFFECTIVE DATE

The effective date of these rules is October 30, 2012. They govern all proceedings in actions brought on or after October 30, 2012, and all future proceedings in actions then pending, except to the extent that, in the opinion of the Court, their application in a particular action pending on October 30, 2012, would not be feasible or would work an injustice, in which event the former procedure would apply.

V. AMENDMENT

These rules may be amended and/or supplemented as needed and required by law. All amendments and rules shall be adopted as provided by Rule 1.03 of these rules and shall govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the amendments take effect would not be feasible or would work an injustice, in which event the former procedure applies.

VI. TITLE

These rules shall be known as the Local Rules of Practice and Procedure for the General Division of the Clark County Common Pleas Court and may be cited as "Cl. Co. C.P.R. ___".

RULE 1.02

STATEMENT ON PROFESSIONALISM

As professionals we need to strive to meet lofty goals and ideals in order to achieve the highest standards of a learned profession. To this end, the Supreme Court has issued A Lawyer's Creed and A Lawyer's Aspirational Ideals which can be found in the Supreme Court Rules for the Government of the Bar of Ohio, Rule XV. It is this Court's hope and expectation that A Lawyer's Creed and A Lawyer's Aspirational Ideals will be utilized by those practicing in this jurisdiction.

RULE 1.03

PROCEDURE FOR ADOPTING, MODIFYING, AND REPEALING LOCAL RULES

Every local rule adopted pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio shall be adopted, modified, or repealed by the following procedure:

I. PRESENTING PROPOSED RULES, PROPOSED MODIFICATIONS OF EXISTING RULES, OR PROPOSALS TO REPEAL EXISTING RULES

Every proposed rule, proposed modification of an existing rule, or proposal to repeal an existing rule shall be presented to the Court by:

A. Any judge of the division; or

B. Any individual who sends a proposed rule, proposed modification of an existing rule, or proposal to repeal an existing rule to any judge of the division.

II. INTRODUCTION AND CONSIDERATION OF PROPOSED RULE, PROPOSED MODIFICATION OF EXISTING RULE, OR PROPOSAL TO REPEAL EXISTING RULE

Every proposed rule, proposed modification of an existing rule, or proposal to repeal an existing rule shall be introduced to and considered by the judges of the division at their regular annual meeting or at a meeting convened by that Administration Judge for that purpose.

The judges may:

A. Reject the proposed rule, proposed modification of an existing rule, or proposal to repeal an existing rule; or

B. Approve and/or amend the proposed rule, proposed modification of an existing rule, or proposal to repeal an existing rule, so long as the resulting rule adoption, modification, or repeal is not inconsistent with the rules promulgated by the Supreme Court.

C. The consensus of all elected and appointed judges of the general division shall be required to adopt a proposed rule, modify an existing rule, or repeal an existing rule as provided herein.

IV. PUBLICATION OF PROPOSED RULE, PROPOSED MODIFICATION OF EXISTING RULE, OR PROPOSAL TO REPEAL EXISTING RULE

All proposed rules, proposed modifications of existing rules, or proposals to repeal existing rules that have been presented, introduced, considered and approved in accordance with this rule shall be placed in the law library for thirty (30) days. A notice of such placement will be communicated to each member in good standing of the Clark County Bar Association. During this thirty (30) day period members of the local bar may respond to the proposed rule, proposed modification of an existing rule, or proposal to

repeal an existing rule by submitting comments to the Clark County Bar Association. The Bar Association will collect the comments and submit them to the Court.

V. ADOPTION OR REPUBLICATION OF PROPOSED RULE, PROPOSED MODIFICATION OF EXISTING RULE, OR PROPOSAL TO REPEAL EXISTING RULE

A. Adoption of Proposed Rule, Proposed Modification of Existing Rule, or Proposal to Repeal Existing Rule

Every proposed rule, proposed modification of an existing rule, and proposal to repeal an existing rule that has been presented, introduced, considered, approved and submitted to the Clark County Bar Association by notice and placement in the law library shall take effect after the thirty-day comment period:

1. If members of the local bar fail to comment on the rule; or
2. If the comments submitted by members of the local bar during the thirty day comment period were given reasonable consideration by the judges of the division at their meeting.

B. Every proposal to repeal an existing rule that has been presented, introduced, considered, placed in the law library, and overruled, shall not be adopted and shall not take effect.

C. Every existing rule that has been amended in response to a proposal to repeal such rule and in response to comments submitted by the members of the local bar shall be adopted and shall take effect.

VI. FILING OF ADOPTED PROPOSED RULES, MODIFIED EXISTING RULES, OR AMENDED EXISTING RULES

Every proposed rule that has been adopted and every existing rule that has been modified or amended in accordance with this rule shall be filed with the Clerk of the Clark County Common Pleas Court and the Clerk of the Ohio Supreme Court.

RULE 1.05

TERMS AND SESSIONS OF THE COURT

I. Pursuant to the Revised Code Section 2301.05, the term of the Common Pleas Court is one calendar year beginning January 1. Each term shall be divided into three parts of four months each, as follows: Part A: January through April, Part B: May through August, Part C: September through December. The judges elected to this division with criminal dockets shall rotate the responsibility of handling criminal arraignments and presiding over grand jury on a four month basis. The presiding judge of the Common Pleas Court shall handle the responsibility of drawing jurors for the grand jury.

II. The Court is in continuous session for the transaction of judicial business on all business days throughout the calendar year.

III. Unless otherwise indicated by the trial judge, trial sessions shall typically be scheduled on weekdays between the hours of 8:00 AM and 4:30 PM.

IV. Unless otherwise ordered by the trial judge, trial sessions shall not be scheduled on the following occasions:

A. On days that by law or proclamation of the President of the United States, or the

Governor of this state, are designated national or state holidays; and
B. On days when the weather or other cause requires the Court to be closed determined by the Administrative Judge.
V. The Court shall be in session at such other times and hours as the judge thereof shall prescribe.

RULE 1.09
DIVISIONS OF THE COURT
The Court of Common Pleas of Clark County, Ohio consists of three divisions: the General Division, the Domestic Relations Division (Adult and Juvenile Court Sections), and the Probate Division. These rules apply only to the General Division.

RULE 1.11
COURT ADMINISTRATOR
This Court may appoint an administrator who will function as the chief administrative officer of the Court. The Court Administrator will implement the administrative policy decisions of the Court and perform such other duties that may be assigned by the Court.

RULE 1.13
FILING AND REMOVAL OF PAPERS FROM CUSTODY OF CLERK
I. FILING
A. Duties of Clerk
The Clerk of Courts shall file and maintain all documents delivered to the Clerk's Office. No entry shall be accepted or docketed by the Clerk until it is approved by the appropriate judge.
B. Size of Documents, Pagination and Heading Requirement
All pleadings, motions, briefs and other similar documents that are filed with the Clerk shall be typewritten or printed on 8-1/2" x 11" paper, paginated sequentially and filed without backing or cover. Original documents attached or offered as exhibits thereto are exempt from this requirement. In all filings, a blank space of at least two and one-half inches shall be left at the top of the first page for endorsements thereon.
C. Documents Requiring Service or Notice
All documents requiring service or notice by the court, upon filing, shall:
1. Include the address of the plaintiffs and defendants in the caption of the document; or
2. Indicate that the addresses of the plaintiffs and defendants are unknown if such addresses are in fact unknown.
The Clerk shall not accept for filing any document that must be served upon counsel or parties which does not designate their names and addresses. In addition, the Clerk shall not accept a civil filing without instructions for service.
D. Attorney Registration Number
All attorneys shall include their attorney registration number issued by the Supreme Court of Ohio on all documents filed with the Court.
E. All documents requiring service or notice shall contain counsels' fax numbers if facsimile machines are available, and email addresses.

II. REMOVAL, EXAMINATION AND DUPLICATION

A. Removal

No person except Judges of the Court, each Judges' Staff, Magistrates, or Mediators shall remove any documents or case files from the custody of the Clerk. Originals of papers or pleadings in this Court shall not be taken from the Courthouse, except upon Order of this Court.

B. Examination

Upon request, the Clerk of Courts shall allow any person to examine, but not remove, any original document or case file that is maintained by its office. However, members of the local bar association may be permitted to sign out files for one hour. Examination shall be allowed during regular business hours.

C. Duplication

Upon request and the payment of a photocopy fee, the Clerk shall allow copies to be made of any original document maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk of Courts. A reasonable period of time shall be based upon the extent of the request with efforts toward a 24-hour response time.

D. Transcripts of Testimony

The inspection, examination, and duplication of transcripts of testimony shall be governed by Rule 1.27 of these rules.

RULE 1.15

THE APPEARANCE DOCKET

The Clerk shall indicate on the appearance docket the name of the judge to whom the case is assigned and the nature or purpose of all filings as indicated in the caption. An entry terminating a case shall be indicated on the docket as a judgment, final entry or dismissal entry.

RULE 1.17

THE ASSIGNMENT SYSTEM

I. DEFINITION

The individual assignment system is the procedure adopted by the Court for the assignment of cases. Pursuant to this system each civil and criminal case shall be assigned by lot to a judge who will be responsible for determining all matters in the case.

II. CASEFLOW SERVICES

Rule 1.17 shall govern the operations and caseflow services of General Division and shall require the Clerk to maintain a computer record of each pending case. Each case shall be identified by:

A. A case number that categorizes the case as civil or criminal and serially numbers cases within each category on an annual basis beginning on the first day of January each year;

B. The name of the judge to whom the case is assigned; and

C. One of the following case types, if applicable:

1. Administrative appeal
2. Appropriation
3. Complex litigation

4. Criminal
5. Declaratory judgment
6. Forcible entry
7. Foreclosure
8. Habeas Corpus
9. Injunction
10. Medical or Legal Malpractice
11. Other tort (specify type)
12. Personal injury
13. Product liability
14. Professional tort
15. Workers compensation
16. All others (specify type)

D. Each case record shall include:
1. The date of any pretrial conference
2. The date the case was assigned
3. The date notices were mailed
4. The date the case was assigned for trial
5. The details of any continuance
6. The date of the verdict or decision; and
7. The date of the final entry.

III. THE ASSIGNMENT OF CASES

A. Administration of Civil Dockets

All civil cases shall be assigned to the judges of the Court as follows:

1. Immediately upon the filing of a new civil case, the civil division of the Clerk of Courts Office shall assign that case to a judge by lot. All cases shall be equally divided among the judges of the General Division of the Court currently assigned to preside over civil cases.

2. Adjustments of Assignments

If, at the drawing or at any subsequent time there are companion cases, these cases shall be transferred to the judge whose name was drawn for the case filed first, if that judge so determines. A judge who withdraws from a case shall request the administrative judge to reassign the case to another general division judge. In the event the other judges also have a conflict, administrative judge shall request in writing from the Ohio Supreme Court the assignment of a new judge. In instances where a previously filed and dismissed case is refiled, the case shall be reassigned to the originally assigned judge unless, for good cause shown, the judge is precluded from hearing the case. All changes shall be noted in the records of the Clerk.

3. The Clerk shall:

a. Stamp the name of the judge to whom each civil case is assigned on the appearance docket and on the folder containing the original records; and

b. Record any subsequent change in assignment on the appearance docket and the folder containing the original records.

4. When a judge is not available, arrangements may be made by that judge or by the Administrative Judge for another member of the General Division of the Court to handle urgent matters or sign entries.
B. Administration of Criminal Docket
1. General Supervision
Each part of the term one judge will be assigned to supervise the grand jury. The grand jury judge shall handle criminal matters that may arise in individual cases prior to indictment and assignment to an individual judge, including extraditions, informations, habeas corpus, and the setting of bonds. The other general division judge shall assist the grand jury judge when requested to do so.

RULE 1.19
BAIL OR SURETY
No attorney, officer or employee of the Court, of the Clerk of Courts, or of the Sheriff, shall be accepted as principal or as agent for bail or surety. This rule applies to any immediate family of an attorney, of an officer or of an employee of the Court, of the Clerk of Courts, or of the Sheriff.

