

**Medina County Court**  
**of Common Pleas**

**Rules of the General Division**

As Adopted November 13, 2017

## Civil Rules

<a href="#">Rule 1</a>	Hours of Session
<a href="#">Rule 2</a>	Assignment of Cases
<a href="#">Rule 3</a>	Leave to Plead
<a href="#">Rule 4</a>	Case Management Conferences
<a href="#">Rule 5</a>	Motions
<a href="#">Rule 6</a>	Motions for Summary Judgment
<a href="#">Rule 7</a>	Motions for Default Judgment
<a href="#">Rule 8</a>	Motions to Continue
<a href="#">Rule 9</a>	Discovery
<a href="#">Rule 10</a>	Dismissals of Actions and Claims
<a href="#">Rule 11</a>	Journal and Judgment Entries
<a href="#">Rule 12</a>	Foreclosures
<a href="#">Rule 13</a>	Bankruptcy
<a href="#">Rule 14</a>	Mediation
<a href="#">Rule 15</a>	Jury Management
<a href="#">Rule 16</a>	Clerk of Courts
<a href="#">Rule 17</a>	Privacy Rights
<a href="#">Rule 18</a>	Receiverships
<a href="#">Rule 19</a>	Miscellaneous

## Criminal Rules

<a href="#">Rule 1</a>	General
<a href="#">Rule 2</a>	Motions
<a href="#">Rule 3</a>	Criminal Pretrials
<a href="#">Rule 4</a>	Intervention in Lieu of Conviction
<a href="#">Rule 5</a>	Adult Probation Department
<a href="#">Rule 6</a>	Assignment and Compensation of Appointed Counsel
<a href="#">Rule 7</a>	Investigators and Experts

## **CIVIL RULES**

### **RULE 1 Hours of Session**

Unless otherwise ordered by the Judge, Court shall be in session from 8:30 a.m. to 4:30 p.m. Monday through Friday except for those days designated as legal holidays.

### **RULE 2 Assignment of Cases**

All cases filed in the General Division with the Clerk of Courts shall be assigned to the docket of a specific Judge by lot as required by the Rules of Superintendence for the Courts of Ohio. Counsel, or parties if unrepresented, shall submit all motions and proposed entries only to the Judge or Magistrate assigned to the case unless the Judge to whom the case is assigned has authorized another Judge or Magistrate to act in his or her absence.

### **RULE 3 Leave to Plead**

A party is permitted one automatic leave to plead, not to exceed twenty-eight (28) days, in which to plead to a complaint, counterclaim, cross-claim or third party complaint by filing with the Clerk of Courts a notice of such leave. The notice of automatic leave to plead does not require judicial approval. The notice shall state that no prior extension of time has been granted and must be filed prior to the expiration of the time originally prescribed in the Civil Rules. If an additional extension of time is requested, the party requesting the extension must file a motion.

A party seeking leave to respond to any other pleading, request or motion must do so by written motion. The movant shall prepare a proposed journal entry granting the motion for leave and submit it to the Court along with the motion.

### **RULE 4 Case Management Conferences**

The Court may conduct a case management conference for the purpose of scheduling definite trial and/or mediation dates. Pretrial statements are not required. The Court may fix deadlines for completion of discovery, set time limitations for filing dispositive motions, and establish trial procedures. The Court may decide any motions pending in the case at the time of the case management conference. Parties and party representatives need not be present for the case management conference unless specifically required by order of the Court.

In the event an attorney or party fails to appear at a case management conference or other hearing, the Court shall have the authority:

1. To dismiss the case, a claim or motion for want of prosecution on the Court's own motion or on the motion of the opposing party;
2. To order sanctions as provided by the Rules of Civil Procedure;
3. To allow parties who are present to proceed with the case ex-parte and to decide all matters pending before the Court; and/or
4. To make such orders as the Court may deem appropriate.

## **RULE 5 Motions**

### **(A) Briefs**

All motions shall be accompanied by a memorandum stating the grounds for the motion and citing the authorities relied upon. A supporting or opposing memorandum, including administrative appeals, shall not exceed fifteen (15) pages exclusive of any supporting documents.

### **(B) Time: Motion Responses and Replies to Motions Generally**

Unless otherwise ordered by the Court, motions shall be decided without an oral hearing. The response and reply times set forth in [Civil Rule 6\(C\)](#) shall not apply.

