



TRUMBULL COUNTY EASTERN DISTRICT COURT
TRUMBULL COUNTY, OHIO

LOCAL COURT RULES

Effective February 1, 2022

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IN THE TRUMBULL COUNTY COURT EASTERN DISTRICT

TRUMBULL COUNTY, OHIO

IN RE: RULES OF PRACTICE AND CASE)
MANAGEMENT RULES FOR THE) JOURNAL ENTRY
TRUMBULL COUNTY COURT, EASTERN)
DISTRICT)

1 *RULE: APPLICABILITY; AUTHORITY; CITATION; REFERENCE:*

- 1.01 Applicability.** These local court rules shall be applicable effective **February 1, 2022** to all civil, criminal, and traffic actions filed in the Trumbull County Court, Eastern District.
- 1.02 Authority.** These Rules are promulgated pursuant to the Ohio Constitution; Ohio Revised Code, Chapter 1907; and the Rules of Superintendence for Municipal Courts and County Courts, Rule 18.
- 1.03 Citation.** These rules shall be known as the Local Court Rules of the Trumbull County Eastern District Court.
- 1.04 Reference.** As used in these rules a reference to “O.R.C” is a reference to the Ohio Revised Code; a reference “Civ. R.” is a reference to the Ohio Rules of Civil Procedure; a reference to “Criminal Rules” is a reference to the Ohio Rules of Criminal Procedure; a reference to “Rules of Superintendence” is a reference to the Rules of Superintendence of Municipal and County Courts; and a reference to “Traffic Rules” is a reference to the Ohio Rules of Practice and Procedure in Traffic Cases.

2 *RULE: HOURS OF SESSION:*

- 2.01 Hours.** The hours for holding the regular sessions of the Court shall be from 8:00 A.M. to 4:00 P.M. The office hours for the Court will be 8:00 A.M. to 4:00 P.M. Monday through Friday each week, except on those days designated by law as legal holidays or by entry. The Judge of the Court may establish earlier opening or closing times, and the Judge may extend the closing hour during trials to include a Saturday session or a holiday when deemed necessary.

3 *RULE: ATTORNEY REGISTRATION NUMBER AND DESIGNATION OF TRIAL ATTORNEY:*

3.01 Attorney Registration. Each and every document, either civil, criminal or traffic, filed with the Court shall have the attorney registration number printed under the name of the attorney filing the document.

3.02 Trial Attorney Designation. In civil cases the attorney who is to try the case shall be designated as trial attorney on all pleadings. In traffic or criminal cases, except felonies, the attorney who is to try the case shall, upon being retained or appointed, notify the court that he or she is the trial attorney by filing a notice of appearance with the Clerk of the Court.

4 *RULE: OFFICIAL NOTICE OF CIVIL AND CRIMINAL PROCEEDINGS:*

4.01 Official notice. Official and complete notification to all counsel of record of any assignment of any case for any purpose shall be as follows:

4.02 Ordinary mail notice. Ordinary mail service of written notice addressed to the counsel of record for each party and each unrepresented party by the Clerk of Court to the address indicated for such attorney of record or party on the pleadings as filed.

4.03 Notice by phone or email. Where ordered by the Judge, telephone or email notification of counsel or unrepresented parties will be sufficient notice.

4.04 Electronic notice. Pursuant to electronic filing terms and conditions outlined in local rule 32.01.8, notice may be made upon a Registered User in a case via the e-filing system.

5 *RULE: CIVIL CONTINUANCES:*

5.01 Civil Continuances. No party shall be granted a continuance of a trial or hearing without first submitting a written motion and proposed Order with the Clerk of Court stating the reason for such request. The Court will not grant a continuance to any party at any time without first setting a new and definite date for the continued trial or hearing.

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

any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

- 5.03 Timeliness of Motion.** Motions for continuances filed within five (5) calendar days of any scheduled trial shall be denied except upon the showing of exigent circumstances.
- 5.04 Stipulated Continuances.** Stipulated continuances shall not be granted as a matter of course. The Judge's approval must be obtained and noted on any stipulated continuance.
- 5.05 Continuance Approval.** The filing of a Motion to Continue does not automatically continue the case. Unless the Judge grants the Motion, the hearing shall continue as previously scheduled.

6 RULE: CIVIL PRE-TRIAL / TRIAL:

- 6.01 Pre-trial.** A pre-trial will be held in civil cases when ordered by the Court. All parties in interest must be present with full settlement authority. The attorneys of record will: be prepared to furnish a list of all witnesses whom they intend to call, along with a statement of the general nature of their testimony; produce all exhibits intended to be offered at time of trial; set forth the legal theory of their cases; state any discovery not yet completed and the reasons for such lack of completion; and such other matters as the Court may properly require. If the case is not resolved at pre-trial, the court will either set the matter for another pretrial or for trial.
- 6.02 Failure to appear at pre-trial.** In the event that plaintiff or plaintiff's counsel shall fail to appear for any scheduled pre-trial, the case may be dismissed by the Court without prejudice for want of prosecution; or such other order as the Court deems appropriate under all the circumstances.
- 6.03 Failure to appear at Trial.** In the event that plaintiff or plaintiff's counsel shall fail to appear for any scheduled trial, the case may be dismissed by the Court with or without prejudice for want of prosecution; or such other order as the Court deems appropriate under all the circumstances.
- 6.04 Failure to prosecute.** If plaintiff or plaintiff's counsel fails to prosecute this matter within the timeline outlined by the Ohio Revised Code, the Court may dismiss the matter without prejudice at any time.

