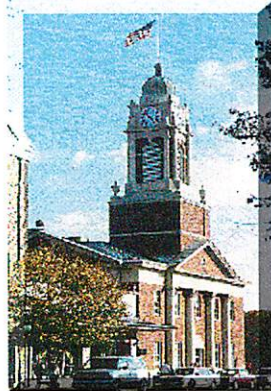


Lebanon Municipal Court

**Martin E. Hubbell
Judge**

Local Rules of Court

Effective May 1, 2022



**50 South Broadway
Lebanon, Ohio 45036
(513) 933-7210**

1.0 Scope and Effective Date.

These Rules are adopted as Local Rules of Court governing practice and procedure in the Lebanon Municipal Court. These Rules are adopted pursuant to the Ohio Constitution, the Rules of Superintendence for the Courts of Ohio, the Ohio Rules of Civil Procedure, and the Ohio Rules of Criminal Procedure.

These Rules are intended to be supplemental to, and used in conjunction with, the Rules of Superintendence for the Courts of Ohio, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Ohio Traffic Rules. Should any conflict exist, the Ohio Rules shall prevail over these Local Rules.

These Rules shall be cited as "Loc.R. x."

These Rules are effective as of May 1, 2022, and shall supersede and replace any Local Rules previously adopted by this Court.

2.0 Court Administration.

A. Hours and schedule. The offices of the Court shall be open for the transaction of business between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, designated holidays excepted, unless otherwise ordered by the presiding Judge.

Criminal and Traffic sessions shall take place each Monday and Thursday, designated holidays excepted, beginning at 1:00 p.m. until concluded. Civil sessions shall begin each Tuesday at 1:00 p.m. until concluded. Court sessions may also be scheduled on evenings and weekends to accommodate special circumstances at the Court's discretion.

B. Director of Court Administration. The Court shall appoint as required a qualified court administrator who will function as the chief non-judicial officer of the Court. In addition to providing general supervision of the Court's case flow, community control, jury, budgetary, clerk supervision, and personnel systems, the court administrator shall implement the administrative policy decisions of the Court and perform such other duties as may be assigned by the presiding Judge.

C. Magistrates. The Court may employ one or more Magistrates who may hear cases by reference, and in accordance with Traf.R. 14, Crim.R. 19, Civ.R. 53, and Sup.R. 19.

D. Records Retention Schedule. All Court records shall be maintained in accordance with Ohio Supreme Court Sup.R. 26, the Revised Code, a City of Lebanon ordinance, or Rule established by this Court.

3.0 Fees and Costs.

A. Criminal and Traffic. The schedule of court costs and fees for criminal and traffic cases is attached as 'Appendix A.'

B. Civil. The schedule of court costs and fees for Civil and Small Claims cases is attached as 'Appendix B.'

C. Traffic Violations Bureau. Pursuant to Traf.R. 13 and Crim.R. 4.1, the schedule attached as 'Appendix C' shall be followed for listed criminal and traffic violations. If not specifically identified in 'Appendix C' the defendant is required to attend Court on the date listed in the Complaint. Defendants can pay the amount listed on the schedule, on or before the Court date, to avoid a Court appearance.

When the payout for a waivable ticket is less than the Court's Basic Court Costs, the Clerk shall first pay all State fines and fees. If funds remain, then they shall be distributed, on a *pro rata* basis, 65% to Local Costs and 35% to the Court's Special Projects Fund.

If a defendant is cited for multiple violations in one case, and chooses to pay the amounts indicated in 'Appendix C,' the Clerk shall only assess the local court cost once per case, and shall reduce the waiver amount for the multiple violations accordingly.

4.0 Court Costs.

A. Computerization. The Court has made a determination that for the efficient operation of the Court, additional funds are required to make available computerized records of all cases in the Clerk's office, for the purposes of docketing, notices, Supreme Court reports, Bureau of Motor Vehicle reports, various monthly reports, and financial distribution, etc., and for computerized legal research services. The Clerk is hereby authorized and directed to charge an additional fee of \$2.50 on the filing of each new criminal and traffic case.