RULE 1.21
JURY MANAGEMENT PLAN
I. OPPORTUNITY FOR SERVICE
A. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
B. Jury service is an obligation of all qualified citizens of Clark County, Ohio.
II. JURY SOURCE LIST
A. Pursuant to Court order, the jury source list shall be obtained from the Board of Elections' list of registered voters. The Court shall determine the number of jurors needed for a year of service.
B. The court shall review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
C. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.
III. RANDOM SELECTION PROCEDURES
A. The jury source list from the Board of Elections shall be printed out on a master list, which is stored in a database at the data processing center. Names are then selected at random by the computer during a public drawing.
B. Departures from the principle of random selection are appropriate only to comply with lawful exceptions.
IV. ELIGIBILITY FOR JURY SERVICE
All persons on the Jury Source List shall be eligible for jury service except those who:
a. Are less than eighteen year of age;
b. Are not citizens of the United States;

c. Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Clark County.
d. Are not able to communicate in the English language; or
e. Have been convicted of a felony and have not had their civil rights restored.

V. TERM OF AND AVAILABILITY FOR JURY SERVICE

A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
B. Jurors shall be "on call" for two weeks or one trial, if longer than one week. The Jury Commissioner's Office has implemented a telephone system whereby jurors call a local number to hear a message which informs them as to whether they are still needed for jury service.

VI. EXEMPTION, EXCUSE, AND DEFERRAL

A. No automatic excuses or exemptions, with the exception of statutory exemptions, from jury service are made.
B. Eligible persons who are summoned may be excused from jury service only if:
1. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by the Trial Judge; or
2. They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by the Trial Judge or the Jury Commissioner.
C. Deferrals for jury service for reasonably short periods of time shall be permitted by a judge or specifically authorized court official.
D. Requests for excuses and deferrals and their disposition shall be written on the appropriate section of the Jury Summons which is attached thereto. Any request for excusal or deferral must be received by the Court within a reasonable time before the reporting date.

VII. VOIR DIRE

A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
B. To reduce the time required for voir dire, basic background information regarding panel members will be made available to counsel for each party on the last business day before the jury selection is to begin.
C. The trial judge may conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
D. The judge should ensure that the privacy of prospective jurors is reasonably protected and the questioning is consistent with the purpose of the voir dire process.
E. In all civil and criminal cases, the voir dire process shall be held on the record.
F. Rules on Voir Dire
1. Shall be established by the Trial Judge.
2. Questions are to be asked collectively of the entire panel whenever possible.

VIII. REMOVAL FROM THE JURY PANEL FOR CAUSE

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

IX. PEREMPTORY CHALLENGES

Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

X. ADMINISTRATION OF THE JURY SYSTEM

A. The responsibility for administration of the jury system shall be vested exclusively in the Clark County Common Pleas Court.

B. All procedures concerning jury selection and service will be governed by Ohio Rules of Court.

XI. NOTIFICATION AND SUMMONING PROCEDURES

A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person will be:

1. Combined in a single document;
2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
3. Delivered by ordinary mail.

B. The summons will clearly explain how and when the recipient must respond and the consequences of a failure to respond.

C. The jury questionnaire will be phrased and organized so as to facilitate quick and accurate screening and will request only that information essential for:

1. Determining whether a person meets the criteria for eligibility;
2. Providing basic background information ordinarily sought during voir dire examination; and
3. Efficiently managing the jury system.

D. Policies and procedures may be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

E. Jurors who fail to report for service may be scheduled for a contempt hearing to inform the judge as to why they did not appear. Sanctions are imposed as warranted.

XII. MONITORING THE JURY SYSTEM

The Court may collect and analyze information regarding the performance of the jury system annually in order to evaluate:

A. The effectiveness of qualification and summoning procedures;
B. The responsiveness of individual citizens to jury duty summonses;
C. The efficient use of jurors; and
D. The cost-effectiveness of the jury management system.
E. Information shall be provided by the Jury Commissioner and Court Administrator.

XIII. JUROR USE

A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. The Court shall determine the minimally sufficient number of prospective jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

XIV. JURY FACILITIES

A. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.

B. Jurors shall be accommodated in appropriate waiting facilities furnished with suitable amenities.

C. Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

D. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

XV. JUROR COMPENSATION

A. Persons called for jury service should receive a reasonable fee for their service and expenses pursuant to statutory authority.

B. Such fees shall be paid promptly by the Clark County Auditor.

C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

XVI. JUROR ORIENTATION AND INSTRUCTION

A. The trial judge will:

1. Give preliminary instructions to all prospective jurors.
2. Give instructions directly following empanelment of the jury to explain the jury's role, and the trial procedures and general instructions of law.
3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions shall be made available to the jurors during deliberation in writing.
4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
5. Use written instructions.
6. Before dismissing a jury at the conclusion of a case:

a. Release the jurors from their duty of confidentiality;

b. Explain their rights regarding inquiries from counsel or the press;

c. Either advise them that they are discharged from service or specify where they must report; and

d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

C. The trial judge may allow jurors to take notes and/or to ask questions.

D. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court.

E. Upon completion of the jury term, a representative from the Court or the Clerk's

Office shall issue to the juror a certificate of completion to be given to their employer for proof of attendance.

XVII. JURY SIZE AND UNANIMITY OF VERDICT

.Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

XVIII. JURY DELIBERATIONS

A. Jury deliberations will take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law.

B. The judge will instruct the jury concerning appropriate procedures to be followed.

C. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

D. Training should be provided to personnel who escort and assist jurors during deliberation.

XIX. SEQUESTRATION OF JURORS

A. A jury will be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

B. THE JURY WILL BE SEQUESTERED AFTER A CAPITAL CASE IS SUBMITTED TO THE JURY in conformity with existing Ohio law.

C. The trial judge will have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

D. Standard procedures will be used to:

1. Achieve the purpose of sequestration and
2. Minimize the inconvenience and discomfort of the sequestered jurors.

E. Instruction will be provided to personnel who escort and assist jurors during sequestration.

RULE 1.23

MEDIA RECORDING OF COURT PROCEEDINGS

I. DEFINITIONS

For purposes of these rules the term "proceeding" shall be understood to apply to any public hearing held by the Court and the term "record" shall be understood to encompass broadcast, televise, record, or photograph.

II. APPLICATION

This rule shall be applied in conjunction with Canon 3(B) of the Ohio Code of Judicial Conduct and Rule 12 of the Rules of Superintendence for the Courts of Ohio.

A. Authorization for All Proceedings

1. All requests to record proceedings shall be made:

a. In writing to the Assigned Judge;

b. On the appropriate form (**Exhibit "_A_"**) available through the Bailiff of the Assigned Judge or similarly appropriate form;

c. As far in advance as is reasonably possible but in no event later than twenty-four hours prior to the courtroom session to be recorded. Upon a showing of good cause, the judge may waive the advance notice provision.

2. In the event the Assigned Judge decides to approve the request, the Assigned Judge may sign the journal entry (**Exhibit "_B_"**) setting forth the conditions of recording. This entry shall be made part of the record of the case.

B. Limitations

1. No recording equipment shall be allowed in the courthouse and no recording of proceedings shall be allowed in the absence of a written request and authorization.

2. In the event that a proceeding that has been recorded is continued for a period in excess of thirty days, a new request shall be obtained in accordance with the procedure set out in section II(A) of this rule.

3. No recording shall be made:

a. Of proceedings in the judge's chambers without the express permission of the judge;

b. In jury deliberation rooms at any time during the course of the trial or after the case has been submitted to the jury;

c. Of victims or witnesses who object to being recorded. The judge will inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed; or.

d. Of jurors.

4. Permission granted for recording shall not be interpreted to diminish:

a. The requirement that jurors are forbidden to discuss the case with any person until after the trial; and

b. The ethical requirements that restrict judges and lawyers from releasing information pertaining to a case while the case is pending.

5. The trial shall proceed in exactly the same manner as though there were no recording in process.

6. Any equipment which is not portable shall be set up and ready for operation prior to the commencement of morning or afternoon court sessions. No person shall be permitted to bring equipment into the courtroom while trial is in session unless such equipment can be easily carried by a single person into the courtroom without causing a distraction or a disturbance.

7. "Pooling" of equipment may be required in all proceedings. It is the responsibility of those requesting permission to record the proceedings to arrange for "pooling" of equipment, if so Ordered by the Trial Judge.

III. SANCTIONS

A. Upon the failure of any person to comply with the conditions presented by the judges and these rules, the judge may revoke the authorization to record the proceedings.

B. If a recording of any proceeding is conducted without completing a request and obtaining an authorization, the bailiff or any authorized Deputy Sheriff may impound the recording equipment and the Court may hold the equipment subject to future action. Upon such impoundment the Court shall schedule an appropriate

hearing at the earliest possible time. This provision does not apply to employees of the Court in reference to the use of official recording devices nor to recording devices used pursuant to the Rules of Superintendence for the Courts of Ohio.
C. No party or counsel to a proceeding may independently record a hearing without specific written permission, subject to sanctions indicated in Rule 1.25 III(B).

Exhibit "_A_"
IN THE COMMON PLEAS COURT OF CLARK COUNTY, OHIO
REQUEST TO RECORD COURT PROCEEDINGS
_____ of
_____
(Name) (Media Affiliation, if applicable)
hereby requests permission to
_____
(Broadcast/Televise/Record/Photograph)
any and all OPEN court proceedings in the case of
_____ -vs-
_____
(Plaintiff) (Defendant)
Case Number _____ before Judge
_____
I certify that I am familiar with the contents of Rule 1.23 of the Rules of Practice and Procedure for the Clark County Court of Common Pleas, Canon 3(B) Ohio Code of Judicial Conduct, and Rule 12 of the Rules of Superintendence for the Courts of Ohio.
PLEASE NOTE: This request should be submitted no later than 24 hours prior to the courtroom session to be recorded.
_____
REPRESENTATIVE
Received by _____
Date _____
Time _____

Exhibit "_B_"
IN THE COMMON PLEAS COURT OF CLARKCOUNTY, OHIO
_____ CASE NO. _____
Plaintiff

-vs-

ENTRY OF
PERMISSION TO RECORD
COURT PROCEEDINGS

_____
Defendant

Upon written request by _____ of
(Representative)
_____ for permission
(Media Affiliation, if applicable)

to_____ any and all OPEN Court
(Broadcast/Televise/Record/Photograph)
proceedings in the above entitled case before Judge _____, the COURT HEREBY:

_____ grants permission in accordance with Canon 3(B) of the Ohio Code of Judicial Conduct, Rule 12 of the Rules of Superintendence for the Courts of Ohio and Rule 1.23 of the Rules of Practice and Procedure for the Clark County Court of Common Pleas.

_____ grants permission in accordance with Canon 3(B) of the Ohio Code of Judicial Conduct, Rule 12 of the Rules of Superintendence for the Courts of Ohio, Rule 1.23 of the Rules of Practice and Procedure for the Clark County Court of Common Pleas and with the following additional stipulations or restrictions:

_____

_____

_____

_____ denies permission for the following reasons:

_____

_____

This order may be modified at any time the COURT deems necessary. "Pooling" of equipment may be required for all proceedings.

_____
JUDGE

RULE 1.25
VIDEOTAPED TESTIMONY
I. FILING
In addition to the requirements of Rule 13 of the Rules of Superintendence for the Courts of Ohio, a written transcript of the deposition shall be filed when the videotape is filed.
II. PRETRIAL REQUIREMENTS
A. The written transcript of the videotaped deposition shall be filed prior to the final pre-trial conference.
B. Regarding perpetuation depositions, any party objecting to testimony in a deposition shall submit the objections IN WRITING to the Court at or before the Final Pretrial Conference.
1. The Court shall promptly rule on the objections and notify both parties.
2. Failure to submit objections IN WRITING to the Court at or before Final Pretrial Conference, may be considered by the Court as a waiver of objections.
C. The proponent of a video deposition shall cause the deposition to be edited in accordance with the Court's ruling on objections, redacting questions and answers to which objections are sustained.
1. Failure to edit may result in the Court either playing the testimony in its entirety or the video being played by the proponent, who must redact it in accordance with the courts ruling on objections as it is being played. Or not allowing the testimony to be presented at all, as justice requires.

D. The Court has video equipment for use at trial. The party using the equipment shall be responsible to:
1. Prior to trial, ensure that the videotape, DVD, or other media form is compatible with the Court's equipment or be responsible to employ presentation technology of the party's own choosing.
2. Be familiar with how to operate the Court's equipment.