7 *RULE: CIVIL TRIAL DATE ASSIGNED:*

7.01 Dismissal for failure to prosecute. Each civil case assigned for trial upon the date designated for trial shall either proceed to trial, or if plaintiff is not ready, said case may be dismissed without prejudice. If the Defendant does not appear, a judgment may be awarded to plaintiff, unless the Court orders otherwise.

7.02 Settlement of cases set for trial. If a civil case set for trial is settled, the trial counsel shall immediately notify the Court and file a notice of dismissal or any other appropriate entry for approval by the Court.

8 *RULE: REPRESENTATION OF CLIENTS:*

8.01 Approval of appointed counsel. Any attorney, appointed by this Court to represent an indigent charged with an offense, shall not receive any fees for professional services rendered in connection with said appointment, without first securing the approval of this Court and having been discharged as appointed counsel, by journal entry. Counsel shall submit all necessary documentation within 10 days of disposition in this Court.

8.02 Withdrawal of counsel of record. No attorney shall be permitted to withdraw as counsel of record in any civil or criminal matter without first moving the Court in writing for such withdrawal. Such motion shall set forth good cause and contain therein proof of service that the motion was served upon the client.

9 *RULE: TRIAL BY JURY:*

9.01 Written demands. Demands for trial by jury must be made in writing in conformance with the Civil and Criminal Rules of Procedure. If the written jury demand is not timely filed with the Court, the jury demand will be deemed waived and the case shall proceed as a trial before the court.

9.02 Withdrawal of jury demand. Withdrawal of a jury demand shall be made in writing and shall be timely filed with the Court.

9.03 Jury Demand Deposit. In all civil cases, upon the filing of a demand for a jury trial, the party making the demand shall file an advance deposit for costs for juror fees in the amount of five hundred dollars (\$500.00), or such other amount as the Court may determine. If the deposit is not timely, the jury demand will be deemed waived and the case shall proceed as a trial before the court.

9.04 Jury Costs. When a jury trial is held the non-prevailing party will be responsible for jury costs unless the Court provides otherwise.

10 RULE: MANNER OF SELECTING JURIES:

10.01 Selection of Jurors. Jurors for the Trumbull County Eastern District Court shall be chosen and summoned as provided in O.R.C. Section 2313.01 to 2313.26. Selection shall be made from residents within the Court's jurisdiction pursuant to O.R.C. Section 1907.28.

11 RULE: LEAVE TO PLEAD:

11.01 First leave to plead. In all cases, when a party desires a leave to move or plead, then such party, if they have not previously obtained a leave to plead, may obtain one automatic leave to plead by filing with the Clerk of Court a certification in which it is certified that the moving party has not previously obtained a leave to plead in the particular case. The first leave to plead may not be for a period of more than thirty (30) days and a copy must be mailed to opposing counsel of record.

11.02 Written motions to move or plead. Except as provided above, a leave to plead or motion may only be obtained by written motion that must be timely filed with the clerk of court. Such motion will set forth the number of leaves to move or plead already obtained, the reason such leave is requested, and the total days of any such leaves.

12 RULE: FILING FEES:

12.01 Pre-paid fees. No civil action or proceeding shall be accepted for filing by the Clerk of Courts unless there is first deposited with the Clerk a sum not less than that established by the Court by separate order as filing fees and convenience fees. Such prescribed fees may be amended from time to time by order of the Court.

12.02 Liable parties. All entries or orders of dismissal in any action before the Court terminating any case shall contain a determination as to the responsibility for the payment of court costs. Failure of the parties to designate the responsible party for payment of court costs will result in the Judge assessing such fees in the Court's discretion.

12.03 Jury trials. See local rule 9.03.

13 *RULE: ARBITRATION:*

13.01 Arbitration. The Court may assign a particular case or matter to be heard by a panel of arbitrators as permitted under O.R.C. Sections 1907.41 through 1907.45.

14 *RULE: COPY OF PROCEEDINGS:*

14.01 Written request. A Motion and Proposed Order requesting the transcript(s) of matters before the Court must be filed with the Clerk, in writing, and will not be provided until such time as the appropriate written Motion and Proposed Order, and payment of the cost of each transcript is paid by the person requesting the transcript.

15 *RULE: DECORUM AND CONDUCT:*

15.01 Proper decorum. All persons in the courtroom shall conduct themselves in accordance with the decorum and in such manner as not to interfere with or obstruct the judicial activities or proceedings.

15.02 Smoking prohibited. No smoking shall be permitted in the courthouse.

15.03 Proper attire. All persons appearing before the Court shall, as far as practicable, appear in appropriate dress. The Court requests legal counsel to call this rule to the attention of their clients and witnesses.

15.04 Courtroom conduct. No person shall loiter, or conduct his or her self in an unseemly or disorderly manner in the courtroom or in any halls, entry way, or otherwise interfere with or obstruct the judicial activities or proceedings. Packages or other containers shall, at the discretion of the Court, Clerk or Bailiff, be subject to inspection prior to entry in the courthouse or courtroom.

16 *RULE: COMPLAINT IN FORCIBLE ENTRY AND DETAINER:*

16.01 Complaint. Any complaint in forcible entry and detainer must state the explicit reason for the filing of the eviction action, and must be accompanied by the following attached exhibits, when filed with the Clerk of Court:

16.02 Notice. A copy of the notice required by O.R.C., Section 1923.04.

16.03 Forfeiture of Land Contract, Lease or other written contract. When proceedings in forcible entry and detainer are based upon forfeiture of a land contract, lease or

other written contract, lease or other written instrument, such document shall be attached to the Complaint as an exhibit along with:

16.03.1 A copy of the written notice as prescribed in Section 5313.06 O.R.C.

16.03.2 If restitution of the premises is requested, a copy of the notice as required by Section 1923.04 of the O.R.C.

16.03.3 The reason for requesting such eviction shall be set forth in the complaint.

16.04 Corporation Filings. When plaintiff is a Corporation, the Complaint must be signed and prosecuted by an attorney. Non-compliance with this rule may result in dismissal of the Complaint.

