

# STOW MUNICIPAL COURT



## COURT RULES

Lisa L. Coates, Judge

## **RULE No. 1 – CITATIONS AND PRECEDENCE OF RULES**

These rules shall be known as the Stow Municipal Court Rules of Practice and may be cited as SMCR No. \_\_\_\_\_. In the event of a conflict with the Ohio Rules of Superintendence, Rules of Criminal Procedure, Rules of Civil Procedure, Rules of Evidence, or the Traffic Rules, these rules shall be subservient.

## **RULE No. 2 – HOURS OF SESSION**

The hours for holding the regular sessions of the Court shall be from 8:00 a.m. to 4:30 p.m., Monday through Friday each week, except on those days designated by law as legal holidays, City of Stow holiday, or by judicial entry. A judge may extend the hours to any day or time deemed necessary and each judge may establish different hours for his or her Court.

## **RULE No. 3 – DECORUM AND CONDUCT**

### **(A) Courtroom Conduct.**

Upon the opening of any Court session, all persons in the courtroom shall stand. All persons in the courtroom shall conduct themselves with decorum and in such a manner so as not to interfere with, disrupt or obstruct judicial activities or proceedings. All persons appearing before the Court shall, as far as practicable, appear in appropriate attire.

### **(B) Food and Drink.**

Smoking, eating, or drinking is not permitted in the courthouse other than in designated areas for employees. (C)

### **Loitering.**

No person shall loiter or conduct themselves in a boisterous, unseemly or disorderly manner in or around the courthouse or otherwise interfere with or obstruct judicial activities or proceedings.

### **(D) Electronic Devices.**

All electronic devices shall be turned off before a person enters a courtroom.

### **(E) Small Children.**

Small children are not permitted in the courtroom if their behavior or condition causes a disturbance.

### **(F) Failure to Comply.**

Failure to comply with any aspect of this rule may result in sanctions, including continuance or dismissal of the matter before the Court, confiscation of the offending object(s), or a charge of contempt of Court.

### **(G) Attention to Rule.**

Counsel shall call this rule to the attention of clients and witnesses.

## **RULE No. 4 – APPEARANCE OF PERSONS**

Traffic Rule 8(C) is clarified and limited to require a defendant charged with a traffic violation, except for minor misdemeanors, to be present at the arraignment and all subsequent appearances. Defendants in criminal cases shall be present at all stages of the proceedings. All traffic defendants shall be present at all stages of the proceedings, except for an arraignment where the court may permit a “not guilty” plea in writing.

## **RULE No. 5 – MEDIA**

- (A) Requests for permission to broadcast, record, photograph or televise in the courtroom shall be in writing on a form prescribed by this Court to the judge or magistrate to whom the case is assigned as far in advance as reasonably practical, but in no event later than one-half (1/2) hour prior to the courtroom session to be broadcast, recorded or photographed, unless otherwise permitted by the judge or magistrate. Permission shall be granted in accordance with Rule 12 of the Ohio Rules of Superintendence and upon such terms as the Court may dictate.
- (B) Media representatives are responsible for pooling without involving the Court, except to notify it of pooling arrangements. Television stations and radio stations must decide which of them shall cover the proceedings, and only one of each may then cover any one proceeding. The newsprint media must decide which of them shall cover the proceedings for photographic coverage, and only one photographer may then be allowed in the courtroom at any one time. If a dispute arises among or between the media representatives during any proceeding, the judge shall exclude contesting representatives from the remaining case proceedings.
- (C) Media representatives must be in designated areas before Court convenes and may leave only during a recess, lunch break, or afternoon adjournment. Media representatives are responsible for providing their own equipment, including sufficient equipment leads to ensure they are able to be stationed in the designated location. Only existing lighting within the courtroom may be used. No flash lighting is permitted. Media representatives must wear appropriate attire when in the courtroom.
- (D) Limitations:
- (1) No media recording or broadcast of proceedings is permitted in any area outside of the courtroom.
  - (2) There shall be no audio pickup, recording or broadcast of conferences conducted in court between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge.
  - (3) No media recording shall be permitted in the jury deliberation room at any time during the course of the trial or after the case has been submitted to the jury. No recording, broadcast or photography of jurors shall be permitted at any time.
  - (4) The judge or magistrate shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed. Recording and/or broadcasting of victims of sexual assaults, informants and undercover police officers shall not be permitted.
  - (5) No media recording shall be made of any document or exhibit before or after it is admitted into evidence, except those which are clearly visible to spectators (e.g. maps, charts, blackboards, etc.).

(E) Revocation of permission:

Upon the failure of any media representative to comply with the conditions prescribed by these local rules, or the judge, or of Rule 12 of the Rules of Superintendence for the Courts of Ohio, the judge or magistrate may revoke the permission to record and/or broadcast the proceedings.

## **RULE No. 6 – OFFICIAL NOTICE OF CIVIL PROCEEDINGS**

The Akron Legal News is the official daily journal of the Stow Municipal Court as authorized by Ohio Revised Code 2701.09. Publication in The Akron Legal News shall be deemed official and complete notification to all local counsel of any assignment of any case for any purpose whatsoever and it shall be the duty of such counsel to ascertain such notice from The Akron Legal News. Non-local counsel and parties representing themselves shall be notified by mail.

Notwithstanding provisions of any rule to the contrary, any mail or electronic notification provided shall be sufficient. The Court also has a website located at [www.stowmunicourt.com](http://www.stowmunicourt.com) containing a docket of the proceedings before the Court.

Any party or counsel receiving a notice of hearing or trial while at the Court will receive no further notice.

## **RULE No. 7 – FILING BY ELECTRONIC TRANSMISSION (eFiling)**

(A) NOTICE: BEGINNING JANUARY 1, 2017, ALL CIVIL FILINGS SUBMITTED BY ANY ATTORNEY SHALL BE TRANSMITTED TO THE COURT VIA THE COURT’S WEB PORTAL. PRE-REGISTRATION FOR WEB PORTAL ACCESS IS REQUIRED AND IS AVAILABLE AT: [www.stowmunicourt.com](http://www.stowmunicourt.com).

### **(B) DEFINITIONS**

- (1) Original document: the electronic document received by the Court from the filer.
- (2) PDF: Portable Document Format – documents saved as this type have the [.pdf] extension.
- (3) DOC: Microsoft Word Documents – documents saved as this type have the [.doc] extension.
- (4) Source Document: the document created and maintained by the filer which is then electronically transmitted to the Court.
- (5) Submission: a document or other data sent via the internet as a court filing.
- (6) Effective Date and Time of Filing of a Document: means the date and time the electronic filing was time stamped by the Clerk of Courts as noted on the time stamp on the submitted document.
- (7) Electronic Filing: the process of transmitting a digitized source document electronically via the Internet to the Clerk of Court’s Office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted. Electronic filing does not include filings via a facsimile machine.
- (8) Electronic Mail (E-Mail): Messages sent by a user and received by another through an electronic service system utilizing the public Internet.

### **(C) ELECTRONIC FILING POLICY**

- (1) Applicability: In conformity with the Ohio Revised Code, Ohio Civil Rule 5(E) and Criminal Rule 12(B), complaints, pleadings, motions and other documents may be filed with the Clerk of Courts electronically via the Internet, subject to the provisions in this rule.
- (2) Application of Rules and Orders: Unless otherwise modified by approved stipulation or Court order, ALL Ohio Rules of Civil and Criminal Procedure and Local Rules and orders of the Court shall continue to apply to all documents electronically filed.
- (3) Accepted Filings:

- (a) All electronically filed documents must be signed by an attorney admitted to practice in the State of Ohio or, by a party not represented by an attorney.
- (b) Any signature on an electronically transmitted document shall be considered that of the attorney or party it purports to be for all practical purposes.
- (c) If it is established that the documents were transmitted without authority, upon motion, the court shall order the document stricken.
- (d) No attorney shall authorize any person to electronically file on that attorney's behalf, other than his or her employee or a service provider retained to assist in electronic filing.
- (e) The electronic filing of a document by an attorney, or by another under the authorization of the attorney, or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule 11.

(4) Account Assignment:

The Clerk of Courts shall set up an electronic filer user account and assign a user-id and initial password to be used for electronically filed documents.

(5) Hours of Operation:

- (a) The Clerk shall receive electronic documents 24 hours per day, seven days per week, regardless of whether or not the Clerk of Court's Office is actually open.
- (b) A document will be deemed filed when time stamped by the Clerk. Time at the Court (Eastern Standard) governs, rather than the time zone from which the filing is made. Accordingly, all electronic submissions should be made in adequate time to permit processing in the event of a deadline.
- (c) All electronically filed documents shall receive a confirmation date and time acknowledgement.

(6) Document Format: Documents must be submitted in PDF or DOC formats.

(7) Fees:

- (a) The Clerk of Courts shall assess normal filing fees and case deposits will be collected via user credit card at the time the filing is processed. Pursuant to Ohio Revised Code 301.28(E) and (F), a surcharge for credit card use may be assessed in an amount to be determined by the Clerk of Courts. Any document filed without an appropriate filing fee may be stricken. A document requiring a filing fee will not be considered filed until the requisite filing fee has been paid.
- (b) No personal checks will be accepted.
- (c) The Clerk of Court's Office will document the receipt of fees on the docket with a text-only entry.
- (d) The Court will not maintain electronic billing or debit accounts for lawyers or law firms.

(8) Filing Acceptance or Rejection Cycle:

- (a) A confirmation number will be assigned to each filing when it is received in its entirety by the Clerk of Court's receiving device.
- (b) The confirmation number and the date and time of the filing will be displayed on the screen of the filer's computer upon successful transmission of the filing.