RULE 1.27
DISCLOSURE OF TRANSCRIPTS OF TESTIMONY
I. DISCLOSURE BY COURT REPORTER
A. Request for Preparation of Transcript
When stenographic notes have been taken in a case and the Court, or either party to the suit or counsel, or a member of the public, requests a transcript of any portion of the notes, the court reporter reporting the case shall make a full and accurate transcript of the notes at a cost determined by the Court of Common Pleas.
1. Procedure
The court reporter shall not provide any transcript of testimony to any party to the suit or counsel or a member of the public unless the requestor has:
a. Received an estimated cost for preparation of the transcript from the court reporter.
b. Filed a written request for transcripts under the case number with the Clerk; with a deposit of fifty percent (50%) of the estimated cost for preparation of the transcript.
c. Served a copy of the request and receipt for deposit upon the court reporter who is responsible for the preparation of the transcript;
d. Present to the court reporter a receipt from the clerk of courts showing the balance of the cost of the transcript has been paid.
e. In proceedings involving an independent court reporter: caused the court reporter to be compensated for making the transcript or copied thereof in the amount determined by the judges of the Court of Common Pleas.
2. In criminal cases, there will be no transcripts of voir dire examination, opening statements or closing arguments without written application, the showing of good cause, and the approval of the trial judge.
B. Filing
1. Every transcript filed in this Court shall contain the name, business address and business telephone number of the court reporter making the same.
2. If a transcript to be filed is inside a sealed envelope, the Clerk shall open the envelope to file stamp the title page of the transcript as well as the envelope. It is preferred that transcripts to be filed not be sealed in an envelope.
C. Duplication
Upon request, the court reporter shall provide copies of any original transcript of testimony that the court reporter has prepared. Copies of the transcripts shall be made available at a cost determined by the judges of the Court of Common Pleas. The copies will be made available within a reasonable period of time, and during

regular business hours.

II. DISCLOSURE BY CLERK OF COURTS

All transcripts of testimony that are filed with the Clerk of Courts may be removed, and/or examined, in accordance with the following procedure:

A. Removal

No filed original transcript of testimony may be removed from the Clerk's Office without an order of the Court, or in compliance with Ohio App. R. 9, 10 and 30.

B. Examination

Upon request, the Clerk of Courts shall allow any individual to examine, but not remove, any original transcript of testimony that has been filed with its office. Examination shall be allowed during regular business hours.

RULE 1.29

ATTORNEYS

I. ATTORNEY WITHDRAWAL

A. No attorney who entered appearance in any civil or criminal action shall withdraw his or her appearance or have it stricken from the record except by an entry of the Court. Trial counsel shall not be permitted to withdraw within twenty (20) days in advance of trial, hearing or mediation, except by an entry of the Court.

B. An attorney who appears or enters appearance for a defendant in a criminal case shall not be permitted to withdraw except in open court in the presence of the defendant and upon written entry approved by the Court unless a substitution of counsel entry has been filed.

II. CONDUCT

Attorneys shall at all times conduct themselves with dignity and propriety.

III. COMMUNICATION WITH JURY DURING JURY VIEW

When permission is granted for the jury to visit the scene, the bailiff or acting bailiff shall point out places or objects agreed to by counsel or ordered by the Court. No other person shall communicate with the jury.

IV. ENGAGED COUNSEL

A. 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 assigned judge may require the trial attorney to provide a substitute trial attorney.

B. If the trial attorney fails to provide a substitute trial attorney, the judge shall remove the trial attorney as counsel in the case. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

V. ADMISSION OF OUT-OF-STATE ATTORNEYS

Pursuant to Rule XII of the Supreme Court Rules for the Government of the Bar of Ohio, the judge assigned to the particular case has the discretion to admit out-of-state counsel upon written motion for admission pro hac vice, who must comply with all requirements prescribed by the Ohio Supreme Court.

RULE 1.31
EXAMINATION, CERTIFICATION, RENEWAL, AND REMOVAL
OF NOTARIES PUBLIC
I. CERTIFICATE OF QUALIFICATION
An applicant for a notary public commission may obtain a certificate of qualifications from a judge of the Court of Common Pleas. Any certificate issued shall indicate that the applicant is of good moral character; that the applicant is a resident of Clark County, Ohio; that the applicant is possessed of sufficient qualifications and ability to discharge the duties of the office of Notary Public; and whether the applicant is an attorney at law qualified and admitted to practice in Ohio. No judge shall issue a certificate until:
A. The judge is satisfied from personal knowledge that the applicant possesses the qualifications necessary to a proper discharge of the duties of the office; or
B. The applicant has passed the examination set forth in this rule.

II. EXAMINATION
A. The Committee On Notaries Public
1. Composition
All examinations of applicants for the office of Notary Public shall be administered by the Judge or his designee. The Judges of the Court shall appoint a designee to conduct examinations of all applicants for the office of Notary Public. Twenty five dollars ($25.00) may be retained by the examiner for services.

CIVIL RULES OF PRACTICE AND PROCEDURE
RULE 2.01
CIVIL CASE MANAGEMENT PLAN
I. PURPOSE
The purpose of this rule is to establish, pursuant to Rule 5 of the Rules of Superintendence for Courts of Ohio, an automated system for civil case management which will achieve the prompt and fair disposition of civil cases, provide the Court with an efficient means of controlling the flow of civil cases, and save time by providing members of the bar with information and case management facilities.
II. SCHEDULING OF EVENTS
The scheduling of events begins when a civil action is filed. The case is managed in three steps.
III. STEP ONE
Service of summons, in accordance with Rule 4.1-4.6 of the Ohio Rules of Civil Procedure, is checked 21 days after the action is filed.
A. If service is complete on all parties and the case is an administrative appeal, appellant shall cause the proper notice, transcripts and information to be filed with the Clerk pursuant to the applicable provision of Rule 2.37 and the Ohio Revised Code.
B. All cases, other than administrative appeals, go to Step Two when all returns of service are filed and service is complete.
C. If there is no return of service, Step One is repeated every 14 days until all returns are filed.
D. If service is being accomplished by publication, then:

1. After the last publication, the publisher or agent shall file with the Court:
a. an affidavit showing publication was made, and
b. a copy of the notice of publication. The affidavit and copy of the notice shall together constitute proof of service.
2. 28 days after the last publication, the case shall go to Step Two.
E. Failure to make service shall be addressed in accordance with Ohio Rule of Civil Procedure 4(E).

IV. STEP TWO
This step assumes that service upon all defendants is complete.
A. After all party defendants have filed an answer, the parties must contact the Court so the Court may set a scheduling conference of which counsel of record shall be notified. This scheduling conference shall be conducted by telephone, unless otherwise ordered.
Attorneys who will be participating at trial are required to participate and their calendars should be up-to-date in order to set future trial-related dates. It is not necessary for the clients to participate.
In each non-jury case, the Judge shall determine whether the case is to be tried by the Judge or referred to a Magistrate. In either event, the trial date and all other intervening events may be scheduled. Cutoff dates for case management may also be set.
B. If no answer has been filed and no action has been taken by plaintiff's attorney within thirty (30) days of the completion of service, notice may be served on plaintiff's attorney, by the Court, to either proceed with default judgment or the action will be dismissed by the Court. If neither action has been taken after fourteen (14) days, the action may be dismissed.
C. If an extension to plead has been filed and the motion has been granted, the action shall be recycled to the beginning of Step Two at the end of the extension period.
V. STEP THREE
At the final pretrial conference, the judge may, among other inquiries, determine the status of the case with reference to settlement. All parties with settlement authority are required to be present unless the Judge or Magistrate agrees to make an exception, whereby a party may be available by phone. Failure of the required parties to be present may result in the dismissal of the action without prejudice.
A. Trial counsel should consult with their clients in advance of the conference and be prepared to confer practically and earnestly on all matters as may aid in the disposition of the action. All parties with settlement authority are required to be present unless the judge or magistrate agrees to allow the party to be present by telephone or otherwise.
B. Settled Cases
Counsel shall notify the Court if a case is settled. Upon such notification, the Court may enter and file a Judgment Entry in conformance with **Exhibit "_C_."** In any event, Counsel **shall** present a termination entry for approval within thirty (30) days.

C. Bankruptcy
If any party files a proceeding in the U.S. Bankruptcy Court which results in a stay of this Court's proceedings, counsel shall file with the Court a notice of

bankruptcy and submit a proposed order staying proceedings as provided by the provisions of 11 U.S.C. 362. Counsel shall immediately notify the Court of any action of the Bankruptcy Court which would permit the Court to proceed with the case.

D. Continuances

1. The Court shall not grant a motion for continuance of a trial date without the motion being in writing, stating the reason for the continuance and endorsed in writing by the client. Counsel shall provide the Court with an entry granting the motion and reassigning the matter for a date and time when all counsel are available. The Court shall not grant a continuance without rescheduling.

2. When a continuance is requested for the reason that the attorney is scheduled to appear in another case assigned for trial on the same date, the case that was first assigned shall have priority. However, criminal cases assigned for trial shall have priority over civil cases assigned for trial. A copy of the trial assignment must be attached to the motion in order for the motion to be considered.

Exhibit "_C_"

IN THE COMMON PLEAS COURT OF CLARK COUNTY, OHIO

_____	CASE NO._____
PLAINTIFF(S)	
vs. _____	JUDGE
DEFENDANT(S)	
	JUDGMENT ENTRY ADMINISTRATIVE DISMISSAL WITH PREJUDICE **FINAL APPEALABLE ORDER**

Counsel for the Parties [The parties] having informed the Court that the above-captioned case has been fully settled, the Court ORDERS the Parties to submit, within 30 days, a proposed Agreed Entry of Dismissal of the Action and all claims in the Action, with prejudice, for approval and filing by the Court pursuant to Civ.R. 41(A)(2). If Counsel or the Parties do not submit a proposed agreed Entry of Dismissal within 30 days, the Court hereby ORDERS the DISMISSAL of the Action and all claims in this Action, with prejudice, to become effective in 30 days from the filing of this Judgment Entry, with costs to be shared equally by the Parties, unless an extension is granted by the Court for good cause shown.

No further entry or action by this Court will be necessary.

IT IS SO ORDERED.

_____(JUDGE)

RULE 2.03

DEPOSITS FOR COSTS

I. No civil action or proceeding shall be accepted by the Clerk for filing unless the party 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 following schedule:

CIVIL

GARNISHMENTS.....$ 70.00
(plus $1.00 for bank attachments)
QUIET TITLE.....$275.00
NEW CIVIL CASE $275.00
NEW FORECLOSURE.....$600.00
NEW SPECIAL CASE.....$ 95.00
CROSS CLAIM/COUNTERCLAIM.....$100.00
THIRD PARTY/INTERVENOR COMPLAINT.....$125.00
ADDITIONAL SERVICE PER PERSON.....$ 20.00
JURY DEPOSIT.....$500.00

CERTIFICATE OF JUDGMENTS

MAKING CERTIFICATE OF JUDGMENT.....$ 5.00
FILING CERTIFICATE OF JUDGMENT.....$ 25.00
FULL RELEASE OF CERTIFICATE OF JUDGMENT.....$ 5.00
PARTIAL RELEASE OF CERTIFICATE OF JUDGMENT(Per Page)...$ 5.00
FOREIGN CERTIFICATE OF JUDGMENT.....$120.00
RENEWAL OF CERTIFICATE OF JUDGMENT.....$ 30.00

EXECUTIONS

DEBTORS EXAM.....$125.00
AID OF EXECUTION.....$225.00
REQUEST ORDER OF SALE.....$550.00
WRIT OF POSSESSION.....$125.00

NOTARTY

RECORDING NOTARY.....$ 5.00
OATH OF NOTARY.....$ 1.00

SERVICE BY PUBLICATION

In all cases of service by publication, the party desiring such service shall file any publication with any newspaper of general circulation and shall be responsible for said costs, which costs may thereafter be taxed as costs by entry with the affidavit of publication.

II. The deposit schedule may be revised by the Clerk of Court to include amounts sufficient to cover costs of the action or proceeding.

IV. On cases transferred to the Common Pleas Court in which the prayer of the cross complaint exceeds the monetary jurisdiction of the Municipal Court, the party filing the cross-complaint shall post security for costs in a sum equal to the amount required if the case was originally filed in this court.

V. In cases with multiple parties, the Clerk may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the cost thereof.

VI. In lieu of a cash deposit, costs may be secured by bond with surety approved by the Clerk provided, however, no member of the bar shall be accepted as such surety.

VII. Additional fee for computerized legal research service.

A. Pursuant to Section 2303.201(A) of the Ohio Revised Code, the Clerk is authorized and directed by the Court to charge as cost a fee of **Three Dollars ($3.00)** on the filing of each cause or appeal under divisions (A), (Q), and (U) of Section 2303.20 of the Revised Code.