16.05 Dismissal for violation. The Clerk of this Court shall refuse to accept for filing any complaint not presented in compliance with this rule. The Judge may summarily dismiss, without prejudice, any complaint filed in violation of the requirements of this rule.

17 RULE: TRIALS IN FORCIBLE ENTRY AND DETAINER CASES:

17.01 Failure to appear. Forcible Entry and Detainer cases shall be called for trial on the date set forth in the summons, unless the case is continued, in accordance with the rules of this Court. If neither party appears, the Judge may dismiss the complaint without prejudice for failure to prosecute.

17.02 Notice to the defendant. No trial of a Forcible Entry and Detainer case shall be held unless service is had on the defendant at least five (5) days prior to the date set for trial as prescribed in O.R.C. Section 1923.06.

17.03 Multiple causes of action. Where other causes of action are filed along with the action for forcible entry and detainer, the Court may also include a trial of the other causes of action, unless for good cause shown the Court may continue the other causes of action separately. For the purpose of this rule, good cause shall include, but is not limited to, the reasons set forth in O.R.C. Section 1923.081.

17.04 Motions. Unless otherwise designated by the Judge or Referee, all motions filed in forcible entry and detainer cases shall be heard on the date set for trial. Unless the motion disposes of the case, a trial on the issues shall be had, after any such ruling on the motion.

18 *RULE: DEMAND FOR JURY TRIAL IN FORCIBLE ENTRY AND DETAINER CASES:*

18.01 Time for demand. A written demand for a jury trial on a forcible entry and detainer action must be filed with the Court not less than seven (7) days prior to the date set for hearing on the action, and a defendant requesting the jury trial shall be required to make the advance deposit for costs for juror fees in the amount of five hundred dollars (\$500.00), or such other amount as the Court may determine. In addition, defendant must post a sufficient bond in accordance with the provisions or R.C. 1923.08

18.02 Deposit required. A demand for jury trial shall not be filed unless accompanied by the amount of deposit as set forth in 18.01 as well as accompanied by appropriate bond.

19 *RULE: CONTINUANCES IN FORCIBLE ENTRY AND DETAINER:*

19.01 Continuances. Continuances may only be granted by and at the discretion of the Judge.

19.02 Continuance – First Cause of Action. Any request for a continuance of a cause of action for restitution of a premise must be submitted, in writing, with payment of the filing fee, not less than three (3) days prior to the date of trial. The request must specifically set forth the specific grounds for the request and a proof of service upon the opposing party or counsel.

19.03 Continuance Approval. Any motion for a continuance will not be effective until approved by and signed by the Judge which if reassigned may be subject to any conditions, including the posting of any bond which the Court may require.

20 *RULE: ENFORCEMENT OF FIRST CAUSE JUDGMENT – FORCIBLE ENTRY & DETAINER - WRITS & SET-OUTS:*

20.01 Judgment to Plaintiff. If judgment is for plaintiff on the First Cause (possession), unless otherwise ordered by the Court, the plaintiff may immediately purchase a Writ of Restitution and a set-out date will be assigned with the bailiff.

20.02 Purchase of Writ. A Writ must be purchased within thirty (30) days of the date of judgment. When the judgment is more than thirty (30) days old, but less than sixty (60) days old, the plaintiff must file with the Clerk of Court a Motion for Leave to Purchase a Writ and serve a copy of the motion upon the defendant(s). The Court may schedule a hearing on the motion or decide the motion on the filing of the

parties. Upon the granting of the motion, plaintiff may purchase a writ and a set out date will be assigned with the bailiff.

20.03 Execution of Writ. A Writ must be executed upon (the scheduled set-out must occur) within fifteen (15) business days of issuance by the Clerk's office. If a move-out is stayed or canceled, and more than fifteen (15) business days pass between the date the writ issued and the new move-out date, the plaintiff must purchase a new writ.

20.04 Scheduling the set out. In order to arrange for the physical removal of the defendant and their belongings, the following must occur:

20.04.1 Plaintiff must purchase a writ of restitution from the Clerk and the Clerk's Office will schedule a set-out date according to the bailiff's availability.

20.04.2 Plaintiff must call the Court before 3:45 p.m. the day prior to the set-out to notify the bailiff as to the status of the tenants and to confirm that Plaintiff will be at the premises at the time scheduled.

20.05 Set-out.

20.05.1 Every set-out scheduled by the Court pursuant to a Writ of Restitution shall be supervised by the bailiff. The actual physical move-out of defendant's belongings shall be conducted by the movers hired by the plaintiff.

20.05.2 On the scheduled date and hour, the bailiff shall meet the plaintiff, or his/her agent, at the premises. The bailiff shall enter the premises and remove all inhabitants not lawfully entitled to possession. The movers shall then conduct the actual physical set-out and place the items on the curb.

20.05.3 The Court recommends that plaintiffs inspect the premises prior to scheduling the set-out date. On the scheduled set-out date, if the volume or nature of the contents of the premises is such that removal of the contents to the curb would create a health or safety hazard, the set-out may be canceled. Thereafter, a new set-out date may be set in conjunction with a special waste collection as scheduled by the plaintiff. Although the costs of special waste collections are initially borne by plaintiff, plaintiff may plead such costs as damages.