### **(C) Non-Oral Hearings**

In the event a motion is scheduled for a non-oral hearing, written notice of the hearing date will be sent by ordinary mail to the parties or their counsel. The Court will not consider any responses to a motion unless filed prior to the non-oral hearing date and pursuant to the timeframe set forth in the written notice. No appearance is necessary for a non-oral hearing.

### **(D) Oral Hearings**

In the event the assigned Judge or Magistrate schedules a motion for an oral hearing, notice shall be sent by ordinary mail or, if an expedited hearing is necessary, notice may be communicated by telephone. Attendance is required. Any written memorandum relating to a motion scheduled for oral hearing must be filed one (1) day prior to the hearing.

### **(E) Contempt**

Post-judgment motions for contempt must be served pursuant to [Civ. R. 4](#) through [Civ. R. 4.6](#).

**(F) Copies**

Copies of motions filed with the Clerk of Courts need not be delivered to the assigned Judge.

**(G) Proposed Journal Entries**

The movant shall prepare a proposed journal entry granting the motion and submit it to the Court along with the motion. Failure to submit a proposed journal entry may result in delay in ruling or denial of the motion.

**RULE 6 Motions for Summary Judgment**

Unless otherwise ordered by the Court, motions for summary judgment will be decided without an oral hearing. A non-oral hearing will be scheduled no sooner than fourteen (14) days after the motion has been filed with the Court.

Unless the Court directs otherwise, any response in opposition may be filed any time prior to the day of the scheduled hearing. Any response not filed prior to the day of the non-oral hearing will not be considered.

Original evidentiary materials as permitted by [Civil Rule 56\(C\)](#) shall be filed with the Clerk of Courts with the original motion. A copy of the motion need not be delivered directly to the assigned Judge.

**RULE 7 Motions for Default Judgment**

A party seeking default judgment pursuant to [Civil Rule 55](#) shall include with the motion an affidavit of an individual with personal knowledge containing sufficient facts to support the claim. The Court in its discretion may set any motion for default judgment for an evidentiary hearing. A copy of the motion need not be delivered directly to the assigned Judge. The movant shall prepare a proposed journal entry granting the motion for default and submit it to the Court along with the motion. Failure to submit a proposed journal entry may result in delay in ruling or denial of the motion.

**RULE 8 Motions to Continue**

**(A) Content of Motion**

No party shall be granted a continuance of a trial or hearing without a written motion stating the reason for the continuance and whether opposing counsel objects or consents to the continuance. The motion shall contain the written consent of the

moving party, except that this requirement may be waived for good cause, provided the motion states the reason why the attorney has been unable to obtain the written consent of the movant. The Court will not consider any motion for continuance due to a conflict of assignment dates unless a copy of the conflicting assignment is attached to the motion.

**(B) Journal Entries**

The movant shall prepare a proposed journal entry granting the motion for continuance and submit it to the Court along with the motion. The number of previous continuances granted, the party requesting said continuances, and a space for the new case management conference, trial or hearing date shall be included in the journal entry. The movant shall confer with opposing counsel and submit with the motion at least two mutually available dates for the proposed continued hearing or trial.

**RULE 9 Discovery**

Counsel shall make a timely and good faith effort to confer and agree to schedules for depositions. Unless otherwise permitted by the Court or agreed to by the parties, depositions must take place in Medina County.

Within such time as not to delay the trial, a party may obtain one automatic leave to respond to discovery, not to exceed twenty-eight (28) days, by filing a notice of such leave. The notice shall indicate that no prior extension of time for discovery has been granted and must be filed prior to the expiration of the time originally proscribed. If any additional extension of time is requested, the party requesting the extension must apply to the Court by written motion.

Counsel shall make every effort to resolve discovery disputes by agreement prior to filing motions with the Court. The Court reserves the right to appoint a special master to resolve discovery disputes and assign costs of said special master to the parties.

**RULE 10 Dismissals of Actions and Claims**

**(A) Dismissal Before Trial**

If a case has settled prior to trial, counsel shall immediately notify the Court and file a stipulation of dismissal or other appropriate entry within thirty (30) days of the date the Court was notified. Failure to do so may result in dismissal of the action or claim after notice to the parties.

**(B) Pending Cross-Claims**

Upon the dismissal of any complaint, any pending cross-claims are deemed automatically dismissed without prejudice, unless the cross-claimant files a notice of intent to proceed on the cross-claim within thirty (30) days of the filing of the notice of dismissal.

**(C) Failure to Proceed with Trial**

If a party seeking affirmative relief fails to appear or is not ready to proceed with trial, the Court may in its discretion dismiss the claim for want of prosecution. In the event Defendant is unprepared to proceed, the Court may proceed with the case.