B. Pursuant to Section 2303.201(B)(1) of the Ohio Revised Code, the Clerk of Courts is authorized and directed to charge as cost a fee of **Ten Dollars ($10.00)** on the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of Section 2303.20 of the Revised Code.

C. Pursuant to Section 2303.201(E)(1) of the Ohio Revised Code, the Clerk may be authorized and directed by the Court to charge as costs a fee to be used to acquire and pay for special projects of the Court, including, but not limited to, the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, and other related services necessary for the efficient operation of the Court.

VIII. A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to pay costs and is subject to Court review at any stage of the proceedings. The Clerk shall refuse to accept a civil action or proceeding and the poverty affidavit until the party offering same completes and files a sworn Affidavit of Income, Expenses and Financial Disclosure for the Clerk's review and determination of sufficiency. The Affidavit of Income, Expenses and Financial Disclosure will be provided by the Clerk to any party requesting same.

IX. On all cases of service by publication, the party desiring such service shall arrange for publication with any newspaper of general circulation and be responsible for said costs.

These costs may thereafter be taxed as costs by entry with the affidavit of publication.

X. The Clerk may require that any check tendered for any payment be certified before the check will be accepted by the Clerk.

XI. Upon termination of litigation, the Clerk of Courts is authorized to collect all costs accrued prior to entry of Final Judgment by the Court. Said costs may be collected from the deposits accepted by the Clerk upon filing of the initial cause of action or proceeding.

RULE 2.04
FILING BY FACSIMILE TRANSMISSION
I. The Clerk of Courts is not authorized to receive and send pleadings, attachments and necessary correspondence by facsimile transmission.

RULE 2.05
PLEADINGS AND MOTIONS
I. PLEADINGS
A. Initial Pleadings
1. The caption of all initial pleadings shall contain the information required by Rule 10(A) and Rule 11 of the Ohio Rules of Civil Procedure.
2. A designation of primary counsel shall be filed in the following types of actions:
a. A class of litigants represented by more than one attorney of record, or
b. A party which is represented by more than one attorney of record.
The designation shall be signed by the designated primary attorney and all other attorneys representing any class member or party having interests in the same action as those of the class or party represented by the designated counsel. All court orders, decisions, opinions, or papers served by the Court or the Clerk of Courts shall be served only upon the designated primary counsel for the class, party, or parties. Primary counsel is responsible for notifying and serving all parties or attorneys of record having similar interests in the action with copies of the court's orders, decision, opinions, or other papers in a timely manner.
B. Pleadings Filed Subsequent to the Initial Pleading
All pleadings filed subsequent to the initial pleading shall specify:
1. The case number.
2. The name of the judge who was assigned to the case or the name of the judge who heard the case and the magistrate if applicable.
3. The name, address and telephone number of the attorney who is making the filing and the attorney registration number. The attorney's facsimile number and email address should be included if available.
4. The name, address and telephone number of each pro-se litigant.

II. MOTIONS (Including, but not limited to, Summary Judgment Motions)
A. Moving Parties
All moving parties shall file and serve their motions with the following:
1. A brief written memorandum which shall:
a. State with particularity the grounds in support of the motion;
b. Set forth the relief or order sought; and
c. Specify the citations of the authorities upon which the motion is based.

2. No memorandum shall exceed fifteen (15) pages in length, exclusive of the table of contents, table of cases, statutes and other authorities cited,

and appendices, if any, except by prior leave of the Court. Application for leave to file a longer memorandum shall be by motion specifying the unusual circumstances which necessitate the filing of a memorandum that exceeds the limits imposed by this rule.

3. All memoranda must be submitted in double space format. Any brief that fails to comply with this rule may be returned by the Clerk for reformation.

4. Copies of all photographs or documentary evidence that will be used in support of the motion if the motion requires the consideration of facts that do not appear in the record.

5. If unreported opinions are cited, copies thereof shall be attached to the pleading and furnished to opposing counsel. Failure to do so may be grounds for striking the pleading or brief.

B. Opposing Parties

All parties opposing motions shall file and serve a memorandum in opposition to the motion that has been filed and served against them. All memorandums shall:

1. Be accompanied by copies of all photographs or documentary evidence that will be used in opposition to the motion if the motion requires the consideration of facts that do not appear in the record; and

2. Be filed and served within fourteen (14) days from the time notice of the motion was served, pursuant to Ohio Civ. R. 6(E).

3. If unreported opinions are cited, copies thereof shall be attached to the pleading and furnished to opposing counsel. Failure to do so may be grounds for striking the pleading or brief.

4. No memorandum in opposition shall exceed fifteen (15) pages in length, exclusive of the table of contents, table of cases, statutes and other authorities cited, and appendices, if any except by prior leave of the Court. Application for leave to file a longer memorandum in opposition shall be by motion specifying the unusual circumstances which necessitate the filing of a memorandum in opposition that exceeds the limits imposed by this rule.

C. Moving parties may file a reply memorandum to the opposing party's memorandum in opposition to the motion. The reply brief must be filed within ten (10) days from the time notice of the opposing party's memorandum in opposition to the motion was served, pursuant to Ohio Civ. R. 6(E). If no memorandum is filed within this time limit, the

motion may be decided forthwith. Except upon prior leave of the court, no reply memorandum shall exceed ten (10) pages in length, exclusive of the table of contents, table of cases, statutes and other authorities cited, and appendices, if any. The reply memorandum shall be restricted to matters in rebuttal of the memorandum in opposition.

D. The motion will automatically receive a non oral hearing from the court (1) day after the deadline for moving parties to file their "reply memorandum to the opposing party's memorandum in opposition" has expired.

E. Parties may, prior to the non-oral hearing date file a written request for oral arguments. Assignment of the Motion for oral argument shall not alter the non-oral hearing date time period for serving and filing briefs and permitted evidentiary material.

Clerk of Courts
1. Motions
Parties shall deliver copies of each motion that requires the attention of the Court to the assigned judge.
2. Memoranda In Opposition
The parties shall deliver copies of all Memoranda In Opposition to motions to the assigned judge.
E. Motions in Limine challenging qualifications of proposed expert witnesses
1. Prior to the Final Pretrial Conference, a party that wishes to challenge the qualifications of an expert witness identified by another party, must file a Motion in Limine setting forth the facts and law in support of the Motion to disqualify the expert from testifying.
2. In cases where a party has not sufficiently described the qualifications of an expert witness expected to testify at trial, or has not provided an adequate summary of the expert witness' expected testimony, or in other cases at the discretion of the Court, the Court may allow a Motion in Limine to be filed before Trial.
3. A party's failure to file a Motion in Limine, in accordance with this rule, challenging the qualifications and/or anticipated testimony of the expert witness(es) properly identified by another party, shall constitute a waiver of the right to challenge the qualifications of the expert witness(es) at trial.
F. Decisions
1. Motions shall be decided without oral hearings unless otherwise ordered by the Court, or unless required by law, in which case, upon the filing of the motion, movant shall obtain a date for said hearing and prepare a notice for signature by the Judge.
2. The Court may, for good cause shown, provide for an early disposition of any motion with or without the filing of memoranda by the parties. To expedite the business of the Court, the Court may decide any motion upon filing without notice to the parties when the motion addressed procedural matters only, is a request for an extension of time or is for a correction pursuant to Civ. R. 60(A) if supported by a showing of good cause made orally or in writing to the Court. In the event the opposing parties claim prejudice by the granting of such ex-parte relief, the Court will afford them, upon their request, an immediate oral hearing which shall be granted priority on the calendar of the Court.

RULE 2.07
PRETRIAL PROCEDURES IN CIVIL CASES
I. STATEMENT OF INTENT
This rule implements Rule 16 of the Ohio Rules of Civil Procedure. It sets forth the basic pattern for the orderly pretrial development of civil actions. Initiative, ingenuity and industry on the part of attorneys in these actions will implement this Rule and will determine the quality of pretrial proceedings. In the effective administration of this Rule, appropriate sanctions will be employed as may be necessary.

II. SCHEDULING CONFERENCE

After all party defendants have filed an answer and a request for a scheduling conference has been filed, the Court may assign a scheduling conference of which counsel of record shall be notified. This scheduling conference may be conducted by telephone.

A. Attorneys who will be participating at trial are required to participate and their calendars should be up to date in order to set future trial related dates. It is not necessary for the clients to participate.

B. As a result of this scheduling conference, the Court shall issue a Scheduling Order setting forth deadlines dates, which may include deadlines for the filing of additional motions, dates for discovery cutoffs, deadlines for the exchange of trial materials and objections to the same, deadlines for filing a pretrial statement, as well as dates for the final pretrial conference and trial.

These fixed dates are inflexible and may be modified only by Court order upon the filing of a motion showing good cause. At the scheduling conference, the Court may also refer a case to Arbitration, to Mediation or to a Magistrate for hearing.

The Scheduling Order will be filed and copies will be forwarded to the parties by email or ordinary mail. (The parties are required to provide their respective email addresses in compliance with these rules).

III. FINAL PRE-TRIAL CONFERENCE

A. Attorneys should consult with their clients in advance of the conference and be prepared to confer practically and earnestly on settlement and all other matters as may aid in the disposition of the action. Trial counsel and all parties with settlement authority shall appear and be prepared to consider:

1. The simplification of the issues;
2. The necessity or desirability of amendments to the pleadings;
3. The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
4. The ascertainment of the number of expert and lay witnesses;
5. Exhibits;
6. Written and videotaped depositions;
7. Videoconferencing;
8. The possibility of settlement;
9. The waiving of a jury;
10. Proposed jury instructions;
11. Such other matters as may aid in the disposition of the action.

B. At the pretrial conference, counsel for the parties shall be prepared to discuss all phases of their case, shall bring with them the originals or copies of exhibits proposed to be offered at the trial, and be prepared to resolve all preliminary questions of evidence pursuant to Rule 104 of the Ohio Rules of Evidence.

C. The Court may review and discuss with counsel their Pretrial Statements (to be *filed* at least one week prior to trial) which must contain the following information where appropriate:

1. A concise statement of the general claims and defenses of the parties;
2. Those facts established by admissions in the pleadings, admissions by discovery, and stipulations of counsel;
3. The contested issues of fact;
4. The contested issues of law, together with counsel's citations of authority for counsel's position;
5. The names and addresses of witnesses, together with a brief summary of each witness' expected testimony;
6. The names, addresses and qualifications of the expert witnesses expected to testify at trial together with a brief summary of each expert witness' expected testimony;
7. A list of exhibits counsel intends to offer into evidence marked as follows:
a. Joint exhibits with Roman numerals;
b. Plaintiff's exhibits with Arabic numerals;
c. Defendant's exhibits with letters;
d. Third party exhibits identified as such.
8. Motions in limine not already filed;
9. A list of all special damages being requested.
10. Proposed jury instructions (Hard Copy and Disc).

IV. SETTLED CASES

Counsel shall notify the Court if a case is settled and present a termination entry for approval within thirty (30) days.

V. BANKRUPTCY

If any party files a proceeding in the U.S. Bankruptcy Court which results in a stay of this Court's proceedings, counsel for the debtor shall file with the Court a Notice of Bankruptcy and shall submit an order staying proceedings as provided by the provisions of 11 U.S.C. 362. Counsel for the debtor shall immediately notify the Court of any action of the Bankruptcy Court which would permit the Court to proceed with the case.

VI. WRITTEN MATERIALS TO BE READ INTO EVIDENCE

If written materials are to be read into evidence, copies of these materials shall be provided by the proponent to the Court and other counsel at pretrial.

VII. REQUEST FOR VIEW

Any party or their counsel who requests a view of the premises or scene must make a written request for such at or before pretrial. Requests made after pretrial will not be granted.

View requests will be granted only upon a showing to the Court that it will expedite or make the testimony of witnesses more understandable, and that it is necessary in the interest of substantial justice and cannot be accomplished by drawing, picture, or videotape submitted at trial.

VIII. ATTORNEY TESTIFYING AS WITNESS
If an attorney anticipates that he/she or a member of his/her firm may be required to testify as a witness under circumstances which would not require disqualification as counsel under the Code of Professional Responsibility, such attorney shall immediately notify the Court and opposing counsel in writing and set forth;
A. The issues on which he/she or a member of his/her firm may be required to testify, and
B. A general plan for handling the testimony.

IX. EXAMINATION OF WITNESSES
At the trial or hearing of an issue of fact, only one attorney for each party shall examine or cross-examine any witness unless otherwise permitted by the Court.