B. Computerized Legal Research. The Court has determined that, for the efficient operation of the Court, additional funds are required. The Clerk is hereby authorized and directed to charge a fee of \$1.25 on the filing of each criminal action in order to address the Court's computerized legal research needs.

C. Special Projects Fund. The Court has determined that, for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects of the Court, pursuant R.C. 1907.24(B)(1). In addition to all other court costs, the Court will assess an additional \$26.00 in costs for each new criminal case, \$26.25 for each new traffic moving violation, and 46.25 for each new traffic non-moving violation.

D. Community Control Fund. The Court has determined that, for the efficient operation of the Court, additional funds are required. The Clerk is hereby authorized and directed to charge a fee of \$5.00 for each new criminal and traffic case into this fund.

E. Civil Court Costs. After payment is made to Legal Aid pursuant to R.C. 1901.26(C) on new filings, all other civil costs collected by the Clerk shall be distributed on a *pro rata* basis, 65% to Local Costs and 35% to the Court's Special Projects Fund.

F. Amendment. An amendment to the allocation of Court Costs may be made by statute, local ordinance, or by an administrative Order from this Court.

5.0 General Provisions Applicable to all Proceedings.

A. Application of Rules to unrepresented parties. These Rules shall apply equally to all parties, whether represented by counsel or not. Parties without counsel are expected to know and follow these Rules. Exception to these Rules will not be made because a party is unrepresented. Wherever these Rules refer to "attorney(s)" or "counsel," they shall also apply to unrepresented parties, whether or not specifically stated as such.

B. Behavior and conduct. All individuals using the Court will be properly attired, including but not limited to Court employees, attorneys, parties, media and observers.

The Court adopts the following dress code: no shorts; no miniskirts; no spaghetti straps, tank tops, halter tops, or strapless tops or dresses; no tops or dresses exposing any portion of the breast; no skintight pants or skirts; no baggy pants; no see-through clothing; no pajama pants; no sexually suggestive clothing; and no clothing with references to illegal drugs, alcohol use, weapons, or sex.

All individuals entering the courtroom will turn electronic devices off or to silent mode. No cellular telephone calls shall be initiated or received while in the courtroom.

C. Recording of proceedings. No photography, audio or video recording of any Court proceeding is permitted without the express written permission of the Judge or Magistrate presiding over the session of Court.

D. Video conferencing and telephone hearings. At the Court's discretion, a party may be permitted to participate in a conference or hearing by audio or video conference. All hearings shall be recorded. Any party who desires to have a hearing scheduled in this manner shall request same in a written motion filed with the Clerk.

E. Certificate of Service. The certificate of service on all filings shall state the date and manner of service designating whether it was sent by certified mail, facsimile transmission, email, hand delivery, or otherwise. The certificate of service on all filings shall state the name, business address, and email address for service of each attorney or party to whom the filing is directed and shall be signed in accordance with the Rules of Civil Procedure. The availability of e-Filing or email filing shall not serve to

eliminate any requirements to serve opposing counsel or parties pursuant to the Rules of Civil Procedure.

F. View of the Scene. All requests for a view of the scene shall be made in writing and filed at least 14 days prior to trial, with notice to the opposing party. The failure to file such notice may, within the discretion of the Court, result in denial of the request.

In civil cases, the request shall be accompanied by an appropriate cost deposit according to the attached schedule. In criminal cases, the request need not be accompanied by a cost deposit.

When permission is granted for the jury to visit the scene, the Court shall arrange transportation of the jury, the bailiff, the trial judge, and one attorney for each party. Only the bailiff may point out the places or objects as agreed to by counsel and ordered by the Court. The attorneys shall not be permitted to speak during the jury's view of the scene.

