

**WARREN MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURE**

**ADOPTION OF LOCAL COURT RULES
IN THE WARREN MUNICIPAL COURT
WARREN, OHIO**

STATE OF OHIO)	ADMINISTRATIVE ORDER
)	
) SS:	
)	
COUNTY OF TRUMBULL)	

It is ordered that the following Rules be, and are adopted for the governance of the practice and procedures in the Warren Municipal Court effective November 1, 2014 and updated Feb. 21, 2017, until otherwise provided, pursuant to Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Ohio Supreme Court Rules of Superintendence for the Courts of Ohio and have been adopted to provide for the efficient and expeditious management of business before this Court. These Rules are to be known as the Warren Municipal Court Rules of Practice and Procedures.

The Clerk of Court is ordered forthwith to post this Order and the Forward to the Rules (attached hereto). The Clerk of Court is further ordered to maintain copies of these Rules for review as requested by litigants and / or their counsel and to provide copies as requested charging only for the cost of copying.

IT IS SO ORDERED.

8/12/19
Date


JUDGE TERRY F. IVANCHAK
PRESIDING/ADMINISTRATIVE JUDGE


JUDGE THOMAS P. GYSEGEN

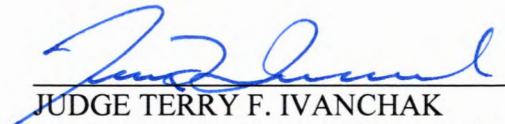
JOURNALIZED
Warren Municipal Court
AUG 12 2019
MARGARET M. SCOTT
CLERK OF COURT

FILED
OFFICE OF THE CLERK
AUG 12 2019
MUNICIPAL COURT
WARREN, OHIO
MARGARET M. SCOTT, CLERK

WARREN MUNICIPAL COURT RULES OF PRACTICE AND PROCEDURE

This booklet contains Warren Municipal Court's Local Rules. They are effective as of Nov. 1, 2014. Updates were added on Feb. 21, 2017 and August 12, 2019. Copies of this booklet are available upon request at the cost of copying. Copies are also available for review at the Courthouse in the Clerk's Office.

These Rules have been promulgated in accordance with Rule 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure and Rule 5 of the Rules of Superintendence for the Courts of Ohio. These Rules should be followed when filing documents, practicing, appearing, or litigating in the Warren Municipal Court in addition to and in conjunction with the Ohio Rules of Civil Procedure and the Ohio Rules of Criminal Procedure as applicable.


JUDGE TERRY F. IVANCHAK
PRESIDING AND ADMINISTRATIVE
JUDGE


JUDGE THOMAS P. GYSEGEN

Date: November 1, 2014

Date: February 21, 2017 – update

Date: August 12, 2019 - update

JOURNALIZED
Warren Municipal Court
AUG 12 2019
MARGARET M. SCOTT
CLERK OF COURT

FILED
OFFICE OF THE CLERK
AUG 12 2019
MUNICIPAL COURT
WARREN, OHIO
MARGARET M. SCOTT, CLERK

<p style="text-align: center;">WARREN MUNICIPAL COURT RULES OF PRACTICE AND PROCEDURE GENERAL RULES</p>

RULE NO. 1: COURT HOURS

The Clerk of Court's office shall be generally open between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. Sessions of the Court shall generally be daily Monday through Friday, 8:00 a.m. to 4:00 p.m. The Court shall be in session at such time as the Judges shall prescribe to meet special situations. Each individual judge may establish earlier opening or closing times and a judge may extend the closing hour during trials to include a Saturday session or a holiday when deemed necessary.

RULE NO. 2: DECORUM AND CONDUCT

On opening of any Court session, all persons in the Courtroom shall stand. All persons in the Courtroom shall conduct themselves with decorum and in such manner so as not to interfere with or obstruct judicial activities or proceedings. All persons appearing before the Court shall appear in appropriate dress.

Litigants and/or spectators are not permitted to smoke, eat or drink in the Courthouse, nor shall they bring food or drink into the Courthouse.

No person shall loiter, or conduct himself or herself in an unseemly or disorderly manner, in the Courtroom or in any halls, stairways, entryways or parking lots adjacent thereto, or otherwise interfere with or obstruct judicial activities or proceedings.

All cell phones, pagers and other sound making devices are to be silenced while in the Courtroom.

The Court expects that counsel shall call this rule to the attention of clients and witnesses.

RULE NO. 3: PUBLIC USE OF COURTROOMS

Questions of the admission of persons to a Courtroom shall be the province of the Judge to whom that Courtroom is assigned, within the guidelines of public access to all Court proceedings, consistent with the order and dignity of the Court.

Public statements by counsel, Court personnel, and witnesses shall be regulated by the Judge to whom the case is assigned within the guidelines of public access to Court proceedings and the right of the parties to be free of improper publicity within areas protected by fundamental rights.

No recording shall be made of any Court proceeding without approval of the Judge or Magistrate conducting the proceeding. All such recording must conform to the guidelines set forth in Ohio Rules of Superintendence for Ohio Courts.

Requests for permission to broadcast, record, photograph or televise in the Courtroom shall be in writing to the Judge to whom the case is assigned as far in advance as reasonably practical, but in no event no later than one-half (1/2) hour prior to the Courtroom session to be broadcast or photographed unless otherwise permitted by the trial Judge.

RULE NO. 4: GIFTS

No employee shall accept or permit to be accepted on their behalf a gift, bequest, favor or loan from any person likely to be engaged in a proceeding that ordinarily would come before the court, from a person likely to do business with the court or from any other person under circumstances that might reasonably be regarded as influencing or appearing to influence the performance of the employee's official duties.

RULE NO. 5: COURT SECURITY

All visitors of the Warren Municipal Court will follow the directives of Warren Municipal Court Security Personnel in the event of an emergency situation or security incident.

RULE NO. 6: APPEARANCE AND WITHDRAWAL OF COUNSEL

- A. Attorneys practicing before this Court (except for pro se litigants) shall designate their capacity as trial counsel on all pleadings, motions, petitions, etc. filed in this Court. All such documents shall bear, in addition to the signature of trial counsel, counsel's name, office address and zip code, office telephone number, as well as the number of counsel's Ohio Supreme Court Certificate of Registration, as provided by Ohio Gov. Bar R. VI, §4. A law firm shall not be designated as trial counsel.
- B. PRO HAC VICE: An attorney who is not admitted to practice law in the State of Ohio may not appear on behalf of another individual or entity in court without the permission of the judge or magistrate. The motion for permission shall be in writing and shall attach a copy of the Certificate of Pro Hac Vice Registration obtained from the Ohio Supreme Court. It shall certify that the attorney is admitted to practice law in the highest court of another state or in the District of Columbia and that the attorney is not a resident of this state. The request must be cosigned by an attorney admitted to the practice of law in this state and registered under the Rule VI of the Rules for the Government of the Bar of Ohio. If the judge or magistrate grants the applicant's motion for permission to appear pro hac vice, the applicant must file a Notice of Permission to Appear Pro Hac Vice and a copy of the order granting permission with the Office of Attorney Services at the Ohio Supreme Court within 30 days.
- C. Withdrawal of Counsel – Counsel shall be allowed to withdraw by:
 - 1. Submission of a written motion stating the reasons for the application. Said motion is to be addressed to the assigned Judge or to the Administrative Judge in the absence of a judicial assignment, or in the absence of the assigned Judge.