**(D) 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, 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.

**(E) Costs**

Upon voluntary dismissal of any action or claim, court costs associated with that claim shall be assessed to the dismissing parties unless otherwise ordered by the Court.

**RULE 11 Journal and Judgment Entries**

Unless otherwise directed by the Court, counsel for the party in whose favor a decision or judgment is rendered shall prepare an entry and submit it to opposing counsel within five days of the conclusion of the trial or hearing. Counsel for the adverse party shall approve or reject the entry within three days after receipt. In the event of rejection, the opposing party shall file with the Court a written statement of the objections to the proposed judgment entry.

All entries shall state the claim or motion which is being disposed by the entry, and shall indicate whether it is a final entry. If the entry does not dispose of all claims, it shall specify what claims remain pending. Pursuant to [Civil Rule 58](#), all final entries shall contain instructions directing the Clerk of Courts to serve upon all parties not in default for failure to appear notice of the judgment and its date of entry upon the journal.

## **RULE 12 Foreclosures**

### **(A) Judicial Reports**

In actions to quiet title, partition and for foreclosure of liens on real property, Plaintiff shall file with the Clerk of Courts a preliminary judicial report within fourteen (14) days after filing the complaint. The preliminary judicial report shall provide evidence of the state of the title to the property in question covering the chain of title for at least forty (40) years and must show all liens and encumbrances on the property, as may appear of record. Where the evidence of title indicates that necessary parties have not been joined in the action, Plaintiff shall cause all necessary parties to be joined and served in accordance with the Rules of Civil Procedure.

Upon failure of Plaintiff to file the preliminary judicial report within fourteen (14) days after the complaint has been filed, any interested party may file such evidence of title within the next fourteen (14) days. The cost of the judicial report shall be taxed as costs.

The preliminary judicial report shall be effective within thirty (30) days prior to the filing of the complaint or other pleading requesting a judicial sale and shall include at least all of the following:

- (1) A legal description of each parcel of real estate to be sold at the judicial sale;
- (2) The street address of the real estate or, if there is no street address, the name of the street or road upon which the real estate fronts together with the names of the streets or roads immediately to the north and south or east and west of the real estate;
- (3) The County Treasurer's permanent parcel number or other tax identification number of the real estate;
- (4) The name of the owners of record of the real estate to be sold;
- (5) A reference to the volume and page or instrument number of the recording by which the owners acquired title to the real estate;
- (6) A description of the record title to the real estate; however, easements, restrictions, setback lines, declarations, conditions, covenants, reservations, and rights-of-way that were filed for record prior to the lien being foreclosed are not required to be included;
- (7) The name and address of each lienholder and the name and address of each lienholder's attorney, if any, as shown on the recorded lien of the lienholder.

Failure to file the judicial reports as required by this rule shall be grounds for dismissal of the complaint or other claim seeking foreclosure.



Upon filing a motion for default judgment or motion for summary judgment in a foreclosure case, the movant shall submit a proposed decree of foreclosure. The movant shall also file a final judicial report showing the record state of title from the effective date of the preliminary judicial report to the date of lis pendens.

**(B) Medina County Treasurer in Foreclosure Cases**

In foreclosure cases, the Medina County Treasurer shall be named as a party defendant, and shall not be served with the complaint unless the lien of the Medina County Treasurer for taxes is being challenged, either as to its amount, or as to priority as first and best lien. If there is a challenge to the amount or priority of the Treasurer's lien(s), it must be plead in the complaint and the complaint must be served on the Treasurer.

The Medina County Treasurer need not be served with any answer or other pleadings unless the party filing the pleading intends to challenge the taxes claimed by the Treasurer on the tax records, either as to amount, validity, or as to priority as first and best lien. If there is a challenge to the amount or priority of the Treasurer's lien(s) in any cross-claim or counterclaim, it must be served on the Treasurer.

At least seven (7) days prior to submitting the proposed decree of foreclosure and the journal entry for confirmation of sale to the assigned judge, the entries shall be provided to the Medina County Prosecutor's Office for approval.

**(C) Approval of Legal Description**

Prior to filing with the Clerk of Courts, the legal description set forth in the decree of foreclosure, praecipe for order of sale, and the judgment entry for confirmation of sale must be approved as accurate by the Tax Map Office of Medina County. The legal description may be mailed to the Tax Map Office at the Medina County Administration Building, Room 119, 144 North Broadway, Medina, Ohio 44256 or faxed to 330-764-8797 for approval.