G. Exhibits. "Exhibit" means any document or tangible item submitted at any hearing or trial before a Judge or Magistrate of this Court.

Unless otherwise ordered, each party shall have their exhibits pre-marked, with the Plaintiff using numbers and the Defendant using letters. The party proffering the exhibit shall provide a copy of all exhibits to each party prior to the hearing, and provide two copies to the Court: one for the judicial officer and one to be used by witnesses.

If a party proffering an exhibit wants to use the Court's computer system to display a video, photo, or other media, that person has a duty, in advance of the trial or hearing, to ensure it is compatible with the Court's equipment. Parties are encouraged to contact the Clerk to schedule a time to meet with the Bailiff, in advance of trial, to satisfy this requirement.

The Court will not purchase additional equipment or software to assist a party for the presentation of evidence.

If a party wants to proffer a photo or video from an electronic device, such as a cell phone or computer, that party has a duty to copy the media or physical document to device that can be submitted and retained by the Court.

Exhibits that are bulky or oversized shall be photographed by the Clerk or Bailiff, and returned to the attorney who proffered the exhibit and/or arresting agency. All photographed exhibits must clearly show the exhibit number.

H. Deposition Transcripts. For every deposition to be used at any trial or hearing, a transcript must first be filed with the clerk of courts.

If an audio/video version of a deposition transcript is to be presented during a trial or hearing, the attorney or party presenting the audio/video version of the deposition transcript shall submit the audio/video version of the deposition to the Clerk of Courts within five working days prior to the trial or hearing, unless otherwise ordered by the Court.

The Court will not accept or permit the audio/video version of the deposition transcript to be presented during a trial or hearing unless a written transcript of the deposition accompanies the submission.

The audio/video version of the deposition transcript shall include an attached written certification from the officer who took the audio/video deposition. The certification shall state that the witness was fully sworn or affirmed by the officer and that the audio/video version of the deposition is a true record of the testimony given by the witness. The officer's log of the deposition shall be included with the certification.

The audio/video version of the deposition shall be marked as an exhibit of the party who presented the deposition and shall be retained as evidence in the trial or hearing.

I. Expert Witness Reports. A party may not call an expert witness to testify unless a written report has been procured from the expert and forwarded to all attorneys and parties, if unrepresented, prior to the time of trial. Unless good cause is shown, all reports must be supplied as set forth in the scheduling order, but no later than 30 days prior to trial.

It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to ensure that each report adequately sets forth the expert's opinion. The report of an expert must reflect his or her opinions as to each issue about which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his or her report.

This Rule shall not apply to Small Claims cases, unless specifically ordered by the presiding Judge or Magistrate.

J. Continuance of Trial or Hearing. The Court may continue any trial date due to a conflict in the Court's trial calendar.

The Court is opposed to needless delay in the handling of its business. No party shall be granted a continuance of a trial or hearing except upon written motion endorsed by the moving party or counsel, showing good cause for the continuance, which then must be approved by the Court.

The motion for continuance shall indicate whether the opposing counsel/party supports or opposes the motion. If the moving party is unable to contact opposing

counsel/party, the moving party shall contain in the motion the specific efforts made to attempt to reach the opposing counsel/party.

When the continuance of a trial or hearing is requested because there is a scheduling conflict for the attorney to appear in another case assigned for a hearing on the same date and time in another court, the motion shall be accompanied by documentation of the conflict.

All requests for continuances must be filed within seven calendar days prior to the trial or hearing date, except in circumstances which by reasonable diligence could not be determined, and the request is made as soon as possible after the circumstances are known.

If a request for continuance is filed within seven calendar days prior to the trial or hearing date, or the moving party does not strictly comply with this Rule, the assigned judicial officer will not rule on the motion until the scheduled hearing date.

All requests for a continuance shall include a proposed Order with blanks for the new time and date.

The assigned judicial officer may waive any of the requirements outlined in this Rule upon a showing of good cause.