2. Said motion must contain Certification of Service on opposing counsel and on the client;
3. Said motion must state the date and time of the next scheduled Court appearance;
4. Said motion must contain counsel's statement that if the request is allowed, a copy of the Journal Entry granting the request will be mailed immediately to the last known address of the client;
5. Said motion is to be filed at least 7 calendar days prior to the next scheduled hearing.

RULE NO. 7: COURT APPOINTED COUNSEL

No attorney shall be appointed to represent an indigent person unless his/her name appears on the Court Appointed Counsel List.

Application: The attorney must submit a written application to the Administrative Judge. Said application must include the attorney's name, business address, Ohio Attorney Registration Number, and whether the attorney is in good standing with the Ohio Supreme Court and has malpractice insurance. The application shall also include any special areas of expertise, such as language fluency or mental health law specialization. Upon ascertaining that the attorney is in good standing with the Ohio Supreme Court, the attorney's name shall be placed on the Court Appointment List. Said list will be reviewed by the Judges on a quarterly basis.

Removal: For good cause shown, the Court may decline to accept any application for inclusion on any list, or may remove the name of any attorney from the list.

Assignment: Appointments will be made on a rotating basis subject to the following considerations:

- (i) Consideration shall be given to the attorney's area of expertise and current caseload.
- (ii) Whenever possible a pretrial hearing shall be set on a date when the attorney is already scheduled for another case.
- (iii) Consideration shall be given to whether the cases presently being handled by the attorney are being timely completed and whether the attorney is otherwise complying with these Local Rules.
- (iv) Appointments will be reviewed periodically to ensure equal distribution of pending cases subject to (i) (ii) and (iii).

The Court will make changes to the appointed counsel list based on its current needs, counsel's credentials and current standing with the Ohio Supreme Court.

Appointed counsel shall be compensated upon approval of an application for fees not to exceed \$235.00 unless the attorney files for extraordinary attorney compensation that shall be approved by the Judge.

RULE NO. 8: MAGISTRATES

The Warren Municipal Court employs one Magistrate who may hear cases by reference, and in accordance with Traffic Rule 14, Criminal Rule 19, Civil Rule 53, and Rules of Superintendence Rule 19.

RULE NO. 9: ASSIGNMENT OF CASES TO JUDGES

Civil cases shall be assigned by random lot when an answer is filed or when a motion, other than one for default judgment, is filed. Criminal cases shall be assigned by random lot when a plea of not guilty is entered.

1. Particular Session: The arraignment session shall be the only designated particular session. The following matters shall be disposed of by the Judge assigned to the arraignment session:

- a. Civil cases in which a Motion for Default Judgment is filed, and where there has not been an answer or other responsive pleading or motion filed by the defendant;
- b. Initial appearance in criminal and traffic cases;
- c. Criminal and traffic cases in which a plea of guilty or no contest is entered at arraignment.
- d. Preliminary hearings in criminal cases;
- e. Small Claims cases;
- f. Forcible Entry and Detainer cases in which the right to trial by jury is either waived or not demanded;
- g. The arraignment judge/magistrate may also rule on motions before the court at the arraignment session.

2. Transfer of Cases: Once a traffic and/or criminal case is assigned to an individual Judge upon a plea of not guilty, it shall be transferred to another Judge by Journalized Order of the Administrative Judge when one of the following applies:

- a. When there are multiple defendants charged with criminal and/or traffic offenses arising out of the same acts or transactions, all such defendants shall be transferred to the same judge, that being the judge with the earliest assigned, pending case, arising out of said related acts.
- b. When a defendant, charged with a criminal and/or traffic offense other than a minor misdemeanor, has an already pending assigned case or is on probation, monitored, inactive,

basic or intensive, all such new cases, upon a plea of not guilty, shall be transferred to the judge with the earliest pending assigned case or the judge that most recently placed the defendant on probation. Additionally, when a defendant, charged with a criminal and/or traffic offense other than a minor misdemeanor, is in any Diversion Program all such new cases, upon a plea of not guilty, shall be transferred to the judge that placed the defendant in the diversion program.

c. When a defendant is charged with both a felony, where a preliminary hearing is demanded, and a pending misdemeanor, where a plea of not guilty is entered, the pending misdemeanor case(s) after individual assignment shall be transferred to the judge presiding over the preliminary hearing.

d. When a defendant is charged with a felony where a preliminary hearing is demanded and has an already pending assigned case, the felony preliminary hearing shall be assigned to the judge who has the pending assigned misdemeanor case. Any additional misdemeanors, which are companion cases to the felony, shall also be assigned to the judge who has the pending assigned case.

e. If both subsections c. and d. above apply to any given defendant, subsection d. is to be followed.

3. Assignment of re-filed cases: In any instance where a previously filed and dismissed case is re-filed, that case shall be reassigned to the judge originally assigned by random lot.

B. All cases heard before a visiting judge remain on the docket of the individual judge who was last assigned until final disposition unless otherwise ordered by the administrative judge.

RULE NO. 10: PRIORITY OF SCHEDULING

Actions shall be scheduled for trial in their numerical order so far as possible, except that the following matters shall have priority for trial:

1. Cases on trial which have gone over from the preceding day.
2. Cases which the Court may advance for trial.
3. Cases involving the liberty of a person.
4. Cases for wages.
5. Cases for replevin.
6. Cases for attachment.

Pursuant to Sup. R. 36(C)(2) of the Rules of Superintendence for Ohio Courts, the following types of cases shall immediately be assigned to a Judge upon the filing of the required motions:

1. Cases involving attachment or garnishment before judgment.
2. Cases involving immediate seizure in a replevin action.

Priority of normal assignment shall be as follows (subject to ORC §2945.71):

1. Criminal / traffic jury trials;
2. Criminal / traffic bench trials;
3. ALS appeals, BMV Administrative Appeals, and/or Alternative Motions for Limited Driving Privileges;
4. Civil jury trials;
5. Civil bench trials;
6. Pre-trials – criminal / traffic and civil;
7. Motions (with request for oral hearing).

RULE NO. 11: COURT COSTS

The schedules of court costs for criminal/traffic cases as well as for civil/small claims cases are set by administrative order. The schedules are available at the Clerk of Court's office and are posted on the Court's website.

RULE NO. 12: MOTIONS

All motions shall be in writing and timely filed and served on all appropriate parties in accordance with Ohio Rules and Statutes. At the discretion of the court or as required by law, motions may be set for oral hearing.

RULE NO. 13: JURY DEMAND

A. Any party desiring a jury trial in a civil case must demand the same in accordance with Rule 38 of the Ohio Rules of Civil Procedure. Any party desiring a jury trial in a criminal/traffic case shall demand the same in accordance with Criminal Rule 23. The jury demand must be in writing either by separate instrument or by prominent endorsement in the caption of a pleading. The jury demand must be filed in compliance with the time frame set forth in the applicable Rule.

B. The party demanding the jury in a civil case shall pay the Jury Demand Civil Cost at the time the demand is made and the Jury Deposit Civil Cost no later than noon on the date prior to the trial. The cost requirement may be waived upon the presentation of evidence, which establishes the indigency of the party demanding the jury, and upon approval of the judge assigned to the case. There is no prepayment of jury costs in criminal/traffic cases.

