

**TRUMBULL COUNTY**  
**COMMON PLEAS COURT**  
**(GENERAL DIVISION)**

# TRUMBULL COUNTY CLERK OF COURTS

## CIVIL COST SCHEDULE

**EFFECTIVE: 10/1/2013**

**\*\*DENOTES CHANGE IN FEE EFFECTIVE 10/1/2013**

	Cost	
<b>Complaints</b>		
FORECLOSURE COMPLAINTS	<b>653.00**</b>	
Professional Tort, Product Liability, Other Torts	<b>253.00**</b>	
Workers Compensation, Administrative Appeal, Other Civil, Replevins		
<b>CounterClaim</b>	\$0.00	
(if served)	\$60.00	
<b>Third-Party Complaint, Answer &amp; Counter Complaint (if served)</b>	\$60.00	
<b>Cognovit (without precipe)</b>	<b>213.00**</b>	
<b>Cognovit (with precipe)</b>	<b>233.00**</b>	
<b>Amended Complaint</b>	\$0.00	
<b>Certificate of Judgment</b>		
Filing (from other Court)	<b>25.00**</b>	
Filing (from Trumbull County)	<b>27.00**</b>	
For Transfer	\$5.00	
Revivor of Judgment	\$25.00	
Satisfaction/Release (full or partial)	\$5.00	
Foreign Judgment	<b>25.00**</b>	
State Lien Release	\$20.00	
<b>Miscellaneous</b>		
Executions	\$25.00	
Debtor's Exam	\$25.00	
Writ of Possession	\$25.00	
Garnishment (personal earnings)	\$25.00	
Garnishment (other than personal earnings)	\$25.00	
Appeal of Arbitration	\$180.00	
Civil or Criminal Search	\$5.00	
Copies (each page)	\$0.05	
Certification of copy	\$1.00	
Exemplified copy	\$5.00	
Notary Commission	\$5.00	
Notary Certification	\$1.00	
Court of Appeals	\$150.00	
Witness Fees (whole days + \$.10/mile)	\$12.00	
Witness Fees (half day + \$.10/mile)	\$6.00	
Motion for Expungement	\$50.00	
Subpoenas	\$0.00	
Order of Sale	\$0.00	
Passport Photo	\$10.00	

Passport Fee to Clerk	\$25.00	
Passport Fee to U.S. DEPT. OF STATE	\$110.00	
Passport Fee to " " " " <b>fifteen years of age and under</b>	\$80.00	
Passport Card (16 and over) TO U.S. DEPT OF STATE	\$30.00	
Passport Card (15 and under) TO U.S. DEPT OF STATE	\$15.00	
<b>DOMESTIC COST SCHEDULE</b>		
<b>Complaints</b>		
Divorce	\$225.00	
Dissolution	\$225.00	
<b>Answers</b>		
Answers & Counterclaims (with service of summons requested)	\$100.00	
Answers Only	\$0.00	
CounterClaims (with no servie requested/certification to counsel)	\$100.00	
<b>Motions</b>		
Any Post-Divorce Motion (with/without service of summons)	\$100.00	
Motion to Reinstate	\$50.00	
Motion for Continuance	\$10.00	
Objections to Magistrate's Decision	\$50.00	
Agreed Journal Entry filed w/o motion	\$20.00	
Mediation Fees	\$75.00	
Partners in Parenting	\$20.00	
Indigency Fee	\$25.00	
Court of Appeal Filing	\$150.00	
<b>Miscellaneous</b>		
Release of Lien	\$5.00	

# **RULES OF THE COURT OF COMMON PLEAS**

(GENERAL DIVISION)

Trumbull County, Ohio

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Court Dockets:

**CODE ACTION**

CANA Court of Appeals

CVAA Administrative Appeal

CVAP Appropriation

CVCOG Cognovit

CVCOMPL Complex Litigation

CVDLL Delinquent Land Docket

CVF Foreclosure

CVOC Other Civil

CVOT Other Tort

CVPL Product Liability

CVPT Professional Tort

CVREP Replevin

CVS Civil Stalking Case

CVWC Worker's Compensation

JLDF Foreign Judgment Lien

JLDST State of Ohio, Department of Taxation Lien JLDT

Transfer from Other Court into Trumbull County JLDTC

Judgment Lien from Trumbull County Common Pleas NT

Notary Commission

# **RULES OF THE COURT OF COMMON PLEAS**

(GENERAL DIVISION)

Trumbull County, Ohio

IT IS ORDERED that the following rules are hereby adopted for governance of the practice and procedures in the General Division of the Court of Common Pleas, Trumbull County, Ohio, unless and until otherwise provided in the Ohio Rules of Civil Procedure; the Rules of Superintendence of the Supreme Court of Ohio; the Ohio Criminal Rules; the Rules of Juvenile Procedure, or the Ohio Rules of Evidence.

## **RULE 1**

### TIME TABLE FOR LAWYERS

The time allowed or permitted for the performance or completion of any act in handling matters before any division of court shall be as established by the Ohio Rules of Civil Procedure; or, if a particular matter is not covered by the Ohio Rules of Civil Procedure, such time as established by court order.

## **RULE 2**

### PRESIDING JUDGE

**2.01** The presiding judge shall have the general superintendence of the business of the court and shall classify and distribute it among the judges.

**2.02** The presiding judge shall be selected by a majority of the judges of the court and shall serve at their pleasure.

### **RULE 3**

#### ADMINISTRATIVE JUDGE

**3.01** The divisions of the court shall be as follows:

- A. General, including civil and criminal cases;
- B. Family Court, including domestic relations and juvenile; and
- C. Probate.

**3.02** The judges of the general division of the court shall, by their majority vote, select one of their numbers to act as administrative judge. The administrative judge shall be selected for an annual term and may be re-elected.

**3.03** The administrative judge of each division shall be the presiding officer of his division and shall have full responsibility for and control over the administration, docket and calendar of the division which he serves. He shall cause cases to be assigned to the judges within the division and shall require such reports, from each judge, concerning the status of assigned cases as he may require to assist him in discharging his responsibility to the Chief Justice of the Supreme Court.

### **RULE 4**

#### TERMS OF COURT: HOURS OF COURT SESSION

**4.01** The court shall be in continuous session for the transaction of judicial business, but each calendar year shall be divided into three (3) terms of court. The day of the commencement of each term of court shall be fixed by the judges.

**4.02** The session of the court generally shall be daily, Monday through Friday, from 8:30 a.m. to 12:00 noon and 1:00 p.m. to 4:30 p.m.

**4.03** The court shall be in session at such other times and hours as the Administrative Judge or any judge thereof shall prescribe to meet special situations or conditions.

**4.04** There shall be three terms of court each year, each of which shall begin at 9:00 a.m. on the following designated dates: The January term shall begin on the first Monday following the first day of January; the May term shall begin on the first Monday of May; and the September term shall begin on the day following Labor Day.

## **RULE 5**

### MEETINGS OF THE JUDGES

**5.01** The judges of the court shall meet according to the Rules of Superintendents and the standing resolution of the court governing meetings.

**5.02** All of the judges shall meet at the call of the Presiding Judge for the purpose of discussing and resolving administrative problems common to all divisions of the court.

**5.03** The judges of a particular division shall meet at the call of the Administrative Judge to handle problems arising within that division.

## **RULE 6**

### DOCKETS AND CALENDARS

**6.01** The Clerk of the Court shall prepare and maintain for the use of the judges the following dockets and calendars:

- A. A general Appearance Docket consisting of Civil and Criminal parts;
- B. A journal consisting of Civil and Criminal parts;
- C. A separate execution Docket;
- D. An index to the Appearance and Execution Dockets direct and reverse and, to all other books, direct; and
- E. Such other dockets and calendars as provided by law.



**6.02** The Court Administrator shall receive and process the necessary procedures required for notaries public in accordance with O.R.C. Sections 147.01 et. seq.

**6.03** All civil cases, correctly prepared in conformance with Rule 9 herein, received by the Clerk for filing shall be numbered consecutively in a new series each calendar year. Said number shall carry the prefix of the year, followed by the consecutive number, each year beginning with the number "one". Example: 91-1, 91-2, etc., 92-1, 92-2, etc.

**6.04** The Clerk shall immediately provide the assignment office with notification of all civil cases filed, and thereafter of pleadings and motions pertinent to the assignment of such cases for hearing or trial.

## **RULE 7**

### **COURT REPORTERS**

**7.01** In every case reported, the reporter shall make an appropriate entry taxing the statutory fee for each day's service to be collected as other costs in the case. The compensation of reporters for making transcripts and copies shall be paid forthwith by the party and/or the attorney for whose benefit the same is made. Every notice of appeal filed in the court where a transcript is requested shall bear the name and signature of the reporter acknowledging that the transcript has been ordered. A reporter shall not be required to prepare a transcript for any attorney, or other person, until satisfactory arrangements for payment have been concluded.

**7.02** The Court Reporters, the Court, Court personnel and the Clerk of Courts shall not be required to retain exhibits in any case for a period exceeding twelve (12) months from the completion of trial or final hearing in any matter, unless the Court Reporter or Clerk of Courts is notified in writing that the case is on appeal. If a case is on appeal, every twelve (12) months the attorney who offered the exhibit into evidence or the party appealing the case shall notify the Court Reporter or Clerk of Courts as to whether the appellate process have been completed or is continuing. If the Court Reporter or Clerk of Courts does not

receive any written confirmation concerning appeal for a period of more than six (6) months, the exhibit may be disposed of at the direction of the Court. If the party desires to have any exhibits returned, then the party or counsel requesting same shall submit their request in writing to the Court Reporter or Clerk of Courts and sign a receipt for the exhibits upon their delivery within the time period specified above.

**7.03** Except in capital cases, the Court Reporters shall retain their notes and disks for a period of ten (10) years. At the conclusion of the ten (10) year period, all notes, disks and other records may be disposed of at the direction of the Court.