- (c) Upon successful processing of the filing by the Clerk of Courts, an electronic mail message containing the confirmation number and case number assigned, if any, will be sent to the filer.
  - (d) Filers will be notified via electronic mail if the filing is rejected for any reason.
  - (e) Rejected filings which are resubmitted via electronic mail must be received by the Clerk of Courts within twenty-four (24) hours of the time that the rejection electronic mail message was sent by the Clerk of Courts in order to retain the original date and time of filing and confirmation number.
  - (f) A corrective filing may, however, be sent at a later time if the filer elects to do so, but after the twenty-four (24) hour period expires, this filing will be considered a new filing and the prior confirmation number will have expired.
  - (g) If a document is rejected due to technical errors and the filer wishes to have the corrective filing relate back to the date and time of the rejected filing, the filer must file a motion with the Court seeking relief.
  - (h) Any attorney, party or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of electronic signals and readability of the document and, accepts the full risk that the document may not be properly filed with, or accepted by, the Clerk of Courts as a result.
- (9) Electronic Time Stamping:
- (a) Upon successful completion of acceptance processing by the Clerk of Courts, a document filed electronically will be electronically time stamped.
  - (b) This stamp will include the date and time that the receiving device of the Clerk of Courts received the entire transmission as well as the case number of the filing.
  - (c) Upon recognition of a processing error, the Clerk of Court's Office will contact the filer to remediate the issue.
  - (d) After a document is electronically time stamped, the document cannot be altered once it has been accepted into the system.
- (10) Disposition and Maintenance of Source Documents:
- (a) A document electronically filed shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E) and Criminal Rule 12(B) if the person filing electronically complies with all of the requirements set forth in this Rule.
  - (b) The person filing electronically need not file a hard copy with the Clerk of Courts but must maintain in his or her records, and have available for production upon request by the Court, the Clerk of Courts or other counsel, the source document of any document electronically filed.
  - (c) The filer must maintain this source document until the final disposition of the case and through any Notice of Appeal, or, if appealed, appeal period.
- (11) Public Method of Access to Electronically Filed Public Documents:
- (a) Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper via the Clerk of Court's website at <https://www.stowmunicourt.com>.
  - (b) Public access to electronically filed public documents will be available via the internet website of the Clerk of Courts as soon as the Clerk has processed the document.
  - (c) If the Internet website is unavailable or is not provided by the Clerk of Courts or if the Clerk of Courts is prohibited by the Court or by any law from making the document available via the Internet website, the

document will be available for review at the office of the Clerk of Courts, either by computer terminal or in paper form in the case file.

- (d) If, however, a document or case record is sealed or expunged, filed under seal, or is otherwise not subject to public viewing, it is unavailable for public disclosure.

(12) Service of Documents:

- (a) Documents filed electronically with the Clerk of Courts shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.
- (b) Once a party has entered an appearance in the case, the party shall furnish their email address, and service thereafter shall be electronically, where possible.

(13) Attachments and Exhibits: Attachments and exhibits to any electronically submitted document shall be filed electronically.

(14) Signatures:

- (a) If an original document requires a signature of a non-attorney, the filing party shall scan the original document and then file it electronically.
- (b) A pleading or other document requiring an attorney's signature shall be signed in the following manner if filed electronically: "/(attorney name)/." The correct format for an attorney signature is as follows:

- /Ohio Attorney/
- Attorney's name (typed)
- Ohio Supreme Court Number
- Attorney for (Plaintiff/Defendant)
- Address
- Telephone Number
- Facsimile Number
- E-Mail Address

- (c) For documents containing multiple signatures, such as stipulations or documents requiring two or more signatures, the following procedure applies:

- (1) The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document.
- (2) The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.

- (d) If the filing party or attorney elects to file the document electronically the signatories shall be indicated as, e.g., /Jane Doe/, /John Smith/, etc.

- (e) A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document or a motion to strike within ten (10) days of receiving the notice of electronic filing.

(15) Orders (Journal Entries):

- (a) A moving party, at the time of filing a motion, shall submit with that motion a proposed journal entry granting the motion and setting forth the requested relief. All orders shall be in an editable Word format.
- (b) The motion shall be docketed prior to submitting the proposed journal entry to the judge, and the proposed journal entry shall contain, by reference, the case number of the case.

(16) Privacy:

- (a) Filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:
  - Social security numbers except for the last four digits;
  - Financial account numbers, including but not limited to debit card, charge card, and credit card numbers;
  - Employer and Employee identification numbers;
  - A juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV: for "child victim";
  - Proprietary or trade secret information.
- (b) With permission of the Court, a party may file, under seal, a document containing the unredacted personal data identifiers listed above.
  - (1) The party seeking to file an unredacted document shall electronically file a motion to file the document under seal.
  - (2) In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.
- (c) The responsibility for redacting personal data identifiers (i.e., social security numbers and bank/credit card numbers) rests solely with the filing party.
- (d) The Clerk of Court's Office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.



(17) Technical Failures:

- (a) The Clerk of Court's Office may deem the Internet web site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently on that day. Known system outages will be posted on the website, if possible.
- (b) A filer who cannot file a document electronically due to any problem of any nature must file a hard copy of the document with the Clerk of Courts.
- (c) A filing party whose filing is made untimely as a result of a technical failure of the Court's system or site, or as a result of the problems on the filer's end, may seek appropriate relief from the Court.

(18) Correction of Docket Entries / Documents Filed in Error:

- (a) Once a document is electronically submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk of Court's Office.
- (b) The System does not permit a filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
- (c) If a document has been filed in error, the filing party should not attempt to re-file the document.
- (d) As soon as possible, after the error has been discovered, the filing party should contact the Clerk of Court's Office with the case number and document number for which the correction is being requested.
- (e) If appropriate, the Court will make an entry indicating that the document was filed in error and the filing party will be advised if the document needs to be re-filed.
- (f) If a document is filed in error (e.g., a document is filed on the wrong case or the electronic file is corrupt or unreadable), upon motion, the judge may order the document stricken from the record.
- (g) As soon as practicable, the Clerk of Court shall notify the filer of the error and inform the filer if the document needs to be re-filed.
- (h) The Clerk will not delete the relevant docket text, but will annotate the docket to show the deletion, the reason for the deletion and that the filer has been so notified.

(D) NONCONFORMANCE RULE

The Clerk of Court reserves the right to deny any party, firm, or agency the use of electronic filing due to habitual nonconformance of these rules and/or equipment incompatibility issues that are not corrected.

## **RULE No. 8 – ASSIGNMENT OF CASES TO JUDGES**

When a responsive pleading or motion is filed in a civil case, or in a criminal or traffic case a pre-arraignment motion is filed or "not guilty" plea is entered, the case shall be assigned immediately, by Case Management, by lot, to a judge. The assigned judge shall be responsible for the determination of every issue and proceeding in the case until its termination or reassignment.

## **RULE No. 9 – CASES THAT HAVE BEEN ASSIGNED**

The judge assigned to a case shall be responsible for the determination of every issue and proceeding in that case until its termination. Emergency orders and orders as of right, including requests for continuance, shall be submitted to the judge to whom the case is assigned. If the assigned judge is unavailable, the matter may be submitted to and determined by the presiding judge, if in the opinion of the presiding judge undue prejudice would be caused by not considering the matter.

## **RULE No. 10 – REASSIGNMENT OF CASES**

### **(A) Related Case.**

If a case assigned under SMCR No. 8 is found to be related to another case(s), or if there is a companion case(s) which presents substantially the same issues for determination, such fact shall be called to the attention of the presiding judge by submitting a related case transfer entry, signed by the transferring judge and the transferee judge. If the related case transfer entry has been approved by the transferor and the transferee judge, the presiding judge shall approve the same and reassign such case(s) to the transferee judge. The presiding judge may transfer the case without the approval of the transferee judge when he finds such transfer appropriate.

### **(B) Disqualification.**

If, for any reason, a judge is disqualified to hear an assigned case or is recused, that judge shall sign and submit a case transfer entry to the presiding judge. If approved by the presiding judge, a new lot shall be drawn and that case(s) shall be assigned to another judge. The transferring judge shall then receive the next case that would have been assigned by lot to the transferee judge.

### **(C) Illness or Absence.**

In the event of the protracted illness of a judge, or the unduly prolonged time for trial of a case(s) assigned to a judge, the presiding judge may order the reassignment of cases assigned to that judge to another judge or to a visiting or acting judge, as the presiding judge may determine.

### **(D) General.**

The presiding judge may reassign any case in the furtherance of justice. A judge appointed or elected to succeed another shall have the cases assigned to his predecessor. When there is a transfer of a case, the case file and the other records shall be changed to reflect the reassignment to the transferee judge.

## **RULE No. 11 – CIVIL PLEADINGS AND OTHER PAPERS**

### **(A) Style.**

All papers filed with the Clerk shall be filed under the style and number of the cause, and shall include: the name of the judge assigned the case, if any; a notation as to the type of case; a short description of the pleading or motion being filed; and any other information required by Civ.R. 10. All papers shall remain in the office of the Clerk of Courts except when required by the Court.

### **(B) Caption.**

The caption on all pleadings shall provide a blank space of approximately three inches (3") in diameter on the upper right portion of the pleading for the Clerk's time-stamp imprint.

### **(C) Identification.**

All pleadings, motions and other papers filed in an action shall bear the case number and the name, address, telephone number and E-Mail address of the attorney together with the Registration Number of the attorney provided by the Supreme Court of the State of Ohio, or other person filing the same.

(D) Certificate of Service.

- (1) Other than the original complaint, every pleading, motion or other paper filed with the Clerk shall contain a certification of notice to the other parties to the action. In every proceeding where there is an attorney of record, the service shall be made upon such attorney unless service upon the party is ordered by the Court. [Civ.R. 5(B)]
- (2) Documents not containing a certificate of service may be stricken.

(E) Size.

All pleadings and other papers shall be typewritten or printed on 8-1/2 x 11 inch bond paper only. They shall be offered without backing, suitable for a flat filing system and be scannable. Original documents attached or offered as exhibits are exempt from this requirement, provided that all exhibits shall be neatly bound.

(F) Non-compliance.

Any document not complying with this rule may be stricken.

## **RULE No. 12 – CIVIL COURT COSTS**

No civil action or proceeding shall be accepted for filing by the Clerk unless the filing fee established by the court is deposited, unless exempted by law or otherwise ordered by the Court. Such prescribed fees may be amended from time to time by order of the Court. All entries or other dismissals terminating any case shall indicate the party having responsibility for payment of the court costs. In the event that an entry or dismissal terminating a case fails to provide the party responsible for court costs, costs shall be assessed to the plaintiff.

## **RULE No. 13 – DISMISSALS ON FAILURE OF SERVICE**

A general civil case pending for six (6) months or longer or a small claims case for three (3) months or longer in which service of process of the complaint has not been made, shall be dismissed after notice to the plaintiff, unless, for good cause, the presiding judge otherwise directs.

## **RULE 14 – CIVIL LEAVES TO MOVE OR PLEAD**

In all civil cases, a party may obtain one automatic leave to move or plead by certifying to the Clerk or by motion and order, stating that no previous leave has been taken. Such leave may not exceed twenty-one (21) days.

One additional leave to move or plead may be obtained at the discretion of the assigned judge or magistrate. The request for leave shall be in writing, with notice to other parties, stating the reason for requesting such leave and setting forth the particulars of the prior leave. Such additional leave shall not exceed twenty-one (21) days. A judge, for good cause, may waive any requirement in this paragraph.

## **RULE No. 15 – MOTION PRACTICE**

Motions required to be made during a hearing or trial may be made orally or in writing to the judge or magistrate presiding over the case. All other motions shall be made in writing, unless otherwise permitted by the judge. Motions for a definite statement pursuant to Civ.R. 12(E) and motions to strike pursuant to Civ.R. 12(F) shall set forth the language sought to be stricken or claimed to be indefinite.