21 *RULE: ACTION ON AN ACCOUNT:*

21.01 Action on an Account. Account required to be attached. Any action filed upon an account shall have attached to the complaint a copy of the account, which account shall begin from a zero balance and indicate each and every charge against and credit upon the account thereafter, up to and including the date of filing of the legal action. The Court may summarily dismiss, without prejudice, any complaint filed in violation of this Rule.

22 *RULE: SMALL CLAIMS DIVISION:*

22.01 Small claims. Small claims will be heard at such times as the Court may designate for trial.

23 *RULE: TIME FOR TRIAL OF SMALL CLAIM:*

23.01 Time for trial. A memorandum of the time and place set for trial shall be given to the person signing the claim at the time of filing the small claim petition.

23.02 Continuance by Court. Nothing in subsection 23.01 shall deny the Judge the option of exercising his discretion to grant a continuance, in accordance with these rules.

23.03 Presence of Plaintiff required. No default judgment shall be granted to a plaintiff who is not present, individually or by counsel, when such case is called for trial.

24 *RULE: TRANSFER OF SMALL CLAIMS TO REGULAR DOCKET:*

24.01 Grounds for removal. A case duly entered on the docket of the Small Claims Division of the Court shall be transferred to the regular docket of the Court upon: the motion of the Court, made at any stage of the proceedings; upon the motion of a defendant, accompanied by an affidavit stating that a good defense, setting forth the reason such transfer is requested and the compliance of the defendant with any terms fixed by the Court; or by the filing of a counterclaim in an amount greater than Six Thousand Dollars (\$6,000.00) pursuant to O.R.C. Section 1925.10.

24.02 Additional costs for transfer by Judge. If a case is ordered transferred to the regular docket, by the Judge, the Judge in addition to any other proper conditions may order a party to pay additional court costs within the time designated by the Court.

24.03 Additional costs for transfer by Defendant. At the time of granting a defendant's motion to transfer a claim to the regular docket, the Judge in addition to any other

proper conditions set forth by the Judge shall require the defendant to pay the designated court costs, within the time designated by the Court.

- 24.04 Counter claim in excess of \$6,000.00.** The Clerk of the Court shall not accept for filing a counterclaim in excess of Six Thousand Dollars (\$6,000.00) excluding costs, without payment of court costs designated for transfer of a small claim to the regular docket.
- 24.05 Failure to pay costs.** In cases where the claim is to be transferred to the regular docket, upon motion of the Court, or upon defendant's motion, and the additional court costs are not paid within the time designated by the Court, the claim shall be returned to the Small Claims docket, and may not thereafter be transferred to the regular docket.
- 24.06 Dismissal for failure to pay costs.** Any case transferred to the regular docket based on a counterclaim, without payment of the additional costs designated for transfer of a small claim to the regular docket, may be dismissed upon the Court's own motion, or the motion of any party.
- 24.07 Frivolous filing.** If a counterclaim or cross-claim exceeds the Six Thousand Dollars (\$6,000.00) and the case is transferred to the regular docket of the Court, the Court may, if it finds that the counterclaim or cross-claim was without substantial grounds, award reasonable attorneys' fees by special order to the party against whom the counterclaim or cross-claim is instituted, if the party prevails in the action on the claim pursuant to the Civil Rules and the O.R.C.

25 RULE: WAGE GARNISHMENT REQUIREMENTS:

- 25.01 Wage Garnishments – Required Documents.** Filer must upload **only** one (1) copy of each of the following documents listed below, in the **following order**:
- 25.01.1** Affidavit, Order and Notice of Garnishment and Answer of Employer;
 - 25.01.2** Notice to the Judgment Debtor;
 - 25.01.3** Request for Hearing;
 - 25.01.4** Interim Report and Answer of Garnishee;
 - 25.01.5** Final Report and Answer of Garnishee;
 - 25.01.6** Notice of Court Proceeding to Collect Debt;

25.01.7 Payment to avoid Garnishment; and

25.01.8 Certificate of Proof of Service upon Defendant named in case, only.

25.02 Wage Garnishment – Personal Identifier Documents. Any Pleading containing a personal Identifier of a Party, submitted by the Plaintiff for Garnishee/Bank use, **must be** filed under the Confidential Document selection.

26 ***RULE: BANK GARNISHMENT REQUIREMENTS:***

26.01 Bank Garnishments – Required Documents. Filer must upload **only** one (1) copy of each of the following documents listed below, in the **following order**:

26.01.1 Affidavit, Order and Notice of Garnishment Other than Personal Earnings;

26.01.2 Motion of Judgment Creditor for Orders of Garnishment of Property Other than Personal Earnings;

26.01.3 Notice to the Judgment Debtor; and

26.01.4 Request for Hearing.

26.02 Bank Garnishment – Personal Identifier Documents. Any Pleading containing a personal Identifier of a Party, submitted by the Plaintiff for Garnishee/Bank use, **must be** filed under the Confidential Document selection.

27 ***RULE: DEBTOR’S EXAMINATION:***

27.01 Debtor Examination. If a debtor or debtor’s attorney appears in Court for examination, pursuant to a court order, based upon the application of a creditor, and the creditor fails to appear, the Judge may impose upon the creditor the following sanctions:

27.01.1 Order that there be no further examination of the same party, within ninety (90) days from date set for the examination, at which the creditor failed to appear; and/or

27.01.2 Dismiss the motion for examination of judgment debtor at the cost of the creditor.

27.01.3 No order of contempt shall be issued to a debtor to appear and show cause for a failure to appear unless the debtor against whom such contempt order is sought was served by personal service or service by certified mail.