If the legal description and other information set forth in the decree of foreclosure and judgment entry for confirmation of sale are accurate, the Tax Map Office shall affix a written notation on the entry that the legal description has been reviewed and is correct. In the event the Tax Map Office requires that a legal description be redefined before approving same, any expense incurred to obtain the updated legal description shall be taxed as costs.

In a praecipe for order of sale, the legal description must be stamped as approved by the Tax Map Office and must be accompanied by the Property

Description Approval Form, which is available on the website for the Medina County Clerk of Courts.

**(D) Sheriff's Sale**

In every action demanding the judicial or execution sale of residential properties, including delinquent tax sales, the Medina County Sheriff shall sell the real estate at public auction, unless the judgment creditor files a motion with the Court for an order authorizing a specified private selling officer to sell the real estate at a public auction. If the judgment creditor is the purchaser at the sale, the judgment creditor shall not be required to make a sale deposit. All other purchasers shall make sale deposits, payable to the Medina County Sheriff by certified check, money order, or law firm check, in the following amounts:

- (1) If the appraised value of the property is less than or equal to \$10,000, the deposit shall be \$2,000.
- (2) If the appraised value of the property is greater than \$10,000, but less than or equal to \$200,000, the deposit shall be \$5,000.
- (3) If the appraised value of the property is greater than \$200,000, the deposit shall be \$10,000.

In every action demanding the judicial or execution sale of commercial properties, the purchaser at sale shall make a deposit pursuant to the requirements, if any, established by order of the Court. If no requirements have been established by order of the Court, then the deposit shall conform to the deposit requirements for the sale of residential properties as set forth above.

In the event the purchaser fails to meet the timing or other requirements of the deposit, the sale shall be invalid. Pursuant to [R.C. 2329.30](#), the Court, upon notice and motion of the officer who makes the sale or of an interested party, may punish any purchaser of lands and tenements who fails to pay within thirty (30) days of the confirmation of sale the balance due on the purchase price by forfeiting the sale, by forfeiting the deposit paid in connection with the sale, and/or in any other manner the Court deems appropriate. The Court, upon motion, may order the return of any remaining portion of the deposit to the purchaser, less the costs of a subsequent sale and any other remedy the Court considers appropriate. An order for contempt for failure of the purchaser to pay voids the confirmation of sale and transfer.

The Plaintiff shall submit a proposed entry confirming the sale within thirty (30) days of the return of the writ of execution. The officer making the sale shall require the purchaser, including a lienholder, to pay within thirty (30) days of the confirmation of sale the balance due on the purchase price. The officer making the

sale shall record the deed required by [R.C. 2329.36](#) within fourteen (14) days after the confirmation of sale and payment of the balance due.

**(E) Cancellation of Sheriff’s Sale**

Except in the case of bankruptcy, a Plaintiff may withdraw a property from Sheriff’s sale, provided Plaintiff deposits with the Clerk of Courts the sum set forth on the Court Fee Schedule as surety of court costs. The cancellation of the Sheriff’s sale shall be by written motion and shall include a copy of the receipt evidencing payment of the required sum. A Magistrate is authorized to sign an order withdrawing a property from Sheriff’s sale. The surety deposit requirement does not apply to a defendant who files a motion to cancel a Sheriff’s sale; however, the Court, in its discretion, may still order a defendant to deposit a sum certain as surety for Court costs prior to cancelling a sale.

**RULE 13 Bankruptcy**

Whenever a party to an action pending in the Court files for bankruptcy protection, the attorney of record, or the party if acting pro se, shall within five (5) days file written notice of the automatic stay with the Clerk of Courts. The notice shall include the bankruptcy case number, the date the bankruptcy petition was filed, the name of the Bankruptcy Court and the names of the debtors. The attorney or party shall serve the notice of bankruptcy on other counsel or parties of record in the pending litigation in conformity with [Civil Rule 5](#).

**RULE 14 Mediation**

**(A) General**

Upon order of the Court, a civil action filed in this 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 Section [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 of this Court, regardless of whether that individual is an employee, an independent contractor or a volunteer.

**(B) Case Selection and Timing for Mediation**

All civil cases may be referred to mediation. Before the initial status conference in a case, counsel shall discuss the appropriateness of mediation in the

litigation with their clients and with opposing counsel. Mediation shall not be used as an alternative to the prosecution or adjudication of domestic violence, to determine whether to grant, modify or terminate a protection order, to determine the terms and conditions of a protection order, or to determine the penalty for violation of a protection order unless specifically authorized by rule of the Ohio Supreme Court.