\* This Local Rule 7 shall be effective as of January 3, 2006.

## **RULE 8**

### COURT ASSIGNMENTS

**8.01** The General Division Assignment Commissioner, and all duly-qualified assistant assignment commissioners, shall be responsible to the General Division of the Court of Common Pleas, and be under the direct supervision of the Administrative Judge of the General Division.

The General Division Assignment Commissioner, and any qualified assistant assignment commissioner, shall be responsible for the assignment of all civil and criminal case assignments, in the General Division, under the supervision of the General Division Common Pleas Judges with respect to the cases assigned to each of them.

**8.02** The Civil Assignment Commissioner for the general division shall:

A. Obtain newly-filed cases, each day, from the Clerk's office and prepare history cards to be maintained in the Assignment Commissioner's office, together with a history card for each case, for each respective judge, for his use in making his monthly report and supervision of the assignment of cases pending in his courtroom;

B. Obtain all additional filings made in civil cases pertaining to any future assignment of said cases, including final orders, motions, answers, cross-complaints, replies, etc., and maintain a current record so appropriate assignment of all matters may be made, under the direction of each judge;

C. Prepare individual assignments for each judge in all matters requiring a hearing or trial, with the direct approval of each judge; and give notice of such assignments to all necessary parties in accordance with Rule 10 herein; and

D. Assign all pretrials and perform such other duties as required in accordance with Rule 10 herein and under the direction of each judge.

**8.03** The Administrator of the Family Court shall be responsible for the assignment of all case and matters pertinent thereto, pending before the Family Court Division of the Common Pleas Court.

**8.04** The Probate assignments will be handled at the direction of the Probate Judge of the Common Pleas Court.

## **RULE 9**

### **PLEADINGS AND MOTIONS**

**9.01** All pleadings and motions shall be legibly typewritten or printed on paper of letter size (approximately 8-1/2 x 11), securely bound at the top. The caption in every complaint shall state the name and address, if known, of each party. Subsequent pleadings and motions shall state the number of the case, the name of the judge to whom the case is assigned, the name of the first-party plaintiff, and first-party defendant on each side. Every pleading, motion, brief or other paper filed in a case shall be identified by title and shall bear the name (written, typewritten or printed) of the individual attorney, firm, if any, office address, telephone number and attorney registration number of counsel filing the same or, if there be no counsel, the address and telephone number of the party filing the same.

Unless otherwise ordered by the Court, an attorney who signs a pleading or motion shall be designed trial counsel, and shall try the case and be otherwise responsible for the action, on behalf of his/her party/client.

**9.02** All Complaints shall state the general categorical nature of the action. The clerk is authorized to refuse to accept for filing any case that does not contain a case classification, indicating the category of the cause, as more particularly set forth in Local Rule 10(B), *infra*.

**9.03** Civil Rule 12, prescribing Rule Day for pleadings, will be strictly enforced. However, parties may generally obtain one (1) extension of time without leave of court not to exceed thirty (30) days, in which to answer, plead or otherwise move, when no such prior extension has been granted, by filing a Journal Entry with the Clerk of Courts, thereon noting "First Leave" or works of similar import, with stipulation by or notice to opposing counsel. If any additional extension is requested, the parts desiring an extension must obtain the approval of the court.

**9.04** Pleadings and motions may be amended as provided in Civil Rule 15, but no pleading or motion shall be amended by interlineations, except upon leave of court first obtained.

**9.05** Depositions upon Oral or Written Examination, Interrogatories, Requests for Admission, Requests for Production of Documents, and answers and responses thereto, shall not be filed unless on order of the court, for use as evidence or for consideration of a motion in the proceeding. Papers filed with the court shall not be considered until proof of service is endorsed thereon, or separately filed. The proof of service shall state the date and manner of service, and shall be signed in accordance with Civil Rule 11.

**9.06** Every motion shall state its nature with specificity, and be submitted and determined upon the papers hereinafter referenced. Oral argument of motions may be permitted on application and proper showing. Motions for a continuance will not be permitted on

application and proper showing. Motions for a continuance will not be entertained unless made in writing and signed by counsel for the moving party and, if directed by the court, also signed by the MOVING PARTY.

**9.07** Counsel is encouraged to cooperate in pre-trial discovery procedures to reduce, in every way possible, the filing of unnecessary discovery motions. To curtail undue delay in the administration of justice, no discovery motion filed under Rules 16 through 37 of the Rules of Civil Procedure, to which objection or opposition is made by the responding party, shall be taken under consideration by the court unless the party seeking discovery shall first advise the court, in writing, that after sincere attempts to obtain voluntary compliance by the responding party, they are unable to reach an accord. This statement shall recite those matters which remain in dispute and specify precisely those steps which have been taken by the party seeking discovery to obtain voluntary compliance. It shall be the responsibility of counsel for the party seeking discovery to initiate efforts and resolve any dispute before seeking the court's intervention.

**9.08** Sanctions. The presentation of unnecessary motions, and the unwarranted opposition of motions which, in either case, unduly delay the course of an action through the courts, may be deemed "frivolous conduct" and, upon further motion and hearing, subject an offender to appropriate discipline, including the imposition of costs and/or payment of a reasonable attorney fee incurred in connection with defending against such conduct.

**9.09** Motions for leave to withdraw as attorney in a civil case shall be made by written motion, filed with the Clerk of Courts, with copies served upon all other attorneys, or parties, in accordance with Civil Rule 5 and these Rules. Said motion shall be heard, normally within ten days of filing, by the judge to whom such case has been assigned. Written notice of such application shall be given to the client of the attorney seeking to withdraw, by certified mail, return receipt requested, stating the time, when, and before which judge, such application will be made. If such application is granted and the client does not appear at such hearing, the attorney, if permitted to withdraw, shall notify the client by certified mail, return receipt requested, to secure a new trial attorney within such

time as may be designated by the court. A copy of such notice, together with the order authorizing withdrawal and the certified mail, return receipt requested, shall be filed and docketed in the cause, with a copy provided to the Assignment Commissioner.

**9.10 CONSENT AND WAIVER OF SERVICE BY TRUMBULL COUNTY BAR ASSOCIATION MAILBOX:**

The maintenance by counsel of a Trumbull County Bar Association "mailbox" shall be deemed an explicit consent by counsel to receive in counsel's bar association "mailbox" held in counsel's individual name or firm's name any and all service by this Court, at the Court's option; counsel acknowledges that such bar association "mailbox" service shall be complete upon delivery to the bar association "mailbox"; and further, the maintenance by counsel of a bar "mailbox" shall also be deemed to constitute a waiver of any alleged imperfection of service. "Service" as denoted under this Local Rule shall be deemed to apply only as to service by this Court upon counsel in counsel's representative capacity as counsel of record in all pending matters before this Court, and not to counsel individually.

Notwithstanding any herein to all contrary, counsel who maintains a bar association "mailbox" may revoke the "consent" and "waiver" of service provisions under this Local Rule by executing a written "Notice of Revocation Mailbox" in a form substantially as follows:

"Now comes (name of attorney), who hereby gives notice of counsel's revocation of the consent to and waiver of service through counsel's Trumbull County Bar Association mailbox provided for in Local Rule 9.10, and hereby request that all future service be completed by the Clerk of Courts as specifically provided by the Civil Rules, or as otherwise provided by law.

(date) (attorney's signature)"  
(address)  
(phone number)  
(fax number)  
(e-mail address)  
(attorney registration number)

The above referenced "Notice of Revocation" shall be filed with the Clerk of Courts as part of the miscellaneous "In Re: docket of this Court."

## **9.11 ELECTRONIC SERVICE OF PROCESS**

The Clerk of the Trumbull County Court of Common Pleas shall accept service of process methods as outlined in Civil Rule 4.1 Process: methods of service, which methods of service shall include "virtual" service of process utilizing advanced postal technology for service by certified mail. This advanced postal technology does not modify Civil Rule 4.1(1) Service by Certified Mail, but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation utilizing the court's website to show to whom the mail was delivered, the date of delivery, and address where delivered, all in accordance with the now-existing Civil Rules.

All service of process of complaints or other documents served with virtual service of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through this Clerk's office. Effective date December 7, 2006.

## **RULE 10**

### **CASE FLOW MANGEMENT**

#### **A. SCOPE AND GOALS**

It is the obligation of the judges of the Trumbull County Common Pleas Court, General Division, to operate the court in a manner that is lawful, fair, just and efficient both for the benefit of the citizens of Trumbull County and all other litigants that come before them. To that end, it is important that the court supervise the progress of al cases from filing to termination in a process that is fundamentally fair, and neither too deliberate nor too hasty. Within the bounds of applicable constitutional provisions,

statutes, case law and rules governing the courts of Ohio, the court shall manage the sequence of events in litigation to ensure the timely disposition of all matters by trial, negotiated settlement, arbitration, mediation, or other means of appropriate dispute resolution.

It is, therefore, incumbent upon the judges to articulate orders in each case, and the uniform enforcement of procedural requirements and other rules and time deadlines applicable in any particular case or type of case. Counsel has a corresponding duty to know these rules and the time deadlines that apply to their cases, to comply with these rules and meet those deadlines and to inform the court of extraordinary circumstances which would cause the standard deadlines to work a substantial injustice to their clients.

These Case Flow Management rules shall apply to all civil and criminal cases filed in the general division of the Common Pleas Court of Trumbull County unless (1) the case, by its very nature, requires a more rapid adjudication such as equity matters, habeas corpus, etc.; (2) the case, because of court-imposed stays, interlocutory appeals, removed to federal court and remand, etc., requires a different schedule; or (3) the court, by written order, places the case on a different schedule for resolution based upon good cause shown. The deadlines set by the Ohio Rules of Superintendence for Common Pleas Court shall be construed as maximums, and shall not preclude the more rapid resolution of cases under these rules or by the assigned trial judge if he so orders. Any conflict between this Case Flow Management rule and any other local rules of the court shall be resolved in favor of the Case Flow Management rule.