RULE 2.09
DISCOVERY
I. DISCOVERY DEADLINE
The assigned Judge or Magistrate may order discovery to be completed at a fixed time prior to the trial date.
II. INFORMAL DISCOVERY
Counsel will participate in pre-trial discovery conferences and shall freely exchange discoverable information and documents upon informal request.
III. STIPULATION PROCEDURE
A. If the attorney, to whom an informal request for information or documents has been made, complies with such request, the attorney who makes the informal request may prepare a stipulation. The stipulation sets forth the information or documents provided in response to such request. The stipulation shall be signed by participating counsel in order to preserve the fruits of discovery and, if otherwise admissible, may be used in evidence as an agreed statement of fact.
B. In the event that the stipulation or objections thereto are not returned to the attorney who prepared them within fourteen (14) days of its having been mailed to participating counsel for signature and the attorney who requested the information or documents thereafter resorts to formal discovery procedures to obtain such information or documents, the party from whom discovery is sought may be charged with all expenses of the formal discovery.
C. The Court, upon motion, shall determine whether the failure to sign and return the stipulation was unwarranted and whether the party from whom discovery is sought will be required to pay the expenses of formal discovery including reasonable attorney fees.
IV. DISCOVERY PAPERS
In accordance with Ohio Civil Rule 5(D), all papers, after the complaint, required to be served upon a party shall be filed with the Court within three days after service, but depositions upon oral examination, interrogatories, requests for documents, requests for admission, and answers and responses thereto shall not be filed unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding.

V. EFFECT OF RULE: CERTIFICATE

A. No application for protective order, objections to any form of discovery, motions for sanctions or the like shall be filed until the impasse which provoked it has been discussed with opposing counsel, and a diligent effort has been made to solve the problem informally.

B. A certificate to that effect shall be affixed to or made a part of the application or motion and it shall include the specific times and methods of attempted informal resolution.

C. The presentation of any insufficient or unwarranted application, objection or motion and any unwarranted opposition to discovery, formal or informal, will subject the offender to sanctions under Rule 37 of the Ohio Rules of Civil Procedure and this Local Rule including the imposition of costs, expenses and reasonable counsel fees.

VI. POLICY OF LOCAL RULE

A. It is the declared policy of this Local Rule to encourage professional informal discovery whenever practicable in preference to formal discovery and to avoid the court's involvement in the discovery process. Counsel shall make every effort to comply with this policy.

B. This policy is not intended to discourage the use of depositions to discover and to record evidence as provided in the Ohio Rules of Civil Procedure.

RULE 2.11

LIMITATIONS ON INTERROGATORIES AND REQUESTS FOR ADMISSIONS

I. TOTAL NUMBER OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS

1. In the interest of facilitating informal discovery between litigants, the total number of interrogatories submitted by any one party to another party shall not exceed forty (40) including subparts. For purposes of this Rule, each question or statement requiring a response shall be considered as one interrogatory.

2. Requests for Admissions: The total number of requests for admissions submitted by any one party to another party shall not exceed forty (40) including subparts.

II. ADDITIONAL INTERROGATORIES AND REQUESTS FOR ADMISSIONS

A. Additional interrogatories, and requests for admissions, may be submitted by agreement of the party from whom such additional information is sought or upon leave of Court by motion filed by the requesting party, showing good cause.

1. Either party may request a hearing or the Court may, on its own, assign the matter for hearing.

2. The Court may deny the request for additional interrogatories, and/or requests for admissions, or may grant same upon conditions which the Court deems appropriate under all of the circumstances and considering the nature of the case.

B. As with all discovery, the parties shall attempt to resolve any disputes as to number of interrogatories, requests for admissions, between themselves prior to involving the Court.

RULE 2.13

PAYMENT OF WITNESS FEES

The fees and mileage of witnesses shall be paid by the party on whose behalf the witness is subpoenaed. The party requesting service of a subpoena shall provide payment to the Clerk of Court, in the form of a check or money order made payable to each witness. The party shall post a deposit of **$25.00** to the Clerk of Courts, per witness residing outside of Clark County requiring foreign county sheriff service. Upon the filing and allowance of a verified bill of costs as provided by law, such costs may be taxed in favor of the prevailing party and shall then become part of the judgment of the action.

RULE 2.14

CONSOLIDATION OF CASES

When two or more cases are consolidated, an Entry ordering said consolidation shall be filed with the Clerk of Courts within five days of the Court granting the consolidation. Upon filing of the Entry, all parties shall be required to reference all case numbers on all subsequent pleadings and other papers filed with the Court. The Clerk of Courts shall attach said pleadings and other papers to a consolidated file listing all case numbers. All costs accrued prior to the filing of the Consolidation Entry will be applied to the deposits posted to each individual case. Those costs accrued after the filing of the Consolidation Entry will then be evenly distributed among the parties unless otherwise ordered by the Court.

RULE 2.15

DISMISSAL OF ACTIONS

I. VOLUNTARY DISMISSAL: NOTICE REQUIREMENT

Any plaintiff or plaintiff's counsel who has filed a notice of dismissal or a stipulation of dismissal pursuant to Rule 41(A)(1) of the Ohio Rules of Civil Procedure shall immediately deliver a copy of the notice or stipulation to the Judge and magistrate assigned to the case so that the Judge and magistrate are promptly informed of the voluntary dismissal of the action.

II. INVOLUNTARY DISMISSAL: DISMISSAL FOR WANT OF PROSECUTION

The Court upon its own motion or upon the motion of a defendant may dismiss an action or claim if notice is given to the plaintiff or plaintiff's counsel and any of the following conditions are met:

A. The plaintiff fails to prosecute;

B. The plaintiff fails to comply with the Local Rules of Practice and Procedure for the General Division of the Clark County Court of Common Pleas;

C. The plaintiff fails to comply with any Court order; or

D. The case has been pending an unreasonable length of time without any required action having been taken, and/or in abrogation of the Ohio Rules of Superintendence.

RULE 2.17
JUDGMENT
I. ENTRY OF JUDGMENT
A. Procedure
1. The judgment of the Court shall be effective upon the filing and journalization of a judgment entry with the Clerk of Courts.
2. At all uncontested hearings, counsel shall furnish the final entry with supporting orders and sufficient copies to be served on all parties.
3. After a decision has been rendered by the Court or Jury in a contested matter, the Court will request that counsel prepare the final entry. Counsel shall have fourteen (14) days to submit the final entry to opposing counsel for approval. Opposing counsel shall have seven (7) days to submit the entry to the Court for approval.
B. Objection to Entries of Judgment
1. If counsel refuses to sign an entry presented, counsel may present their version of the entry to the Court along with the presented entry.
2. If counsel refuses to sign an entry presented and does not present an alternative entry within seven (7) days, the original entry shall be presented to the Court for approval with a notation that the entry was submitted, was not signed or returned by counsel.
3. No oral arguments shall be heard in the settlement of proposed entries of judgment unless ordered by the trial court.

II. DEFAULT JUDGMENT
A. Procedure
Pursuant to Rule 55 of the Ohio Rules of Civil Procedure, all motions for default judgment shall be submitted to the judge to whom the case is assigned.
B. Form
1. If there shall be a default judgment of any appearance by any party, the party seeking judgment shall file with the Court an affidavit setting forth facts showing the party in default is not in the military service. If unable to file such an affidavit, the party seeking judgment shall file an affidavit setting forth that the party in default is either in the military service or that the affiant is not able to determine whether or not the defaulting party is in the service, so that judgment can be entered as required under 50 U.S.C. 520, et seq.
2. Default judgments shall be granted in accordance with Civil Rule 55. All motions shall recite that the moving counsel has not been contacted by the defaulting party or counsel for the defaulting party, or if contact has been made, the extent to which such contact had been made. All motions for default judgment shall be accompanied by a proposed judgment entry.
3. Counsel shall endorse the motion, notice and judgment with a certificate of service as required by Rule 5(D) of the Ohio Rules of Civil Procedure. Failure to provide a certificate constitutes an irregularity and a ground for the vacation of judgment unless the record establishes that the name or address of the party against which judgment is sought is unknown.

III. JUDGMENT BY CONFESSION

A. Issuance of Judgment

A judgment by confession shall be granted by the assigned trial judge upon:

1. An attorney's warrant; or
2. The personal appearance of the defendant in Court.

B. Entry of Judgment

All judgments by confession shall:

1. Be in writing;
2. State the debt or cause of action decided; and
3. Be filed with the Clerk.

C. Notice

Notice of all judgments by confession shall be governed by the following procedure:

1. Upon entry of judgment, Plaintiff's attorney shall deliver the following to the Clerk:

a. Two copies of the notice of judgment entry for the Defendant. A duplicate of the judgment may be used as notice if it has been filestamped by the Clerk and bears the name of each defendant; and

b. One envelope that is addressed to the defendant, bears the Clerk's return address and is properly stamped for certified mail.

2. Upon receipt of the duplicates of defendant's notice of judgment entry the Clerk shall:

a. Mail one copy of defendant's notice of judgment entry to the defendant on the same day the copy was received from the plaintiff;

b. File one copy of the defendant's notice of judgment entry in the case file on the same day it was received from the plaintiff; and

c. Endorse on the docket and file in the case the certificate of mailing and the return of mailing.

D. All issues that arise or are pending in a case subsequent to the entry of a judgment by confession shall be referred to the judge to whom the case has been assigned.

RULE 2.19

EX PARTE ORDERS

Ex parte applications, orders and entries shall not be submitted unless expressly authorized by law. See Rule 65(A) of the Ohio Rules of Civil Procedure.

RULE 2.21

CANCELLATIONS AND RELEASES

Releases and assignments of judgments or certificates of judgment shall be in writing and signed by a person authorized to execute the instrument. Releases and assignments shall be placed upon the computer docket and a copy placed in the file.

RULE 2.23

JUDICIAL SALE OF REAL ESTATE

I. In every action hereinafter filed in the Common Pleas Court of Clark County, Ohio, wherein a judicial sale of real estate is contemplated by the Complaint or subsequent pleadings, the party praying for said sale or the attorney for the party praying for said sale shall do the following:

1) Endorse on the pleadings the following Certification:

"The undersigned hereby certifies that an examination of the public records of Clark County, Ohio has been made to determine the ownership of subject real estate and all parties who may claim an interest therein, and that, in the opinion of the undersigned, all parties have been named as parties to this action (stating as exceptions any interested party not so named). This Certification relates to determination of the parties and does not guarantee marketable title"; and,

2) File with the Clerk of Courts the original guaranteed evidence of the state of the record title to the property in question (preliminary judicial report), 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, which includes the names of the owners of the property and a reference to the volume, page, and date of the recording of the next preceding recorded instrument by or through which the owners claim title.

II. With any Decree or judgment entry subsequently issued which orders the sale of real estate, the party or attorney having requested said sale shall do the following:

1) Endorse on the Decree or judgment entry the following Certification:

"The undersigned hereby certifies that the examination of title to subject real estate has been extended to (add the date) to determine if any parties have acquired any interest therein subsequent to said previous examination and said examination discloses that, in the opinion of the undersigned, there are no such parties except parties to whom the doctrine of lis pendens applies," also stating as further exceptions any such party not subject to lis pendens; and,

2) File with the Clerk of Courts the original final certificate of extension of the evidence of title (final judicial report) prepared and extended by a responsible title and abstract company, which includes a copy of the case docket, 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 filing of the judgment entry.

III. Any party seeking a default or summary judgment on a claim for foreclosure must file a completed "Certificate of Readiness" (**Exhibit _D_**) along with the party's motion for default judgment or summary judgment. If any of the requirements of the Certificate of Readiness are not met as of the date of the default hearing in cases where at least one party has not answered movant's claims, or as of the date a response is due to the motion for summary judgment in cases where all parties have answered movant's claims, the Case will be dismissed without prejudice.

IV. In every action in any division of the Common Pleas Court of Clark County, Ohio wherein a judicial sale of real estate is ordered by the Court, the attorney for the plaintiff, or such other party requesting the sale, shall promptly mail notice of the time, date and location of the Sheriff's sale to the record owner(s) of the subject real estate and to all other interested parties not in default for failure to appear, or their counsel of record, at

their respective last known address. The record owner(s) of the real estate shall be noticed by mail in all cases whether or not in default for failure to appear, except when said owner(s) were originally served with summons solely by publication. No other parties to the proceeding in default of answer need be served with notice of sale except by publication as provided by Sections 2329.26 and 2329.27 of the Ohio Revised Code. Failure to provide timely notice to interested parties shall constitute grounds for denying confirmation of the sale.