28 ***RULE: MOTION FOR RELIEF FROM JUDGMENT:***

28.01 Motion for relief from judgment. Any motion for relief from judgment must be filed pursuant to Rule 60 of the Ohio Rules of Civil Procedure. Any brief, affidavit or other sworn testimony which a party wishes the Court to consider must be filed within seven (7) days after service upon the party of a motion for relief from judgment. Thereafter, the Court may in its discretion assign such motion for an oral hearing or rule on the motion and supporting documentation as filed without a hearing.

29 ***RULE: JOURNAL ENTRIES:***

29.01 Journal Entries. In the event a matter set for trial is settled, counsel for the parties shall prepare and sign a journal entry. Such journal entry shall be presented to the Court no later than ten (10) days after the date assigned for trial. Should counsel fail to present such entry within the ten (10) day period, the Court may, in its own discretion, file its own entry or dismiss all causes of action therein for failure to prosecute.

30 ***RULE: CASE MANAGEMENT IN CIVIL CASES:***

30.01 Purpose. It is the purpose of this rule to establish, in accordance with the Civil Rules, a system for civil case management which will achieve the prompt and fair resolution of all civil cases.

30.02 Contempt. Any attorney for a party to the action who fails to attend any scheduled hearing (pretrial, trial, etc.), without just cause being shown, may be punished as for contempt of this Court.

30.03 Case Management Order. In accordance with the Civil Rules and at the discretion of the Judge, a case management order may be entered at the initial status conference or any pre-trial proceedings thereafter. As part of the case management order, the court may set timelines including, but not limited to, the following: written discovery; discovery depositions; disclosure of lay and expert witnesses; a dispositive motion briefing schedule; mediation dates; final pre-trial dates; trial and alternate trial dates.

- 30.04 Preparation for pretrial.** Counsel or record must attend the pretrial hearing. Counsel must have complete authority to stipulate on items of evidence and must have full settlement authority.
- 30.05 Purpose of pretrial.** A pretrial conference shall attempt to narrow the legal issues, to reach stipulations as to facts in controversy, and in general, shorten the time and expense of trial. The Court may file a pretrial statement to become part of the record and the case that states all stipulations, admissions, and other pertinent matters which have come before the Court. The Court may order trial briefs and set a date by which they must be filed.
- 30.06 Failure to appear at trial or pretrial.** The Judge presiding at trial or pretrial conference shall have the authority to dismiss the action for want of prosecution *sua sponte*, or upon motion of the defendant for the failure of the plaintiff and plaintiff's counsel to appear in person at the pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant and/or defendant's counsel to appear in person at any pretrial conference or trial as required; to make such other order as the Court may deem appropriate under all circumstances.
- 30.07 Counsel of record.** Counsel of record must appear at every court hearing. In order to have local counsel or another attorney appear on behalf of counsel of record a timely motion must be filed. If the proposed motion to permit attendance by an attorney that is not counsel of record is not granted prior to the hearing in question, counsel of record must appear at the hearing.
- 30.08 Final pretrial.** Counsel of record and the party or party representative, if applicable, shall appear at the final pre-trial. Counsel and party representatives shall have full settlement authority at the final pre-trial. If the real party in interest is an insurance company, common carrier, corporation, or other artificial legal entity, then the chosen representative must have full authority to negotiate the claim.
- 30.08.1** Counsel of record and self-represented parties shall be prepared to discuss the following at the final pre-trial: the simplification of the issues; any potential amendments to the pleadings; potential stipulations; identity of lay and expert witnesses; waiver of jury, if applicable; anticipated length of trial; damages; and evidentiary issues.
- 30.08.2** The following shall be included in a final pre-trial brief unless otherwise directed by the assigned judge:
- 30.08.2.1** a brief description of parties' claims to be read to the jury at voir dire;

30.08.2.2 a brief listing of damages;

30.08.2.3 a brief listing of defenses;

30.08.2.4 anticipated evidentiary disputes;

30.08.2.5 identity of witnesses;

30.08.2.6 list of exhibits.

30.08.3 Counsel of record and self-represented parties shall also file proposed jury instructions, juror interrogatories and jury forms at least seven (7) days prior to the date of the final pre-trial.

30.08.4 Motions in limine shall be filed no later than fourteen (14) days prior to the date of the final pre-trial. Counsel of record and self-represented parties shall be prepared to discuss any motions in limine at the final pre-trial and shall file any responses in opposition prior to the final pre-trial.

30.09 Failure of counsel of record to appear. Should counsel of record fail to appear at any hearing the court may dismiss the matter without prejudice or make any other such order.

30.10 Requests for change in trial date. Requests to alter the scheduled date for trial shall be made by filing a motion. If possible, the movant shall obtain the approval of the other party or their counsel, if applicable. Motion to continue or alter a trial date shall set forth the reason for which the continuance or alteration is requested.

30.10.1 In certain situations, where time does not permit a formal motion to be filed, counsel or the self-represented party must make reasonable attempts to discuss the request with the other party or their counsel, if applicable, prior to communicating with the court.

30.10.2 It is the responsibility of the movant seeking the change to schedule a new trial date amenable to all parties, counsel and the court.

30.11 Fail to comply. Failure to comply with pretrial procedures: The Judge possesses inherent authority to sanction counsel of record and/or self-represented parties for failure to comply with the case management order and/or the pre-trial and final pre-trial procedures discussed herein. Said sanctions may include dismissal for want of prosecution; fines; and other available sanctions.