## **B. CLASSIFICATION OF CASES, DEADLINES, TIMING**

All cases filed after January 1, 1990, shall be classified in the following categories, and the classification shall be reflected in the case number. Cases shall be set for final disposition within these absolute time limits as set by the Ohio Rules of Superintendence for Common Pleas Courts:

Professional Tort 24 months  
Product Liability 24 months  
Other Torts 24 months  
Workers' Compensation 12 months  
Foreclosures 12 months  
Administrative Appeal 6 months  
Complex Litigation 36 months  
Other Civil 12 months  
Criminal 6 months

## **C. CIVIL CASES**

1. Each court in the General Division shall cause, or have a member of its staff cause civil cases to flow within the time frames within this Case Flow Management rule.

a. An initial status conference shall be scheduled within ninety (90) days of the date the case is filed. The initial status conference may be conducted by a referee or bailiff, at the trial judge's option, and may be by telephone conference if previously approved. Parties and party representatives need not be present for the initial status conference if previously approved by the trial court. In addition, any party may move, in writing, for an initial status conference if previously approved by the trial court. Also, any party may move, in writing, for an initial status conference, prior to ninety (90) days, if that party feels his particular case so warrants a status conference on an accelerated docket. If the trial court determines that the

case warrants an accelerated status conference, the conference shall be approved and a date and time shall be set for such accelerated status conference.

b. It shall be the duty of all counsel to come to the initial status conference fully prepared and authorized to enter into a binding status conference order, alternate dispute resolution order, and/or negotiation towards settlement of the case. Failure to be prepared may result in dismissal of the case for want of prosecution, default judgment, or other terms, fines or sanctions to enforce compliance, as the trial judge deems appropriate.

c. At the initial status conference, whether held by telephone conference call or in person, the discussion should include but not be limited to:

- 1) Joinder of parties;
- 2) Third-party practice;
- 3) Amendment of the pleading, if necessary;
- 4) Issues concerning jurisdiction and venue;
- 5) Service of process;
- 6) Default judgment;
- 7) Motions under Civil Rules 12 and 19;
- 8) Issues concerning the Statute of Limitations, if necessary,
- 9) Proper classification and assignment of discovery deadlines, motion dates, and a final assignment of the case for trial;
- 10) The use of compulsory and/or binding arbitration, referee, mediation, or other means of dispute resolution; and
- 11) Settlement

d. At the initial status conference, the court may cause a "case schedule" to be prepared. That case schedule should include the following:

EXAMPLE OF CASE SCHEDULE:

Case Caption	Case No.	Latest Time of occurrence of the Event
Case Filed		_____
Initial Status Conference		_____
Initial Joint Disclosure of All		
Witnesses Supplemental		_____
Joint Disclosure of All		
Witnesses Alternate Dispute		_____
Resolution		_____
(a) Referee _____		
(b) Arbitration _____		
(c) Mediation _____		
(d) Other Dispute resolution _____		
Discovery Cut-Off		_____
Dispositive Motions		_____
Decisions on Motions		_____
Second Status Conference		_____
Final Pre-Trial Conference		
Or Pre-Trial Brief (or both)		_____
Trial Assignments		_____

By Order of the Court of Common Pleas,  
Trumbull County, Ohio

\_\_\_\_\_  
JUDGE

e. If the trial court assigns the case to alternate dispute resolution at the initial status conference, he should also set the case for final trial assignment in those cases where the alternate dispute resolution may not be final or binding.

f. The court shall set the case for final trial assignment within the guidelines listed in RULE 10(B).

## 2. Final Pre-Trial Procedures.

a. At the time and date set at the initial status conference, or if the trial judge has set a date, a final pre-trial conference shall be held. The conference shall be conducted by the trial judge, if available, and all counsel shall be present with full settlement authority. If the real party in interest is an insurance company, common carrier, corporation, or other artificial legal entity, then the chosen representative must have full authority to negotiate the claim(s) the full extent of plaintiff's demand.

b. If the trial court so orders, no civil case need be finally pre-tried.

c. It shall be the duty of counsel to appear at pre-trial fully prepared and authorized to negotiate towards settlement of this case. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or such other action to enforce compliance as the trial judge deems appropriate.

d. The trial court may require a pre-trial brief which should include the following, unless waived by a judge:

- 1) A brief description of parties' claims (one paragraph) to be read to jury upon voir dire;

- 2) A brief description of operative facts and listings of damages. Defendants to submit a brief description of defenses and operative facts;
- 3) If parties anticipate evidentiary rulings, please submit anticipated evidentiary problems;
- 4) Anticipated requested jury instructions should be included (case law and OJI cites);
- 5) If any motions are not ruled upon, a requested ruling upon those motions should be included;
- 6) Listing of all witnesses expected to testify;
- 7) A listing of all exhibits expected to be offered into evidence;
- 8) Whether a jury view is requested;
- 9) The estimated number of days required for trial;
- 10) Motions in limine, if any;
- 11) Trial briefs are to be hand-delivered by the attorneys to the trial court (after proper filing with the Clerk of Courts).

e. Any trial judge at the final pre-trial conference or trial shall have authority (1) to dismiss an action for want of prosecution, upon motion of defendant, upon failure or plaintiff or counsel to appear in person at any pre-trial conference or trial; (2) to order the plaintiff to proceed with the case and to decide and determine all matters, ex-parte, upon failure of the defendant to appear in person or by counsel at any final pre-trial conference or trial.

f. The failure of any attorney to comply with the final pre-trial procedures, without good cause, may subject the attorney or parties to terms, fines, or sanctions.

#### D. CHANGE OF THE TRIAL ASSIGNMENT DATE

1. Any request to change the trial assignment date shall be made, where possible, by written motion and shall be approved by the party requesting the change and/or contain a statement of acknowledgement, by counsel for that party, that the party approves the request for change of trial assignment date. The motion may be granted if it is supported by a showing of good cause.
2. A copy of the motion to change trial assignment date shall be served upon all counsel and any party not represented by counsel. A certificate of service shall be filed with the motion.
3. In the event that counsel requests a change of trial assignment date and does not have time to make a written motion, counsel is first required to telephonically communicate with all other counsel, or any party not represented by counsel, to receive their approval or to communicate their disapproval to the trial court.
4. If the trial assignment date is extended by the trial judge, the judge may require the party requesting the change to file a journal entry, within five (5) days, with the Clerk of Courts. That journal entry shall state the reasons for the modification of trial assignment date as was initiated by the trial judge.

#### E. CRIMINAL CASES

1. The Clerk of Courts shall cause the transcript of proceedings to be delivered to the Prosecutor's Office, for the purposes of processing the same to a Grand Jury, within twenty-four (24) hours of its receipt from the

municipal or county court binding said transcript to the Common Pleas Court. The purpose of this rule is to help ensure speedy processing of the case within the speedy trial time guidelines provided by statute.

2. If a criminal case is indicted, the Assignment Commissioner shall cause arraignments to be set within ten (10) days after a case is indicted, unless the court orders otherwise in order to ensure disposition within speedy trial time limits.

3. At arraignment, the arraigning judge shall notify counsel and/or the defendant of a disposition hearing date. At the disposition hearing date, it shall be a requirement for the defendant to be present. Failure of the defendant to appear at the disposition hearing date could cause the prosecutor to request a *capias* to be issued by the court of jurisdiction. At the disposition hearing date, the following subjects should be discussed:

a. Exchange discovery, or in the event discovery is not available, discuss dates when discovery will be completed;

b. Potential plea bargains;

c. If defendant accepts plea bargain, a date for the potential plea of guilty shall be set with the court of jurisdiction;

d. In the event the defendant does not accept a plea bargain, the parties shall inform the court and the court shall cause the case to be set for final trial and/or pre-trial as the court deems necessary;

e. In the event hearings are required on motions, counsel shall so notify the court and it shall set hearing dates as well as filing dates for any motions.

4. The trial court shall set the case for final disposition, either by trial or by plea, within the speedy trial times set by statute, unless the speedy trial time is tolled under the appropriate statutes as set forth in Sec. 2945.71, et seq.

## **RULE 11**

### ASSIGNMENT OF CIVIL CASES FOR TRIAL

**11.01** All civil cases shall be assigned to a judge, pursuant to a system to be agreed upon by lot by the members of the court.

**11.02** When a case which has been assigned for trial is settled, counsel for the party seeking affirmative relief shall immediately notify the civil assignment office and cause preparation and filing of the dispositive judgment entry.

**11.03** The criminal assignment is to take precedence and shall be assigned in accordance with RULE 10(E), supra.

**11.04** At any time prior to trial, if the trial judge determines that there is a proper basis for removing himself from a given case, he may assign the case to the administrative judge for reassignment.

## **RULE 12**

### REPRODUCTION OF HOSPITAL RECORDS

**12.01** Upon motion of any party showing good cause therefore and notice to all other parties, the judge may order any hospital in the county, by any agent thereof competent to act in its behalf, to reproduce, by photostating or other recognized method of facsimile reproduction, all or any portion of designated hospital records or x-rays, which constitute or contain evidence pertinent to an action pending in this court. Such order shall direct the hospital to describe, by cover-letter, the portion(s) of the records reproduced, any omissions therefrom and to specify the usual and reasonable charges thereof. Such order shall designate the person(s) to whom such reproduction(s) shall be delivered or made available.

**12.02** Objections to the admissibility of such reproduced hospital records shall be deemed reserved for ruling at the time of trial, without specific reservation in the order to



reproduce. Reproductions made pursuant to this procedure may be admitted in evidence without further identification or authentication, but subject to rulings on objections that have been preserved.