At the initial case management conference, the parties and counsel shall advise the Court of the results of their discussions concerning mediation. At that time and at subsequent conferences, if necessary, the Court may explore with the parties and counsel the possibility of using mediation.

**(C) Referral to Mediation**

The case is referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of counsel, or upon referral by the mediator.

**(D) Continuances**

Requests for continuances shall be directed to the mediation office. Continuances shall be granted only for good cause shown and after a mutually acceptable date has been determined. No continuance will be granted by the mediation office if the mediation cannot be scheduled prior to the final pretrial or the trial date.

**(E) No Stay of Proceedings**

All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

**(F) Mediation Privilege**

Mediation communications are privileged as described in [R.C. 2710.03 through R.C. 2710.05](#).

**(G) Client Defined Confidentiality**

If the parties believe that confidentiality is necessary, the parties shall effect a written confidentiality agreement prior to the mediation.

**(H) Mediator's Duty**

The mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. 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.

**(I) Duties of Attorneys/Parties**

Unless otherwise ordered by the Court, 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. A legal entity must have an agent with authority to settle attend the mediation in addition to 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 pleading, they shall promptly inform the mediator as well as the assigned Judge of such fact.

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 [Rule 16](#) of the Rules of Superintendence for the Courts of Ohio both prior to, and, in the mediator's discretion, during the mediation session(s).

**(J) 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.

**(K) Immunity**

A mediator acting pursuant to this rule shall have all immunity conferred by statute, rule, and common law.

**(L) 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.

## **RULE 15 Jury Management**

### **(A) Eligibility and General Administration**

Responsibility for administering the jury system will be vested in the Administrative Judge for the Court of Common Pleas, General Division. Procedures concerning jury selection and service are generally governed by Ohio law and Ohio Rules of Court.

The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.

All persons shall be eligible for jury service except those who:

1. are less than eighteen years of age;
2. are not citizens of the United States;
3. are not residents of Medina County;
4. are not able to communicate in the English language;
5. have been convicted of a felony and have not had their civil rights restored.

### **(B) Jury Source List**

The Court hereby adopts an electronic jury pool selection process. Once each year, the list of registered voters shall be obtained from the Medina County Board of Elections in electronic form. The jury source list will be derived from the names shown on the registration list for the most recent past election.

A miscellaneous journal entry signed by the Judges of the General Division shall instruct that upon certification of the list of voters to the Jury Commission by the Medina County Board of Elections and in accordance with a journal entry filed with the Clerk of Courts setting forth the number of prospective jurors to be called, that the drawing of the annual jury list shall proceed until an adequate number of persons are drawn for the coming jury term (year). Pools for the Municipal Courts of Medina County shall be selected in the same manner by journal entry signed by a Judge of the Municipal Court. The output from the computer selection process shall be in the form specified by the Judges of the Court of Common Pleas and the respective Municipal Courts.

**(C) Notification and Summoning Procedures**

There shall be a notice summoning a person to jury service and the questionnaire eliciting information regarding that person. The juror summons shall be delivered by ordinary mail. The summons shall explain how and when the recipient must respond and the consequences of failure to comply with the summons. The questionnaire shall request only that information essential for determining whether a person meets the criteria for eligibility. The jury questionnaire shall contain the following language:

READ THIS BEFORE ANSWERING - ALL INFORMATION ON THIS FORM MAY BE PUBLICLY DISCLOSED. IF YOU BELIEVE YOUR PRIVACY INTERESTS WILL BE HARMED BY ANSWERING ANY OF THE FOLLOWING QUESTIONS, YOU MAY LEAVE A RESPONSE LINE BLANK AND INDICATE THAT YOU HAVE DONE SO INTENTIONALLY.

The Court will develop uniform policy and procedure for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

**(D) Voir Dire**

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. Basic background information regarding panel members will be made available to counsel on the day which jury selection is to begin. The Trial Judge shall conduct a preliminary voir dire examination. Subject to the control of the Court, counsel shall then be permitted to question panel members. The Judge will ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process. The voir dire process shall be held on the record, unless otherwise ordered by the Court.

**(E) Jury Deliberations**

All communications between the Judge and members of the jury panel during deliberations shall be in writing or on the record in open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform to existing Ohio law. A jury should not be required to deliberate after a reasonable hour and on weekends, unless the Trial Judge

determines that such deliberations would not impose an undue hardship upon the jurors, and that they are required in the interest of justice.