31 **RULE: CASE MANAGEMENT IN CRIMINAL CASES:**

- 31.01 Purpose.** The purpose of this rule is to establish, pursuant to Rules of Superintendence, Rule 18, a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.
- 31.02 Scheduling of events.** The scheduling begins after arraignment. Thereafter the case is managed in four (4) judicial steps.
- 31.03 First judicial step, pretrial.** At arraignment, all first, second and third degree misdemeanors shall be set for pretrial by the Court within forty-five (45) days. All other misdemeanors shall be set for trial unless the Judge orders a pretrial in said case.
- 31.04 Pretrial attendance requirements.** The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon should be filed in said case. Any attorney who fails to appear for pretrial without just cause being shown may be punished for contempt of court. All defendants must appear for pretrial or be subject to bond forfeiture proceedings and a bench warrant issuance for their arrest.
- 31.05 Trial date set at pretrial.** If the parties cannot resolve the case, then the case should be set for trial to court or subsequent pretrial at the Court's discretion unless a trial by jury is demanded.
- 31.06 Written pleas pursuant to Criminal Rule 10(b).** Any written plea of not guilty filed by legal counsel with the Court shall be accompanied by a written waiver of time for speedy trial under O.R.C. Section 2945.71, a written consent of Defendant pursuant to Criminal Rule 10(b), a bond pursuant to the Court schedule of bonds. Personal Recognizance Bonds will be granted by the Court only upon written appearance by legal counsel and is subject to modification by the Court.
- 31.07 Motions.** All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. Motions may be set for oral hearing or may be ruled upon at the discretion of the Judge.
- 31.08 Trials.** Each case not resolved at pretrial conference will be set for trial to the Court. If a written jury demand is timely filed, then the case will be moved to the jury trial schedule. Where a jury demand is filed, the case may be scheduled for a status hearing prior to jury trial at the Court's discretion. All attorneys shall notify the

court at least seven (7) working days preceding their trial of any change in plea or jury costs will be attached to their case.

- 31.09 Proposed Jury Instructions.** Counsel of record and self-represented parties shall also file proposed jury instructions, juror interrogatories and jury forms at least seven (7) days prior to the date of the final pre-trial.
- 31.10 Motion in limine.** Motion in limine shall be filed no later than fourteen (14) days prior to the date of the final pre-trial. Counsel of record and self-represented parties shall be prepared to discuss any motions in limine at the final pre-trial and shall file any responses in opposition prior to the final pre-trial.
- 31.11 Sentencing.** In any case where sentence is not given upon the conclusion of trial, a sentencing hearing will be set within seven (7) days from trial if no pre-sentence report is requested. After the Court receives the probation report, the Court will set the hearing for sentencing within seven (7) days. The Court shall have discretion to schedule this matter at a later time if they believe it serves the interests of justice.

32 ***RULE: ELECTRONIC FILING TERMS AND DEFINITIONS:***

32.01 **Terms and Definitions.** The following definitions shall apply herein:

- 32.01.1 Accepted for E-filing.** Following Clerk Review, a document will be "Accepted for e-Filing" if it is in compliance with Court rules, policies and procedures. A document "Accepted for e-Filing" will be timestamped, docketed, imaged and processed in accordance with the normal business course through the CMS. A document "Accepted for e-Filing" becomes a part of the Official Court Record.
- 32.01.2 Case Management System "CMS".** The internal system that manages the receipt, processing, storage and retrieval of data associated with a case. The CMS also allows the Clerk and Court users and Filers the ability to retrieve data and perform allowed functions.
- 32.01.3 Clerk.** Clerk means the Clerk of Courts of the Trumbull County Eastern District Court defined in O.R.C. 1901.31 et seq and the employees of that department.
- 32.01.4 Clerk Review.** A preliminary review of all e-Filed documents submitted for filing in accordance with the Administrative Orders and Rules of the Court. A "Clerk Review" consists of a preliminary review of data and documents for compliance with Court rules, policies and procedures prior to accepting the documents into the CMS and Official Record of

the Court. If the submitted documents comply with the applicable Court rules, policies and procedures, the documents will be "accepted" by the Clerk for e-Filing.

32.01.5 Court User. An authorized user within the CMS who is an employee of the Court or other County office with permission to utilize the CMS. The restrictions and authorizations will vary dependent on the job duties of the Court User.

32.01.6 Court Electronic Record. The Court Electronic Record shall include: any document Accepted for e-Filing including document exhibits; all notices created by the Clerk or Court Users; and all Judgment Entries with proper electronic signature. The Court Electronic Record will NOT include physical evidence or exhibits that are unable to be captured in electronic format.

32.01.7 Electronic Signature. An electronic symbol, series of symbols or process that is attached to, and intended to act as a substitute for a handwritten signature on an electronic record. The electronic signature shall have the same force and effect as if it were a handwritten signature.

32.01.8 E-Service. The electronic transmission to a Registered User in a case via the e-Filing system.

32.01.9 Registered User. A person who has read and agreed to the terms in the e-Filing System User Agreement; provided the credentials requested through the e-Filing system and provided a user name and password through the e-Filing System.

32.01.10 Systemic Error. A Systemic Error is an internal error in the CMS which causes a system-wide disruption in the e-Filing system. A Systemic Error is NOT a User error or an error produced by the User's computer or other e-filing method for submission.

32.02 Registration. Anyone who wishes to file a document or pleading in an e-Filed case type must register to become a Registered User. Upon proper registration, a unique identifier shall be issued to the Registered User. The Clerk shall only accept e-Filing for specific case types in accordance with the implementation plan.

32.02.1 Registered Users. Registered Users are responsible for time limits, deadlines, statutes of limitations and savings statutes. Registered Users should keep in mind that a document submitted for e-Filing is not "accepted" until it has been reviewed and accepted by the Clerk. It is the

responsibility of a Registered User to submit only documents which comply with the Court rules, policies and procedures. Upon Clerk Review, if a document is deemed unacceptable for filing, it will be rejected and an e-Mail notification shall be sent to the Registered User. Registered Users should take into consideration the possibility that there may be a delay or rejection of a submission when filing.