6.0 Interpretation, translation, and special accommodations.

A. Adoption. The Court incorporates by reference Sup.R. 88 and adopts this Rule concerning interpretation and translation of Court proceedings.

B. Definitions. The Court adopts the definitions set forth in Sup.R. 80.

C. Foreign Language Interpreter. Subject to the qualifications and pursuant to the process outlined in Sup.R. 88, the Court shall appoint a foreign language interpreter in a case or court function when the Court determines, either in its discretion or at the request of a party or witness, that a party or witness has limited English proficiency or is non-English speaking, and the services of an interpreter are necessary for the meaningful participation of the party or witness.

D. Sign Language Interpreter. Subject to the qualifications and pursuant to the process outlined in Sup.R. 88, the Court shall appoint a sign language interpreter in a case or court function when: (1) a party, witness, or juror who is deaf, hard of hearing, or deaf blind requests a sign language interpreter, giving primary consideration to the method of interpretation chosen by the party, witness, or juror; or (2) the Court determines a party, witness, or juror is deaf, hard of hearing, or deaf blind, and determines the services of an interpreter are necessary for the meaningful participation of the party, witness, or juror.

E. Special Accommodations. Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten days before a scheduled court appearance. The Court shall comply with all reasonable requests for assistance, including providing assistive technology or other accommodations without additional cost.

7.0 Counsel of Record.

A. Notice of Appearance. In all cases, Counsel shall file a Notice of Appearance, which shall contain the following information: (1) attorney's name and signature; (2) Ohio Supreme Court registration number; (3) business address; (4) direct line telephone number; (5) fax number, if any; (6) the attorney's personal email address; (7) party or parties the attorney represents; and (8) limitations on the appearance, if any. Documents subsequently submitted to the Clerk for filing shall contain the same information as set forth above.

If any information set forth in the initial Notice of Appearance is subsequently changed, it shall be reported immediately by the filing of a new Notice of Appearance. In cases where a party is represented by more than one attorney, a single Notice of Appearance may be filed, but it must contain the above information for each attorney on the case.

B. Withdrawal of Counsel. Once an appearance is made, an attorney may withdraw from a case only with leave of Court. Counsel must file a written motion, stating: (1) the reasons for the application; (2) the date and time of the next scheduled hearing, if a hearing has been set; (3) a certification of service on opposing counsel and the client; and (4) the motion is filed seven calendar days prior the scheduled hearing date, unless otherwise approved by the Court.

8.0 Security. All persons entering the Courtroom or other areas supervised by Court staff are subject to screening and search. All persons entering the Courtroom shall follow the instructions and orders of the Lebanon Municipal Court Judge, assigned or acting Judge, Magistrate, Court security personnel and bailiffs.

9.0 Bail.

A. Guidelines. All persons are entitled to bail before the initial appearance, except in capital cases where the proof is evident or the presumption great. On Domestic Violence, Violation of Temporary Protection Order offenses, and other offenses as designated by law, the Defendant shall be held without bond until he or she appears before the Judge and bond is set.

B. Bond Schedule. The Court has adopted a bond schedule for the purpose of setting bonds prior to arraignment, attached hereto as 'Appendix D.'

C. No attorney, officer, or employee of the Court or member of his/her immediate family shall be accepted as principal or as agent for bail or surety.

10. Court Records.

A. **Dockets and Records.** The Clerk shall prepare and maintain the case files, an alphabetical index to the docket, a docket, and such other records as the Court, by Rule, may require.

B. **Case Files.** The Clerk shall keep all pleadings, documents and filings together in 8½" x 11" folders in the order in which the cases are numbered on the docket. The 'Case File' shall contain all pleadings, reports, entries, orders (including requests and orders for Temporary Protection) and other filings, which shall be public records of the Court.

C. **Confidential Documents.** The Clerk shall keep separately within the case file the Presentence Investigation Report ("PSI"), the Judge's notes, LEADS data, Mental Health reports, and other confidential documents. These documents shall not be file stamped and shall not be public records of the Court.