**12.03** The reasonable charge for reproduction of its records shall be paid directly to the hospital by the movant(s).

**12.04** Where original records are produced in court and reproductions substituted, by agreement of the parties or by order of the court, the movant(s) shall be responsible for the reasonable cost thereof.

### **RULE 13**

#### **ARBITRATION**

##### **13.01 CUMPULSORY ARBITRATION.**

To facilitate and expedite the administration of justice in the General Division of the Trumbull County Common Pleas Court, the following procedure for compulsory arbitration shall be followed in all civil cases:

##### **13.02 CASES FOR SUBMISSION**

A) Every civil case, except those involving title to real estate, equitable relief, or appeal, in which the right to a trial by jury exists and which the judge to who the case is assigned determines involves a real controversy of Twenty Thousand Dollars (\$20,000.00) or less, shall be submitted to arbitration. The amount of controversy shall be determined by:

- (1) The amount of prayer;
- (2) The demand in settlement;
- (3) Any evaluation by the court at any time prior to trial.

### **13.03 BINDING ARBITRATION: WAIVER OF DE NOVO REVIEW.**

Forms will be available to the parties, or their counsel, providing for a waiver of the right of de novo review by the trial court. When such forms have been duly executed by the parties, or their counsel, the parties shall have no right to appeal, except as otherwise provided by law, and the report of the arbitrator(s) shall be a final judgment in the case, unless exceptions are taken and allowed in accordance with RULE 13.22, *infra*. It shall be the duty of counsel for the prevailing party to see that judgment is entered on the award in accordance with RULE 13.15, *infra*.

### **13.04 SELECTION OF ARBITRATORS**

A) A list of Arbitrators will be maintained by the Assignment Commissioner. This list will be comprised of members of the Trumbull County Bar Association. The members of the Bar qualified to so act shall include only those who have filed a consent with the Assignment Commissioner.

B) Cases shall be submitted to one Arbitrator selected by the Assignment Commissioner or, or the trial court, unless a party requests that an arbitration panel consisting of three (3) Arbitrators be assigned by the Assignment Commissioner or the trial judge.

(1) When an arbitration proceeds before a panel of three (3) Arbitrators, the chairman of the panel shall be selected by a majority vote of the Arbitrators. In the event the Arbitrators cannot select a chairman, the lawyer who is eldest in years of practice shall serve as chairman of the panel.

(2) Counsel may agree, prior to appointment by the Assignment Commissioner, to their own panel of three (3) Arbitrators, and shall transmit this concurrence in writing to the Assignment Commissioner. C) Within ten (10) days after notification of assignment of a case for arbitration,

either party may request a replacement of the Arbitrator selected. If such request is made and the parties cannot agree to a replacement, each shall submit two (2) names from the arbitration list, within ten (10) days thereafter, from which the Assignment Commissioner or trial judge shall select one.

### **13.05 DISQUALIFICATION.**

No attorney shall serve as an Arbitrator who is related, by blood or marriage, to any party to the case, or to any attorney of record in the case, or who is a law partner or associated with any attorney of record.

### **13.06 ASSIGNMENT OF CASES.**

A) The Arbitrator(s) shall assign a trial date for each case. No case shall be assigned earlier than thirty (30) days or later than sixty (60) days, from date of the appointment of the Arbitrator(s), unless otherwise directed by the assigned judge, for good cause and with at least fifteen (15) days' notice of date of trial.

B) No disclosure shall be made to the Arbitrator(s), prior to filing of the report and award, of any offers or demands of settlement made by either party, except by agreement of the parties. Any Arbitrator who has knowledge of settlement demands and offers shall be disqualified. Prior to delivery of the court file to the Arbitrator or chairman of the arbitration panel, the Assignment Commissioner or trial judge shall place all notations, containing settlement demands or offers, in a sealed envelope which shall remain with the file, but which shall not be opened by the Arbitrator(s).

### **13.07 HEARINGS; WHEN AND WHERE; NOTICE.**

Hearings shall be held at the place designated by the court, or by the assigned Arbitrator(s). No hearings shall be scheduled for Saturdays, Sundays, legal holidays, or evenings except upon agreement by counsel for all parties and the Arbitrator(s).

### **13.08 CONTINUANCES.**

A) Cases may be continued by the Arbitrator(s), for good cause shown, for a period not to exceed sixty (60) days. Further continuances may be had only with the consent of the judge.

B) Wherever any case has been continued by the Arbitrator(s) for a period of sixty (60) days, the judge to whom the case was originally assigned may summon the parties or their counsel. The judge shall have the power to make any appropriate order, including an order of dismissal for want of prosecution or an order that the case be again assigned to the Arbitrator(s) and be heard and an award made, whether or not the defendant appears and defends.

### **13.09 DEFAULT OF A PARTY; FAILURE TO APPEAR.**

A) In the event of the failure of any party to be present at the time and place set for hearing, the judge to whom the case was originally assigned shall have the power to make any appropriate order, including an order of dismissal.

B) The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. An award shall not be made solely on the failure of a party to appear, and the Arbitrator(s) shall require the other party to submit such evidence as may be required for making of an award.

### **13.10 CONDUCT OF HEARING: POWERS.**

A) The Arbitrator(s) shall be the sole judge of the evidence offered, and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the Arbitrator(s) and of all the parties, except where any of the parties is absent, in default, or any of the parties has waived his right to be present. The Arbitrator(s) may receive the evidence of witnesses by affidavit or written report, and shall give it such weight as deemed appropriate after consideration of any objections made to its admission.

B) Counsel shall, whenever possible, produce a party or witnesses at the hearing without the necessity of a subpoena.

C) The Arbitrator(s) shall have the general powers of a court including, but not limited to the following:

(1) Subpoenas. To cause the issuance of subpoenas to a witness to appear before the Arbitrator(s), and to request the issuance of an attachment, according to the practice of the courts, for failure to comply therewith.

(2) Production of Documents. To compel the production of all books, papers and documents deemed material to the case.

(3) Administering Oaths; Admissibility of Evidence. To administer oaths or affirmations to witnesses, to determine the admissibility of evidence; to permit testimony to be offered by deposition and to decide the law and the facts of the case.

(4) Evidentiary Admissibility of Bills, Estimates and Other Documentation of Special Damages, and of Records and

Reports. In actions involving recovery for personal injury or property damage, bills, estimates and other special damages documentation, and records and reports may be offered and admitted into evidence, without further proof and over "hearsay" objection, for the purpose of proving the reasonableness of charges; the necessity therefore; and/or casual connection with the transaction in issue, PROVIDED THAT at least two (2) weeks' written notice of the proposed offering of same is given to the adverse party, accompanied by a copy of the following documents to be offered into evidence:

- (a) Itemized statements, invoices or bills of hospitals and health care professionals, including nurses and physical therapists;
- (b) Itemized statements, invoices, bills or receipts for prescribed medications, medical appliances and the like;
- (c) Itemized property damage repair bills or estimates;
- (d) Regularly-kept records, if duly-certified by their custodian;
- (e) Expert reports, if signed by the author;
- (f) Lost earnings verification, if signed by the employer or other person having first-hand knowledge thereof, and sufficiently detailed to include dates and amounts lost, together with an understandable computation of the total amount claims; and
- (g) Documentation of any other element of special damage, if sufficiently authenticated and detailed to the arbitrator's satisfaction as to its trustworthiness.

(5) Estimates. In the case of an estimate, the party intending to offer the estimate shall forward it, with his notice, to the adverse party, together with a statement indicating whether or not the property was repaired and, if it was, whether the estimated repairs were made, in full or in part, by attaching

a copy of the receipted bill showing the items of repair made and the amount paid.

### **13.11 SUPERVISORY POWERS OF COURT.**

The judge to whom the case was originally assigned shall have full supervisory power with respect to any question arising at the arbitration proceedings in the application of these rules.

### **13.12 WITNESS FEES.**

Witness fees in any case referred to in arbitration shall be in the same amount as now or hereafter provided for witnesses in trials in the Common Pleas Court of Trumbull County, Ohio; may be ordered taxed as costs in the case; and the costs in any case shall be paid by the same party or parties who would pay them had the case been tried in the Common Pleas Court.

### **13.13 TRANSCRIPT OF TESTIMONY.**

The Arbitrator(s) are not required to transcribe their proceedings. If any party desires a transcript, he shall provide a reporter and cause a record to be made. The party requesting same shall pay its cost, which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided same by the reporter upon reasonable payment therefore.

### **13.14 REPORT AND AWARD.**

A) Within thirty (30) days after the hearing, the Arbitrator(s) shall file a report and award with the Assignment Commissioner and, on the same day, forward copies to all parties or their counsel. The Assignment Commissioner shall make a note of the report and award on the docket, and forthwith file the original with the Clerk of Courts.

B) The report and award shall be signed by the Arbitrator(s). In the event all three (3) members do not agree on the report and award, the dissenting member shall write the word "Dissents" before his signature. A minority report shall not be required unless the Arbitrator elects to submit the same in unusual circumstances.

### **13.15 LEGAL EFFECT OF REPORT AND AWARD: ENTRY OF JUDGMENT.**

The report and award, unless appealed as herein provided, shall be final and have the legal effect of a verdict. If no appeal is taken within the time and in the manner specified therefore, the court shall enter a judgment in accordance therewith. After entry of such judgment, execution may issue as in the case of other judgments.

### **13.16 COMPENSATION OF ARBITRATORS**

A) Each Arbitrator signing an award shall receive, as compensation for his/her services, the fee of One hundred Fifty Dollars (\$150.00). When more than one claim arising out of the same transaction is heard at the same hearing, it shall be considered as one case insofar as compensation is concerned. In cases requiring a hearing of unusual duration or involving questions of unusual complexity, the judge to whom the case was originally assigned may, for good cause shown, allow additional compensation. The Arbitrator shall not be entitled to receive his/her fee until the filing of the report and award with the Assignment Commissioner. Fees paid the Arbitrator(s) shall not be taxed as costs, nor follow the award as other costs.