**(F) Monitoring the Jury system**

The Court shall monitor the performance of the jury system in order to evaluate: the representativeness and inclusiveness of the jury source list; the effectiveness of qualification and summoning procedures; the responsiveness of individual citizens to jury duty; the efficient use of jurors; and the cost-effectiveness of the jury management system.

**(G) Juror Use**

The Court shall utilize the services of prospective jurors so as to achieve optimum use with a minimum amount of inconvenience to jurors. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial.

**(H) Jury Facilities**

Each Judge is charged with the responsibility of providing jury deliberation rooms conducive to reaching a fair verdict and with the safety and security of the deliberation rooms in conjunction with the Medina County Sheriff. To the extent feasible, Court staff will attempt to minimize contact between jurors, parties, counsel, and the public by limiting juror movement to those areas designated for jury assemblage, deliberation, and trial.

**RULE 16 Clerk of Courts**

**(A)** Original documents presented for filing with the Clerk of Courts shall not be stapled. All copies of documents presented for time-stamping must be stapled.

**(B) Costs**

No civil action or proceeding shall be accepted for filing unless there is deposited as security for costs the amount set forth on the [Fee Schedule](#) of the Medina County Clerk of Courts. Said Fee Schedule can be found at the Clerk of Courts' website. If the party initiating a civil action is unable to give security as provided under this rule, that party shall file a poverty affidavit with the complaint. The collection of costs shall be postponed until the case is terminated.

**(C) Case Classification**

All civil complaints must be accompanied by a [Case Designation Form](#) as prescribed by the Court. Said form is available on the website for the Medina County Clerk of Courts.



**(D) Instructions for Service**

Unless otherwise directed by written instructions, all complaints or other pleadings which initiate a case shall be served by certified mail, return receipt. The Clerk will not serve any other pleading or documents unless accompanied by Instructions for Service. An [Instruction for Service form](#) is available on the website for the Clerk of Courts.

**(E) Electronic Service of Process**

When technology permits, the Clerk of Courts shall issue service of process as provided in [Civil Rule 4.1](#), including “virtual” service of process utilizing advanced U.S. postal technology for delivery of certified mail and receipt of the confirmation of service. The confirmation of service of process served by virtual service shall be made available through the Clerk’s office and/or website.

**(F) Court Files**

No person, except a Judge of the Court, a Magistrate, or representative of either shall remove any documents or case files from the custody of the Clerk, without the consent of the Judge to whom the case has been assigned. All files must be checked out with a deputy clerk before being removed from the Clerk’s office.

**(G) Electronic Filing**

Subject to further order of Court, the Medina County Clerk of Courts does not accept for filing pleadings or other papers by facsimile transmission or electronic mail.

**(H) Duplication**

An individual seeking to have a copy of any court filing must deliver to the Clerk a self-addressed, stamped envelope with sufficient postage and of sufficient size, as well as payment of a photocopy fee, when applicable. The Clerk shall provide by U.S. mail, a copy of any original document maintained by its office, except transcripts. The Clerk is not required to send faxed copies of any documents which may be requested.

**(I) Disclosure and Duplication of Transcripts**

Unless otherwise ordered by the Court, the Clerk of Courts shall allow any individual to examine, but not remove or duplicate, any original transcript of testimony that has been filed with the Clerk. The Clerk shall not provide copies of an original transcript without the permission of the Court Reporter. Copies of transcripts shall be made available upon payment of the photocopy fee set forth in the Fee Schedule.

**(J) Subpoenas**

Pursuant to [Civil Rule 45](#), if a subpoena is to be served by the Clerk of Courts, Medina County Sheriff, or the Sheriff of another county, the party requesting the subpoena shall provide to the Clerk quadruplicate copies as well as the amount set forth on the Fee Schedule as security for costs.

If the witness being subpoenaed resides outside the county, the fee for one day's attendance and mileage shall be attached to the subpoena, by a check made payable to the witness. The subpoena shall indicate in the upper right corner the amount of the fee attached as well as the name of the Judge or Magistrate before whom the witness is to appear.

An attorney who has filed an appearance on behalf of a party in an action may sign and issue a subpoena on behalf of the Court in which the action is pending.

**RULE 17 Privacy Rights**

In order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits thereto, unless otherwise ordered by the Court:

1. **Social Security numbers.** If an individual's Social Security number must be included in a document, only the last four digits of that number should be used.
2. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
3. **Dates of Birth.** If an individual's date of birth must be included in a document, only the year should be used.
4. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be in the document used.