D. **Docket.** The docket shall contain the names of the parties, the names of counsel, and the nature of the petition, issuance of summons or other process, returns, and names of pleadings. All reports (excluding a victim's personal information and other confidential documents), jury verdicts, orders, judgments and proceedings of the Court shall be entered by the Court officer designated to clearly specify the relief granted or orders made in each section. The docket shall be a public record of the Court.

E. **Docket Index.** The 'Docket Index' shall contain the names of the parties to each judgment. The names of the parties shall be entered in the index in the alphabetical order of the first letter of the family name. The Clerk shall number the cases progressively on the docket, and shall correspondingly number the papers in each case. The Docket Index shall be a public record of the Court.

F. **Privacy.** At no time shall the docket contain the social security number of any person. At no time shall the docket contain any personal information which is not mandated by R.C. 149.43 to be considered "public record."

G. **Original Court Records.** No papers, dockets or books on file in the Clerk's office shall be removed therefrom for purposes other than use in court. The Clerk shall permit any party to an action, their counsel or agent, to request copies of any pleading or other papers in the file, but without removing the original papers from the office of the Clerk.

H. **Notary Services.** Officers or employees of the Lebanon Municipal Court shall not prepare or help to prepare any pleading, affidavit, entry, or order in any civil matter, except as provided under R.C. 1925.04.

I. Original Papers filed with the Court. All papers offered for filing with the Court shall be typewritten or printed and shall be on 8 ½" by 11" paper. Original documents attached or offered as exhibits and official Court forms supplied by the Clerk are exempt from the requirements of this Rule.

J. Required Filing Information. All papers offered for filing with the Court shall include the following: (1) case number; (2) the name of the Judge or Magistrate assigned to the case; (3) title of the document (answer, motion, etc.) containing the name of the party filing it; and (4) the typed name, signature, office address, direct telephone number, fax number, personal email address, and Ohio Supreme Court Registration Number of the attorney, if applicable.

K. Filing by Facsimile. All documents filed by facsimile will be accepted by the Court effectively as an original. The original with original signatures must be maintained by the sender and be available upon demand by the Court until such time as the case is closed. The sender bears the risks of transmitting a document by facsimile.

Anyone using facsimile filing is urged to verify receipt and filing by the Clerk. Fees will be assessed by the filer per these Rules.

L. Proof of Service. All documents, except the Complaint, are required to be served on other parties shall contain proof of service in the form provided by Civ.R. 5(D).

M. Copies of the Complaint. The Plaintiff(s) shall tender, along with the original complaint, a sufficient number of service copies for all defendants to be served.

N. Clerk's Duty. The Clerk shall, upon receiving papers for filing, docket same and place the original of said papers in the file jacket without delay. Upon the filing of a complaint, summons shall be forthwith issued, signed by the Clerk or Deputy Clerk, and shall bear the seal of the Court.

O. Legible Copies. All documents filed with the Court shall be sufficiently legible. The Court may order stricken any illegible document, or any document that does not conform to these Rules.

11. Pleadings and Motions. In all proceedings in the Lebanon Municipal Court, all motions shall be made in writing and be accompanied by a written memorandum. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure and the Ohio Rules of Civil Procedure, unless a different time is ordered by the Court.

All pleadings shall be filed in-person with the Clerk during regular Court hours. All pleadings filed by mail shall be deemed filed as of the date the Clerk time-stamps the

document received. All documents filed by facsimile shall be legible; the Clerk may reject any document that is illegible, in whole or in part.

12. Record of the Proceedings.

A. Court Reporter. The Court does not employ a court reporter or stenographer pursuant to R.C. 1901.33. Parties who want court reporter are required to supply and pay for such service.

B. Record of Proceedings. The audio of all proceedings before the Court shall be recorded via digital recording equipment. Copies of all such recordings will be retained for one year after the final disposition of the case.