B) All compensation for Arbitrators shall be paid, upon proper warrant, from Trumbull County funds allocated to the Common Pleas Court of Trumbull County, Ohio.

C) In the event a case is settled or dismissed sooner than two (2) days of the scheduled hearing date, a report and award, based on such settlement,



and certification must be signed by all parties or counsel and filed with the Assignment Commissioner.

### **13.17 RIGHT OF APPEAL.**

Any party may appeal, from the award of the Arbitrator(s), to the Common Pleas Court. The right of appeal is subject to the following conditions, all of which shall be complied with within thirty (30) days after the award of the Arbitrator(s) is filed and time-stamped in the office of the Clerk of Courts.

### **13.18 NOTICE OF APPEAL AND COST.**

A) The appellant shall pay Thirty Dollars (\$30.00) to the Clerk of Courts and shall file, with the Clerk, a notice of Appeal, together with an affidavit that the appeal is not taken for delay, but because he believes an injustice has been done. A copy of such notice and affidavit shall be served upon opposing parties or their counsel.

B) The appellant shall first repay to Trumbull County, Ohio, by depositing, with the Clerk of Courts, all fees received by the Arbitrator(s) in the case in which the appeal is taken.

C) If the appeal results in a judgment different from that determined by Arbitrator(s), the court shall assess costs, including reimbursement of amounts required to be paid by the appellant to effect the appeal, against either both of the parties as it determines to be just.

### **13.19 POVERTY AFFIDAVIT ON APPEAL.**

An appellant without funds may apply, by a written motion and affidavit, to the court stating that, by reason of poverty, he is unable to make the payments required for an appeal. If, after due notice to the opposite parties, the assigned judge is satisfied of the truth of the statements in such affidavit, he may order that the appeal of such party be allowed without payment of said amounts.

### **13.20 RETURN TO ACTIVE TRIAL LIST; TRIAL DE NOVO.**

A) Upon the filing of the notice of appeal and the payment or waiver of the costs as hereinbefore provided, the Assignment Commissioner shall cause the case to be returned to the assigned judge for trial.

B) All cases which have been appealed shall be tried de novo by the assigned judge.

### **13.21 TESTIMONY OF ARBITRATORS ON APPEAL PROHIBITED.**

In the event of an appeal from the arbitration award, the Arbitrator(s) shall not be called as witnesses as to what transpired before them as Arbitrators, upon any hearing de novo.

### **13.22 EXCEPTIONS AND REASONS THEREFOR.**

A) Any party may file exceptions to the award of the Arbitrator(s), within thirty (3) days after the filing of the report and the award, for either misconduct or corruption of the Arbitrator(s).

B) Copies of said exceptions shall be mailed to each Arbitrator and the Assignment Commissioner within forty-eight (48) hours after filing, and said exceptions shall be forthwith assigned for hearing before the assigned judge.

C) If such exceptions are sustained, the report and award of the Arbitrator(s) shall be vacated and the case either assigned to a new Arbitrator or returned to the active civil list.

**13.23** Exhibits received in evidence during arbitration hearings shall be marked for identification purposes, in either a distinguishable numerical or alphabetical sequence, and are to be further identified by designating the offering party.

In the event an arbitration award is not appealed as hereinabove provided, or in the event that an appeal is processed pursuant to the foregoing sections and the case is concluded prior to a trial de novo, each party shall have sixty (60) days after either of the foregoing events to obtain exhibits offered in evidence in such arbitration proceedings. The Assignment Commissioner is authorized to dispose of such exhibits if there is a failure to obtain them within this time frame.

## **RULE 14**

### **SUPPLEMENTARY RULES OF CRIMINAL PROCEDURES**

#### **14.01 CRIMINAL JUDGE AND TERM OF GRAND JURY.**

A) Each of the judges sitting in the General Division shall serve as criminal judge for one term of court. The judges will rotate to accomplish this purpose.

B) The grand jury tenure and proceedings will be conducted in accordance with Rule 6 of the Ohio Rules of Criminal Procedure.

C) The Prosecuting Attorney shall refer all requests by grand jurors to be excused, whether temporary or permanent, to the criminal judge presiding over the grand jury.

D) The judge sitting as criminal judge shall handle all grand jury matters, including the appointment of grand jury foreman; the receiving of reports by the grand jury; and the giving of any necessary instructions.

E) Appointment of counsel for indigent defendants will be made by the criminal judge, when necessary, and by the judge to whom the case is assigned, after indictment.

F) The official shorthand reporter shall not prepare transcripts of testimony of grand jury proceedings, except under order of the court or upon an order of the prosecuting attorney. Said order shall be in writing and directed to the court reporter.

G) Summons on Indictment – Each indictment shall contain a formal, printed order, to the defendant, to appear in the courtroom of the assigned judge on a specific day and hour for arraignment, to be determined by the assignment office, and shall contain an appropriate place for the return, by the Sheriff, of the service of the notice and the indictment.

If the defendant were released on his recognizance or is on bond, the Sheriff may notify the defendant to pick up his indictment and notice within forty-eight (48) hours,

#### **14.02 CRIMINAL CASE FILING AND COURT DESIGNATION.**

A) The Clerk, upon receiving a criminal transcript from a municipal court or county court, shall immediately assign a case number as well as the courtroom and judge, and shall also cause the prosecutor's office to be notified of the transcript within twenty-four (24) hours of its receipt.

B) The Clerk shall number each case consecutively, in a new series, each calendar year. For example: 91-CR-1, 91-CR-2; 92-CR-1, 92-CR-2, etc. ADDITIONALLY, ON THE DOCKET SHEET, THE CLERK SHALL AFFIX THE DATE OF ARREST OF THE DEFENDANT TO THE CASE NUMBER OR, IN THE EVENT OF A DIRECT PRESENTMENT OR SECRET INDICTMENT, THE DATE OF ARREST OF THE DEFENDANT OR THE DATE OF SERVICE OF SUMMONS WILL BE AFFIXED TO THE CASE NUMBER, AND THE CLERK SHALL AFFIX THE DATE UPON WHICH A DEFENDANT POSTED BOND,

IF AVAILABLE. For Example: Case #91-CR-1, Case #91-CR-2, D.O.A.-12-10-90, D.O.A.-1-13-91. D.O.B.-12-11-90, D.O.B.-1-19-91.

C) The prosecuting attorney, when drawing an indictment in compliance with the findings of the Grand Jury, shall observe Rules 6 and 7 of the Ohio Rules of Criminal Procedure in all respects, and endeavor to maintain the original case number assigned. Where the indictment joins two or more defendants, it should be returned under the lowest case number.

D) The judge assigned to the case number of the "indictment" will be responsible for further proceedings thereon.

#### **14.03 INACTIVE CRIMINAL CASES.**

Criminal cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes, either upon motion of the prosecuting attorney or the Court's own motion, and shall not be subject to dismissal for want of prosecution. A case shall be removed from such list when the defendant is available and proceedings resumed, or when such case is dismissed. Cases to which this rule is applicable shall include those in which the defendant is not competent to stand trial; is confined in a penal institution in another state; has not been served; or cannot be found.

#### **14.04 SEARCH WARRANTS.**

A) The Clerk shall maintain a separate index and docket for search warrants.

B) Where the judge files, pursuant to Rule 41(E) of the Ohio Rules of Criminal Procedure, the search warrant, a copy of the return, inventory and all other papers in connection therewith, the clerk shall secure said documents in a separate jacket, consecutively numbered and indexed by name.

C) If property is seized, it shall be held by the arresting authority for safekeeping, unless the court directs otherwise.

#### **14.05 SHERIFF'S REPORT.**

A) As of the first day of each month, the Sheriff shall deliver to all judges, the prosecuting attorney and the assignment office, a report of all persons confined in the jail. The report shall separately list defendants held for (a) federal or other authority outside this county; (b) state parole authority; (c) probation department; (d) domestic relations court; and (e) common pleas court. If a defendant is held or detained by order of more than one authority, such defendant shall be listed under the entity that placed the defendant in custody: Others claiming such person shall be separately indicated by use of footnotes.

#### **14.06 CRIMINAL ASSIGNMENT.**

Criminal cases will be assigned for hearing or trial by the Assignment Commissioner under the supervision of the judge to whom the case is assigned.

#### **14.07 FORFEITURES.**

In any civil or criminal proceeding wherein the State of Ohio seeks forfeiture of property by any means, that proceeding shall be assigned to the judge to whom any underlying criminal case(s) has been assigned.

## **RULE 15**

### JUDGMENT ENTRIES

Counsel for the party in whose favor an order, judgment or decree is announced shall, within fourteen (14) days thereafter unless the time is extended by the court, prepare a proper judgment entry and submit the same to counsel for the opposite party, who shall approve or reject the same within five (5) days after its receipt by him and may, in case of rejection, file objections thereto in writing with the court.

## **RULE 16**

### COURT FILES AND PAPERS

No person shall remove any court papers, files, or parts thereof, from the custody of the Clerk, without the express permission of a judge of this court.

## **RULE 17**

### SECURITY FOR COSTS

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

(A) In addition to such advance court cost deposits previously approved by this Court and prepared and published by the Clerk, an additional advance deposit for court costs in the amount of Fifty dollars and 00/100 (\$50.00) is to be collected at the time of filing of each criminal cause, civil action or proceeding or judgment by confession pursuant to the authority granted in Ohio Revised Code Section 2303.201 for the purpose of

funding special projects as may be established by the Court from time to time. This Local Rule 17.01(A) shall be effective as of August 1, 2001.