Motions will not be set for hearing except as the Court, in its discretion, orders. A party desiring a hearing shall request the same on the face of the motion. When a motion is set for hearing, the Court shall notify the parties to the action of the date and time of the hearing.

Parties shall have ten (10) calendar days to respond to a motion, however, this does not prevent the court from ruling on a motion at any time.

The Court in its discretion may extend the time for filing and answering motions, unless prohibited by statute or the Ohio Rules of Civil or Criminal Procedure.

All documents filed with the Court shall contain the E-Mail address of the filing party. Failure to provide this information may result in the document being stricken.

To the extent that this rule may conflict with SMCR No. 14 or 17, the latter rules shall prevail.

## **RULE No. 16 – NOTIFICATION OF DISMISSALS**

- (A) In cases of settlement or voluntary dismissal, the court will accept notice of the same by telephone from the person pursuing each claim. The plaintiff must submit an entry within ten (10) days of such telephone notification, unless otherwise ordered by the court.
- (B) It shall be the responsibility of the plaintiff to notify the opposing party of the cancellation of any scheduled hearing due to voluntary dismissal, unless otherwise ordered by the court.
- (C) If no entry is received within the time allowed, the court will issue an entry of dismissal at the cost of the plaintiff or other party notifying the court of the dismissal.

## **RULE No. 16.1 – PRE-TRIAL CONFERENCES**

- (A) Exceptions.

A pre-trial conference may be held in a civil case. Pre-trials may not be held by phone unless expressly permitted by the judge or magistrate.

- (B) Continuances.

The attorney(s) who will actually handle the trial of a case shall attend all pre-trial conferences unless excused by the judge or magistrate presiding. Continuances may be granted only by the judge or magistrate scheduled to preside at the pre-trial conference. No continuance of trial will be granted on the grounds that the trial attorney is not prepared to go forward if he has failed to attend the pre-trial conference.

- (C) Parties To Be Present.

All parties in interest must be present at the pre-trial conference, unless excused by the judge or magistrate presiding. If any claim for relief by any party is covered in whole or in part by insurance, a representative of the insurance company or carrier, authorized to handle the claim(s) for relief in controversy, must be present at the pre-trial conference, unless otherwise ordered by the judge or magistrate. If a claim for relief against any party is fully covered by insurance, that party's presence at the pre-trial conference is not required unless otherwise ordered by the Court.

- (D) Attorney Preparation.

At pre-trial conferences, attorneys for all parties should be prepared to:

- (1) Freely discuss the factual and legal theories of the case;
- (2) Discuss the necessity or desirability of amendments to any pleadings, or the filing of any additional pleadings; (3)  
Discuss simplification of the issues;
- (4) Make admissions as to the facts and the genuineness of documents and other exhibits which are not in dispute;
- (5) Eliminate parties unnecessary to the case;
- (6) Give the names of witnesses whom they intend to call and state the general nature of their testimony. If the court so orders, counsel shall not be permitted to call additional witnesses at the trial, except rebuttal witnesses, unless

the names and addresses of said witnesses and the general nature of their testimony are furnished in writing to other counsel of record and the Court at least two (2) weeks before trial, or upon leave of court at the trial for good cause shown;

- (7) Give the number and nature of exhibits to be introduced and, if required by the court, produce the exhibits for examination by the court or parties;
- (8) Furnish an itemized list of special damages and expenses, and a full description of the nature of any injuries for which compensation is claimed;
- (9) Give the names, addresses and specialties of any anticipated expert witnesses;
- (10) Exchange reports of any expert witnesses expected to be called by the parties;
- (11) Exchange medical reports and hospital records;
- (12) Discuss limitations on the number of expert witnesses;
- (13) Produce information relative to insurance agreements, in accordance with Civ. R. 26(B)(2);
- (14) Discuss the necessity of supplementing interrogatory answers or other previous discovery;
- (15) Discuss procedures and time limitations for the completion of any further anticipated discovery;
- (16) Discuss whether a view of the premises is appropriate or necessary;
- (17) Discuss the possibility of consolidation of cases for trial;
- (18) Consider the possibility of separation of issues (if any) for determination by or to the court, or to the jury, and separate determination of the issues of liability and damages;
- (19) Submit and consider authorities on unique or controverted issues, or guarantee their submittal at least two (2) working days prior to trial;
- (20) Fully explore and be authorized to conclude settlement;
- (21) Discuss any other matters that may expedite the trial or disposition of the case.

(E) Pre-trial Statements.

All parties, prior to a scheduled pre-trial, shall file a pre-trial statement with the Court containing:

- (1) a brief statement of the facts;
- (2) issues of fact;
- (3) issues of law;
- (4) a list of witnesses;
- (5) a list of exhibits; (6) possible stipulations; and
- (7) the status of discovery.

(F) Motions.

The court may decide or take under consideration for decision, any motions ending the case at the time of the pre-trial conference.

(G) Sanctions for failure to appear.

Provided that notice has been given, either by reference to this rule in the notice of pre-trial conference or otherwise, the judge or magistrate may:

- (1) upon failure of plaintiff and counsel to appear in person at pre-trial, dismiss the claim for want of prosecution;
- (2) upon failure of defendant and counsel to appear in person, allow plaintiff to proceed with the case on the merits ex parte; and
- (3) strike, as waived, a jury demand filed by a non-appearing party.

(H) Pre-trial Discovery.

The parties shall make reasonable efforts to complete documentary discovery by the time of the first pre-trial conference. The court may disallow further discovery at the pre-trial conference or set the case for trial without an additional pre-trial conference although further discovery may be permitted.

(I) Failure to Comply.

Failure of an attorney to be prepared for the pre-trial conference, failure of an attorney or party to appear, or to cooperate in good faith in the conduct of the pre-trial conference, shall subject said attorney or party, in the discretion of the judge or magistrate, to sanctions as provided by Rule 37 of the Ohio Rules of Civil Procedure, including an award of expenses and/or attorney fees to any party prejudiced by said failure. In addition, the Court shall have the authority to dismiss an action for failure on the part of the plaintiff or plaintiff's counsel to comply with this rule and shall have the authority to proceed with all or any portion of the case and to decide and determine any or all matters ex parte upon failure of the defendant to appear in person or by counsel at pre-trial conference in accordance herewith.

- (J) In the event of any conflict between this rule and the pre-trial order issued in a case, the terms of the pre-trial order shall prevail.

## **RULE No. 17 – TELEPHONE HEARINGS**

Under exceptional circumstances, the Court may, in its discretion, hear oral argument on any motion or conduct a pre-trial conference or other hearing by speaker or regular telephone conference, provided that every statement is audible to all persons. Upon request of any party, such oral argument, conference, or hearing may be recorded under such conditions as the Court shall deem practicable. The Court may direct which party shall pay the cost of long distance or conference telephone calls. The requesting party shall set up such conference call with all counsel, parties and the Court unless otherwise directed by the judge or magistrate.

## **RULE No. 18 – SUBPOENAS FOR WITNESSES**

- (A) Witnesses may be subpoenaed by filing a praecipe with the Clerk or by a person designated by an order of the Court as provided in Civ.R. 45(C).
- (B) Any praecipe for subpoena or order designating a person to serve a subpoena shall be filed with and time stamped by the clerk at least five (5) business days before the scheduled date of trial. If a witness fails to appear at trial and the

filing for such service was made sooner than five (5) business days before trial, or service cannot be made due to the late filing of the praecipe or order, then such nonappearance by the witness shall not constitute grounds for a continuance.

(C) In any case, service of subpoena may be made by an attorney-at-law or by any person designated by the court pursuant to Rule 45 (B) of the Ohio Rules of Civil Procedure or Rule 17(D) of the Ohio Rules of Criminal Procedure.

In civil cases, service of subpoena may be made by the bailiff's office.

## **RULE No. 19 – JURY TRIALS**

(A) Civil.

A demand for trial by jury shall be made in accordance with Civ.R. 38. To obtain a jury in a civil case, a timely written jury demand shall be filed with the Clerk, together with the jury deposit set forth in the schedule of court costs. If no number is specified on the jury demand, the number of jurors shall be eight (8). To be effective, a jury demand requires both a written request and the deposit. The deposit may be waived upon determination by the assigned judge that the party making the jury demand is indigent. The non-prevailing side shall be responsible for jury costs unless the Court otherwise directs.

(B) Criminal/Traffic.

Where there is a right of jury trial, the jury demand shall be made in accordance with Crim.R. 23. In criminal and traffic cases, the defendant, if found guilty, shall be responsible for any jury costs.

(C) General.

In all civil, criminal, and traffic cases, when a jury is requested and not used, the jury costs shall be assessed against the party making the demand, unless the demand is withdrawn in writing by 9:00 a.m. of the last working day before the date set for trial.

## **RULE No. 19.1 – JURY MANAGEMENT PLAN**

(A) Jury Eligibility and Procedure for Jury Selection.

Juror eligibility shall be determined and prospective jurors shall be selected by the jury commission of the Summit County Court of Common Pleas in accordance with its policies and procedures for potential service with the Stow Municipal Court.

(B) Summoning of Prospective Jurors.

Prospective jurors shall be summoned only on the filing of a written jury demand and pursuant to SMCR No. 19. Every effort shall be made to resolve cases prior to summoning juries. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial.

(C) Examination of Prospective Jurors.

Examination of prospective jurors shall be limited to matters relevant to the matter before the Court and to determine the juror's fairness and impartiality.



All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code. The Court may conduct a preliminary voir dire examination concerning basic and relevant matters and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:

- (1) The case may not be argued in any way while questioning the jurors.
- (2) Counsel may not engage in efforts to indoctrinate jurors.
- (3) Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
- (4) Jurors may not be asked what kind of verdict they might return under any circumstance.
- (5) Questions are to be asked collectively of the entire panel whenever possible.

In the event there exists a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.

In all cases, voir dire may be held on the record and may be conducted outside the presence of other jurors in order to protect juror privacy or to avoid juror embarrassment.

If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular case fairly and impartially, the individual may be removed from the panel for cause. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the Court. Further, Ohio Revised Code 2313.42 and the Ohio Criminal Rule of Procedure 24(B) set forth additional cause challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternately as presently established by Ohio Revised Code 2945.23, Civil Rule 47 and Criminal Rule 24, unless prior to trial the parties agree on the record to another method. Unless otherwise agreed, all challenges shall be made outside the hearing of the prospective jurors. The number shall be limited to the number established by the Rules of Civil and Criminal Procedure.

In criminal cases, the jury shall consist of eight regular jurors and possibly one alternate juror. In civil cases, the jury shall consist of eight regular jurors and possibly one alternate juror, unless by agreement, the parties stipulate to a lesser number. In special circumstances, additional alternate jurors may be selected.