C. Each party shall file, seven (7) full days in advance of trial, a complete set of instructions suitable for charging the jury in the captioned matter. Parties shall file a trial brief seven (7) full days in advance of trial.

D. Failure to comply with these requirements may result in a jury waiver or other appropriate sanctions.

RULE NO. 14: CONTINUANCE FOR TRIAL OR HEARING

No case assigned for trial or hearing may be continued except on written motion and for good cause shown. Such motion shall be presented to the judge not less than seven (7) days prior to the date of trial or hearing, except that in the case of unforeseen emergency, this time requirement may be waived. The moving party is required to first discuss the continuance with all opposing counsel, or opposing parties if there is no counsel, and state the reason for the continuance. If counsel is alleging conflicting trial date as the reason for continuance, the conflicting trial notice must be attached to the notice. Counsel must also set forth at least two (2) other alternative dates for trial, agreeable to the Court and all parties in the case.

RULE NO. 15: RECUSAL OF ASSIGNED JUDGE

- A. Should a Judge recuse himself or herself from hearing any individually assigned case, said Judge shall cause a Journal Entry to be made setting forth the recusal and the reasons therefore. The case shall thereafter be referred to the Administrative Judge. If approved by the Administrative Judge, that case shall be reassigned. The transferring Judge shall then receive the next case that was assigned by random lot to the transferee Judge, pursuant to a Journal Entry signed by the Administrative Judge.
- B. Illness, etc.: In the event of the protracted illness of a Judge, or the unduly prolonged time for trial of a case(s) assigned to a Judge, the Administrative Judge may order reassignment of case(s) assigned to such Judge to another Judge or to a visiting Judge,
- C. General: A Judge appointed or elected to succeed another shall have the cases assigned to his predecessor. When there is a transfer of a case, the case file and the other records shall be changed to reflect the reassignment to the transferee Judge.

RULE NO. 16: FAX FILING

A. APPLICABILITY

These rules apply to all proceedings in the Warren Municipal Court.

B. ORIGINAL FILINGS

1. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his / her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.
2. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

C. DEFINITIONS – As used in these rules, unless the context requires otherwise:

1. A “facsimile transmission” means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
2. A “facsimile machine” means a machine that can send and receive a facsimile transmission.
3. ‘Fax’ is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

D. COVER PAGE

1. The person filing a document by fax shall also include a cover page containing all of the following information: [See appendix for sample cover page form.]
 - a. name of the court
 - b. name, title, telephone number, fax number, and e-mail address of person filing the fax document;
 - c. title of the case;
 - d. case number;
 - e. title of the document being filed (e.g., Defendant Johns’ Answer to Amended Complaint; Plaintiff Smith’s Response to Defendants’ Motion to Dismiss; Plaintiff Smith’s Notice of Filing Exhibit “G” to Plaintiff Smith’s Response to Defendants’ Motion to Dismiss;
 - f. name of the judge to whom the case is assigned, if any;
 - g. date of fax transmission;

- h. indication of the number of pages included in the transmission, including the cover page;
 - i. if applicable, a statement explaining how costs are being submitted
2. If a document is sent by fax to the clerk without the cover page information listed above, the clerk may do either of the following:
- a. enter the document in the case docket and file the document;
 - b. deposit the document in a file of failed faxed documents with a notation of the reason for the failure (omission of cover page). The document shall **not** be considered filed with the clerk.

E. FAILED FAX SUBMISSION

The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

F. SIGNATURE

1. A party who wishes to file a signed source document by fax shall either:
- a. Fax a copy of the signed source document; or
 - b. Fax a copy of the document without the signature but with the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.
2. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

G. EXHIBITS

1. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five (5) Court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and / or exhibit.

2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the Judge and the title of the exhibit being filed (e.g., Plaintiff North Olmsted's Notice of Filing Exhibit 'G' to Plaintiff North Olmsted's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

H. TIME OF FILING

1. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Court as of the date and time the Clerk time-stamps the document received as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the Court is regularly open for business. Therefore, a fax filing received after the Court closes on a given business day will be deemed filed with the Clerk of Court as of the opening of the next business day. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the document will determine the time the fax filing was received, provided the document is deemed accepted by the Clerk.

2. If received after 4:00 PM, that filing would be considered filed as of the following day the Court is open for business.

3. Fax filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Court.

4. The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.

5. The risks of transmitting a document by fax to the Clerk of Court shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

I. FEES AND COSTS

1. No document filed by facsimile that requires a filing fee at the time of filing shall be accepted by the Clerk for filing until Court cost and fees have been paid by credit or debit cards (VISA or MasterCard). The forms necessary for the authorization of payment by credit card shall be available at the Clerk's Office during normal business hours. Documents tendered to the Clerk without payment of Court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.

2. No additional fee shall be assessed for facsimile filings.

J. LENGTH OF DOCUMENT - Facsimile filings shall not exceed 10 pages in length.

K. SERVICE COPIES

The filer shall not transmit service copies by facsimile.

RULE NO. 17: SERVICE OF PROCESS

The Clerk of the Warren Municipal court shall accept service of process methods as outlined in Civil Rule 4.1 which methods shall include “virtual” service of process.

The Clerk may choose to utilize service by eCertified mail. This advanced postal technology does not modify Civil Rule 4.1 (A) (1) (a) *Service by United States certified or express mail*, but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation utilizing the court’s website to show to who the mail was delivered, and the date of the delivery, and address where delivered, all in accordance with the now-existing Civil Rules.

The Clerk may also choose to utilize service of process methods as outlined in Civil Rule 4.1(A)(1)(b) *Service by commercial carrier service* using the specific service that the Clerk deems most effective for the purpose. Advanced technology may also allow the provision for advanced electronic and website technology in the use of a commercial carrier service and receipt of confirmation utilizing the court’s website to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with the now-existing Civil Rules.

All service of process of complaints or other documents served with virtual services of process are subject to review and/or challenge as further outlines in Civil Rule 4.1, with confirmation of service of process data being made available through the Clerk’s Office.

RULE NO. 18: COURT RECORD RECORDING AND TRANSCRIPTS

A. Record of Proceeding: All traffic and criminal proceedings, except minor misdemeanor traffic arraignments, shall be recorded as required by the Ohio Rules of Criminal and Civil Procedure. Civil trials, hearings and other proceedings will only be recorded at the request of either counsel or party, if there is no counsel, unless otherwise deemed appropriate by the assigned Judge.

A party in any case may have a court reporter present to record the proceedings. No fees for court reporters will be taxed as cost or otherwise paid by anyone other than the party providing the court reporter unless that party makes a timely motion prior to trial or hearing for the appointment of an official court reporter and requests in advance that such fees be taxed as costs. See Civil Rule 54(D) and ORC §1901.33. The responsibility of arranging for the attendance of a court reporter shall rest with the attorney and/or party desiring the same.

B. TRANSCRIPT OF PROCEEDING: All requests for transcripts of any Court proceeding shall be in writing and directed to the Judge or Magistrate who heard the case. If movant or movant’s counsel wants a particular reporting firm appointed to transcribe a recording, a motion seeking such appointment must be made. The Court will then contact the

appointed reporter with a specific date and time to come to Court to transcribe the recording or obtain the record of the proceeding for transcription. If a reporting firm is not specified by movant or movant's counsel, or is not acceptable to the Court, then the Court will issue an entry appointing a Court reporter and the transcription is then obtained from the official Court reporter at movant's costs. The official Court reporter must pay a court cost for the CD recording.