**17.02** On cases transferred to the Common Pleas Court in which the demand exceeds the monetary jurisdiction of the municipal or county court, such complainant shall post security for costs in a sum equal to the amount required if the case were originally filed in this Court.

**17.03** 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.

**17.04** In lieu of cash deposit, costs may be secured by bond with surety approved by the Clerk provided, however, that no member of the Bar shall be accepted as such surety unless expressly approved by a judge of this court.

**17.05** A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to prepay costs, and is subject to court review at any stage of the proceedings.

## **RULE 18**

### APPEALS TO THE COURT OF COMMON PLEAS

**18.01** In all administrative appeals to the Court of Common Pleas provided in O.R.C. Sec. 119.12, the time for filing briefs shall be as follows:

A) Within twenty (20) days after the filing of the record of proceeding with the Clerk of the Common Pleas Court, the Appellant shall file assignments of error and brief.

B) Within twenty (20) days after the Appellant's Brief is filed, Appellee shall file a brief and cross-assignments of error, if any.

C) Within ten (10) days after the filing of the Appellee's Brief, the Appellant may file a reply brief.



D) For good cause, the court may, upon motion, extend the time for filing the brief and assignment(s) of error.

**18.02** Upon expiration of the time for filing the briefs, the case will be considered submitted on briefs, unless oral argument is requested in writing and granted by the judge to who the appeal is assigned.

**18.03** These rules do not apply from the Industrial Commission pursuant to O.R.C. Sec. 4123.519.

### **RULE 19**

#### **RECEIVERSHIPS**

In all cases where receivers are appointed by this court, the following shall apply:

A) Unless the court specifically authorizes the receiver to continue a business, he shall expeditiously take control of the assets of the debtor, give notice to all known creditors of his appointment and afford them opportunity to present and prove their claims; cause the assets to be inventoried and appraised; determine the validity and priority of creditor's claims; and take such steps as may be necessary to liquidate the assets and make cash distribution among the various classes of creditors. A receiver cannot proceed to act until he has filed, with the Clerk of Courts, a court-approved receiver's bond with proper surety, in the amount and form ordered by the court.

B) After approval of the receiver's bond, the receiver must obtain his general powers from the court, contained in an appropriate judgment entry, which powers shall include an order enjoining all secured and unsecured creditors from levying, executing, attaching, or suing on their respective claims, and shall further direct that all monies received by them, after the appointment of the receiver, shall be transferred to the receiver's general fund. The priorities among the creditors shall then be

determined at a hearing on the matter at a later date, and shall be determined by order of the court. Within two (2) months after his appointment, the receiver shall report to the court, submitting his inventory and appraisal, and including his account of receipts and expenditures to date. Such documents shall be filed with the Clerk. These several matters shall be considered by the judge to whom the case is assigned, and his approval thereof shall be by entry, approved first by the receiver and his counsel.

C) Semi-annually, after filing the first report with inventory, appraisal and account, the receiver shall file consecutively-numbered reports, with accounts, for approval by entry by the court as to all receipts and expenditures made by the receiver during the reporting period, together with a summary of plans for future conduct of the receivership. The validity and priority of the various claims shall be determined by the court and not by the receiver.

D) In cases involving receivers appointed to take charge of property and to collect rents and other income, the receiver may expend funds, without first having obtained court approval, to pay for insurance premiums, water and utility bills, and make emergency repairs as are necessary for the proper maintenance of the property. For authority other than that, the receiver shall make application to the court. All claims not filed with the receiver, after notice has been given by a creditor, shall be deemed barred, as provided by law.

E) In all receiverships in which property appraised in excess of \$2,000.00 is to be put up for public or private sale, the receiver shall file, in advance of such sale, a report with the court showing the amount of expenditures incurred or to be incurred prior to the time the sale is to be conducted. All public and private sales conducted pursuant to this rule shall not be considered final or consummated until approved and confirmed by court entry.

F) An application for payment of partial or final receiver and receiver counsel fees shall be filed with the Clerk for approval by the court. Notice of filing shall be filed with the Clerk for approval by the court. Notice of filing shall be mailed, by ordinary mail, to all counsel of record in the pending matter. Such application shall show time spent on enumerated items; amount of money collected, disbursed and on hand; the status of secured and unsecured creditor's claims, including amounts claimed; payments made thereon and balances due; the amounts and dates of prior fees authorized in the case; and an estimate of the amounts and dates of prior fees authorized in the case; and an estimate of the amount of time necessary to complete the work in the receivership and make final distribution. The court may approve the application, or set it for hearing, not sooner than ten (10) days after the filing of the application.

G) Failure to file an inventory and appraisalment, accounts or other reports as contemplated by the rule will constitute cause for removal of the receiver and/or his attorney, and for withholding of fees for the receiver and/or his attorney.

## **RULE 20**

### DEBTOR'S EXAMINATION REFEREES

In cases where the court has approved the appointment of a referee to conduct a debtor's examination pursuant to Ohio Revised Code Sec. 2333.09, such referee shall be paid a minimum fee of \$50.00 by the requesting party at the completion of such examination, which fee charge may be taxed to the costs.

**RULE 21**

FORECLOSURE, QUIET TITLE AND PARTITION ACTIONS

(Amended after passage of 2008 H.B. 138, eff. 9-11-2008)

**21.01 Preliminary Title Report** In actions to quiet title, partition and for the marshalling and foreclosure of liens on real property, the Attorney for the Plaintiff shall procure and file with the Clerk evidence of the record title pursuant to O.R.C. §2329.191. Failure of the Attorney for Plaintiff to comply with the foregoing requirement may result in the dismissal of the complaint without prejudice. Such evidence of title or copy thereof shall become and remain a part of the case file. Where the evidence of title indicates that necessary parties have not been made Defendants, the Attorney for the party filing the same shall proceed without delay to cause such new parties to be added and served.

**21.02 Filing Fees** The following fees shall be collected by the Clerk of Courts at the time of the filing of the Complaint in all foreclosure cases, except cases filed by the Trumbull County Treasurer for foreclosure of a lien and/or for collection of delinquent real or personal property taxes, or for any foreclosure instituted by the United States of America, the State of Ohio, or a political subdivision thereof. Said fees are in addition to all filing fees charged in all other Civil Cases:

Clerk of Courts	(Foreclosure Account)	---\$100.00
Sheriff	(Civil Branch)	---\$200.00
Court of Common Pleas	(Special Projects)	---\$100.00

**21.03 Final Title Report** Prior to the entry of judgment in any such case, a final title report shall be prepared and filed, in accordance with O.R.C. §2329.191. Said title report shall state the method of service on each of the parties and shall include a statement indicating whether any additional liens or mortgages have been filed since the date of the preliminary judicial report, and whether or not those additional liens are barred by lis pendens.

**21.04 County Treasurer a Necessary Party** In all foreclosure actions under this Rule, it shall be necessary to name the Trumbull County Treasurer as a Defendant. The Clerk shall reject for filing any foreclosure complaint that fails to join the Trumbull County Treasurer except upon prior leave of Court.

**21.05 Title Report Premium** The expense of the title work required under this Rule, exclusive of the premium required by the Ohio Department of Insurance, shall be allowed without prior leave of Court, in an amount not to exceed three hundred dollars (\$300.00) for each parcel of property and shall be taxed as part of the costs of the case.

**21.06 Judgment Entry and Decree of Foreclosure** All proposed judgment entries shall be circulated for approval to the other parties in the case and shall be a part of the file prior to the date of dispositive hearing. For the purpose of reporting by the trial judge to the Supreme Court in foreclosure cases, the judgment entry will determine the case to be closed. All other proceedings in foreclosure cases will proceed according to law.

**21.07 Precipe for Sale** All precipes for sale of property under judgment decree of foreclosure must include a property description approval form as required by the Trumbull County Auditor. These forms shall be made available online for the convenience of judgment creditors. The Sheriff shall not set any case for Sale unless said property description approval form has been received. In cases where the Plaintiff is unable to receive approval of the property description from the Trumbull County Auditor, the case shall not be set for Sale until the Plaintiff or moving creditor obtains separate approval from the Court.

**21.08 Failure to Comply** Failure to comply with the foregoing rule shall be grounds for dismissal of an action. Dismissal may be granted on motion of any party or upon order of the Court.

## **RULE 22**

### **SHERIFF'S SALES**

**Local Rule 22 shall be replaced by the following language:**

**All sheriff sales shall be governed in accordance with R.C. 2329 et seq., as it currently exists and as may be amended in the future.**

**EFFECTIVE DATE: IMMEDIATELY UPON ADOPTION**

**22.01 Time and Place of Sale** Sheriff's Sales and all other Judicial Sales shall be held regularly in the Trumbull County Administration Building, or in any other area of convenience and as the case requires, at a time and place as designated by the Administrative Judge of this Court. Notice of the location of the scheduled Sales shall be included within any notice of publication of said Sale as required under Ohio law.

**22.02 Registration of Bidders** Bidders shall register with the Trumbull County Sheriff prior to Sale and shall be issued bidding identification. Successful purchasers shall provide the information required under O.R.C. §2329.271 to the Trumbull County Sheriff, the officer conducting the Sale, or their respective representatives immediately at the conclusion of the Sale.

**22.03 Successful Purchaser / Required Deposit** In every Sheriff's Sale of real property, the purchaser (unless the purchaser is the United States of America, the State of Ohio, or a political subdivision of this State), shall be required to deposit in cash or by certified check payable to the Sheriff, not less than ten percent (10%) of the amount of such accepted bid, but in no event shall such deposit be less than three thousand dollars (\$3,000.00), unless said deposit is for the entire purchase price. Where the purchase price is less than three thousand dollars (\$3,000.00), payment in full must be made as if it were a deposit under this Rule.