#### (D) Jury Orientation.

Upon appearance for jury service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such court personnel for appropriate action. An explanatory video of jury service may be presented to all prospective jurors prior to their entering the courtroom. Counsel for the parties may request to view any such video before its use.

The Court may give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the court, along with other basic and relevant legal principles as the Court deems necessary and appropriate.

Upon the completion of the case and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury.

A final jury charge may in the discretion of the judge be committed to writing, and may be provided to the jury for its use during deliberation.

All communications between the judge and the members of the jury panel, from the time of reporting to the court through dismissal, shall be committed to writing or placed on the record in open court. Counsel for each party shall be informed of any communication and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors. Any such conduct, inadvertent or otherwise, shall be reported immediately to the Court.

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors and shall arrange and conduct all activities so as to minimize contact between jurors, parties, counsel and the public. Upon the commencement of deliberations, all jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.

Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice. Jurors may be consulted prior to any decision.

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and transportation of all jurors.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of the verdict, in criminal cases, either party may request that the jury be polled.

(E) Jury Instructions in Criminal Cases- in criminal proceedings, proposed jury instructions must be submitted at least 24 hours before the trial commencement or later with leave of court.

## **RULE No. 19.2 – PRE-TRIAL DUTIES ON CIVIL JURY TRIAL**

At least two weeks before a jury trial, the parties shall exchange witness lists, copies of all exhibits and proposed jury instructions, and file copies of same with the Court. Failure to disclose a witness or an exhibit may result in a witness's testimony or an exhibit being excluded at trial. Failure to comply with this rule may result in sanctions to the defaulting party, up to and including the dismissal of claims.

## **RULE No. 20 – CIVIL TRIAL DATE ASSIGNED**

When a civil case is assigned a date for trial, the case shall proceed to trial on that date, unless the Court directs otherwise. If plaintiff is not willing or able to proceed, the Court may dismiss the case with or without prejudice.

If a civil case set for trial is settled, the attorneys assigned to that case shall immediately notify the Court and shall promptly submit an agreed entry dismissing all claims.

The Court may order an appropriate judgment entry or stipulation to be filed in accordance with SMCR No. 21.

## **RULE No. 21 – JUDGMENT ENTRIES**

Whenever a judgment or dismissal entry is required in any case, the Court may prepare it or order that counsel prepare the same. The entry shall be filed within ten (10) days. If such entry was to be prepared and presented by counsel, the Court shall prepare and file same when it is not timely presented to the Court.

## **RULE No. 22 – CIVIL CONTINUANCES**

### **(A) Written Request.**

No party shall be granted a continuance of a trial or hearing without first submitting a written request to the assigned judge or magistrate stating the reason for such request. No court shall grant a continuance to any party at any time without first setting a new date for the trial or hearing.

### **(B) Designated Trial Attorney.**

Each party represented by counsel shall have one attorney designated as trial attorney. All notices and communications from the Court and all documents required to be served will be sent to the designated trial attorney.

### **(C) Stipulations.**

Stipulated continuances shall not be granted as a matter of course.

### **(E) Waiver.**

A judge, for good cause, may waive any requirement in this rule.

## **RULE No. 23 – DUTIES OF ATTORNEYS**

### **(A) Notice of Representation.**

It shall be the duty of any attorney in any proceeding to promptly notify the Court in writing when entering an appearance for a party.

### **(B) Withdrawal or Change of Counsel.**

It shall be the duty of any attorney in any proceeding to promptly notify the Court in writing when a withdrawal or change of counsel occurs, with proof of service on all parties, including the affected client.

### **(C) Permission to Withdraw.**

Notwithstanding subdivision (A) of this rule, an attorney cannot withdraw from any criminal or traffic case unless counsel first requests in writing and receives the Court's permission for such withdrawal. Any request to withdraw must be in writing and be filed with the court at least seven (7) calendar days before the next scheduled hearing and shall contain:

- (1) the reasons for the motion;
- (2) a certificate of service to opposing counsel and the client;
- (3) the date and time of the next court appearance;

- (4) a statement from counsel that if the motion is granted, a copy will be mailed by counsel to the clients at their last known address, including a confirmation of previously scheduled court hearings.

## **RULE No. 24 – TRANSFER OF CASES TO ANOTHER COURT**

### **(A) Monetary Jurisdiction.**

The party filing a counterclaim, cross-claim, or third-party claim exceeding the monetary jurisdiction of the Court, which is transferred to the Court of Common Pleas, shall pay the required costs for such transfer to the Clerk of the Court and to the Clerk of the Common Pleas Court.

### **(B) Venue.**

The plaintiff in a case that is ordered transferred because of improper venue or other reason shall pay the required costs for such transfer to the Clerk of this Court and to the Clerk of the transferee court.

### **(C) Failure to Comply.**

Failure to comply with subdivision (A) or (B) of this rule within fourteen (14) days shall be deemed to be a failure to prosecute under Civ. R. 41(B)(1). A Court, in its discretion, may grant additional time, but failure to comply within that extended period shall also be deemed to be a failure to prosecute under Civ. R. 41(B)(1).

## **RULE No. 25 – COURT REPORTERS**

There is no official court reporter for the Stow Municipal Court. The responsibility of arranging for the attendance of a court reporter shall rest with the attorney and/or party desiring the same. An audio record of all proceedings required and maintained and made by the court are available to any person so requesting and may be transcribed and if approved by the court, such transcription shall serve as the official record of the proceedings, and the costs of said recording and/or copying shall be borne by the party requesting the recording.

## **RULE No. 26 – RECORDING OF PROCEEDINGS**

A written request for the recording of any proceeding must be made not later than 4:00 p.m. on the day prior to trial in cases where a recording is not required by law, and filed with the Clerk of Courts.

## **RULE No. 27 – MEDIATION**

### **(A) RETENTION AND DESTRUCTION**

Upon order of the Court, any civil action filed in the Stow Municipal Court may be submitted to mediation as provided in this rule. By participating in mediation, a non-party participant, as defined by Ohio Revised Code 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

Mediator is defined to mean any individual who mediates cases pursuant to an order or appointment by this Court, regardless of whether that individual is an employee, independent contractor or volunteer.

### **(B) SELECTION AND TIMING FOR MEDIATION**

Any civil case may be referred to mediation by a judge or the chief magistrate.

A party opposed to either the referral or the appointed mediator must file a written objection with the Court within seven (7) days of receiving the notice of the mediation and explain the reasons for any opposition.

A mediation may be scheduled for further sessions if deemed appropriate by the Mediator or the Court.

#### (C) CONTINUANCES

Continuances shall be granted only for good cause shown and after a mutually acceptable future date has been determined. No continuance will be granted if the mediation cannot be scheduled prior to the established trial date. All continuance requests must be made at least one week before the scheduled mediation.

#### (D) NO STAY OF PROCEEDINGS

All remaining court orders and deadlines shall remain in effect if a case is referred to mediation. No order is stayed or suspended during the mediation process.

#### (E) MEDIATION PRIVILEGE AND CONFIDENTIALITY

Mediation communications are privileged and/or confidential as described in Ohio Revised Code 2710.03-2710.10, the Rules of Evidence and any other pertinent judicial rule(s).

#### (F) CLIENT DEFINED CONFIDENTIALITY

If the parties wish mediation communication to be confidential they will effect and file with the Court a written confidentiality agreement prior to the scheduled mediation.

#### (G) MEDIATORS DUTY AND REPORT

At the conclusion of the mediation and in compliance with Ohio Revised Code 2710.06 the Court shall be informed of the status of the mediation including, but not limited to, all of the following:

- Whether the mediation occurred or was terminated;
- Whether a settlement was reached on some, all or none of the issues;
- Attendance of the parties; and
- Future mediation session(s), including the date and time.

No other information shall be directly or indirectly communicated by the mediator to the Court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

#### (H) DUTIES OF ATTORNEYS/PARTIES

Trial counsel, all parties and, if applicable, the principal insurance adjuster(s), all with authority to settle, shall personally attend all mediation sessions and be prepared to discuss all relevant issues, including settlement terms. Any business entity must have a representative present other than counsel.

If counsel or any mediation party becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but who has not yet been joined as a party in the pleadings, they shall promptly inform the mediator and the assigned judge or magistrate.

If the opposing parties to any case have either resided in a common residence or are related by blood, adoption, or marriage, and have known or alleged domestic abuse at any time prior to the mediation, then the parties or their counsel have a duty to disclose such information to the mediation staff. Such party shall have a duty to participate in any screening required by the Ohio Supreme Court Rules of Superintendence Rule 16 both prior to, and, in the mediator's discretion, during the mediation session(s).

#### (I) SANCTIONS

If any of the individuals identified in the above-paragraph fail to attend mediation without good cause, the Court may impose sanctions, including the award of attorney's fees and other costs, contempt or other appropriate sanctions including default judgment or the dismissal of their claims

#### (J) NO ADVICE

The efforts of the mediator shall not be construed as giving legal advice. The Court may have materials for legal or other support services available in the community. The mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

#### (K) MEDIATION MEMORANDUM OF AGREEMENT

The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The "Mediation Memorandum of Agreement" may be signed by the parties and counsel (if the "Mediation Memorandum" is signed it will not be privileged pursuant to Ohio Revised Code 2710.05(A)(1)). The written "Mediation Memorandum of Agreement" may become an order of the court after review and approval by the parties, their attorneys (if applicable) and the assigned judge or chief magistrate. No oral agreement by counsel or with parties or an officer of the court will be regarded unless made in open court.

#### (L) ADMINISTRATIVE DISMISSAL

If the parties fail to dismiss a settled case within the later of thirty (30) days or the time noted in the entry that gave the Court notice of the settlement or Mediation Memorandum of Agreement, then the Court may dismiss the case administratively. Upon such administrative dismissal, court costs shall be paid from the funds deposited. If court costs exceed the funds deposited, each party shall bear their own costs.

#### (M) COSTS OF MEDIATION

A court cost, as set for the in the Schedule of Court Costs, shall be assessed in any case referred to mediation.

### **RULE No. 28 – RETENTION OF ELECTRONIC RECORDINGS**

Electronic recordings shall be retained for six (6) months after a scheduled and recorded hearing.

## **RULE No. 29 – DISPOSITION OF FILES, RECORDS RETENTION, DESTRUCTION AND FILE MAINTENANCE**

### **(A) RETENTION AND DESTRUCTION**

The Clerk of the Stow Municipal Court shall use the Rules of Superintendence for the Courts of Ohio and the Ohio Revised Code as guidelines for all record retention and destruction limitations.