All transcripts shall be completed within a reasonable time which shall be thirty (30) days, and the request should allow for that thirty (30) day preparation time.

All transcriptions must be filed with the Court immediately upon completion.

C. COPY OF RECORD OF PROCEEDINGS: All requests for copies of the CD recording of any court proceeding shall be directed to the Clerk of Court and the CD will be provided for a nominal fee. Said CD may not be used to create an official transcript of proceedings unless procedures in (B) above are followed.

RULE NO. 19: PUBLIC RECORD REQUESTS

Court records are presumed open to public access. Public record requests will be fulfilled in full compliance with the Ohio Rules of Superintendence, the Ohio Revised Code and any other applicable rules or statutes. Any public record request that seeks information in electronic format will be delivered in PDF format. This insures the integrity and authenticity of the data received from the Warren Municipal Court.

RULE NO. 20: FILING BY ELECTRONIC TRANSMISSION (eFILING)

A. DEFINITIONS

1. **Original document** – the electronic document received by the Court from the filer.
2. **PDF** – Portable Document Format - documents saved as this type have the [.pdf] extension.
3. **DOC** – Microsoft Word Documents - documents saved as this type have the [.doc] extension.
4. **Source Document** – the document created and maintained by the filer which is then electronically transmitted to the Court.
5. **Submission** – a document or other data sent to a system or sent as a court filing.
6. **Effective Date and Time of Filing of a New Complaint** – means the date and time the electronic filing was received and uploaded to the Clerk of Court as noted on the time stamp on the submitted document.

7. **Effective Date and Time of Filing of a Motion** – means the date and time the electronic filing was received and uploaded to the Clerk of Court as noted on the time stamp on the submitted document.

8. **Electronic Filing** (i.e., eFiling) – the process of transmitting a digitized source document electronically via the Internet to the Clerk's Office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted

9. **Electronic Mail** (i.e., eMail) – Messages sent by a user and received by another through an electronic service system utilizing the public Internet

B. ELECTRONIC FILING POLICY

1. In conformity with Ohio Revised Code, Ohio Civil Rule 5(E) and Criminal Rule 12(B) and, as approved (provisionally) by the Ohio Supreme Court on Technology and the Courts, complaints, pleadings and other documents may be filed with the Clerk of Court electronically via the Internet, subject to the provisions in this rule.

2. Application of Rules and Orders – Unless otherwise modified by approved stipulation or Court order, ALL Ohio Rules of Civil and Criminal Procedure and Local Rules and orders of the Court shall continue to apply to all documents electronically filed.

3. Accepted Filings:

a. All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or, by a party not represented by an attorney.

b. Any signature on an electronically transmitted document shall be considered that of the attorney or party it purports to be for all practical purposes.

c. If it is established that the documents were transmitted without authority, upon motion, the court shall order the document stricken.

d. No attorney shall authorize any person to electronically file on that attorney's behalf, other than his or her employee or a service provider retained to assist in electronic filing.

e. The electronic filing of a document by an attorney, or by another under the authorization of the attorney, or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule 11.

f. No person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.

4. Account Assignment

a. Upon receipt of a properly executed and signed User Agreement Form, the Clerk of Court shall set up an electronic filer user account and assign a user-id and initial password to be used for electronically filing document.

NOTE: Third party electronic filing providers are not acceptable.

b. For each electronic document filed, the filer shall submit a Cover Page

NOTE: Cover Page Format is available from the Clerk of Court's Office.

5. Hours of Operation

- a. The Clerk of Court shall receive electronic documents 24 hours per day, seven days per week, regardless of whether or not the Clerk's office is actually open.
- b. A document will be deemed timely when filed prior to 4:30 p.m. the afternoon of the due date, unless the assigned judge has ordered the document filed by a different time /date. Time at the Court (Eastern Standard) governs, rather than the time zone from which the filing is made. SEE FAX FILING TIMES
- c. All electronically filed documents shall receive a confirmation date and time acknowledgement.

6. Document Format. Documents must be submitted in PDF or DOC formats. OTHER FORMATS CAN BE CONVERTED TO PDF CONTACT THE COURT FOR INFORMATION

Note: Image types [such as jpg, tif and BPM] can be embedded within PDF or DOC formats.

7. Fees

- a. The Clerk of Court shall assess normal filing fees and case deposits will be collected via user credit card at the time the filing is processed. Pursuant to §301.28(E) and (F) of the Ohio Revised Code, a surcharge for credit card use may be assessed in an amount to be determined by the Clerk of Court.
- b. No personal checks will be accepted.
- c. The Clerk's Office will document the receipt of fees on the docket with a text-only entry.
- d. The Court will not maintain electronic billing or debit accounts for lawyers or law firms.

8. Filing Acceptance or Rejection Cycle

- a. A confirmation number will be assigned to each filing when it is received in its entirety by the Clerk of Court's receiving device.
- b. The confirmation number and the date and time of the filing will be displayed on the screen of the filer's computer upon successful transmission of the filing.
- c. Upon successful processing of the filing by the Clerk of Court, an electronic mail message containing the confirmation number and case number assigned, if any, will be sent to the filer.
- d. Filers will be notified via electronic mail if the filing is rejected for any reason.
- e. A rejected filing may be resubmitted to the Clerk of Court in order to retain the original date and time of filing.
- f. Rejected filings which are resubmitted via electronic mail must be received by the Clerk of Court within twenty-four (24) hours of the time that the rejection electronic mail message was sent by the Clerk of Court in order to retain the original date and time of filing and confirmation number.

- g. A corrective filing may, however, be sent at a later time if the filer elects to do so, but after the twenty-four (24) hour period expires, this filing will be considered a new filing and the prior confirmation number will have expired.
- h. If a document is rejected due to technical errors and the filer wishes to have the corrective filing relate back to the date and time of the rejected filing, the filer must file a motion with the Court seeking relief.
- i. The Clerk of Court shall retain the rejected documents for a period of one year from the date of transmission.
- j. Any attorney, party or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of electronic signals and readability of the document and, accepts the full risk that the document may not be properly filed with the Clerk of Court as a result.

9. Electronic File Stamping

- a. Upon successful completion of acceptance processing by the Clerk of Court, a document filed electronically will be electronically file stamped.
- b. This stamp will include the date and time that the receiving device of the Clerk of Court received the entire transmission as well as the case number of the filing.
- c. Upon recognition of a processing error, the Clerk's Office will contact the filer to remediate the issue.
- d. After a document is electronically file stamped, the document cannot be altered once it has been accepted into the system.

10. Disposition and Maintenance of Source Documents

- a. A document electronically filed shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E) and Criminal Rule 12(B) if the person filing electronically complies with all of the requirements set forth in this Local Rule.
- b. The person filing electronically need not file a hard copy with the Clerk of Court but must maintain in his or her records, and have available for production upon request by the Court, the Clerk of Court or other counsel, the source document of any document electronically filed.
- c. The filer must maintain this source document until the final disposition of the case and through any Notice of Appeal, or, if appealed, appeal period.