All deposits and/or payments required under this Rule must be made with the Sheriff by 3:00 PM on the date of Sale. If the deposit and/or payment under this Rule is not received on the date of Sale, the Sheriff shall immediately re-offer the property for sale upon the request of the creditor/Plaintiff and the bidder shall be in contempt of Court. The deposit monies shall be used first to satisfy all costs and fees of the Sale under the Ohio Revised Code. The purchaser under this Rule shall be separately responsible for any and all additional conveyance fees and recording fees not included in

the successful bid pursuant to the Ohio Revised Code.

The unpaid balance of the purchase price shall be due and payable to the Sheriff within thirty (30) days from the date of the Confirmation of the Sale. The purchaser shall be required to pay interest on said unpaid balance, at ten percent (10%) per annum, from the date the balance is due. Any interest received shall be pro-rata and distributed by the Sheriff to the parties entitled to distribution of the proceeds of Sale, in the proper order of priority.

**EXCEPTION FOR FIRST LIENHOLDERS:** If the successful bidder is also the first lienholder after costs, taxes, and assessments, the deposit under this rule shall be waived, but all necessary payments for costs, fees, taxes and assessments, as well as any all recording and conveyance fees required to be paid at the time of Sale under the Ohio Revised Code shall be paid by the purchasing first lienholder, or any other party exempted from this rule, within fourteen days of the Sale date. The party entitled to this exception for first lienholders shall, within fourteen days of the Sale, prepare and produce to the Sheriff separate instruments of payment payable to each entitled party for the following: 1) Court costs (less any deposit to be applied); 2) All Sheriff fees and other fees as Ordered to be paid in the Confirmation; 3) Real Estate Taxes and Assessments to the County Treasurer; 4) Conveyance / transfer taxes and/or fees to the Trumbull County Auditor; 5) Recording fees to the Trumbull County Recorder; and 6) any other fee specifically required under Ohio law or necessary in the given case.

All payments under this Rule must be made before the deed will be recorded by the Sheriff or officer who conducted the Sale. In no event should this Rule be construed in such a way as to cause delay of payment to entitled creditors pursuant to the Confirmation of Sale and under the guidelines and timetables established under Ohio law. The Court reserves the right in each case to alter the terms of any Sale.

**22.04 Real Estate Taxes** In all judicial and foreclosure Sales, the purchaser shall pay the real estate taxes pursuant to O.R.C. §323.47, and pursuant to law, said taxes shall include:

- (a) Taxes and assessments the lien for which attaches before the Confirmation of Sale but that are not yet



determined, assessed, and levied for the year in which Confirmation occurs, apportioned pro rata to the part of that year that precedes Confirmation, and any penalties and interest on those taxes and assessments;

(b) All other taxes, assessments, penalties, and interest the lien for which attached for a prior tax year but that have not been paid on or before the date of Confirmation, as estimated by the Trumbull County Treasurer pursuant to O.R.C. §323.47.

For the purposes of enforcement of this rule, the date of Confirmation shall be deemed to occur thirty days following the Sheriff Sale, unless said date is changed by the Court by way of motion or upon stipulation among the interested parties, the purchaser, and the County Treasurer.

In cases where the purchaser is not the first lienholder after real estate taxes and assessments, the Trumbull County Treasurer may require that Real Estate Taxes be paid directly by said purchaser, or the Sheriff may pay the Treasurer from all funds received from the purchaser. In any event, the purchaser shall not pay more than his or her required bid except as otherwise stated in these Rules or as is otherwise provided under Ohio law.

**22.05 Post Sale Procedure** The Sheriff or officer conducting the Sale shall make return of the writ of execution within seven days of the Sale. The Attorney for the creditor who moved for the Sale shall submit a Confirmation entry to this Court within fourteen days of the Sale. The proposed Confirmation submitted by the Attorney for the moving creditor shall include either a verification form obtained from the Trumbull County Treasurer and/or signed approval from the Trumbull County Prosecuting Attorney, as well as the written approval of all represented lienholders or their representatives.

A moving creditor and/or Plaintiff who fails to submit a proposed entry of Confirmation within the allowable time shall be liable for contempt, upon motion of the purchaser, and shall pay to the purchaser the costs and Attorney fees incurred, together with any fines that may be imposed by the Court.

Unless proper written objection to the Confirmation entry is made, said entry shall be approved by the Court pursuant to O.R.C. §2329.31, if the Court finds the requirements of R.C. Chapter 2329 have been met. If proper written objection to the Confirmation is made by a party, the Court shall determine the validity of the objection and make an order determining the issue. After the Confirmation is signed, the Court that confirmed the Sale shall forthwith cause the Sheriff to file the Confirmation with the Clerk of Courts. The Attorney shall then prepare the deed and, if the Plaintiff is the successful purchaser, the conveyance form(s) required by Trumbull County within seven days of receiving the Confirmation entry pursuant to O.R.C. §2329.36.

The Court hereby adopts a short form recommended deed pursuant to O.R.C. §2329.36, as follows:

I, (Sheriff Name), Sheriff of Trumbull County, Ohio, pursuant to the Order of Sale entered on \_\_\_\_\_, the Confirmation of Sale entered on \_\_\_\_\_, and in consideration of the sum of (Sale price) dollars, the receipt whereof is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto (Grantee), all the rights, title, and interest of the parties in Trumbull County Court of Common Pleas Case (Case number), captioned (Plaintiff v. Defendant), and all pleadings therein incorporated herein by reference in and to the following Land and Tenements situated in the County of Trumbull, State of Ohio, known and described as follows, to wit:

(Property Legal Description)

The short form deed, or any other deed prepared, shall also include reference to the permanent parcel number(s), prior owner, and prior instrument, and shall otherwise comply with Ohio law.

**22.06 Purchaser's Failure to Comply** In the event a purchaser fails to pay the balance due on the purchase price and complete the purchase within said thirty (30) days after the date of Confirmation of Sale, he or she shall be in contempt of this Court and the Sheriff, or other interested party, may forthwith cause a citation to issue commanding such defaulting purchaser to appear before the Judge of this Court having such matters in charge, and show cause why he should not be punished. Upon a finding of contempt, the Court shall proceed in determining punishment, including the forfeiture of the deposit, under O.R.C. §2329.30.

**22.07 Appraisal Fees** Appraisal fees shall be based on the Auditor's last tax appraisal of the property as shown by his duplicates and the area of the County where the property is located. The fees shall be \$75.00 per appraisal per case.

Compensation for appraisal fees may be obtained in special cases, and for commercial parcels, by approval of Court, and for good cause shown.

**22.08 Sheriff to Post Rules** The Sheriff shall keep a copy of this entire Rule conspicuously posted at the place where Sheriff Sales are conducted and shall call attention thereto before receiving bids. The County shall place required forms under this Rule and other assistance for parties, attorneys, bidders and/or purchasers on the County's internet website.

**22.09 Failure to Comply** Failure to comply with these Rules shall subject a party, an attorney, a bidder and/or a purchaser to Contempt of this Court.

## **RULE 23**

### NOTICE OF APPLICATION FOR DEFAULT JUDGMENT

In accordance with Civil Rule 55(A), when a party against whom a judgment for affirmative relief is sought has failed to plead, appear or otherwise defend as provided by the Civil Rules, he, or his designated trial attorney, shall be served with written notice of the application for default judgment at least seven (7) days prior to the hearing on such application. The Written notice of the application shall be sent by ordinary U.S. mail. The trial attorney for the party claiming to be entitled to a default judgment, shall exhibit to the court, at the time of the hearing on the application as part of the evidence in the case, a copy of said notice.

## **RULE 24**

### SPECIAL PROCESS SERVER

**24.01** Appointment of Special Process Server – In accordance with Civil Rule 4.1, a party may request the appointment of a special process server.

**24.02** Appointment of Standing Special Process Server – By this local rule, and in accordance with Civil Rules 4, and 4.1 through 4.5 the Court of Common Pleas, General Division establishes the position of Standing Special Process Server.

Appointment of any Standing Special Process Server shall be solely at the discretion of the Judge of the Court of Common Pleas – General Division, and said appointment shall be subject to the following procedures and limitations:

1. Any party desiring to be a standing special process server for the Trumbull County Court of Common Pleas – General Division shall make application to the court by way of motion.
2. Any Motion requesting appointment of a Standing Special Process Server shall be filed by an attorney of good standing who is a member of the Trumbull County Bar Association and who will attest in the Motion to

the character and fitness of the party desiring to be a Standing Special Process Server.

3. Said application shall include an affidavit by the applicant setting forth the following:

- a. A statement that he/she is over 18, not under any disability, and that he/she will never attempt to make service in an action to which he/she is a party, is related to any party, is counsel for any party, has an interest in the outcome of any case, or otherwise would be in violation of the Ohio or Trumbull County Rules of Court.
- b. The business and home address and phone number of applicant.
- c. An acknowledgment that the applicant will follow all State and Local Rules regarding service of process and follow instructions in any precept for making service and delivery of return to the Court.
- d. An acknowledgment that the applicant will comply with all Ohio laws and at no time intentionally cause a breach of the peace while attempting to accomplish service.
- e. An acknowledgment that movant understands that the Court may cause a criminal record check to be made prior to appointment.

Any appointment as Standing Special Process Server is solely within the direction of this Court and will continue for an indefinite period of time until terminated by Rule or Order of the Court.

Any Standing Process Server may be terminated or removed with or without cause by a majority vote of the Judges of the Court of Common Pleas – General Division.

The applicant requesting designation shall also submit an order captioned: "In Re: The Appointment of (name of applicant), whose business (or residence) address is (applicant's business or home address) has complied with the provisions of the Trumbull

County Common Pleas Court – General Division's Local Rules of court and Ohio Civil Rules 4 through 4.5.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED**, that said (name of applicant) is hereby designated as Standing Special Process Server and that said (name of applicant) is hereby authorized to make service of process in all cases filed in the Trumbull County Common Pleas Court – General Division, and to serve in such capacity until further Order of the Court" said Order shall be signed by the Administrative Judge of said Court, or in his/her absence, by any Judge of said Court.