### **(B) COURT FILES**

Court files may be examined at the office of the Clerk of Courts under the supervision of the clerk or deputy clerk. Upon request, copies of documents will be provided at a cost per a schedule to be established by the Clerk of Courts.

### **(C) DOCUMENT REMOVAL**

No document may be removed from a court file.

### **(D) FILE REMOVAL**

No file may be removed from the Clerk of Courts's office without the consent of the judge or clerk. Files must be promptly returned to the Clerk of Court's office and may not be removed from the court building.

## **RULE No. 30 – MAGISTRATES**

(A) The Court shall employ one or more magistrates who may hear the following cases unless otherwise ordered:

- (1) Small Claims case proceedings under Ohio Revised Code 1925;
- (2) Forcible Entry and Detainer proceedings under Ohio Revised Code 1923;
- (3) Traffic misdemeanor arraignments, and dispose of such cases when there is a "guilty" or "no contest" plea;
- (4) Traffic misdemeanors when the defendant waives a trial by a judge;
- (5) Mandatory orders;
- (6) Administrative twelve point and noncompliance license suspension hearings and requests for payment plans to the Ohio Bureau of Motor Vehicles;
- (7) Default proceedings under Civ. R. 55 where a hearing is required;
- (8) Post-judgment hearings;
- (9) Replevin, prejudgment attachment, etc.;
- (10) Preliminary hearings;
- (11) Miscellaneous civil matters relating to garnishments, replevins and other attachments;
- (12) Rent escrow proceedings;
- (13) Minor misdemeanor and unclassified misdemeanor traffic trials;
- (14) Minor misdemeanor criminal trials;

- (15) Non-jury civil trials;
- (16) Mediation;
- (17) Such other appropriate matters as referred by the presiding/administrative judge.

(B) The magistrate presiding in Traffic Court is designated an officer of the Court and is authorized to issue warrants and summons.

(C) All pre-trial orders of the magistrate entered pursuant to Civ. R. 53 and all decisions of the magistrate shall be prepared, signed and filed with the Clerk who shall serve copies on all parties or their counsel.

## **RULE No. 31 – COMPLAINT IN FORCIBLE ENTRY AND DETAINER**

A complaint in Forcible Entry and Detainer shall be filed in accordance with SMCR No. 11 and shall contain a reason for the eviction, a copy of the notice given under Ohio Revised Code 1923.04 and a copy of the written instrument upon which the claim is founded. When the plaintiff is not an individual, the complaint must be signed by an attorney and the party must appear with counsel. Noncompliance with this rule may result in dismissal of the complaint.

## **RULE No. 32 – TRIAL IN FORCIBLE ENTRY AND DETAINER**

There shall be no “Answer Day” or “Call Day” as the term is used in other civil cases on single cause forcible entry and detainer complaints, and the trial date shall be set forth in the summons. Defendant shall be served at least seven (7) days prior to the date set for trial. Motions shall be heard at the trial, unless the assigned judge or magistrate directs otherwise. A continuance may be granted as provided in Ohio Revised Code 1923.08.

## **RULE No. 33 – JURY TRIAL IN FORCIBLE ENTRY AND DETAINER**

A demand for jury trial shall be made in accordance with SMCR No. 19(A), except that it shall not be made fewer than three (3) days prior to the trial date. SMCR No. 19(C) is applicable.

## **RULE No. 34 – WRITS OF RESTITUTION**

The Clerk shall not issue a Writ of Restitution or an Alias Writ of Restitution after sixty (60) days from the date a Court ordered restitution of the premises, unless authorized by the presiding judge or magistrate.

## **RULE No. 35 – SMALL CLAIMS DIVISION**

(A) These Rules are suspended to the extent that they are inconsistent with the practice and procedure for Small Claims set forth in Ohio Revised Code 1925.

(B) The Small Claims magistrate will conduct all proceedings in accordance with Ohio Revised Code 1925. The Ohio Rules of Evidence do not apply but certain rules of civil procedure do apply (Ohio Revised Code 1925.16). No depositions or interrogatories shall be taken in Small Claims cases except by leave of the court, and all relevant evidence shall be admitted at the discretion of the magistrate.

(C) In all contested matters, the magistrate shall prepare, sign, and file a magistrate’s decision with the clerk who shall serve copies on all the parties or their attorneys. If any party makes a timely request for findings of fact and conclusions of law under Civil Rule 52, the magistrate’s decision shall include proposed findings of fact and conclusions of law. Within 14 days of filing of a magistrate’s decision, a party may file written objections to the



magistrate's decision. If any party timely files objections any other party may also file objections not later than 10 days after the first objections are filed. If a party makes a request for findings of fact and conclusions of law under Civil Rule 52, the time for filing objections begins to run when the magistrate files a decision including findings of fact and conclusions of law. Following the 14-day objection period, the magistrate's decision together with any motions and objections submitted by any party will be submitted to a judge who will then adopt, reject, or modify the magistrate's decision, hear additional evidence, recommit the matter to the magistrate with instructions, or hear the matter.

- (D) Transfer – Cross-claims or counterclaims exceeding \$6,000.00 shall be transferred to the regular docket. Motions to transfer a small claims case to the regular docket in the amount of \$6,000.00 or less shall be referred to the administrative judge for ruling. Where cases have been transferred to the regular civil docket, the party causing the transfer shall be required to pay the appropriate filing fee to the clerk within 10 days of the granting of the motion. Failure to pay the fee on time will cause the case to be assigned a new hearing date on the Small Claims docket.

## **RULE No. 36 – SMALL CLAIMS TRIAL**

A memorandum of the time and place set for trial shall be given to the person signing the claim. The initial time set for such trial shall not be less than fifteen (15) nor more than forty (40) days after commencement of the action. Notice shall be served on the defendant pursuant to Ohio Revised Code 1925.04.

All parties shall be prepared to present their case or defense in a concise and organized manner. All parties shall have an original and at least two copies of any document or photograph they wish to present as evidence.

A continuance may be granted as provided in SMCR No.22.

## **RULE No. 37 – COURT SECURITY**

The Stow Municipal Court is charged with dispensing justice, resolving disputes and protecting the constitutional rights of those who appear before the court and recognizes that appropriate levels of security must exist in the Court for the safety of those who visit the court and those who work therein. No weapons or other contraband are permitted to be carried into the courthouse by any person not actively engaged in performing their duties as a law enforcement officer. By entering the court, all persons consent to a search of their person and items in their possession. All visitors and employees of the court shall follow the directives of court security personnel at all times. Failure to do so may result in charges of contempt and/or removal from the building.

## **RULE No. 38 – APPOINTMENT OF A FOREIGN LANGUAGE INTERPRETER OR SIGN LANGUAGE INTERPRETER**

- (A) When appointment of a foreign language interpreter is required.

The court will appoint a foreign language interpreter, in a case or court function, in either of the following situations:

- (1) A party or witness who is limited English proficient or non-English speaking requests a foreign language interpreter and the court determines the services of the interpreter are necessary for the meaningful participation of the party or witness;
- (2) Absent a request from a party or witness for a foreign language interpreter, the court concludes the party or witness is limited English proficient or non-English speaking and determines the services of the interpreter are necessary for the meaningful participation of the party or witness.

(B) When appointment of a sign language interpreter is required.

- (1) The court will appoint a sign language interpreter in a case or court function in either of the following situations:
  - (a) A party, witness, or juror who is deaf, hearing impaired, or deaf blind requests a sign language interpreter.
  - (b) Absent a request from a party, witness, or juror for a sign language interpreter, the court concludes the party, witness, or juror is deaf, hearing impaired, or deaf blind and determines the services of the interpreter are necessary for the meaningful participation of the party, witness, or juror.
- (2) When appointing a sign language interpreter pursuant to division (B)(1) of this rule, the court shall give primary consideration to the method of interpretation chosen by the party, witness, or juror, in accordance with division (b)(2) of part 35.160 of title 28 of the Code of Federal Regulations, as amended.
- (3) No deposit, fee or cost shall be charged to a party for the appointment of, or services provided by, a sign language interpreter.

## **RULE No. 39 – INSTALLMENT PAYMENTS OF FINES AND COSTS**

In any criminal or traffic matter, the fines and costs may only be paid in installments when the assigned judge or magistrate has given the defendant time to pay such fines and costs. Installment payments shall not be received beyond the date set for payment unless authorized by the assigned judge or magistrate.

## **RULE No. 40 – TRAFFIC CAMERA CITATIONS**

- (A) The local authority issuing a traffic camera ticket shall be designated as the Plaintiff and the recipient of a traffic camera ticket shall be designated as the Defendant.
- (B) The Ohio Rules of Civil Procedure shall apply to all traffic camera cases except where the Rules conflict with the Ohio Revised Code, whereupon the Ohio Revised Code shall take precedent.
- (C) The Ohio Rules of Evidence shall apply to all traffic camera cases except where the Rules conflict with the Ohio Revised Code, whereupon the Ohio Revised Code shall take precedent.
- (D) The Ohio Criminal and Traffic Rules do not apply to traffic camera cases as these cases are deemed civil actions under the Ohio Revised Code.
- (E) The Clerk shall provide to Court users, on the Court website and at the Clerk's office, forms approved by the Court suitable to effectuate the purposes of the Ohio Revised Code.
- (F) If a transfer of liability affidavit is filed, the Clerk shall notify the Plaintiff forthwith in accordance with the Ohio Revised Code.
- (G) If a transfer of liability affidavit is incomplete, the Clerk shall reject the affidavit and notify the Defendant.
- (H) The Plaintiff shall serve the traffic camera ticket upon the Defendant within thirty (30) days of the traffic law violation by ordinary mail pursuant to Ohio Revised Code Section 4511.096 and shall be required to demonstrate to the Court and litigants that the service achieved as evidenced by the US Post Office Certificate of Mailing for each traffic camera ticket served.
- (I) If the traffic camera ticket which was mailed by the Plaintiff to the Defendant is returned to the Clerk for failure of service by the US Post Office, the Clerk shall notify the Plaintiff forthwith.
- (J) The Plaintiff shall pay the filing fee for each traffic camera case by advanced deposit on or before the actual date of filing of the traffic camera ticket with the Clerk.
- (K) The Plaintiff shall provide each Defendant with a form, prescribed by the Court and which sets forth the rights of the Defendant, at the time notice of the ticket is mailed to the Defendant by the Plaintiff as required in the Ohio Revised Code.
- (L) If the Defendant fails to exercise the rights set forth in Ohio Revised Code within thirty (30) days of receipt of the notice of violation by failing to pay the ticket amount, filing a transfer of liability affidavit, or by requesting a hearing, default judgement may be granted in favor of the Plaintiff.
- (M) If the Defendant requests a hearing within thirty (30) days of receipt of the notice of violation, the Court shall set the case for pretrial forthwith. If the case is not resolved at the pretrial or prior thereto, the matter shall be set for trial.
- (N) All traffic camera cases shall be concluded within six (6) months from the date of filing with the Clerk of Court. A traffic camera case shall be deemed concluded if one of the following occur:
  - a. The Defendant pays the full penalty amount;

- b. The Defendant files a transfer of liability affidavit and final judgment is entered relieving the Defendant of liability;
- c. The Defendant files a request for hearing and a final judgment is subsequently entered;
- d. The Defendant takes not action and default judgment is entered;
- e. The ticket is dismissed for failure of service, failure to prosecute or for any other reason.