11. Public Method of Access to Electronically Filed Public Documents

- a. Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper via the Clerk of Court's website.
- b. Public access to electronically filed public documents will be available via the internet web site of the Clerk of Court as soon as the Clerk has processed the document.
- c. If the internet website is unavailable or is not provided by the Clerk of Court or if the Clerk of Court is prohibited by the Court or by any law from making the document available via the Internet web site, the document will be available for review at the office of the Clerk of Court, either by computer terminal or in paper form in the case file.
- d. If, however, a document or case record is sealed or expunged, it is unavailable for public disclosure.

12. Service of Documents

a. Documents filed electronically with the Clerk of Court shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.

b. Once a party has entered an appearance in the case, the party shall furnish his or her email address, and service thereafter shall be electronically, where possible.

13. Attachments and Exhibits

a. Attachments and exhibits are to be filed electronically.

b. Large attachments or exhibits over 30 megabytes cannot be filed electronically and must be submitted in hard copy and served on all other parties.

14. Signatures

a. If an original document requires a signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document and, then electronically file it on the System.

b. A pleading or other document requiring an attorney's signature shall be signed in the following manner if filed electronically: "/(attorney name)/." The correct format for an attorney signature is as follows:

- . /Ohio Attorney/
- . attorney's name (typed)
- . Ohio Supreme Court Number
- . Attorney for (Plaintiff/Defendant)
- . Address
- . Telephone Number
- . Facsimile Number
- . Email Address

c. Any attorney or party challenging the authenticity of an electronically filed document or signature on that document must file an objection to that document within ten (10) days of receiving the notice of electronic filing.

d. For documents containing multiple signatures, such as stipulations or documents requiring two or more signatures, the following procedure applies:

(1) The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document.

(2) The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.

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

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

15. Orders (Journal Entries)

- a. A moving party, at the time of filing a motion, may submit with that motion a proposed journal entry granting the motion and setting forth the requested relief.
- b. The motion shall be docketed prior to submitting the proposed journal entry to the judge, and the proposed journal entry shall contain, by reference, the case number of the case.

16. Privacy

a. Filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:

- Social security numbers except for the last four digits;
- Financial account numbers, including but not limited to debit card, charge card, and credit card numbers;
- Employer and Employee identification numbers;
- A juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV: for "child victim";
- Proprietary or trade secret information.

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

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

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

c. The responsibility for redacting personal data identifiers (i.e., social security numbers and bank/credit card numbers) rests solely with the filing party.

- (1) The Clerk's Office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.

17. Technical Failures

a. The Clerk of Court's Office may deem the internet web site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day.

- (1) Known system outages will be posted on the website, if possible.

b. 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.

c. A filing party whose filing is made untimely as a result of a technical failure of the Court's system or site, or as a result of the problems on the filer's end, may seek appropriate relief from the Court.

18. Correction of Docket Entries / Documents Filed in Error

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

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

D.USE OF ELECTRONIC PRODUCED TICKET (ADDED 11-1-14)

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

RULE NO. 22: COURT RECORDS MANAGEMENT AND RETENTION

Pursuant to the Ohio Rules of Court, Rules of Superintendence for the Courts of Ohio, Rule 26 (C) and (D), all Warren Municipal Court case records filed after January 1, 2006, will be retained in electronic media format, including text and digital images, as an alternative to a paper record.

The Clerk of Court will provide the computer hardware and software equipment necessary to allow for inspection and copying of public records, including public records that are maintained, recorded, copied or preserved by an electronic records and information management process in accordance with division (D)(2) of Rule 26.

Paper media may be destroyed after it is imaged and saved to the electronic case record in accordance with division (D) of Rule 26.

RULE 23: FRIVOLOUS ACTIONS AND VEXATIOUS LITIGATORS

A. If the Court, *sua sponte* or on motion by a party, determines that an action is frivolous or is filed for delay, harassment or any other improper purpose, it may impose, on the person who signed the complaint or action, a represented party or both, appropriate sanctions. The sanctions may include an award to the opposing party of reasonable expenses, reasonable attorney fees, costs or any other sanction the court deems just. An action shall be considered frivolous if it is not reasonably well-grounded in fact or warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.

B. If a party habitually, persistently and without reasonable cause engages in frivolous conduct under section (A) of this rule, the court may, *sua sponte* or on the motion by a party, find the party to be a vexatious litigator. If the court determines that a party is a vexatious litigator under this rule, the court may impose filing restrictions on the party. The restrictions may include prohibiting the party from instituting legal proceedings in the court without first obtaining leave or any other restriction the court considers just.

RULE 24: DIVERSION PROGRAMS

THE DRIVING UNDER SUSPENSION DIVERSION PROGRAM: The Driving Under Suspension Diversion Program is designed to assist drivers who are under suspension to restore their valid driving privileges. The Diversion Program Coordinator shall review the DUS cases presented before the court. The LEADS Printout shall be reviewed to determine the eligibility of the defendant. Program eligibility shall be determined using criteria established by the court.

A DUS checklist form shall be completed by the Diversion Program Coordinator. The checklist shall identify the specific problems the defendant has with the Bureau of Motor Vehicles (BMV) and the specific tasks and financial costs necessary to restore driving privileges. In addition, all other pending or unpaid traffic matters will be identified on this form.

THEFT DIVERISON PROGRAM: The Theft Diversion Program is designed to assist first time offenders charged with misdemeanor theft charges. Upon successful completion of the program, charges are dismissed. The defendant pays a program fee of \$150.00. If the defendant fails to compete the diversion program, the defendant shall be found guilty of the charge and the court shall proceed to sentencing. A hearing shall be scheduled at which time the court determines whether the defendant has successfully completed the program.

RULE NO. 25: ARRAIGNMENT

The Clerk of Warren Municipal Court shall require the filing of a written complaint or uniform traffic ticket before placing an individual's name on the traffic / criminal docket.

A. Plea by personal appearance: The defendant, either on his own behalf or by and through counsel, may enter one of the following pleas at arraignment:

1. Guilty,
2. Not guilty
3. No contest, or
4. Not guilty by reason of insanity (except in traffic cases where a not guilty plea by reason of insanity is not applicable).

B. Not Guilty Plea by letter: A defendant, may enter a plea of not guilty by letter prior to defendant's scheduled arraignment provided:

1. Letter is be sent by Retained or Court Appointed Counsel, and
2. Right to speedy trial is demanded or waived.

If right to speedy trial is not addressed, the Court will presume that a right to speedy trial is not waived and schedule accordingly.

C. Request for continuance: Defendant may request a reasonable continuance of initial arraignment by filing a written motion or defendant may appear in Court at arraignment to request a continuance.

RULE NO. 26: COURT COSTS FOR CRIMINAL / TRAFFIC CASES

Local Court costs shall be assessed to each individual charge contained within the case number if the found guilty of that charge. However state court costs will be assessed only to the first charge under that case number. (See Appendix A for the Schedule of Court Costs – Criminal / Traffic Division).

RULE NO. 27: WAIVERS FOR VIOLATION OF CODIFIED ORDINANCES AND OHIO REVISED CODE

Pursuant to the requirement to the Criminal Rule 4.1(E), and Traffic Rule 13, the Court adopts a Waiver Schedule by administrative order. The schedule is available at the counter in the Clerk's Office.