V. Not less than fourteen (14) days prior to the scheduled sale date, counsel for the party requesting the sale shall file with the Clerk of Courts a Certificate of Service of Notice of Sale Date specifying the date and manner of service and the names and addresses of all interested parties or their respective counsel of record who were sent notice. Failure to timely file the certificate of service required by this rule shall constitute grounds for denial of the confirmation of sale.

VI. The Court, upon the return of the writ of execution and careful examination of the proceedings, shall direct that a deed be made to the purchaser.

VII. This Rule shall not apply to proceedings under R.C. 5721.18, Foreclosure Proceedings On Lien of State.

Exhibit "_D_"

Certificate of Readiness

Case Caption_____ Case Number_____

I, having reviewed the above referenced case file, hereby certify each of the following 18 items:

1A. That I have compared the legal descriptions in the mortgage/complaint or cross-claim and the preliminary judicial report and both legal descriptions make sense (i.e. describe contiguous and connecting series of dimensions; identify the proper state city and county, etc.) AND both legal descriptions are substantially identical; OR

1B. The legal description in the mortgage is incorrect and I have asserted a count for reformation of the mortgage; OR

1C. The legal description in the preliminary judicial report is incorrect AND I have filed an endorsement correcting the error; OR

1D. (Applicable only in cases where at least one party has not answered movant's claims) I will file an endorsement correcting the error and present it at the default hearing.

2A. That I have reviewed the complaint or cross-claim and with regard to the promissory note and any loan modification there is a full legible copy of the promissory note and loan modification, if any, attached; OR

2B. The reason for the omission is stated in the pleading and I have filed a sufficient affidavit of lost note and lost loan modification, if any; OR

2C. (Applicable only in cases where at least one party has not answered movant's claims)

The reason for the omission is stated in the pleading and I will file a sufficient affidavit

of lost note and lost loan modification, if any, and will present it at the default hearing; OR
2D. My client's claim does not involve a promissory note.

3A. With regard to the interest rate of the promissory note, the note is a fixed rate note; OR
3B. The note is a variable rate note AND I have filed an up-to-date affidavit that details the interest rate changes during the relevant time period; OR
3C. (Applicable only in cases where at least one party has not answered movant's claims) I will file an up-to-date affidavit that details the interest rate changes during the relevant time period and present it at the default hearing; OR
3D. During the relevant time period, the note has been at its minimum rate and no affidavit is necessary; OR
3E. During the relevant time period, the interest rate has changed but my client seeks only the minimum rate and no affidavit is necessary; OR
3F. My client's claim does not involve a promissory note.

4A. With regard to the mortgage, there is a full recorded copy of the mortgage attached; OR
4B. (Applicable only in cases where at least one party has not answered movant's claims) There is an unrecorded copy of the mortgage attached and I will present a full recorded copy at the default hearing; OR
4C. There is an unrecorded copy of the mortgage attached and I have separately filed a full recorded copy of the mortgage, OR
4D. My client's claim does not involve a mortgage.

5A. With regard to the amount claimed to be due, the amount due that is pleaded in the complaint or cross-claim makes sense (i.e. the principal balance pleaded does not exceed the original principal balance; the principal balance pleaded reflects an appropriate decrease from the original principal balance of the loan if not a first payment default, etc.); OR
5B. I have filed an affidavit that explains the pleaded amount due; OR
5C. (Applicable only in cases where at least one party has not answered movant's claims) I will file an affidavit that explains the pleaded amount due and submit it at the default hearing.

---

6. With regard to the parties named in the complaint or cross-claim, I have joined all parties with an interest in the property of which I am aware.

7A. With regard to minor or incompetent parties, to the best of my knowledge none of the

defendants in the case is a minor or incompetent; OR
7B. Any minor or incompetent party has answered movant's claims; OR
7C. A Guardian Ad Litem has been appointed for any minor or incompetent party.

8A. With regard to the party seeking judgment:
1. That the party seeking judgment as named in the complaint or cross-claim is the holder of the note, holder of the loan modification, if any and the holder of record of the mortgage; AND
2. Proof that the party seeking judgment is the current holder of the note is in the file; AND
3. Proof that the party seeking judgment is the current record holder of the mortgage is in the file; AND
4. Proof that the party seeking judgment is the current holder of the loan modification, if any, is in the file; OR
8B. (Applicable only in cases where at least one party has not answered movant's claims) Proof that the party seeking judgment is the current holder of the note, the current holder of the loan modification, if any, and the record holder of the mortgage will be submitted at the default hearing. OR
8C. I have filed a properly supported motion to substitute plaintiff/defendant; OR
8D. My claim does not involve a promissory note, loan modification, or mortgage.

9A. I have examined the judicial reports that have been prepared for this case and the preliminary judicial report:
1. Has been filed; AND
2. Has a proper monetary guaranty (i.e. at least for the first mortgage amount); AND
3. Has proper conveyance information (i.e. details the last transfer); AND
4. Lists debtors and creditors for each judgment lien; AND
5. Consistently and correctly identifies the permanent parcel number of the subject property; AND
6. Consistently and correctly identifies the address of the subject property; AND
7. Has been signed by an appropriate officer of the title company; OR
9B. I have filed an endorsement to the title work to correct any deficiencies; OR
9C. (Applicable only in cases where at least one party has not answered movant's claims) I will file an endorsement to the title work to correct any deficiencies and present it at the default hearing;

10A. Any final judicial reports;
1. Have been filed; AND
2. Have a start date that matches the previous report's end date; AND
3. Cover the lis pendens date; AND
4. Have an effective date within six months of the date of the default hearing in cases where at least one party has not answered movant's claims or within six months of the date a response is due to the motion for summary judgment in

cases where all parties have answered movant's claims; AND
5. Consistently and correctly identify the permanent parcel number of the subject property; AND
6. Consistently and correctly identify the address of the subject property; AND
7. List debtors and creditors for each judgment lien; AND
8. Have been signed by an appropriate officer of the title company; AND
9. Show the final disposition of any cases other than the present case that appear on earlier title reports unless those earlier title reports show the final disposition of said cases; OR
10B. I have filed an endorsement to the title work, have filed amended final judicial reports, or have filed supplemental final judicial reports to correct any deficiencies; OR
10C. (Applicable only in cases where at least one party has not answered movant's claims) I will file an endorsement to the title work, have filed amended final judicial reports, or have filed supplemental final judicial reports to correct any deficiencies and present them at the default hearing;

---

11. I have examined the service returns in the case file; and
A. Service has been perfected on all named defendants; AND
B. Except for parties served by publication, the "case parties" portion of the docket reflects a proper address for all parties or, if counsel has entered an appearance for a party, reflects a proper address for that party's counsel; AND
C. Except for parties served by publication, I have served all filings subsequent to the service of the complaint at a proper address for all parties or, if counsel has entered an appearance for a party, a proper address for that party's counsel.

12A. No defendants have contested the allegations of the complaint; OR
12B. I have filed a properly supported motion for summary judgment that addresses all of my client's claims or the contested claims are being otherwise litigated;

13A. A motion for default judgment has been filed against all of the parties who are in default; OR
13B. All parties have answered movant's claims and no motion for default judgment is necessary.

14A. I have reviewed the bankruptcy records and there are no bankruptcies related to this case; OR
14B. A Chapter 7 or 13 bankruptcy has been filed and closed; AND proof that the bankruptcy has been closed **either** has been filed in this case; **or** (applicable only in cases where at least one party has not answered movant's claims) will be presented at the default hearing; OR
14C. A Chapter 13 bankruptcy has been filed and relief from stay has been granted to the party seeking judgment; AND proof that relief from stay has been granted **either** has

been filed in this case; **or** (applicable only in cases where at least one party has not answered movant's claims) will be presented at the default hearing; OR
14D. A Chapter 7 bankruptcy has been filed and;
1. Relief from stay has been granted to the party seeking judgment or the debtor has been discharged; AND
2. The trustee has abandoned the property subject to this case; AND
3. Proof that relief from stay has been granted or the debtor has been discharged, and that the trustee has abandoned the property **either** has been filed in this case **or** (applicable only in cases where at least one party has not answered movant's claims) will be presented at the default hearing;

---

15. Service has not been perfected during a bankruptcy stay;

---

16. The case has not been filed during a bankruptcy stay,

17A. For all parties who have not entered an appearance and are capable of serving in the United States Armed Forces, I have filed an affidavit that complies with 50 U.S.C. Appx. Section 521 (the Servicemembers' Civil Relief Act); OR
G 17B. (Applicable only in cases where at least one party has not answered movant's claims)
For all parties who have not entered an appearance and are capable of serving in the United States Armed Forces I will file an affidavit that complies with 50 U.S.C. Appx. Section 521 (the Servicemembers' Civil Relief Act) and submit it at the default hearing;
OR
17C. All parties have entered an appearance and no affidavit that complies with 50 U.S.C. Appx. Section 521 (the Servicemembers' Civil Relief Act) is necessary.

---

18. Any dispositive motions were filed while the case was on the active docket of this court and do not violate any bankruptcy stays.
I understand that if any of the above 18 requirements are not met as of the date of the default hearing in cases where at least one party has not answered my client's claims or as of the date a response is due to the motion for summary judgment in cases where all parties have answered my client's claims, my case will be dismissed without prejudice at my client's costs. I further understand that the above list does not contemplate all situations that may arise in all cases.
Accordingly, I understand that even if all of the above 18 requirements are met, the case may not be ready for judgment.

_____
Attorney for Party Seeking Judgment

_____
Attorney's Printed Name and Bar Number

RULE 2.25

APPLICATIONS FOR AND CONFIRMATION OF PUBLIC SALES

I. Confirmation of sales of real estate and applications for determining priority of liens shall be submitted to the judge regularly assigned to the case.

II. Where there are counsel of record other than the plaintiff, the entry shall be endorsed by all such counsel who have appeared of record and, in the event the entry is not so endorsed, a motion shall be submitted, together with a notice of a hearing which shall be at least three days subsequent thereto, requesting confirmation of sale, and stating that the sale has been regular and proper in every respect in conformity to the statutes provided.

III. Insofar as is possible, all such entries of confirmation shall distribute proceeds according to their priorities and discharge liens of record. All reasonable efforts shall be made by counsel for plaintiff or the moving party for confirmation and distribution to secure and protect the title of the purchaser at the sale.

PREPARATION OF DEEDS IN JUDICIAL SALES

I. Plaintiff's counsel shall be responsible to utilize the deed form attached herewith and marked as "**Exhibit _E_**", or a form substantially similar to that which is attached, when preparing all deeds resulting from judicial sales ordered by the Court of Common Pleas, including foreclosures.

"Exhibit _E__"

DEED ON DECREE OF ORDER OF SALE

To all Persons to Whom these Present Shall Come:

Whereas, the Court of Common Pleas of the County of Clark and State of Ohio, in an action numbered on the Docket of said Court as Case No. _____ herein _____ Plaintiff and _____ Defendant, an order of sale dated _____ and was adjudged and decreed to the said _____ Plaintiff and against the said _____, Defendant for the sum of _____ with interest at the rate of _____ percent per annum from _____, judgment amount due, and costs of suit;

And whereas, pursuant to said judgment, an order of sale was afterwards, on the ___ day of _____ duly issued by said Court, commanding the Sheriff of said County to sell the hereinafter described premises according to law;

And whereas, I, _____, the Sheriff aforesaid, having caused said premises to be appraised, and a copy of the appraisement to be duly filed in the office of the Clerk of said Court, and having advertised the time and place of selling the same, in the Springfield News-Sun a newspaper printed and of general circulation in said County, for the period of thirty days to the day of sale, and otherwise complied with said order and the statute in such cases;

And whereas, on the __day of _____ at the door of the Court House in said County at _____a.m. of said day, I, the said Sheriff, exposed said Real Estate for sale at Public Auction, and the same was then there sold to the hereinafter named grantee_____, for the sum of _____ Dollars and _____ Cents, the bid of said grantee_____ being the highest and best bid offered, and said sum being more than two-thirds of the appraised value thereof;

And whereas, _____, the said proceedings by the said Sheriff had in the premises, were submitted to said Court, and by it in all respects confirmed, and the said

Sheriff was ordered and directed to make a Deed of said Real Estate to the said hereinafter named grantee _____;

Now Know Ye, that I, _____, Sheriff of Clark County, Ohio, by virtue of the Statute in such case made and provided, and in consideration of the said sum of _____, which I acknowledge to have received from the grantee _____, do hereby Grant and convey unto said Grantee_____, and their successors and assigns forever, the following described real estate,

SEE LEGAL DESCRIPTION NEXT PAGE.