- 32.02.2 E-Filing Acceptance.** The Clerk only accepts e-Filing documents from Registered Users through the e-Filing System in the CMS. e-Filing does NOT include facsimile transmissions and the Clerk will NOT accept facsimile transmissions for filing. Also, e-Filing does NOT include e-mail or other electronic means of communication and the Clerk will NOT accept any electronic documents submitted through any means other than via the CMS and the e-Filing System for Registered Users. Upon proper motion and under exceptionally circumstances the Judge may permit filing to be done in another manner.

- 32.02.3 E-Filing Submission Hours.** The Clerk will only be available to review e-Filing submissions during normal business hours, Monday through Friday from 8:00 am to 4:00 pm, excluding holidays and other emergency closures. Submissions transmitted after these hours will be reviewed in the normal course of business on next business day(s). Submissions transmitted after 3:00 pm may not be time-stamped on the date of transmission. Registered Users should call the clerk prior to filing if they wish to have their submission time-stamped when transmitted after 3:00 pm.

- 32.02.4 Exceptional Circumstances.** In exceptional circumstances if a document was submitted on one day but not accepted by the Clerk until the next business day AND the difference in day subjects the case to dismissal or penalty, the Judge shall have the ability to override the filed and time-stamped date upon application in writing to the Judge. The burden is on the registered user to prove the document was submitted on the appropriate date and not accepted until the next business day. **THIS WILL BE FOR EXCEPTIONAL CIRCUMSTANCES ONLY.**

- 32.02.5 Electronic Payment.** Registered Users are required to maintain a proper method for electronic payment through the e-Filing System. The failure to maintain an active electronic payment account will result in the suspension of the Registered User's ability to e-File.

- 32.02.6 Consent to Electronic Service.** Registered Users consent to electronic service of pleadings, motions, documents and judgment entries via the

electronic service address identified as the Registered User's e-mail address. Register User agree and consents to receiving these documents via Registered User's e-mail. Register User is aware that there is always some degree of risk that third parties may 'hack into' or otherwise access these communications. Registered User agrees they will take all necessary steps in place to ensure their e-mails will remain secure and consents to using the e-filing system.

32.02.7 Electronic Signature. Any document filed with the electronic signature of a Registered User shall be considered to be the true and authentic signature of that Registered User unless proven otherwise through additional pleadings challenging the signature at which time the judicial authority will review and act accordingly.

32.03 Document Format. All e-filed pleadings shall be submitted in accordance with the following requirements:

32.03.1 PDF. All pleadings and motions must be submitted in a searchable portable document format (PDF);

32.03.2 Black and White Only. All pleadings must be black and white only. No color pleadings or documents;

32.03.3 Top Margin. Pleadings must have a 1 1/2 inch margin at the top;

32.03.4 Court Name. Pleadings must have the correct Court Name directly below the top margin and centered as follows:

**TRUMBULL COUNTY EASTERN DISTRICT COURT
TRUMBULL COUNTY, OHIO**

32.03.5 Order of Submitted Documents. All pleadings must be submitted in a manner so that the document to be time stamped should appear first (cover letters, subsequent instructions, exhibits, etc. should follow the document to be filed).

32.03.6 20 MB Limit. Pleadings and motions must not exceed twenty megabytes (20 MB). If a submission exceeds this requirement, it must be condensed into several complaint submissions within this data restriction;

32.03.7 Resolution Requirement. Image resolution must be at least 200 dots per inch (DPI);

32.03.8 No links. Pleadings may NOT contain links to other material;

32.03.9 Signature. Pleadings must contain a signature;

32.03.10 Certificate of Service. Pleadings must include a certificate of service;

32.03.11 Compliance with local rules. Pleadings must comply with the local rules governing paper pleadings for substance and format unless otherwise indicated herein.

32.04 Signature Requirements. As indicated above, all pleadings and motions must contain either a signature or an e-signature of the Registered User. In the event the Registered User is not utilizing an e-signature, the pleading (PDF) with the original signature must be uploaded for filing. In the event the document bears more than one signature, the Registered User must confirm agreement of the other signers prior to filing. The Registered User shall retain the original document until the case is closed and the time for appeal has expired or the appeal has been fully adjudicated. In addition to the signature, the Registered User must include the following information underneath the signature line: Name; Attorney registration number if applicable; Firm name; Identity of the party represented; Address; Telephone number; E-mail address.

32.05 Privacy. 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:

32.05.1 Financial account numbers, including but not limited to debit card, charge card, and credit card numbers;

32.05.2 Employer and Employee identification numbers;

32.05.3 Proprietary or trade secret information.

32.05.4 With permission of the Court, a party may file, under seal, a document containing the un-redacted personal data identifiers listed above.

32.05.4.1 The party seeking to file an un-redacted document shall electronically file a motion to file the document under seal.