C. Copies of Digital Audio Recording. A copy of the digitally recorded audio proceedings, or a portion thereof, may be requested by written Praecipe filed with the Clerk. Once the required cost deposit is made, the copy shall be provided within seven business days, or sooner, upon Order of the Court.

D. Expense of Electronically Recorded Transcripts of Proceedings. The expense of copies of electronically recorded audio shall be borne by the requesting party or as provided by law.

13. Case Management in Criminal and Traffic Cases.

A. Arraignment. Arraignment dates are typically assigned by the law enforcement officer issuing the complaint or citation. For defendants that have been physically arrested and detained, the arraignment will be scheduled on the next available arraignment date following arrest.

In accordance with Crim.R. 10(B), the Court may permit a defendant, through counsel, to waive formal arraignment without the presence of the defendant, for the purpose of entering a written not guilty plea. A written not guilty plea shall be filed along with the attorney's notice of appearance and waiver of the right to a speedy trial. Failure to follow this procedure may result in the Court requiring the defendant and/or the attorney to appear in person for the arraignment.

B. Pretrial Conference. All misdemeanor cases shall be set for trial unless the Court orders a pretrial conference for a specific case, or, upon written motion the defendant requests a pretrial conference.

C. Subpoena for Witness. The praecipe for a subpoena of a witness shall be filed with the Clerk no later than five business days before the date of trial or hearing, with the applicable deposit. A witness' failure to appear will not be grounds for a continuance of the case if the praecipe is filed within five business days of the trial or hearing.

D. Electronically produced tickets. The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Lebanon Municipal Court. The electronically produced ticket shall conform in all substantive respects to the 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.

E. Court Appointed Attorney. Any person charged with a criminal or traffic misdemeanor, other than a minor misdemeanor, unclassified misdemeanor, or other non-jailable offense, and found by the Court to be in need of an attorney and indigent, may be considered for an appointment of an attorney. The defendant will be charged an application fee in accordance with law.

F. Collection of Fines and Costs. All fines and costs must be paid on the date of sentencing, unless otherwise specified by the Judge. Any unpaid financial obligations to the Court may be submitted to a collection agency; the defendant is responsible for the fees applied by the collection agency.

G. Criminal Jury Trial. In all misdemeanor cases, the defendant shall be tried by the Court unless he or she demands a jury trial.

1. A demand for trial by jury must be in writing and filed with the Clerk not less than ten days prior to the date set for trial, or on or before the third day following receipt of notice of the date set for trial, whichever is later.

2. Failure to demand a jury trial as provided herein is a complete waiver of the right thereto.

3. The jury shall be selected and summoned in the same manner as is provided for the selection and notification of jurors in civil cases in this Court.

4. Eight jurors and one alternate are to be selected, unless otherwise determined by the Judge.

5. After a jury demand has been filed, should the defendant determine that a jury is not desirable, the defendant must waive the jury demand in writing.

6. If a jury is canceled after it has been summoned into Court, and the Clerk is unable to notify all jurors of said cancellation, the Court may assess costs so incurred to the party canceling the jury demand.

H. Costs of Incarceration. Pursuant to §599.05, Lebanon City Ordinances, any person convicted of an offense other than a minor misdemeanor and, as a consequence, is confined in the Warren County Jail or elsewhere at the expense of the City, shall reimburse the City of Lebanon for its expenses incurred by reason of said confinement.

Within 60 days after the termination of said confinement, the Court shall conduct a hearing to determine the final amount of reimbursement to be paid to the City for said confinement and the defendant's ability to pay the same. Notice of said hearing shall be given to the defendant, which notice shall specify: (1) the sum deposited by the defendant for said confinement; (2) the amount proposed by the confining authorities to be due; (3) the amount which will be due to be paid by the defendant or to be refunded to the defendant if the Court finds the amount proposed by the confining authorities to be appropriate; (4) instructions to the defendant as to the date and time of the hearing; (5) that the defendant need not appear at the hearing unless he wishes to contest the proposed amount of reimbursement, or his ability to pay; and (6) that if the deposit exceeds the sum adjudged to be due for reimbursement, the excess deposit will be refunded to the defendant.