## **RULE No. 41 – REPRESENTATION OF INDIGENT DEFENDANTS / COURT APPOINTMENTS**

### **(A) Misdemeanor Appointments**

- (1) The Legal Defender Office of Summit County is designated to provide the legal representation for indigent defendants charged with criminal or traffic misdemeanors, other than misdemeanors that involve no jail time. Payment for the services of the Legal Defender Office of Summit County shall be from Summit County and/or other government bodies contracting with it.
- (2) In cases where the Legal Defender's Office or Court identifies a conflict of interest, an attorney shall be appointed and paid as provided herein.
- (3) When a felony is reduced to a misdemeanor, or otherwise remanded back to the Municipal Court, a practicing attorney previously appointed as provided herein may continue with such representation and be paid as provided herein.
- (4) When exceptional circumstances exist, and for good cause, the Presiding Judge may appoint a practicing attorney in a misdemeanor case, and the attorney shall be paid as provided herein.

### **(B) Appointment List**

- (1) To ensure the equal distribution of appointments, the Court will utilize the list maintained by the Akron Bar Association of attorneys in private practice who are willing to accept appointments for cases identified in (A)(2)-(4), and felony cases arraigned in the Stow Municipal Court. Attorneys who wish to be placed on that list of Appointed Counsel shall apply in writing to the Akron Bar Association, and submit a photograph and proof of malpractice insurance along with the application. Applications may be found on the Akron Bar Association website. Open enrollment for the list occurs at the creation of this rule for ninety (90) days, and thereafter in February and August of each year. During the months of February and August, members of the Appointed Counsel Committee of the Akron Bar Association will meet in person and review the list for any additions or changes.
- (2) In order to be approved for inclusion on the Appointment List, an attorney must meet the following standards:
  - (a) Be a licensed Ohio attorney in good standing;
  - (b) Meet the requirements set forth in the Ohio Administrative Code 120-1-07 and 120-1-10;
  - (c) Take the Annual Criminal Law Update, offered through the Akron Bar Association, during each calendar year;
  - (d) Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct. An attorney shall file a certificate of compliance with this requirement with his or her application, and thereafter with each renewal as prescribed in (B)(6).
  - (e) For attorneys with less than two years of practice, take the ABC's of a Jury Trial, offered through the Akron Bar Association;
  - (f) For attorneys with less than two years of practice, take the Nuts-n-Bolts of Criminal Practice, offered through the Akron Bar Association;
- (3) Upon appointment, the attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner.

- (4) The attorney shall have a working phone with a secretary and/or voicemail to be able to respond to calls from the Court or clients. The attorney shall inform the Court promptly of a change of address or phone number. The Court may withdraw an appointment if it is unable to contact counsel or counsel does not respond within a reasonable time.
- (5) An attorney may be removed from the Appointment List with the approval of a majority of the Appointed Counsel Committee or at any time by the Court. Any attorney being considered for removal by the Committee will be notified by the Committee in writing, with the reasons for removal, and given an opportunity to respond in writing within fourteen (14) days. Such response will be distributed prior to the Appointed Counsel Committee meeting at which the removal will be discussed and determined. If an attorney is so removed, the attorney may seek reinstatement upon correction of the reasons for removal.
- (6) An attorney seeking renewal or reinstatement to the Appointment List must submit the application and supporting information required by the February and August application deadlines of each year. No renewals or reinstatements will be accepted during other times.

#### (C) Felony Appointments

- (1) Any person charged with a felony and found to be indigent, in need of an attorney, and entitled to the same, shall be appointed a practicing attorney from the Appointment List. The Judge sitting in Arraignment Court shall appoint counsel from the Appointment List as defined herein. In making an appointment, the appointing Judge shall consider:
  - (a) The skill, expertise, disciplinary record, promptness and past experience(s) with and of potential appointee;
  - (b) The anticipated complexity of the case in which appointment will be made;
  - (c) Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;
  - (d) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;
  - (e) The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;
  - (f) Intangible factors, including the court or judicial officer's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.
- (2) A record of appointments will be maintained by the Court and reviewed periodically, but not less than annually, by the Presiding Judge to ensure an equitable distribution of appointments.

#### (D) Fee Schedule

The fee schedule applicable to all practicing attorneys on the Appointment List will be the fee schedule identified by the Ohio Public Defender Commission and approved by Summit County at the time of the request, as well as expenses allowed by the Court. No attorney, including the Legal Defender, appointed to represent an indigent defendant, shall receive any fees other than public funds for services relative to that appointment. Before the appointed attorney shall receive any money from or on behalf of an indigent for services in such representation, the Court shall immediately be notified, withdrawing with waiver of any fees from public funds.

## **RULE No. 42 – COMMUNITY SERVICE PROGRAM**

A community service program is established as a sentencing alternative. The sentencing judge or magistrate may allow a person convicted of a misdemeanor who qualifies for the community service program to elect to perform community service. The Court shall establish the guidelines for the qualification and administration of the community service program.

The community service work may be performed for the following:

- (A) As a condition of suspended confinement;
- (B) In lieu of confinement;
- (C) In lieu of payment of fines and/or court costs;
- (D) As punishment;
- (E) Part of a Court Diversion Program and/or; (F) As a pre-sentence condition.

Community service work may be ordered by the Court and approved by the community control department. Credit for same shall be given upon verification by the community control department and at the Court's discretion. When a misdemeanant performs community service as a condition of a suspended sentence or in lieu of confinement, then an eight-hour day of work shall be equal to one day's confinement.

When a misdemeanant is unable to pay fines imposed, the Court may refer him to the community service program. He shall be credited an amount determined by the presiding judge.

Any violation of the community service program by a misdemeanant, including the requirements established by the Community Control Department or the sentencing judge or magistrate, is a violation of a court order and subjects that misdemeanant to sanctions provided by law.

A misdemeanant herein is defined as provided in Ohio Revised Code 2951.02.(A),(B), and (F).

## **RULE No. 43 – SUCCESSFUL TREATMENT RESULTS IN DEVELOPING EXCELLENCE (STRIDE) PROGRAM**

- (A) Establishment of Mental Health Docket.

The Court established a mental health specialized docket known as Successful Treatment Results in Developing Excellence ("STRIDE") effective February 16, 2010, which is now governed under Superintendence Rule 36.20 through 36.29 for Specialized Dockets. It is the goal of STRIDE to reduce recidivism among individuals with severe and persistent mental illness in the criminal justice system; to reduce periods of incarceration by individuals with severe and persistent mental illness; and to successfully graduate participants from STRIDE by effectively managing the risks associated with persons who have severe and persistent mental illness by providing mental health intervention that integrates community treatment options with judicial supervision. The opportunity for successful outcome is afforded through regular appearance before the judiciary, supervised treatment, and the use of graduated sanctions and other rehabilitative services.

- (B) Placement on STRIDE Docket.

In order for a criminal case to be placed on the STRIDE docket, a criminal defendant must first make a Request for Admission to the Mental Health Program as set forth as an exhibit in the program description. Program participants are selected from new cases that have not pleaded or have not been sentenced.

To qualify for admission, a criminal defendant must meet the following legal criteria:

- (1) be a resident of Summit County;
- (2) be charged with at least a misdemeanor of the first, second or third degree, but not including a violation of Ohio Revised Code 4511.19 or a similar local codified ordinance, a sex crime, a weapons violation, or an offense involving a child victim;
- (3) the mental illness must be a contributing factor to the defendant being charged;
- (4) must have a severe and persistent mental illness with an Axis I diagnosis which would benefit from court monitored treatment;
- (5) must be stable enough to understand and comply with program requirements and competency issues must be resolved before entering in the program;
- (6) cannot have a criminal history of violence that might pose a risk to the public, staff and/or the agencies involved in treatment;
- (7) having pending charges and/or presently on community control in other courts for felony or misdemeanor charges may make the defendant ineligible for this program;
- (8) if the offense involves a victim of a physical injury, the victim must agree to the defendant entering into the program; and
- (9) the defendant must voluntarily enter into the STRIDE program.

Referrals to the program can be made by, but not limited to, law enforcement, family/friends of the defendant, victim, defense counsel, prosecutor, community control, a judge or the defendant. Request for Admission to STRIDE shall be subject to initial approval by the defendant or defense counsel after consultation with the defendant and the prosecutor assigned to the criminal case subject to approval by the judge assigned to the criminal case, and initial assessment by the probation officer assigned to STRIDE according to the criteria adopted by the Court. Upon initial acceptance into the STRIDE program, the criminal defendant is referred for diagnostic evaluation to confirm that he/she meets clinical criteria. Clinical criteria includes: an “Axis I” diagnosis that is consistent with a severe and persistent mental illness; sufficient stability to understand and comply with program requirements; and the criminal defendant must not pose an unacceptable risk to program staff, family or community. The diagnostic evaluation along with the “treatment team” as set forth in the program description and participant handbook, and approval of the judge presiding over STRIDE; will determine if the defendant qualifies for the STRIDE program.

#### (C) Case Assignment.

A Request for Admission to STRIDE does not automatically transfer the criminal case to the docket of the judge presiding over STRIDE. If the criminal defendant does not enter STRIDE for whatever reason, then the case remains on the original criminal docket. If the criminal defendant is accepted into STRIDE and wants to voluntarily enter the program, then the case is transferred to the STRIDE docket where the criminal defendant shall enter a plea of guilty and be sentenced to the STRIDE program. The judge presiding over the STRIDE docket shall have the primary responsibility for case management. In the event the criminal defendant is unsuccessfully terminated from STRIDE under the termination criteria as set forth in the program description and participant handbook, the case shall remain



on the docket of the judge presiding over STRIDE for sentencing according to the criminal sentencing laws as set forth in the Ohio Revised Code or local codified ordinances.

(D) STRIDE Docket Case Management.

Criminal defendants accepted into STRIDE will participate in mental health treatment, comply with medication as prescribed, counseling for mental health (individual and/or group sessions) and for substance abuse, if appropriate. The treatment plan may also include obtaining stable housing and reliable transportation, completing high school or obtaining a GED, participating in vocational assessment and entering appropriate training, obtaining and maintaining employment (either part or full time), attending other necessary counseling such as parenting classes, marital counseling, and volunteering or community service as set forth in the program description and participant handbook.