32.05.4.2 In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.

- 32.05.5** The responsibility for redacting personal data identifiers (i.e., social security numbers and bank/credit card numbers) rests solely with the filing party.
- 32.05.6** The Clerk's Office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.
- 32.05.7** A filer who cannot file a document electronically due to problems on the filer's end, must file a hard copy of the document with the Clerk of Court.
- 32.05.8** 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.
- 32.06 Service of Summons.** Initial complaints, re-filed complaints, third party complaints, and other documents initiating a case or adding a new party in the e-Filing case type are filed using the e-Filing system, however, service of summons must still be completed pursuant to the applicable Civil Rules.
- 32.07 Instructions for Service.** A Registered User submitting an initial case or adding a new party must include instructions for service with the required information pursuant to the Local Rules and applicable Civil Rules. This includes instructions for a process server, if applicable.
- 32.08 Service by Clerks Office.** The Clerk shall issue a summons and shall serve the pleading in accordance with the applicable rules and instructions only after the initiating document is accepted for e-Filing.
- 32.09 Subsequent Service.** Unless otherwise instructed by judgment entry, rule or statute, all documents filed after the initial filing shall be served to the Registered User's e-mail address on file with the Clerk. Those participants or litigants who are not Registered Users will continue to receive paper format copies and service via the U.S. Mail.
- 32.10 Self-Represented Litigants.** In the event the Clerk receives, via mail, documents to be filed from a self-represented litigant, the Clerk will register the party as a Registered User in the e-Filing system. If the self-represented litigant does not have access to the means for electronic notification, the Clerk shall note an exception that this person will not receive electronic notices. However, if the self-represented litigant does have access and ability to utilize e-mail, the self-represented litigant shall receive electronic notification and service. The Clerk shall then scan and upload the filing into the e-Filing system as submitted by the self-represented litigant. Provided any filing fee requirements have been paid, the Clerk shall then

e-File the document identifying the self-represented litigant Registered User as the e-Filer. The self-represented litigant should make every effort to file any subsequent filings via the e-filing system either via a remote connection or via the Court's public access terminals. In the rare instance a self-represented litigant is unable to access the e-filing system remotely or on-site, the Clerk will continue to file the subsequent filings as indicated above.

- 32.11 Certificate of Service.** Proof of service of all documents required or permitted to be served shall be made in compliance with Civil Rule 5(B) (4). The Certificate of Service shall be signed in accordance with applicable Ohio court rules and laws, including these Rules and shall contain the following language: "I hereby certify that on (date), I served this document in accordance with Civil Rule 5 by electronic mail on the following: (list counsel of record with e-mail addresses) AND by regular mail upon the following: (list self-represented litigants who are not registered users of the Court's e-filing system)."
- 32.12 Systemic Error.** In the event of a Systemic Error, the Clerk shall accept paper documents for filing for the duration of the Systemic Error. Since the Clerk will permit the filing of paper documents during a Systemic Error, the Clerk shall not be held responsible for any missed deadlines, statutes of limitations, or other negative effects due to a Systemic Error.
- 32.13 Official Court Record.** Documents which are accepted by the Clerk for e-filing are the official record of the Court. The Court will not keep paper copies of these documents. The Court's electronically filed hearing notices, schedules, orders, decisions, judgments, and other documents are the official Court record. The digital signature of a judge or magistrate has the same force and effect as a handwritten signature on a paper document.
- 32.14 Electronic Tickets.** In lieu of manually produced tickets, e-tickets produced electronically, unsigned or digitally signed are authorized by Trumbull County Eastern District Court; along with the electronic data files that are created by the law enforcement agency. The electronically produced ticket and data 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 and shall provide the Trumbull County Eastern District Court with an electronic copy of the ticket provided to the defendant.
- 32.15 In exceptional circumstances if a document was submitted on one day but not accepted by the Clerk until the next business day AND the difference in day subjects the case to dismissal or penalty, the Judge shall have the ability to**

override the filed and time-stamped date upon application in writing to the Judge. The burden is on the registered user to prove the document was submitted on the appropriate date and not accepted until the next business day. THIS WILL BE FOR EXCEPTIONAL CIRCUMSTANCES ONLY.

33 ***RULE: AUTOMATED SMS TEXT MESSAGE REMINDERS:***

33.01 Text Message Reminders. Participants may receive text message reminders regarding upcoming hearings/payments.

33.01.1 Opt-In Procedure:

33.01.1.1 If parties wish to receive text messages they must sign a consent form.

33.01.1.2 Written opt in forms will be stored in the case file.

33.01.1.3 By signing the parties are consenting to the following:

33.01.1.3.1 Potential costs of text messaging;

33.01.1.3.2 Individuals must provide updated phone number to Eastern District Court program staff if their cell phone number changes; and

33.01.1.3.3 To opt out of receiving SMS/ text messages, the party must submit a request in writing.

33.01.2 Confidentiality: If the text message is received by an incorrect person, the Court will update the party's record and will remove the wrong number from their case.

34 ***RULE: REMOTE PROCEEDINGS:***

34.01 Remote Proceeding Requirements. In order to have a remote hearing, a timely motion and proposed entry must be filed with the Court. If the Court grants the motion, all remote hearings of any nature shall be conducted via WebEx or any other medium ordered and approved by the Court.

34.02 Necessary Resources Required to Attend. Attorneys are required to ensure that their clients have the necessary resources to attend any remote proceedings ordered.

34.03 Technology Plan. The Court will continue to ensure the efficient and effective use of technology in the delivery of services by maintaining technology solutions for the conducting of remote hearings, electronic service as well as the acceptance of electronic signatures.

34.04 Accessibility Accommodation Requirements. The Court will provide instructions and assistance to the public on how to use the technology implemented by the Court and will make sure they comply with any accessibility accommodation requirements, including any applicable requirements of the “Americans with Disabilities Act.”

35 RULE: AMENDMENT OF LOCAL RULES:

35.01 Amendment of Local Rules. It is further the rule of this Court that the Local Rules of the Trumbull County Eastern District Court as set forth above may be amended as deemed necessary by the Court.

Dated: June 17, 2024

A handwritten signature in black ink that reads "Marty D. Nosich". The signature is written in a cursive style and is placed over a light gray rectangular background.

Judge Marty D. Nosich
Trumbull County Eastern District Court
Trumbull County, Ohio