The notice of hearing shall be mailed by ordinary mail to the last known address of the defendant at least seven days before the scheduled hearing.

I. All attorneys and unrepresented parties that file an initial appearance or motion to continue shall provide the Clerk with dates they are available to hold the next hearing, within the next two weeks.

14. Case Management in Civil Cases.

Any person filing a civil action or proceeding shall deposit with his or her complaint the corresponding court cost deposit set forth in the attached schedule, unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of any complaint if the required deposit is not included.

Upon the filing of each new civil case, the Clerk shall prepare a summons, which shall be served in accordance with the Ohio Rules of Civil Procedure consistent with the praecipe for service, if any, contained on the complaint. In the event no method of service is specified, the Clerk shall serve all defendants by certified mail. In the event there is a failure of service, the Clerk shall notify counsel or the unrepresented party immediately.

A. Pretrial Conference. All parties shall attend the pretrial conference. The attorney attending the pretrial conference must have authority to stipulate to items of evidence or procedure, as well as settlement authority. If the attorney is not able to personally respond to the requirements of this Rule, then the attorney must have immediate access to the representative/client who can respond.

The pretrial conference shall be in person, unless otherwise authorized by the Court.

B. Pretrial Statement. At least seven days prior to the pretrial conference, trial counsel or an unrepresented party shall file a pretrial statement. Each pretrial

statement shall contain a statement sufficiently addressing each of the following items as are appropriate to the litigation:

1. **Discovery.** Counsel or the *pro se* party shall advise the Court of the status of discovery and, if not completed, the nature of additional discovery and the time anticipated to complete.
2. **List of Witnesses.** Counsel or the *pro se* party shall list all lay and expert witnesses who will testify at trial. Failure to list a witness in the pretrial statement shall result in the witness being excluded from testimony at trial, unless excused by the Court for good cause shown.
3. **Settlement Negotiations.** Status of all settlement negotiations.
4. **Exchange of Medical and/or Expert Reports.** A copy of each expert's written report, or summary of the expert's report where no written report is available to counsel prior to the pretrial, shall be furnished to all counsel/unrepresented parties, and the Court.
5. **Special Damages.** Where appropriate, trial counsel shall list all special damages and furnish opposing counsel/unrepresented party verification of those damages.
6. **Exhibits.** Trial counsel or the *pro se* party shall list all exhibits that he/she expects to introduce at trial.
7. **Unusual Issues of Fact or Law.**

In addition to those sanctions authorized in Civ.R. 37, the Court may order the dismissal of an action, or the granting of all or part of the relief sought in the complaint, or such other orders as the Court deems appropriate for failure of to comply with this Rule or the pretrial scheduling order, including the exclusion of certain evidence, or the disallowance of the testimony of any witness.

C. Subpoena for Witness. The praecipe for a subpoena of a witness shall be filed with the Clerk no later than five business days before the date of trial, with the applicable deposit. A witness' failure to appear will not be grounds for a continuance of the case if the praecipe is filed within five business days of the trial or hearing.

D. Demand and Deposit for Jury in Civil Matters. Requests for trial by jury shall be made in accordance with Civ.R. 38. The party making the demand shall pay the deposit set forth in these Rules, at the time of filing, unless otherwise ordered by the Court.

E. Settlement. When a case has been settled, the parties shall promptly notify the court staff of the Judge or Magistrate, in writing, and the matter will be set for a presentation of entry hearing. If an entry is provided prior to the date for the

presentation of entry hearing, the parties need not appear. If an entry is not provided prior to the presentation of entry hearing date, and no extension has been requested prior to such date, all parties shall appear at the time and date of the presentation of entry hearing. Failure to present an entry and failure to attend the presentation of entry hearing may result in the case being dismissed for lack of prosecution, and/or sanctions, where appropriate.