(E) Termination from STRIDE.

Upon successful completion of the Treatment Plan, the criminal defendant is graduated from STRIDE. If the criminal defendant is unsuccessful in completing STRIDE, the judge presiding over the STRIDE court will conduct a community control violation hearing. If the terms of community control are found to be violated, then the remaining balance of the sentence may be imposed. A criminal defendant may also be neutrally discharged if they are no longer capable of completing STRIDE.

(F) Presiding on the STRIDE Docket.

The judges of the court shall annually select a judge to preside over the specialized mental health court docket. Such judge shall serve for a period of one year, beginning on the first day of January.

## **RULE No. 44 – BAIL BONDS**

Pursuant to Ohio Revised Code 3905.87(A), surety bail bond agents are not required to register with the Court prior to posting a surety bond.

They will, however, be required to present all of the following documents prior to posting bail:

- (1) A copy of surety bail bond license
- (2) A copy of driver's license or state I.D. card
- (3) A certified copy of power of attorney from the issuer for the specific case involved and in the specific amount as set by the court

## **RULE No. 45 – PROBABLE CAUSE**

When a private citizen or attorney files a criminal or traffic affidavit without authorization from a prosecutor, law enforcement officer, or judge, the Clerk shall number, index and docket that affidavit separate from other filings. Such affidavit shall be assigned as provided in SMCR No. 8, and the assigned judge shall schedule a date for a probable cause hearing.

If the judge finds no probable cause for the affidavit, it shall be ordered dismissed.

## **RULE No. 46 – CASE MANAGEMENT PLAN**

(A) A judge or magistrate may refer any case to an alternative dispute resolution or mediation program.

(B) Civil Cases.

- (1) Pre-trial conferences will be held in accordance with Rule 16.1.
- (2) A judge or magistrate may hold a case management conference for the purpose of setting time limits to join parties, amend pleadings, file motions, and perform discovery.

(C) Criminal Cases

A judge may establish a binding case management schedule.

## **RULE No. 47 – USE OF ELECTRONICALLY PRODUCED TICKETS**

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

## **Appendix A – Hours of Operation**

GENERAL SESSION: 8:00 a.m. to 4:30 p.m.

### **JUDGES:**

Honorable Lisa L. Coates (330) 564-4166

Case Management (330) 564-4196

Bailiff Station (330) 564-4177

Probation (330) 564-4199

### **CLERK OF COURTS:**

Amber Zibritosky, Clerk (330) 564-4110 8:00 a.m. to 5:00 p.m.

Fax (330) 564-4114

## **Appendix B – Schedule of Civil Court Costs**

### **1. Civil Complaint (up to \$15,000)**

- Certified mail service (one or two defendants)|\$222.00\*
- Each additional defendant by certified mail service (if more than two defendants)|\$20.00
- Personal or residence service (per defendant)|\$25.00

### **2. Small Claims Complaint (up to \$6,000)**

- Certified mail service, one defendant|\$139.00\*\*\*
- Each additional defendant by certified mail service|\$20.00
- Personal or residence service (per defendant)|\$25.00
- Amended complaint/counterclaim (includes service on one party)|\$35.00
- Debtor Disclosure Form (includes service)|\$25.00
- Transfer to regular court docket|\$100.00
- Change of venue from another court|\$116.00

### **3. Forcible Entry and Detainer Action/Eviction**

- One cause complaint, bailiff and regular mail service (one or two defendants)|\$174.00\* Three defendants|\$209.00\*
- Two cause complaint, bailiff, regular mail and certified mail service (one defendant)|\$226.00\*
- Two defendants|\$236.00\*
- Three defendants|\$291.00\*

### **4. Civil Complaint with Motion for Prejudgment Attachment or Garnishment**

- Certified mail service (one or two defendants)|\$214.00\*
- Each additional defendant by certified mail service (if more than two defendants)|\$20.00
- Prejudgment attachment or garnishment (includes garnishee fee)|\$25.00
- Personal or residence service (each defendant)|\$35.00

### **5. Replevin Action**

- Personal or residence service (one or two defendants)|\$220.00\*
- Each additional defendant by certified mail service (if more than two defendants)|\$20.00
- Personal or residence service (per defendant)|\$25.00

### **6. Cognovit Judgment**

- Certified mail service (one or two defendants)|\$222.00\*
- Each additional defendant by certified mail service (if more than two defendants)|\$20.00
- Personal or residence service (per defendant)|\$25.00

### **7. Transfer of Judgment from Another Court|\$70.00**

### **8. Trusteeship**

- For first ten (10) creditors|\$35.00
- Each additional creditor (if more than ten (10) creditors)|\$5.00

**9. Cross-Complaint, Counterclaim, Amended Complaint or Third Party Complaint|\$65.00**

- Additional costs for certified mail service (per party)|\$20.00

**10. Additional Service Per Defendant**

- Certified mail|\$20.00
- Regular mail|\$10.00
- Personal service|\$25.00

**11. Post-Judgment Garnishment of Wages**

- Balance due on judgment less than \$3,000 with certified mail service|\$85.00
- Balance due on judgment of \$3,000 or more with certified mail service|\$200.00

**12. Post-Judgment Garnishment Other Than Wages Including Bank Attachments|\$55.00**

- Garnishee Fee Paid To Bank|\$1.00

**13. Order of Sale and Appraisers|\$175.00**

**Breakdown of costs:**

- Local|\$83.00
- Legal News|\$17.00
- Appraiser fee (three appraisers @ \$25.00 each)|\$75.00

**14. Certificate of Judgment**

- For lien|\$30.00
- For transfer|\$30.00

**15. Subpoena Service (does not include witness fee)**

- Zone 1 (Court Jurisdiction)|\$25.00
- Zone 2 (Remainder of Summit County)|\$40.00

**16. Jury Demand|\$400.00**

**17. Secretary of State/plus Certified Mail**

- Each defendant (individual)|\$35.00
- Each defendant (corporation)|\$40.00

**18. Transfer to Another Court / Appeals|\$50.00**

**19. Change of Venue From Another Court - Regular Civil|\$204.00\***

**20. Civil Traffic Camera Appeals**

- **Civil Traffic Camera Appeal Filing Fee | \$0.00**
- **Civil Traffic Camera Court Cost to Jurisdiction | \$25.00**

**21. Writ of Restitution|\$50.00**

**22. Execution (Maximum three (3) Attempts) |\$60.00**

**23. Mandatory Order, Show Cause or Debtor's Examination Hearing (Maximum three (3) Attempts)|\$60.00**

**24. Advance of Sheriff Service Fee|\$35.00**

**25. Revivor|\$60.00**

**26. Objection to Magistrate's Decision|\$75.00**

**27. Warrants|\$110.00\*\***

**28. Photo Copy|\$0.05**

**29. Certified Copy|\$1.00**

**30. Exemplified Copy of Judgment Order|\$5.00**

**31. Certificate of Financial Responsibility|\$10.00**

**32. Transcript (Includes exemplification if necessary)|\$40.00**

**33. Motions**

- **Dispositive Motions (Motion for Summary Judgment, Motion To Dismiss, Motion for Judgment on Pleadings, Motion for Default Judgment, Motion to Vacate)|\$50.00**
- **All Other Motions|\$25.00**

**34. License Suspension Appeals, Civil Privileges Requests, Ohio BMV Payment Plan Requests|\$154.00\*\***

**35. Driving Letter Modifications|\$10.00**

**36. Request for Termination or Modification of Suspension|\$50.00**

**37. Recorded Transcript of Proceedings (No Refunds)|\$25.00 38. Witness Fee (per one-half day)|\$6.00**

- **Plus \$0.505 per mile to and from place of residence|**

**39. Special Projects Fee|\$25.00**

**40. Computer Fee|\$23.00**

**41. Wedding Fee (payable on date of scheduling)|\$25.00**

**42. Docket Control Fee|\$50.00**

**43. Poundage on Wage Garnishments and Bank Attachments**|2%

**44. Fee for Rent Escrow Deposits**|1% of sums deposited

**45. Process Server Fee**|\$25.00 **Notes:**

\* Includes: \$23.00 Computer Fee, \$25.00 Special Projects Fee, \$26.00 State Fee and \$13.00 Legal News Fee (Total: \$87.00)

\*\* Includes: \$23.00 Computer Fee, \$25.00 Special Projects Fee (Total: \$48.00)

\*\*\* Includes: \$23.00 Computer Fee, \$25.00 Special Projects Fee and \$11.00 State Fee (Total: \$59.00)



## Appendix C – Waiver Schedule for Traffic Violations

**1. Moving Violations** – Two moving violations are waiverable in a 12 month period

**Security for Costs in Criminal Cases as the Court May Order** | \$35.00

### **1.1 Speed: Non-School Zone**

- 1 to 15 mph over (\$50.00 fine, \$100.00 local\*\*, \$39.00 state\*\*\*) | \$189.00
- 16 to 30 mph over (\$75.00 fine, \$100.00 local\*\*, \$39.00 state\*\*\*) | \$214.00
- More than 30 mph over | Requires court appearance

**1.1A Speed: School Zone** | Requires court appearance

### **1.2 Moving Violations Resulting in Motor Vehicle Accident**

- Accident with Property Damage Only (\$75.00 fine, \$100.00 local\*\*, \$39.00 state\*\*\*) | \$214.00
- Accident with Injury to Person(s) | Requires court appearance

### **1.3 Expired Operator's License**

- Less than 30 days (\$20.00 fine, \$100.00 local\*\*, \$39.00 state\*\*\*) | \$159.00
- 31-89 days (\$50.00 fine, \$100.00 local\*\*, \$39.00 state\*\*\*) | \$189.00
- 90-179 days (\$100.00 fine, \$100.00 local\*\*, \$39.00 state\*\*\*) | \$239.00
- Over 179 days | Requires court appearance

### **1.4 All Other Minor Misdemeanor Traffic Violations**

- Not involving accident (\$60.00 fine, \$100.00\*\* local, \$39.00\*\*\* state) | \$199.00

#### **Notes:**

\*\* Includes \$42.00 Local Fee, \$23.00 Computer Fee, \$25.00 Special Projects Fee and \$10.00 Docket Control Fee (Total: \$100.00)

\*\*\* Includes \$9.00 Victims of Crime Fund fee, \$20.00 Indigent Defense Support fee, \$3.50 Drug Law Enforcement Fund fee, \$1.50 Indigent Driver Alcohol Treatment Fund fee, \$5.00 Indigent Defense Support Fund fee (Total: \$39.00)