RULE NO. 28: BAIL BOND SCHEDULE AND RULES

The Judges of the Warren Municipal Court, hereby establish the following procedure for the Posting of Surety Bonds in this Court. Upon the consent and review of the Judges of this Court, this Administrative Order shall supersede and replace all prior Orders of this Court that govern the posting of bonds in criminal cases and shall be effective January 1, 2012. This order shall establish procedures for the posting of Surety Bonds in this Court. Upon the signing of this Order, property bonds will no longer be accepted by any surety bail bond agency.

(A) For the purpose of this rule, "Surety Bail Bond Agent" is defined as an individual who is licensed to write bail bonds by the Ohio Department of Insurance. "Surety Bail Bond Agency" is defined as a business entity of more than one licensed Surety Bail Bond Agent.

(B) All agents or agencies who desire to write bail bonds in the Warren Municipal Court must register with the Clerk of Courts before a bond may be filed in this court. To register, a Surety Bail Bond Agent/Agency shall file the following with the Clerk of Courts:

(1) A certified copy of the Surety Bail Bond Agent/Agency's appointment by power of attorney from each insurer the agent/agency represents.

(2) A copy of the Surety Bail Bond License issued by the State of Ohio Department of Insurance.

(3) A copy of the Certificate of Authority issued by the State of Ohio Department of Insurance.

(4) A copy of the Certificate of Compliance issued by the State of Ohio Department of Insurance.

(5) A copy of each agent's current Department of Insurance wallet identification card with photo.

(6) Proof of registration with the Trumbull County Common Pleas Court.

(C) The Surety Bail Bond Agent/Agency shall file the following to keep the registration current:

(1) A certified copy of the renewed power of attorney by the first day of August each odd numbered year.

(2) A copy of the State of Ohio Department of Insurance License Renewal Form by March first of each year.

(3) Written notification of any change in information contained on the Surety Bail Bond Registration Form within five working days of the change.

(D) Surety Bail Bond Agents/Agencies shall comply with any other requirements as ordered by the Court.

(E) When posting bond, a Surety Bail bond Agent must:

(1) Produce a current State of Ohio Department of Insurance wallet ID card when requested.

(2) Post a separate Power of Attorney on each case. The Court will not accept a Power of Attorney that has been altered or erased.

(3) Post a separate Recognizance of Accused on Adjournment form on each case that contains an original signature of the Surety Bail Bond Agent.

(F) When a bond is ordered to be forfeited, the Clerk of Court shall provide notice the bond must be paid within 30 days of the order to forfeit the bond.

(G) If the Surety Bail Bond Agent/Agency does not pay the forfeiture by the due date, the Clerk of Court's Office shall not accept any bonds from that agent/agency until the forfeiture is paid in full.

If the forfeiture is not paid for more than thirty (30) days after the due date, the Clerk of Court's Office shall not accept any bonds from that agent/agency until the Judges of Warren Municipal Court vote to accept bonds from that agent/agency.

The Surety Bail Bond Agent/Agency shall file all the necessary paperwork with the Clerk of Courts by April 1st of each year. In the event that a bail bond agent is removed for the agency's employ, the agency shall notify the court immediately upon such termination.

(F) Further orders pertaining to bondmen and bonding practices:

Pursuant to ORC 3905.932, Prohibited Acts the following rule shall be implemented pertaining to bondsmen and bonding practices:

A surety bail bond agent or insurer shall not do any of the following:

(A) Suggest or advise the employment of, or name for employment, any particular attorney to represent its principal;

(B) Solicit business in, or on the property or grounds of, a detention facility, as defined in section 2921.01 of the Revised Code, **or in, or on the property or grounds of, any court.** For purposes of this division, "solicit" includes, but is not limited to, the distribution of business cards, print advertising, or any other written information directed to prisoners or potential indemnitors, unless a request is initiated by the prisoner or potential indemnitor. Permissible print advertising in a detention facility is strictly limited to a listing in a telephone directory and the posting of the surety bail bond agent's name, address, and telephone number in a designated location within the detention facility.

(C) Wear or otherwise display any identification, other than the wallet identification card required under division (G) of section 3905.85 of the Revised Code, in or on the property or grounds of a detention facility, as defined in section 2921.01 of the Revised Code, **or in or on the property or grounds of any court;**

(D) Pay a fee or rebate or give or promise anything of value to a jailer, law enforcement officer, committing magistrate, or other person who has power to arrest or to hold in custody, or to any public official or public employee, in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment of bail;

(E) Pay a fee or rebate or give or promise anything of value to an attorney in a bail bond matter, except in defense of any action on a bond;

(F) Pay a fee or rebate or give or promise anything of value to the principal or to anyone in the principal's behalf;

(G) Post anything without using a bail instrument representing an insurer, to have a defendant released on bail on all types of set court bail, except for the following:

(1) Cash court fees or cash reparation fees;

(2) Ten per cent assignments;

(3) Other nonsurety court bonds, if the agent provides full written disclosure and receipts and retains copies of all documents and receipts for not less than three years.

(H) Participate in the capacity of an attorney at a trial or hearing of a principal;

(I) Accept anything of value from a principal for providing a bail bond, other than the premium filed with and approved by the superintendent of insurance and an expense fee, except that the surety bail bond agent may, in accordance with section 3905.92 of the Revised Code, accept collateral security or other indemnity from a principal or other person together with documentary stamp taxes if applicable. No fees, expenses, or charges of any kind shall be deducted from the collateral held or any return premium due, except as authorized by sections 3905.83 to 3905.95 of the Revised Code or by rule of the superintendent. A surety bail bond agent, upon written agreement with another party, may receive a fee or other compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.

(J) Execute a bond in this state on the person's own behalf;

(K) Execute a bond in this state if a judgment has been entered on a bond executed by the surety bail bond agent, which judgment has remained unpaid for at least sixty days after all appeals have been exhausted, unless the full amount of the judgment is deposited with the clerk of the court.

Based on the above statute, no bondsman shall be permitted to solicit business in or about the Warren Municipal Court and bondsmen are not permitted to wear anything with their company name on it other than the wallet identification required by the State.

In the event that a bonding company needs to bring a fugitive into the court they must do so by making prior arrangements with the Court either with the bailiff or the court secretary. **There shall be no bonding company personnel on the court floor during arraignment or contested court sessions. No bonding company shall solicit business in, or on the property or grounds of the Warren Municipal Court. No bondsman shall wear or otherwise display any identification, other than the wallet identification card, in or on the property or grounds of the Warren Municipal Court.**

A copy of the bond schedule is hereby attached to these Rules and marked as Appendix C.

CIVIL / SMALL CLAIMS MANAGEMENT

RULE NO. 29: CIVIL CASE MANAGEMENT

A. Costs: No action, proceeding, motion or other document shall be accepted for filing by the Clerk of Court unless there first shall be deposited the sum of not less than the amount specified in the civil costs section as security costs, unless otherwise ordered by the Court or otherwise exempted by law.

Those persons unable to post the required security for costs may be excused from the same upon filing of an appropriate affidavit, and approved by the Clerk of Courts. (The schedule for civil filing fees is attached hereto as Appendix B)

B. Summons: The summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk of Court shall notify counsel immediately. If counsel / pro se litigant fails to obtain service of the summons within 6 months from the date the case has been filed, then the Clerk of Court shall notify counsel that the case will be dismissed in 30 days unless cause is shown to the contrary.