The clerk shall record such appointment on the Court's General Docket, and shall retain the original motions (applications), affidavits and entries. In any case thereafter, the Clerk of Courts shall accept a time-stamped copy of such Order as satisfying the requirements of Civil rule 4.1(B) for designation by Order of the Court of a person to make service of process.

This Local Rule 24 shall be effective as of July 1, 1999, or when the same has been filed with the Supreme Court of Ohio in accordance with Civil rule 83.

## **RULE 25**

### **PRO HAC VICE**

**25.01** An attorney, not licensed to practice law in the State of Ohio, but who is duly licensed to practice law in any other state, District of Columbia, the Commonwealth of Puerto Rico, or territories of the United States may, in the discretion of the Trial Judge, be permitted to represent a party or parties in any litigation pending or to be filed in the county after completion of all of the following conditions:

- A. The applicant attorney shall be sponsored in writing by an attorney licensed to practice law in the State of Ohio. The motion made by the Ohio licensed attorney shall certify such applicants' compliance with this rule and the Rules for the Government to the Bar;

B. The applicant attorney shall certify in writing that he or she is on active status and in good standing to practice law and is not under any disability. Applicant shall further certify in writing that he or she has familiarized himself or herself with local court rules and will familiarize himself or herself with the appropriate Criminal or Civil Rules, the Rules of Evidence, and the Code of Professional Responsibility;

C. The sponsoring attorney shall submit with the motion and certification, an entry authorizing approval of the motion;

D. The sponsoring attorney, or any other attorney licensed to practice law in the State of Ohio, shall be co-counsel with the attorney admitted pro hac vice.

**25.02** The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out of state counsel.

This Local Rule 25 shall be effective as of October 1, 2002.

IN THE COURT OF COMMON PLEAS

TRUMBULL COUNTY, OHIO

IN RE: AMENDMENT OF LOCAL RULES OF COURT

ADOPTION OF LOCAL RULE 26: CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

1. The purpose of this local rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2953.25 and related rules established by the Department of Rehabilitation and Corrections (DRC).
2. In order to request a CQE, the Petition for Certificate of Qualification for Employment (RC 2953.25) [Form 26- A] shall be filed with the Clerk of Courts by the Petitioner. The Petitioner shall provide the DRC Electronic Petition Number and attach a printed receipt of electronic Petition if submitted through the DRC. If not submitted electronically through the DRC, a written Petition must be completed on the form prescribed by the DRC and attached to the pleading.
3. All Petitions submitted through the DRC shall be accompanied by the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).
4. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount of \$ 253.00. Payment of this deposit may be made in any form otherwise accepted in the court of filing. A Judge may waive some or all of the deposit otherwise required by this Rule. The Petitioner may submit an Affidavit of Indigency [Form 26- B] or other relevant information for the Court's consideration if requesting a reduction in the filing fees.
5. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this court and the Rules of Superintendence.



Section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.

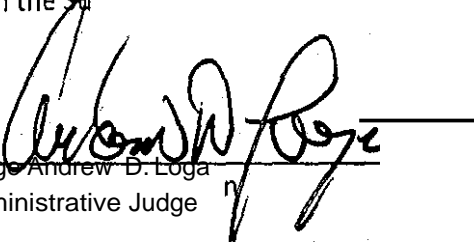
6. Upon receipt of a Notice of Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number and randomly assign the matter to a trial judge.
7. The Court shall obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition (see Order for Investigation [Form 26- F] or otherwise.
8. The Court shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or pled guilty to an offense through review of the Petitioner's criminal history or other investigation. The Clerk of Courts shall send a Notice to Court Regarding Petition for Certificate of Qualification for Employment [Form 26- C] and Submission of Information Regarding Petition for Certificate of Qualification for Employment [Form 26- E] to each court so identified. Such Notice shall be sent via ordinary US mail.
9. The Clerk of Courts shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment [Form 26- D] and Submission of Information Regarding Petition for Certificate of Qualification for Employment [Form 26- E] to the Prosecuting Attorney of the county in which the Petition was filed.
10. The Judge or Magistrate shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the Division of Parole and Community Services, and all other relevant evidence.
11. The Judge or Magistrate may order any report, investigation or disclosure by the Petitioner that he or she believes is necessary to reach a decision (see Order for Investigation [Form 26- F] and Order for Additional information [Form 26- G]).
12. Once all information requested has been received, a Judge shall decide whether to Grant [Form 26- H] or Deny [Form 26- I] the Petition within sixty days, unless Petitioner requests and is

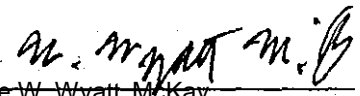
granted an extension of time. The decision to grant or deny a Petition may be referred to a Magistrate, and then sent to the Judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.

13. The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC of the disposition of the petition as required under the Administrative Rules, and, if granted, order the DRC to issue the CQE to Petitioner.

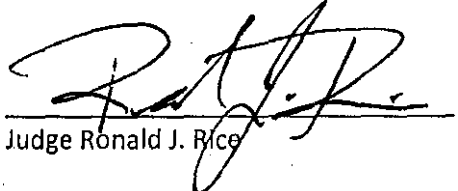
EFFECTIVE DATE

This Local Rule 26 shall be effective as of December 16, 2013 or when the same has been filed with the Supreme Court of Ohio in accordance with Civil Rule 83.

  
\_\_\_\_\_  
Judge Andrew D. Loga  
Administrative Judge

  
\_\_\_\_\_  
Judge W. Wyatt McKay  
Presiding Judge

  
\_\_\_\_\_  
Judge Peter J. Kontos

  
\_\_\_\_\_  
Judge Ronald J. Rice

Date: November 17, 2013

IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO

INRE: -----

CASE NO: \_\_\_\_\_

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

**PETITION FOR  
CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)**

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

Respectfully Submitted,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City, State      Zip

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number (if any)

\_\_\_\_\_  
Email

IN THE COURT OF COMMON PLEAS

TRUMBULL COUNTY, OHIO

IN RE: -----

CASE NO:-----

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

JUDGE: -----

**AFFIDAVIT OF INDIGENCY**

I, \_\_\_\_\_, being first duly sworn, do hereby state:

1. I am a party in the foregoing action;
2. I am without funds to pay the costs of this action at this time;
3. I would be deprived of the necessities of life in order to pay these court costs at the time of filing;
4. I understand that I must inform the court if my financial situation should change before the disposition of my case;
5. I understand that I am subject to criminal charges for providing false information;
6. I understand that if it is determined by the court that I was not entitled to the suspension of com1 costs provided to me, I may be required to pay the court costs immediately.

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

\_\_\_\_\_  
Affiant

Sworn to, or affirmed, and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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

IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO

IN RE: \_\_\_\_\_

CASE NO: \_\_\_\_\_

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

**JUDGE:** \_\_\_\_\_

**NOTICE TO COURT REGARDING PETITION FOR CERTIFICATE OF  
QUALIFICATION FOR EMPLOYMENT (RC 2953.25)**

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

CLERK OF COURTS,

\_\_\_\_\_  
Trumbull County Clerk of Courts  
161 High Street NW  
Warren, OH 44481  
330-675-3051

Date: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO

IN RE: \_\_\_\_\_

CASE NO: \_\_\_\_\_

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**NOTICE TO PROSECUTOR REGARDING**

**PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)**

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

CLERK OF COURTS,

\_\_\_\_\_  
Trumbull County Clerk of Courts  
161 High Street NW  
Warren, OH 44481  
330-675-3051

Date: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO

IN RE: \_\_\_\_\_

CASE **NO** : -----

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

**JUDGE** : -----

**SUBMISSION OF INFORMATION REGARDING**

**PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)**

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

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

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

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

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

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

4. Additional Comments:

Respectfully Submitted,

---

Signature

---

Name of Person Submitting Information

---

Position (if victim, indicate here \_\_\_\_\_)

---

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

---

Street

---

City, State      Zip

---

Phone Number

---

Fax Number

---

Email



IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO

IN RE: -----

CASE NO: \_\_\_ -----

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

**JUDGE** : -----

**ORDER FOR INVESTIGATION REGARDING**

**PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 29S3.2S)**

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

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

IT IS SO ORDERED.

\_\_\_\_\_  
JUDGE/MAGISTRATE

Date: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO

IN RE: -----

CASE NO: \_\_\_\_\_

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**ORDER FOR ADDITIONAL INFORMATION**

**PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)**

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

IT IS SO ORDERED.

\_\_\_\_\_  
JUDGE/MAGISTRATE

Date: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS

TRUMBULL COUNTY, OHIO

IN RE: \_\_\_\_\_

CASE NO: \_\_\_\_\_

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

**JUDGE:** \_\_\_\_\_

**JUDGMENT ENTRY GRANTING**

**PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)**

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

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

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

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

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

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

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

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

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

THIS JUDGMENT ENTRY, HOWEVER, DOES NOT SERVE AS ANY OF THE FOLLOWING BY THIS COURT:

- 1) A LETTER OF RECOMMENDATION.
- 2) ENDORSEMENT OF SPECIFIC SKILLS OR ABILITIES.
- 3) OPINION AS TO PETITIONER'S CHARACTER.

IT IS SO ORDERED,

\_\_\_\_\_  
JUDGE

**Date:-----**

IN THE COURT OF COMMON PLEAS

TRUMBULL COUNTY, OHIO

IN RE: — — — — —

CASE **NO** : — — — — —

DRC ELECTRONIC PETITION NO: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**JUDGMENT ENTRY DENYING**

**PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)**

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

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

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

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

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

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

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

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

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

IT IS SO ORDERED,

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JUDGE

Date: \_\_\_\_\_