## **2. Non-Moving Minor Misdemeanor Violations**

**2.1. Child Restraint** (\$30.00 fine, \$100.00 local\*, \$10.00 state\*\*) | \$140.00

**2.2. Seatbelt – Driver** (\$30.00 fine, \$30.00 local, \$10.00 state\*\*) | \$70.00

**2.3. Seatbelt – Passenger** (\$20.00 fine, \$30.00 local, \$10.00 state\*\*) | \$60.00

**2.4. Handicap Parking Violations under ORC** (\$250.00 fine, \$100.00 local\*) | \$350.00

**2.5. Other Parking Violations under ORC** (\$20.00 fine, \$100.00 local\*) | \$120.00

2.6. **All Other Non-Moving Violations** (\$50.00 fine, \$100.00 local\*, \$10.00 state\*\*)|\$160.00

**Notes:**

\* Includes \$42.00 Local Fee, \$23.00 Computer Fee, \$25.00 Special Projects Fee and \$10.00 Docket Control Fee (Total: \$100.00)

\*\* Includes \$10.00 Indigent Defense Support Fund fee

## Appendix D – Waiver Schedule for Applicable Minor Misdemeanor Offenses

### Minor Misdemeanor Offenses

1. **Barking Dog** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  2. **Disorderly Conduct** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  3. **Dog At-Large** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  4. **Dog in Park** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  5. **Failure to Obtain Blasting Permit** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  6. **Failure to Obtain Fireworks Permit** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  7. **Fireworks** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  8. **Littering** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  9. **Loud Music** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  10. **Open Container** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  11. **Park After Dark** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  12. **Soliciting Without Permit** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  13. **Unlawful Congregation** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
  14. **Watercraft Offenses** (\$100.00 fine, \$124.00 local\*, \$29.00 state\*\*)|\$253.00
- Notes:**

\* Includes \$65.00 Local Fee, \$23.00 Computer Fee, \$25.00 Special Projects Fee, \$10.00 Docket Control Fee, and \$1.00 Citizens Rewards Program Fee

\*\* Includes \$20.00 Indigent Defense Support Fund Fee and \$9.00 Victims of Crime Fund Fee

## Appendix E – Traffic / Criminal Costs and Fees

1. **Traffic / Criminal Costs**
  - a. **Non Moving Minor Misdemeanor** |\$110.00<sup>1</sup>
  - b. **Moving Minor Misdemeanor** |\$139.00<sup>2</sup>
  - c. **Non Moving M1 - M3 and UM** |\$295.00<sup>3</sup>
  - d. **Non Moving M4** |\$255.00<sup>4</sup>
  - e. **Moving M1 - M4 and UM** |\$324.00<sup>5</sup>
  - f. **Felonies** |\$305.00<sup>6</sup>
2. **State Mandated Fees**
  - a. **State Victim of Crime Fund, ORC 2743.70** |\$9.00

- b. **State Indigent Driver Alcohol Treatment Fund, ORC 2949.09**|\$10.00
- c. **State Indigent Defense Support Fund, ORC 2949.091**
  - i. **Misdemeanors (excluding non-moving traffic)**|\$20.00 ii.
  - Non-Moving Traffic (excluding parking)**|\$10.00
- d. **State Citizens Reward Program Fee, ORC 9.921**|\$1.00
- 3. **Security Costs For Hearing As Court May Order**|\$35.00 Per Hour Per Officer
- 4. **Docket Control**
  - a. **Minor Misdemeanors**|\$10.00
  - b. **Felonies, M1, M2, M3, M4, UM**|\$50.00
- 5. **Recognizance**
  - a. **Local Cost**|\$10.00
  - b. **State Cost, ORC 2937.22**|\$25.00
- 6. **Electronic Monitoring Fees**
  - a. **House Arrest**|\$25.00/day
  - b. **GPS Monitoring**|\$25.00/day
  - c. **Electronic Alcohol Monitoring**|\$15.00/day
  - d. **Installation Fee**|\$50.00
- 7. **Community Control Fees**
  - a. **Pre-sentence Investigation**|\$250.00
  - b. **Probation Supervision**|\$50.00/Month
  - c. **Reschedule CC Fee**|\$50.00
  - d. **Community Control Monitoring**|\$20.00 per month
  - e. **Reserved**
  - f. **Show Cause Hearing**|\$100.00
  - g. **Restitution Investigation**|\$25.00 per victim
  - h. **Drug Testing Fee**|\$20.00/test
  - i. **Day Reporting Fee**|\$85.00/week
  - j. **Alcohol Testing**|\$5.00/test
- 8. **Miscellaneous Fees**
  - a. **Warrants**|\$110.00

- b. **Continuance**|\$25.00
  - c. **Commitment paper**|\$10.00
  - d. **Certified mail service**|\$20.00
  - e. **Praecipe Fee**|\$7.00
  - f. **Operator license suspension** |\$20.00
  - g. **Installment payment initial registration fee**|\$25.00
  - h. **Witness fee (per one-half day) plus \$0.505 per mile to and from place of residence, ORC 1901.26**|\$6.00
  - i. **Sheriff/Bailiff**|base fee plus mileage if applicable, as determined by sheriff/bailiff
  - j. **Sealing/Expungement of Conviction or Dismissal**|\$100.00\*  
\*(\$50.00 application fee + \$50.00 local court fee)
  - k. **Property bond**|\$60.00
  - l. **NSF check fee**|\$30.00
  - m. **Local court rules**|\$5.00
  - n. **Criminal Ninth District Appeal Filing Fee**|\$50.00
  - o. **Transcript (Includes exemplification if necessary)**|\$40.00
- 9. **Photo copy/certified copy**|\$.05/\$1.00
  - 10. **Non-resident violator compact**|\$15.00
  - 11. **Bank credit card surcharge**|3.75% in person, 4% online
  - 12. **Filing fee for ALS appeals**|\$25.00
  - 13. **Filing fee for seizure of automobile appeals**|\$25.00
  - 14. **Special Projects Fee**|\$25.00
  - 15. **Driving Letter Processing Fee**|\$25.00
  - 16. **Driving Letter Modification Processing Fee**|\$10.00
  - 17. **Driving Letter Supplement and Judicial Review**|\$25.00
  - 18. **Reserved**
  - 19. **Public Defender Application Fee**|\$25.00
  - 20. **Jury Demand**|\$400.00
  - 21. **Appeal of Parking Violation (Return to defendant if appeal granted)**|\$25.00
  - 22. **Court Mileage Schedule**|Per Judge's Order
  - 23. **Subpoena Service**
    - a. **Zone 1 (Court Jurisdiction)**|\$25.00

- b. **Zone 2 (Remainder of Summit County)|\$40.00**
- 24. **Driver Intervention Program Rescheduling Fee|\$50.00**
- 25. **Diversion Programs**
  - a. **Marijuana Diversion Program|\$550.00**
  - b. **Underage Diversion Program|\$550.00**
  - c. **First Offense Theft Diversion Program|\$550.00**
  - d. **Safe Driver Diversion Program|\$200.00**
- 26. **Community Control Educational Programs|\$50.00 per class**
  - a. **Reserved**
  - b. **Reserved**
  - c. **Reserved**
  - d. **Rescheduling Fee|\$25.00**
  - e. **Victim Attendee (Violence Impact Program)|\$30.00**
- 27. **Recorded Transcript of Proceedings (No Refunds)|\$25.00**
- 28. **Reserved**
- 29. **Reserved**
- 30. **Reserved**
- 31. **State Highway Safety Fund OVI Ignition Interlock Fee, ORC 4510.13|\$5.00**
- 32. **STRIDE Mental Health Program|\$500.00**
- 33. **Computer Fee|\$23.00**
- 34. **Reserved Notes:**
  - 1. Includes Computer Fee \$23.00, Special Projects Fee \$25.00, Docket Control Fee \$10.00, Indigent Defense Support Fund \$10.00
  - 2. Includes Computer Fee \$23.00, Special Projects Fee \$25.00, Docket Control Fee \$10.00, Victim of Crime \$9.00, Indigent Driver Alcohol Treatment Fund \$10.00, Indigent Defense Support Fund \$20.00
  - 3. Includes Computer Fee \$23.00, Special Projects Fee \$25.00, Docket Control Fee \$50.00, Indigent Defense Support Fund \$10.00
  - 4. Includes Computer Fee \$23.00, Special Projects Fee \$25.00, Docket Control Fee \$10.00, Indigent Defense Support Fund \$10.00
  - 5. Includes Computer Fee \$23.00, Special Projects Fee \$25.00, Docket Control Fee \$50.00, Victim of Crime \$9.00, Indigent Driver Alcohol Treatment Fund \$10.00, Indigent Defense Support Fund \$20.00
  - 6. Includes Computer Fee \$23.00, Special Projects Fee \$25.00, Docket Control Fee \$50.00, Victim of Crime \$9.00, Indigent Driver Alcohol Treatment Fund \$10.00, Indigent Defense Support Fund \$30.00

## Appendix F – Facsimile Filing Cover Sheet

### FACSIMILE FILING COVER PAGE

NAME OF COURT:

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FAX NUMBER:

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SENDING PARTY INFORMATION:

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NAME:

---

SUPREME COURT REGISTRATION NO. (if

applicable):

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OFFICE/FIRM:

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ADDRESS:

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TELEPHONE NO.:

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FAX NO.:

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EMAIL ADDRESS (if applicable):

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CASE INFORMATION:

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TITLE OF THE CASE:

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CASE NUMBER:

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TITLE OF THE DOCUMENT:

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JUDGE:

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FILING INFORMATION:

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DATE OF FAX TRANSMISSION:

---

NUMBER OF PAGES (including cover page):

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EXPLAIN HOW COSTS ARE BEING SUBMITTED,

IF APPLICABLE:

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## Appendix G – Sample Pleading

IN THE STOW MUNICIPAL COURT

SUMMIT COUNTY, OHIO

[Name of Plaintiff(s)]	)	Case No.: [insert case number]
Plaintiff,	)	
	)	JUDGE [if assigned]
Vs.	)	
	)	
[Name of Defendant(s)]	)	PLAINTIFF’S NOTICE OF FILING
Defendant,	)	EXHIBIT “X” TO PLAINTIFF’S RESPONSE
	)	TO DEFENDANT’S MOTION TO DISMISS
	)	[insert appropriate title]

\*\*\*

Plaintiff Smith, by and through counsel, hereby files Exhibit “X” to Plaintiff’s Response to Defendant’s Motion to Dismiss [insert appropriate name of pleading]. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit “X” could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule 7.

Respectfully submitted,

Attorney Name (Supreme Court Registration No]

Office/Firm

Address

Telephone

Facsimile

Email

Counsel for Plaintiff (insert Plaintiff(s) name]

### CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit “X” was sent by ordinary U.S. Mail on [date] to Counsel for Defendant, [name and address of recipient].

Attorney for the Plaintiff(s)