C. Upon perfection of service, and passing of the answer due date with no answer or other responsive pleading having been filed, the Clerk of Court shall notify counsel / pro se litigant of the default and that failure to file a motion for default within 90 days will result in dismissal of the case.

If an answer or other responsive pleading is filed, the Clerk of Court shall immediately forward the file to the assignment office for random lot assignment.

RULE NO. 30: JOINDER AND SEPARATION OF CASES

A. Motions for joinder, consolidation and separation of civil cases shall be addressed to the Administrative Judge. The Clerk of Court shall be provided with a sufficient number of copies of any motion filed in accordance with this rule to include a copy in each file affected by the motion. Failure to comply with this provision will result in such partial filing being stricken.

B. If joinder or consolidation is permitted, all cases so joined will be assigned or transferred to the Judge holding the case with the lowest case number.

C. If separation is permitted, the originally assigned Judge shall retain the case bearing the lowest case number.

RULE NO. 31: JURY DEMAND

A. Any party desiring a jury trial in a civil case must demand the same in accordance with the Ohio Rules of Civil Procedure. The jury demand must be in writing, by separate instrument, or by prominent endorsement in the caption of a pleading. The jury demand must be filed in compliance with the time frame set forth in Civil Rule 38(B).

B. The party demanding the jury at the time the demand is made shall pay the Jury Demand Civil Cost. The cost requirement may be waived upon the presentation of evidence, which establishes the indigency of the party demanding the jury, and upon approval of the Judge assigned to the case.

C. Each party demanding a jury trial must file, seven (7) full days in advance of trial, a complete set of instructions suitable for charging the jury in the captioned matter. Any party who has not filed a jury demand may also file jury instructions pursuant to this rule in a case where a jury has been demanded by another party to the action.

D. Parties shall file a trial brief seven (7) full days in advance of trial

E. The party demanding the jury shall pay the jury deposit no later than noon on the date prior to trial. One half of the jury demand will be returned if the jury is withdrawn two weeks prior to the jury trial.

F. Failure to comply with these requirements will result in a jury waiver.

RULE NO. 32: PLEADINGS AND MOTIONS

Upon assignment of a civil case to an individual Judge, pleadings, motions and other pertinent documents shall be filed with the Clerk of Court.

All motions must be in writing, on 8 1/2 x 11 paper, with no backing, and served on opposing counsel / pro se litigant. All motions must be accompanied by a written memorandum containing argument and citations.

Motions and responses must be filed within the time guidelines set forth in the Ohio Rules of Civil Procedure.

Motions shall be ruled on without a hearing unless otherwise requested in writing, and at the Court's discretion.

Motions for Summary Judgment

Unless otherwise ordered by the Court Motions for Summary Judgment shall be decided on the briefs and other attachments without oral arguments. The adverse party may file a brief in opposition within 30 days after service of the motion.

Motions other than for Summary Judgment

Each party opposing a motion other than Motion for Summary Judgment shall serve and file a brief in opposition within seven (7) days of service of said Motion, unless a longer time period is provided in the Ohio Rules of Civil Procedure.

RULE NO. 33: PRE-TRIAL CONFERENCES

A. The judge/magistrate may schedule a pre-trial conference the purpose of which is to narrow and clarify issues, agree to stipulations, set a case management schedule, and attempt to reach settlement.

B. Attorneys and/or pro se litigants are required to appear at scheduled pre-trial conferences and failure to appear may result in sanctions. Counsel attending a pre-trial conference must have complete authority to stipulate to items of evidence and admissions, and must have full settlement authority or have the client present at the pre-trial.

RULE NO. 34: JOURNAL ENTRIES

The Court shall prepare judgment entries. However, when ordered by the Court, counsel for the party in whose favor an entry, order, judgment, or decree is entered, shall prepare a proper Journal Entry and submit it to the court.

RULE NO. 35: DEFAULT JUDGMENTS

In all cases in which default judgment is available to a party by reason of failure of defendant to answer or appear, the motion for default judgment must be filed within 90 days from the time that plaintiff has notice of such default. Failure to file a motion for default may result in dismissal of the complaint for want of prosecution. Proof of damages must be submitted to the Court by affidavit or testimony. For cases based on an account, the account statement must be submitted, along with proof by affidavit or testimony that no subsequent payments have been made on the account.

RULE NO. 36: FORCIBLE ENTRY AND DETAINER

A. COMPLAINT

A complaint in Forcible Entry and Detainer shall be filed and shall contain a reason for the eviction, a copy of the notice under ORC §1923.04, and a copy of the written instrument upon which the claim is founded. When the plaintiff is a corporation, the complaint must be signed and prosecuted by an attorney. Noncompliance with this rule may result in dismissal of the complaint.

B. TRIAL

There shall be no "Answer Day" or "Call Day" as the term is used in other civil cases, and the trial date shall be set forth in the summons. Defendant shall be served at least five (5) days prior to the date set for trial. Motions shall be heard at the trial, unless the assigned Judge or Magistrate directs otherwise.

C. CONTINUANCE

A continuance may be granted as provided in Ohio Revised Code §1923.08.

D. ENFORCEMENT OF FIRST CAUSE JUDGMENT – WRITS AND MOVE-OUTS

1. 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 schedule a move-out with the bailiff.

2. Writs must be timely purchased. Timely purchase is determined according to the following:

Within thirty (30) days of the date of the judgment.

Where the judgment is more than thirty (30) days old, but less than sixty (60) days old, plaintiff must file a Motion for Leave to Purchase a Writ and serve a copy of the motion on the defendant(s). The Court may schedule a hearing on the motion or decide the motion on the filings of the parties. Upon the granting of the motion, plaintiff may purchase a writ and schedule a move-out.

3. Writs must be executed upon (the scheduled move-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.

E. SCHEDULING THE MOVE-OUT

In order to arrange for the physical removal of the defendant and their belongings, the following must occur:

1. Plaintiff must purchase a writ of restitution from the Clerk;
2. Plaintiff must call the judge's bailiff to schedule the move-out within five (5) days of the purchase of the Writ.
3. Upon presentation of the receipt, the bailiff shall schedule a move-out date and inform the plaintiff of the scheduled date.

F. MOVE-OUTS

1. Every move-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.
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 move-out and place the items on the tree lawn.

3. The Court recommends that plaintiffs inspect the premises prior to scheduling the move-out date. On the scheduled move-out date, if the volume or nature of the contents of the premises is such that removal of the contents to the tree lawn would create a health or safety hazard, the move-out may be canceled. Thereafter, a new move-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.

RULE NO. 37: CHANGE OF VENUE CERTIFICATION OR PROCEEDINGS

1. Court as Transferor: The Clerk shall not transfer any case pursuant to venue change in application of Civil Rule 3(C) until all costs are paid, and, in addition, a check made payable to the transferee Court in the sum sufficient to secure its costs is deposited with the Clerk to accompany the file upon transfer. It shall be the responsibility of the plaintiff's attorney to ascertain the filing cost in the transferee Court. Failure to comply with this rule within fourteen (14) days from the date of entry as to change of venue may form the basis for dismissal of the action.

2. Court as Transferee: The Clerk shall not file and docket any case transferred to this Court pursuant to venue change in application of Civil Rule 3(C) until a sum sufficient to secure costs has been deposited. Failure to comply with this rule within fourteen (14) days from receipt of the file from the transferor Court may form the basis for returning the file to the transferor Court.