This rule does is not applicable to Petitions for Civil Stalking Protection Orders.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk shall not review each document for compliance with this rule.

## **RULE 18 Receiverships**

### **(A) Application for Appointment**

When an application for appointment of a receiver is filed, the judge assigned to the case shall determine whether the application should be granted, and the appropriate procedure for notice and hearing, if any. The assigned judge shall have sole supervision of the case.

### **(B) Duties of Receiver**

In all cases where receivers are appointed by this Court, the procedures set forth in this rule shall apply.

### **(C) Control of Assets**

Unless by entry, the Court specifically authorizes the receiver to continue a business, the receiver shall expeditiously take control of the assets of the defendant debtor; give notice to all known creditors of the appointment of receiver and afford them the opportunity to present and prove their claims; cause the assets to be inventoried and appraised; determine the validity and priority of creditors' claims; take such steps as may be necessary to reduce the assets to cash; and, make distribution of said cash among the various classes of creditors.

### **(D) Initial Report to Court**

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

### **(E) Reports**

A receiver shall file reports of receipts and disbursements with supporting documentation of his acts and transactions as receiver within (3) months after the date of appointment and at regular intervals every (3) months thereafter until discharged or at such other times as the Court may direct. Failure to file any report within (30) days after the report is due or ordered shall be grounds for removal without notice and without compensation. Any persons removed as receiver shall be ineligible for any subsequent appointment.

### **(F) Authority to Expend Funds**

In cases involving receivers appointed to take charge of property and collect rents and other income, the receiver may expend funds to pay insurance premiums, water and utility bills, without first having obtained Court approval, and to pay for emergency repairs necessary for the proper maintenance of the property. For

authority other than that conferred upon receiver by virtue of this Rule, the receiver shall make application to the Court.

**(G) Report Prior to Sale**

In all receiverships in which property appraised in excess of One Thousand Dollars (\$1,000.00) is to be put up for public or private sale, the receiver shall file in advance of such sale, a report with the Court showing amount of expenditures incurred or to be incurred, prior to the time the sale is to be conducted.

**(H) Application for Fees**

Any application for payment of fees (partial or final) to a receiver and counsel for receiver, shall be submitted for approval by the Court. Written notice of the hearing on application for fees in excess of Five Hundred Dollars (\$500.00), shall be served personally or by mail on all creditors or their counsel of record, unless otherwise provided by court order. Such application shall show time spent on enumerated items; amounts of money collected, disbursed, and on hand; status of secured and unsecured creditors' claims, including amounts claimed, payments made thereon, and balances due; the amounts and dates of prior fees authorized in the case; and an estimate of the amount of time necessary to complete the work in the receivership and to make final distribution.

**RULE 19 Miscellaneous**

**(A) Trial and Hearing Exhibits**

At any trial or hearing where exhibits will be presented to the witness and/or offered into evidence, the plaintiff/movant shall label exhibits using numerical designations and the defendant shall label exhibits using letter designations.

**(B) Transcripts**

In the event an attorney or pro-se party requests a copy of a transcript from the Court Reporter, the request shall include the date of the hearing(s). Objection logs must be filed with any trial transcripts.

## **CRIMINAL RULES**

### **RULE 1 General**

Criminal cases shall be handled in accordance with the Rules of Criminal Procedure and the Ohio Revised Code.

### **RULE 2 Motions**

(A) Unless otherwise ordered by the Court, motions and other requests in criminal cases shall be filed within thirty-five (35) days after arraignment or seven (7) days before trial, whichever is earlier.

(B) All motions must be supported by a memorandum which contains citations of authority pursuant to [Criminal Rule 47](#).

(C) Continuances of criminal trials shall be requested in compliance with the following requirements unless excused at the discretion of the Court. The Court granting a motion for continuance not in compliance with the following requirements shall constitute good cause and excuse.

- 1) Parties shall file a written motion stating the reason for the continuance as soon as the party is aware of the necessity for the continuance.
- 2) A defendant's motion to continue shall contain the written consent of the defendant.
- 3) The Court will not consider any motion for continuance due to conflict of assignment dates unless a copy of the conflicting assignment is attached to the motion. [Rule 41\(B\)](#) of the Rules of Superintendence for the Courts of Ohio shall govern priority of cases.
- 4) Motions to continue shall state the number of prior continuances granted and upon whose motion those continuances were granted.
- 5) Motions to continue shall state whether or not the defendant is currently incarcerated in lieu of bond, the date defendant was arrested and the total days in served in jail in the matter in which the continuance is sought.
- 6) Motions to continue shall state whether the defendant is incarcerated in lieu of bond, pursuant to a sentence, pursuant to a parole violation, or subject to any holder or detainer within Medina County or any other jurisdiction on any other matter.