Permanent Parcel No. _____

Property Address_____

Prior Deed Reference: Volume ___ Page ____

LEGAL DESCRIPTION:

"_____."

To have and to hold the same with all the appurtenances thereto belonging, to said grantee and their successors and assigns forever.

IN WITNESS WHEROF, I have hereunto set my hand officially,

This _____ day of _____.

Signed and Acknowledged in the Presence of:

_____ _____

SHERIFF _____

_____ Sheriff of Clark County, Ohio

The State of Ohio, Clark County.

(NOTARY CERTIFICATION)

SHERIFF'S DEED

For Land Heretofore Owned by _____ and Conveyed by _____, Sheriff to _____.

Ex Doc. _____ Page _____

Received for Record

_____ (month, day, year) at _____ o'clock ___.M.

Recorded _____(month, day, year), In Clark County Records, Vol. ____ Page ____.

_____

Recorded

ENTERED FOR TRANSFER

_____(day, month, year)

RULE 2.27

ATTORNEY'S FEES IN MECHANIC'S LIEN CASES

I. Attorney's fees in an action to foreclose a mechanic's lien may be allowed to counsel for plaintiff from the proceeds of sale only when a fund has been created and brought into court by plaintiff's action. The funds must arise out of the sale of property subject to mechanic's liens, be in excess of the amount needed to pay prior mortgage encumbrances, and be applicable to amounts due valid lien claimants.

II. If, at the time of distribution to the lien claimants, all the liens other than that of the plaintiff have been adjusted and settled, no such fee will be allowed counsel for plaintiff.

III. If plaintiff pays counsel a fee, the amount so paid shall be considered in the allowance of any such fees.

RULE 2.29

RECEIVERSHIPS

I. IN GENERAL

A. Procedure Upon Filing Of Motion For The Appointment Of A Receiver

1. The following procedure shall apply upon the filing of a motion for the appointment of a receiver with the Clerk of Courts:

a. The Court shall fix a date for a hearing on the appointment of a receiver;

b. Notice of the hearing shall be served on interested parties unless the Court finds that the time taken to give notice will result in irreparable harm to the plaintiff; and

c. The Court shall carefully consider all persons who are recommended for the receivership by unsecured creditors whose security is threatened.

2. Restrictions On Motions

a. A motion for the appointment of a receiver based upon an open account or other claims not in judgment will be denied where there is no showing of a right to equitable relief.

b. A motion for the appointment of a receiver that has been denied by one judge shall not be renewed before another judge.

B. Consent By Defendant

Whenever a defendant consents to the appointment of a receiver the defendant shall file the following with the Clerk of Courts:

1. A verified statement of all current assets and liabilities; and

2. A written statement of consent to the appointment.

C. Qualifications Of Receivers

1. Oath and Bond

Before a receiver appointed by the Court performs duties, the receiver must be sworn to perform the duties faithfully, and the receiver must, with surety approved by the Court, judge, or clerk, execute a bond to the person and in a sum as the Court or judge directs, to the effect that the receiver will faithfully discharge the duties of the receiver in the action and obey

the orders of the Court.
2. Interested Persons
No party, attorney, or person who is interested in an action shall be appointed receiver in the action without the consent of the parties.
3. Residency Requirements
a. All receivers shall reside in Clark County except when good cause is shown and the Court orders otherwise.
b. No person except a resident of Ohio shall be appointed or act as receiver of a railroad or other corporation.
D. Duties of Receivers
1. Within thirty (30) days after the date of their appointment, all receivers shall:
a. File an inventory with the Clerk of Courts and deliver a copy to the assigned judge unless otherwise ordered by the Court.
b. Give notice by mail or by publication, as directed by the Court, to all known creditors that they are required to file their claims within a certain time and that unless they file their claims by the specified time they will not be permitted to file any claim without an order of the Court.
c. Provide written notification to all public authorities which have claims against the receivership; and
d. File a list of all claims with the Clerk of Courts after the specified time for filing and deliver a copy to the assigned judge.
2. All receivers who, upon application, are permitted to operate a business as a going concern shall file the following with the Clerk of Courts and deliver a copy to the assigned judge thirty (30) days after the application is granted and monthly thereafter:
a. A statement of the receiver's operation which shows a balance sheet for the period; and
b. An operating statement of income and expenditures that includes:
(i) Necessary accruals that make a comprehensive statement of profit and loss for the period;
(ii) An inventory or estimated inventory;
(iii) Peculiar conditions existing in the business; and
(iv) A list of expenses of operation, current interest accrued on loans during the period, depreciation on buildings, machinery, and equipment.
3. Within sixty (60) days after their appointment, all receivers shall apply to the Court for authority to cancel or reject all unprofitable contracts.
4. Within thirty (30) days after their duties are completed, all receivers shall file a final account and appropriate records, receipts, or vouchers. All accounts must be approved by the judge who appointed the receiver.
5. All money coming into the hands of a receiver must be deposited in a federally insured local bank or building and loan, and the deposit shall be in the receiver's name.

E. Appraisers

1. All appraisers shall be suggested to the Court and appointed by the Court.
2. All appraisers shall be named in the entry of appointment.
3. All appraisers shall take an oath to faithfully and accurately appraise all assets submitted to them by the appraisers including accounts receivable, shall have the same qualifications as appraisers appointed in the Probate Court, and may be one or more of the appraisers used in the Probate Court.

F. Claims

1. All claims arising out of judgments shall be accompanied by a certified copy of the final judgment.
2. All claims based upon an instrument for the unconditional payment of money or upon a written contract must be accompanied by a copy of the instrument or contract.
3. Whenever priority is claimed, attention should be specifically directed to the grounds of priority.

G. Objections

1. All objections to claims must be made in writing and filed by the interested party before distribution is ordered by the Court.
2. All objections to the accounts of receivers or to any allowance made to them by the Court must be filed within fourteen days (14) after the accounts are filed or allowances made.

H. Vacancies In Receiverships

All vacancies in receiverships shall be called to the attention of the Court by receiver's counsel as soon as they occur.

I. The Clerk Of Courts shall:

1. Keep a docket of all cases in which a receivership is pending; and
2. Notify each judge who appointed receivers of the status of each pending receivership. The notice shall be provided during the first week of January and during the first week of July.

J. Procedure

Unless otherwise provided, the procedure prescribed by the Ohio Revised Code for settling accounts in decedents' estates shall govern.

II. COMPENSATION OF RECEIVER

A. No compensation shall be allowed to a receiver or the receiver's counsel except upon written application describing the services rendered, the time required, the amount requested for each and the amounts previously received. The Court may fix the time for hearing and determine the nature of the notice to creditors of the application.

B. Except in operating receiverships where an account has been filed monthly, no compensation shall be paid to or accepted by counsel or the receiver unless the rules have been followed and the final verified account is filed or submitted to the Court for filing; however, in liquidating receiverships requiring more than one year to liquidate, one third of the probable total fees may be allowed and paid. A violation of this rule will subject the offender to discipline, removal and forfeiture of compensation as determined by the Court. Total allowances to both receiver

and the receiver's counsel shall not exceed fifteen (15) percent of the receipts in liquidating receiverships, except where extraordinary services have been authorized by the Court. When fees in excess of fifteen (15) percent are requested for extraordinary services, the receiver shall mail to all known creditors and/or shareholders, if any, a notice of the hearing on the application, the nature of the request, and the date and place of the hearing.

III. SALES BY RECEIVERS

A. Sales of all property, real or personal, by a receiver shall be for the best price obtainable and the receiver shall file an affidavit to that effect within ten (10) days after any sale.

B. No sale shall be made to a former owner or to any person interested in the business or operation of the receivership until notice is served on all creditors fixing a date for confirmation of the sale.

C. No receiver shall offer for sale any property, including any patent or intellectual property interest, until the receiver has established the receiver's right to sell the property.

D. When it becomes necessary to sell property, notice of the time, place, and terms of the sale shall be given to all creditors who have filed claims and to all stockholders who have an interest in the sale.

IV. RECEIVERS IN REAL ESTATE FORECLOSURES

A. Procedure Upon Filing Of Motion For The Appointment Of A Receiver

1. The following procedure shall be applied upon the filing of a motion for the appointment of a receiver in a real estate foreclosure case with the Clerk of Courts:

a. The date for a hearing on the appointment of a receiver shall be stipulated in the motion;

b. Notice of the hearing shall be served on interested parties either by attachment to the complaint and original summons, or by certified mail in accordance with the Ohio Rules of Civil Procedure; and

c. Notice shall be served on the owner of the property three (3) days before the hearing.

2. The Court may continue hearings from time to time upon the showing of good cause.

B. Before any receiver is appointed in a real estate foreclosure case the following must be demonstrated by affidavit, evidence or representation of counsel:

1. That legal or equitable grounds exist necessitating the appointment of a receiver; and

2. That one or more of the following facts exist:

a. That the property is insufficient to discharge the mortgage;

b. That the property is in danger of being vandalized, destroyed, or its value materially impaired;

c. That the premises have been abandoned by the mortgagor;

d. That the mortgage embraces the rents and profits in the security;

e. That the property is income-producing; or

f. That the mortgage provides for appointment of a receiver without notice.

C. Oath And Bond
Upon appointment, a receiver shall qualify and give a bond in the amount required by the Court unless waived by the Court. Bond shall generally be of a nominal sum in the amount of $100, when the property is vacant, and it is anticipated in the motion and order that the receiver's duty will be that of a caretaker. Where there are rents and profits to be collected and disbursements made in the management of the property during the litigation, bond shall be in a sum sufficiently adequate to cover the costs of all funds reasonably anticipated to be handled by the receiver during the pendency of the litigation. If the receiver fails to qualify and give bond, the appointment is voidable.
D. Duties Of Receivers
1. All receivers shall take charge of property during the receivership litigation, preserve property from waste or destruction, receive rents and profits, hold income subject to order of the Court, and have authority to sue in forcible entry and detainer in the receiver's name and capacity.
2. Within ninety (90) days of the date of their appointment and every ninety (90) days thereafter receivers shall file a report of receipts and disbursements with the Clerk of Courts.
3. No receiver shall lessen the funds coming into the receiver's hands by expenditure for repairs or otherwise without first procuring an order from the Court. Exceptions to this requirement are real estate taxes and assessments, gas, light and water bills, trash pick-up and insurance, and necessary outlays under **$200.00**, which may be made without the order, subject, however, to the final approval of the Court in the receiver's account.

RULE 2.30
FEES - PARTITION CASES
The fees allowed by the Court as costs in partition cases shall be in accordance with O.R.C. 5307.25.

RULE 2.31
PROCEEDINGS IN AID OF EXECUTION-GARNISHMENTS
I. General Requirements
A. Proceedings in aid of execution may be referred to a Magistrate named by the Court for that purpose.
B. Personal earnings garnishment:
1. Only one garnishee per garnishment shall be permitted.
2. A copy of the Final Report and a copy of the Interim Report shall be included with each filing.
C. For property other than personal earnings a maximum of two (2) garnishees will be permitted on each garnishment.
II. Procedure for Processing a Personal Earnings Garnishment
A. The Clerk of Courts requires the original and four (4) copies of the Affidavit, Order and Notice of Garnishment, three (3) copies of the Notice to Judgment Debtor, three (3) copies of the Request For Hearing form, two (2) copies of the

Interim Report, two (2) copies of the Final Report and Answer, and the Fifteen-Day Demand Letter with proof of service.
B. The Clerk of Courts requires a check in the amount of $75.00 payable to the Clark County Clerk of Courts for personal earnings garnishments. All other garnishments require a $75.00 deposit to the Clerk of Courts and a check in the amount of **$1.00** payable to the garnishee.