F. Satisfaction of Judgment. No 'Satisfaction of Judgment' shall be entered by the Clerk unless and until all Court costs have been paid.

G. Dismissal of Cases for Lack of Prosecution. All civil cases where there have been no filings or hearings during the preceding six months shall be dismissed for lack of prosecution, after notice has been furnished to plaintiff's attorney or the unrepresented party, by ordinary mail, advising that said case(s) will be dismissed, without prejudice, as of the last day of the current month, unless good cause be shown to the contrary. This Rule shall not apply to cases scheduled for trial.

H. Trusteeships. The application for appointment of a Trustee shall include a complete and accurate statement, under oath, of: (1) the debtor's name, address, and marital status; (2) the name and address of his/her employer or employers; (3) the amount of his or her gross earnings for the previous 30 days; and (4) a statement indicating the name of any creditor from whom a 15-day written notice of proceedings against the debtor's earnings has been received.

Objections of interested parties to the application are heard as scheduled.

At the time of filing the application, the attorney for the debtor or *pro se* party shall certify to the Clerk that two copies of the notice of appointment of trustee will be mailed to each listed creditor within 24 hours of filing.

Each notice shall contain the name of the applicant, the sum the applicant claims is owing to the creditor, the time and place objections to said application shall be heard, and space for the verification or objection of the creditor.

Fees for legal services rendered to the debtor by counsel of record in the trusteeship may be added or increased only by entry endorsed by counsel and the debtor.

The trustee shall make distribution herein only to a creditor or his attorney. The Clerk or Deputy Clerk shall supervise payments of debtors and distribute the funds in each case at least every six months, less 2% of the total amount paid to be retained by the Clerk of Courts to defray costs. When a debtor pays directly, the Clerk shall require the debtor to produce payroll stubs or similar records and the Clerk may refuse to accept payments, or installment thereof, which does not equal the amount required by law. In the event that payments are not made according to law for 30 days, the trusteeship shall be dismissed, and the proceeds distributed equally to trusteeship creditors or his attorney.

The order of dismissal of a trusteeship shall not be vacated, nor shall a trusteeship otherwise be reinstated, except as provided under amended R.C. 2329.70, and upon payment of the amount required by law, unless otherwise directed by the Court.

I. Default Judgment. Where appropriate under the Rules of Civil Procedure, counsel shall submit an application for default judgment within 15 days or the case may be dismissed for want of prosecution. All motions for default judgment shall be in writing and clearly state the date the complaint was filed, how service was made, proof of service and answer date. All motions for default judgment shall also contain a list of all damages supported by affidavit, documentary or other evidence. A proposed Entry shall accompany the motion as well as an affidavit addressing issues concerning age, competence, and military service. An oral hearing may be required in the discretion of the Judge or Magistrate, or where an appearance has been made.

15. Case Management in Small Claims Cases. Upon filing a small claim petition, notice to the defendant or defendants will be issued by certified mail, unless otherwise instructed. Failure of any Defendant to appear will likely result in a default judgment in favor of the Plaintiff.

16. Case Management in Forcible Entry and Detainer Cases.

A. Appearance. Plaintiff's failure to appear will result in the case being dismissed, without prejudice. Defendant's failure to appear after having been duly served will result in a Writ of Restitution for the premises if the Plaintiff satisfies the burden of proof.

B. Writ of Execution. Upon the receipt of the praecipe or order of the Court, the Clerk shall issue to the Bailiff a Writ of Execution for the premises and the Bailiff shall execute the writ within ten days unless a written motion for stay has been filed.

C. Set-Out Procedure. Should actual, physical eviction of property be required pursuant to a Writ of Restitution of premises, the Plaintiff shall arrange for sufficient workers to be present to accomplish the set-out, under the supervision of the Bailiff or local law enforcement, and subject to the appropriate cost deposits.