### **RULE 3 Criminal Pretrials**

(A) Criminal cases may be set for pretrial at the time of arraignment, or thereafter, at the discretion of the Court. Counsel for the defendant, the defendant, and the prosecutor must appear for all pretrials.

(B) Discovery shall be completed prior to the pretrial and in compliance with [Criminal Rule 16](#).

### **RULE 4 Intervention in Lieu of Conviction**

Motions filed pursuant to R.C. [2951.041](#) shall be filed within the time requirements of [Rule 2\(A\)](#) and at the earliest practicable time to avoid any delay in the assessment and treatment of defendants. Upon the filing of a motion pursuant to R.C. [2951.041](#) and prior to granting Intervention in Lieu of Conviction, the Court may refer the defendant to the Adult Probation Department to determine the defendant's eligibility.

### **RULE 5 Adult Probation Department**

(A) If ordered by the Court, the Adult Probation Department shall conduct a pre-sentence investigation and submit a pre-sentence report to the Court in all cases where the defendant has pleaded guilty or was found guilty of a crime.

(B) Reports may be prepared and submitted to the Court on motions for Intervention in Lieu of Conviction under R.C. [2951.041](#), motions for Sealing of Records under R.C. [2953.32](#) and [2953.52](#), and motions for Judicial Release under R.C. [2929.20](#) if required by the Court.

### **RULE 6 Assignment and Compensation of Appointed Counsel**

(A) When it appears to the Court that a defendant in a criminal case is indigent and seeks to have the Court assign counsel, the defendant must execute an [Affidavit of Indigency](#) upon the form provided by the Ohio Public Defender. Within seven days of submitting the affidavit to the Court, the defendant shall pay a \$25 non-refundable application fee to the Clerk of Court.

(B) The Court shall appoint an attorney at arraignment, or as soon as possible thereafter, to represent an indigent defendant in criminal cases.

(C) Appointed counsel shall be compensated for services and reimbursed for expenses in accordance with the schedule of fees adopted by the Board of County Commissioners. To receive compensation, appointed counsel shall submit to the County Auditor's office a Motion, Entry and Certification for Appointed Counsel Fees form attesting to the number of hours expended, the work performed, and the actual expenses incurred. The Court, after due consideration, shall determine the amount of compensation within the scheduled limits.

(D) Attorneys assigned to represent indigent defendants in probation violation hearings, extradition hearings, and other criminal matters shall be appointed and compensated in compliance with Local Criminal Rule 6.

(E) Requests for attorney fees and expenses in excess of the scheduled limits shall only be granted upon motion by the assigned counsel. In the event the Court awards extraordinary fees, counsel shall attach a copy of the Motion for Extraordinary Fees and the order granting same to the Motion, Entry and Certification for Appointed Counsel Fees form and submit it to the County Auditor's Office.

(F) Attorneys accepting assignments for indigent representation are responsible for ensuring that they meet the qualifications set forth in [Ohio Administrative Code 120-1-10](#). Failure to maintain qualifications or acceptance of cases without sufficient qualification may result in non-payment of fees and removal from assigned counsel list.

## **RULE 7 Investigators and Experts**

(A) Counsel assigned to represent indigent defendants shall investigate cases to which they have been assigned.

(B) Investigators shall not be employed by assigned counsel unless ordered by the Court. In such cases, counsel shall file a motion to hire an investigator at least thirty (30) days before trial. Said motion shall set forth in detail the reasons for the need for an investigator and the approximate expense that would be incurred if the motion were granted. The motion shall only be granted after a hearing conducted by the assigned Judge.

(C) Experts shall not be employed by assigned counsel except by leave of Court. Counsel shall file a motion for the appointment of an expert at least thirty (30) days before trial. Said motion shall set forth in detail the reasons for the need

for such expert and the approximate expense that would be incurred if the motion were granted. The motion shall only be granted after a hearing conducted by the trial Judge.

**(D)** Invoices for investigators and experts shall be filed with defense counsel's application for attorney's fees, on a separate sheet. Upon motion by counsel, experts or investigators may be paid prior to trial by the Court.