RULE 2.32
MAGISTRATES
I. APPOINTMENT AND REFERENCE
A. The Court may appoint one or more magistrates in accordance with Rule 53 of the Ohio Rules of Civil Procedure or in accordance with Rule 19 of the Ohio Rules of Criminal Procedure.
B. The Trial Judge may by order refer any of the following to a magistrate:
1. Any pretrial or post-judgment motion in any case;
2. The trial of any case that will not be tried to a jury; and
3. Upon the unanimous written consent of the parties, the trial of any case that will be tried to a jury.
II. GENERAL POWERS
The magistrate shall regulate all proceedings in every hearing as if by the Court and do all acts necessary or proper for the efficient performance of the magistrate's duties under the order of reference. The magistrate may do all of the following:
A. Issue subpoenas for the attendance of witnesses and the production of evidence;
B. Rule upon the admissibility of evidence;
C. Place witnesses under oath and examine them; and
D. Call the parties to the action and examine them under oath.
III. PRETRIAL ORDERS
A. Unless otherwise specified in the order of reference, the magistrate may enter Orders, captioned as such, without judicial approval in pretrial proceedings, in discovery proceedings, under temporary restraining orders and other orders as necessary to regulate the civil or criminal proceedings.
B. Appeal of Pretrial Orders
Any person may appeal to the Court from any order of a magistrate under division III (A) of this rule by filing a motion to set the order aside, stating the party's objections with particularity. The motion shall be filed no later than ten days after the magistrate's order is entered. The pendency of a motion to set aside does not stay the effectiveness of the magistrate's order unless the magistrate or the Court grants a stay.
IV. TRIALS
A. Trials before the magistrate will be conducted in accordance with the standard set out in applicable State and Local Rules.
B. A record shall be made of all proceedings before a magistrate with the exception of arbitrations.

V. MAGISTRATE'S DECISIONS

After the trial to the magistrate, the magistrate will issue a decision with or without findings of fact and conclusions of law as required by law or by the Order of Reference in accordance with Rule 53 of the Ohio Rules of Civil Procedure or Rule 19 of the Ohio Rules of Criminal Procedure. The magistrate may require that briefs, proposed findings or other memorandums be submitted by counsel prior to the issuance of said decision.

VI. OBJECTIONS TO DECISION

A. Time for Filing

Objections to the Magistrate's decision may be filed by any party within fourteen (14) days of the filing of the Magistrate's decision. If any party timely files objections, any other party may also file objections or a response not later than ten (10) days after the first objections are filed. If a party makes a request for findings of fact and conclusions of law, the time for filing objections begins to run when the Magistrate files a decision including findings of fact and conclusions of law.

B. Form of Objections

Objections shall be specific and state with particularity the grounds for the objections, referring to the transcript and evidence when applicable.

VII. TRANSCRIPTS

Any objection to a finding of fact in the Magistrate's decision shall be supported by a transcript of all the evidence submitted to the Magistrate relevant to that fact or an affidavit of that evidence if a transcript is not available. A transcript must be filed with the Court by the moving party within thirty (30) days after the filing of objections to the Magistrate's decision unless the Magistrate, in writing, extends the time for inability of the reporter to complete the transcript of the testimony, or, upon motion, waives the requirement for filing a transcript.

The request for a transcript shall be submitted to the proper court reporter within three (3) days after filing of objections.

VIII. FINAL ENTRIES

If no objections to the Magistrate's decision are filed pursuant to Section V of this rule, the Magistrate shall prepare the judgment entry and submit the same to the Court for approval.

The Court may adopt the Magistrate's decision if no written objections are filed unless it determines that there is an error of law or other defect on the face of the Magistrate's decision.

RULE 2.33

FORECLOSURE MEDIATION PROGRAM

I. PURPOSE

The Foreclosure Mediation Program was established to provide litigants with an alternative forum in which to resolve their lawsuits. Through the flexible and private process of third party facilitated negotiation, parties and counsel explore collaborative problem solving in an attempt to reach mutually beneficial agreements without expending the significant time and resources often associated with civil litigation. The Mediator assists the participants in framing the issues involved in the dispute, encouraging candor

and communication during the negotiations, and tailoring settlement options to the specific needs and interests of the parties.

II. REFERRAL TO MEDIATION

A. Eligibility. All foreclosure cases filed in the Court of Common Pleas, General Division are eligible for referral to the Foreclosure Mediation Program. The assigned Judge or Magistrate may refer a case to mediation any time prior to trial on the Court's own motion, on a party's request, or by agreement of the parties. For all cases referred to mediation, the assigned Judge or Magistrate may continue to manage the case by scheduling pre-trial conferences and trial dates, establishing appropriate deadlines, and handling discovery issues and pre-trial motions.

B. A "Request for Mediation" form will be served with the complaint in all new foreclosure actions. On this form a party may indicate whether or not they are interested in mediation and return the form to the Clark County Clerk of Courts. The Clerk shall then forward the request to the assigned judge for review. Said form is attached as **Exhibit "_F_"**.

C. Cost. The order referring a case to mediation shall set forth the cost of the mediation to each party, which will be $200.00 to be shared equally by the parties. This fee shall be deposited with the Clerk's Office and will be held on deposit until the mediator files his or her final report indicating that the mediation procedure has concluded.

D. Disclosures. Pursuant to R.C. Section 2710.08, the Mediator shall make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable individual would consider likely to affect the impartiality of the Court Mediator and shall disclose any such known facts to the parties as soon as practicable. Upon request, the Mediator's qualifications to mediate the dispute shall also be disclosed.

E. Pro Se Litigants. The Mediation Program encourages all pro se parties, to seek appropriate legal counsel. The Clark County Bar Association maintains a list of local attorneys who focus their practices in certain areas of the law. All parties not represented by counsel are encouraged to contact the Bar Association for information about referrals to legal counsel and/or other support services.

III. SCHEDULING OF MEDIATION

A. Mediation Telephone Conference. A mediation telephone status and scheduling conference shall be scheduled to take place within thirty (30) days from the date of the Court's Order of Referral to Mediation. During this telephone conference, the Mediator and trial counsel or parties shall review the case to determine the appropriate time to schedule the initial in-house mediation conference. Any and all relevant procedural and substantive legal matters and/or discovery issues involved in the case may be discussed during this telephone conference in order to make this assessment.

B. Initial Mediation Conference. The initial mediation conference shall be scheduled to take place at a time chosen by the Mediator after consultation with trial counsel, but not later than ninety (90) days prior to the trial date. In preparation for the initial mediation conference, trial counsel shall complete a Mediation Case Summary and submit it to the Court Mediator and opposing counsel at least seven (7) days prior to the scheduled mediation; however, it should not be filed with Clerk of Courts. The Mediation Case Summary should include

the following items: material facts; legal issues; damages; prior settlement discussions; position of the parties; and any other information the parties reasonably request including financial disclosures.

C. Attendance. Trial counsel, parties, and party representatives with complete authority to negotiate and settle the case are required to personally attend all mediation conferences, unless excused by the Mediator. If a party or party representative wants to attend the mediation via telephone participation, counsel shall obtain prior approval by the Mediator. It is within the sole discretion of the Court Mediator whether or not to grant telephone participation by a party or party representative.

IV. MEDIATION DOCKET MANAGEMENT

A. Authority of Mediator. The Mediator shall at all times be in control of the mediation process, including scheduling and the procedures to be followed, and may meet privately in caucus to consult with any party, party representative, and/or trial counsel.

B. Status of Mediation. The Court Mediator shall prepare and file a Status of Mediation form after each mediation to inform the Court of the status of the referred case. This form shall indicate: whether the parties have reached an agreement; when counsel will dismiss a settled case; the scheduled time and date of any subsequent mediation conference; those who attended or failed to attend the mediation; that mediation is terminated because the parties have reached an impasse; and/or any other permitted disclosure as provided in R.C. Section 2710.06. The mediator shall file said "Status of Mediation" form(s) contemporaneously with the Clerk of Courts.

C. Dismissal Entry. If an agreement is reached in mediation, trial counsel and the Mediator may prepare a written Mediation Agreement memorializing the settlement for the parties to execute. The Mediation Agreement should indicate when the dismissal entry will be filed and how court costs will be allocated between the parties. If the settled case is not dismissed by counsel within the allotted time period, the Mediation Agreement shall be filed with the Clerk of Courts and made an order of this Court. In that event, the settled case shall be administratively dismissed with prejudice by the Court, and unless otherwise provided in the Mediation Agreement, Court costs shall be allocated equally between the parties. Again, this written "Mediation Agreement" shall be contemporaneously filed with the Clerk of Courts.

V. GOOD FAITH AND IMMUNITY

All parties and trial counsel are expected to participate in the mediation process in good faith. Failure to attend a mediation conference or to make a good faith effort to participate in mediation may result in sanctions being imposed by the Court, including contempt, an award of attorneys' fees and costs, or any other appropriate sanction. The Mediator acting pursuant to this Rule shall have all the immunity conferred by statute, rule, and/or common law.

VI. CONFIDENTIALITY AND PRIVILEGE

Pursuant to R.C. Section 2710.03, and except as otherwise provided in R.C. Section 2710.05, all statements and communications, whether oral, written, verbal, or nonverbal,

made by persons during the mediation process are privileged and neither discoverable nor admissible in a legal proceeding, unless waived or precluded pursuant to R.C. Section 2710.04. With the exception of disclosures permitted under Section IV. B. of this Rule and R.C. Section 2710.06, and any mandatory disclosures required by law, no information of any kind concerning the mediation process shall be communicated by the Mediator to any person or entity.

"Exhibit _F_"

IN THE COURT OF COMMON PLEAS FOR CLARK COUNTY, OHIO
GENERAL DIVISION

Judge Richard J. O'Neill
Clark County Court of Common Pleas
101 North Limestone St.
Springfield, OH 45502

Case No. _____

REQUEST FOR MEDIATION

I am a [We are] homeowner[s] in this case and I [we] respectfully request the opportunity to mediate with the Plaintiff/Lender.

_____
Homeowner/Defendant's Signature

Print Name _____

_____
Co-homeowner/Co-defendant's Signature

Print Name _____

Address _____

City, OH Zip _____

Phone Number _____

RULE 2.34

APPEAL FROM ADMINISTRATIVE AGENCIES

This rule shall govern all appeals from administrative agencies to the extent that the appeals are not otherwise governed by statute or by the rules of the Ohio Supreme Court.

I. NOTICE

A. Any party desiring to appeal from an order of an administrative agency shall:

1. File the following with the Clerk of Courts:

a. A notice of appeal that sets forth the order appealed from and the ground for appeal.

b. A copy of the statement that directs the agency to prepare and file with the Court within forty (40) days a complete transcript of all the original papers, testimony and evidence offered, heard, and taken into consideration in issuing the decision which is being appealed.
2. File the following with the agency:
a. A copy of the notice of appeal.
b. A statement that directs the agency to prepare and file within forty (40) days a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken in consideration in issuing the decision which is being appealed.
c. It shall be the initial responsibility of the administrative agency to pay the cost of a complete transcript of the original papers, testimony and evidence offered at the administrative hearing. The administrative agency shall certify the cost incurred in providing the same to the Clerk of this Court who shall tax any such cost as court cost in the case.
B. Upon the agency filing a complete transcript of all original papers, the Clerk of Courts shall notify the appellant of the date that the transcript was filed.
II. BRIEFS
The Court may require arguments of counsel to be written and included in briefs. Unless otherwise ordered by the Court or fixed by statute or by rule of the Ohio Supreme Court, all briefs shall be filed as follows:
A. Unless the Court has authorized an extension of time, the appellant shall file a claim of error, brief, and all other essential papers within twenty (20) days after the notice of appeal has been filed or the filing of the transcript, whichever is later. Failure to file briefs and assignment of errors within the requisite period of time may result in dismissal of the appeal as directed by the Court.
B. Within fifteen (15) days after service of appellant's brief, counsel for appellee shall file his brief.
C. All reply briefs shall be filed by appellants within ten (10) days after appellee's brief has been served.
D. All requests for extensions or reductions of time to file briefs or other papers shall be approved only before the requisite filing time has expired.
E. The Court shall decide the appeal after the time for filing briefs has expired, without a hearing, unless otherwise ordered by the trial judge.

RULE 2.35
RECORD RETENTION AND DESTRUCTION
Record retention and destruction shall be in accordance with Sup R 26 of the Rules of Superintendence for the Courts of Ohio. For purposes of these rules, shorthand notes made by official court stenographers and/or electronic recordings, recording the individual sessions of the individual courts of the General Division of the Court of Common Pleas of Clark County, Ohio, are included under Sup R 26.03(F) of the Rules of Superintendence for the Courts of Ohio.
Any record not covered in Sup R 26 shall be retained and not destroyed until this Court's issuance of a rule allowing destruction of such record.

APPROVAL

The foregoing Local Rules of Practice and Procedure for the General Division of the Clark County Common Pleas Court were approved and became effective on October 30, 2012.

Judge, General Division,
Common Pleas Court

Judge, General Division,
Common Pleas Court

Judge, General Division,
Common Pleas Court