3. Certification to Common Pleas Court: It shall be the responsibility of any party filing a counterclaim, crossclaim or third-party complaint exceeding the monetary jurisdiction of the Court to also file a motion to certify the case to the Court of Common Pleas. The motion shall be accompanied by a check or money order made payable to the Court of Common Pleas, in a sum of not less than the amount specified as security costs for that Court. Failure to comply within thirty (30) days of the filing of such counterclaim, crossclaim or third-party complaint shall be grounds for dismissal under Civil Rule 41(B).

RULE NO. 38: TRANSFER OF JUDGMENT

Pursuant to provisions of ORC §2329.02, the Clerk of Court shall accept for filing, a Certificate of Judgment or a Transcript of the Proceedings of the original Court which shall be docketed and numbered as if originally filed in this Court and the Clerk shall notify the original Court by mail that such transfer has been made.

RULE NO. 39: SMALL CLAIMS

A. A small claims action is commenced by filing a small claims complaint pursuant to ORC §1925.04. A small claims handbook is available from the Clerk of Court. The Clerk of Court shall accept claims for filing and shall not provide legal advice. A defendant is not required to file an answer or a statement of defense. A timely counterclaim or crossclaim may be filed. All pleadings will be construed to accomplish substantial justice. Should the Defendant fail to appear for the hearing, a judgment may be entered.

B. Continuances: A request for a continuance of a case set for hearing in the small claims division should be directed to the attention of the Small Claims Deputy Clerk not less than seven (7) calendar days prior to the hearing date.

C. Motions to Transfer to the Civil Docket: Unless good cause is shown, a motion to transfer to the regular docket shall accompany all timely, written counterclaims and crossclaims in excess of \$3,000.00 (or the jurisdictional limit) and shall be transferred to the regular docket. After transfer, the defending party shall have 28 days from judicial assignment, to move or plead. A motion to transfer (without a counterclaim or crossclaim in excess of \$3,000.00) must be filed seven days before trial and may be transferred to the regular docket. An untimely motion to transfer shall be stricken from the file. A jury demand shall not be allowed in a case filed in the Small Claims Division unless accompanied by a proper and timely motion to transfer to the regular docket. The movant must comply with Local Rule 25 regarding jury demands and all required fees and deposits must have been paid.

APPENDIX A

SCHEDULE OF COURT COSTS - CRIMINAL / TRAFFIC DIVISION

Effective August 12, 2019 the following Criminal/Traffic Cost Schedule is hereby adopted:

Appointed Counsel Fee	25.00
Bail Surcharge Fee (surety, cash or 10% bonds) (Personal bonds excluded)	25.00 (State imposed)
Deposit for costs	115.00
Costs for Moving Violations - Traffic	115.00
Computer	10.00
Special Projects	20.00
Legal Research	3.00
City Costs	43.00
Indigent Defense	20.00 (State Imposed)
Reparation fund	9.00 (State Imposed)
Driver's Alcohol Trt.	1.50 (State Imposed)
Cr. Justice Services	3.50 (State Imposed)
Ind. Defense Fund	5.00 (State Imposed)
Costs for Non-Moving Violations -Traffic	95.00
Computer	10.00
Special Projects	20.00
Legal Research	3.00
City Costs	52.00
Indigent Defense	10.00
Basic Criminal Costs (Misdemeanor)	115.00
Computer	10.00
Special Projects	20.00
Legal Research	3.00
City costs	43.00
Indigent Defense	20.00 (State Imposed)
Reparation fund	9.00 (State Imposed)
Driver's Alcohol Trt.	1.50 (State Imposed)
Cr. Justice Services	3.50 (State Imposed)
Ind. Defense Fund	5.00 (State Imposed)

Basic Felony Costs

Computer	10.00
Special Projects	15.00
Legal Research	3.00
City costs	38.00
Indigent Defense	30.00 (State imposed)
Reparation fund	9.00 (State imposed)
Dr. Alcohol Trt.	1.50 (State imposed)
Cr. Justice Services	3.50 (State imposed)
Ind. Defense Fund	5.00 (State imposed)
Additional costs per charge (Applied to Special Projects)	10.00
Adm License Fee	95.00
Probation Fee – Non Reporting	100.00
Reporting	150.00
Intensive	200.00
Theft Diversion Fee	150.00
Alcohol/Drug Program Fee	250.00
Sheriff's Fee	3.75
Non Appearance Notice	20.00
Operator's License Forfeiture Cost	30.00
License Forfeiture Reinstatement	20.00
Payment Plan Service Charge	30.00
Capias or Bench Warrant	30.00
Bond Forfeiture Hearing Notice	20.00
Grand Jury Transcript	20.00
Notice of Appeal	50.00
Appeal Deposit for Court of Appeals	150.00
Continuance Motion-Defendant's request	10.00
Witness Subpoena and Return	5.00
Witness Fees ½ day	6.00
Full day	12.00
Juror Fees (Both appeared and seated)	25.00
Expungement Filing Fee	50.00
Sealing of Record	50.00
Photostat copies	.10
Certified Copies	3.00
Immobilization Fee	100.00
Motion for Driving Privileges	75.00

Parking Ticket Fees

Appeal of Parking Ticket	30.00
Default Judgment Fee	10.00
Default Judgement rendered	25.00
Judgement fee	10.00
Late Notice	15.00
Magistrate's Entry	15.00
NSF fee for Parking Violations	25.00
Late Fee – violations prior to 2009	10.00
Motion to Vacation Default Judgement	20.00

The Clerk may require the appropriate deposit at the time of the filing of any Complaint or other document.

It is further ORDERED AND DECREED THAT THE Orders heretofore made relative to criminal/traffic/parking court costs be and they are hereby vacated, set aside and held for naught.

It is further ORDERED AND DECREED that this Order be and the same is hereby effective August 12, 2019.


JUDGE TERRY IVANCHAK


JUDGE THOMAS GYSEGEM

JOURNAL 2019 PAGE 41

JOURNALIZED
Warren Municipal Court
AUG 12 2019
MARGARET M. SCOTT
CLERK OF COURT

FILED
OFFICE OF THE CLERK
AUG 12 2019
MUNICIPAL COURT
WARREN, OHIO
MARGARET M. SCOTT, CLERK

APPENDIX B

IN RE: COSTS IN THE CIVIL DEPARTMENT)
OF THE WARREN MUNICIPAL COURT) **JOURNAL ENTRY**

Pursuant to authority vested upon us by law, we the Judges of the Municipal Court of Warren, Ohio, hereby amend the costs in the various civil actions as follows:

CIVIL COMPLAINT FILING WITH FED EX SERVICE		
ONE DEFENDANT		125.00
Filing	66.00	
House Bill 405	26.00	
Computerization	10.00	
Special Projects	20.00	
Legal Research	3.00	
EACH ADDITIONAL DEFENDANT ALL CAUSES		20.00
FORCIBLE ENTRY COMPLAINT (Eviction Only)		125.00
Filing	66.00	
House Bill 405	26.00	
Computerization	10.00	
Special Projects	20.00	
Legal Research	3.00	
FORCIBLE ENTRY COMPLAINT (Eviction/w money)		150.00
Filing	91.00	
House Bill 405	26.00	
Computerization	10.00	
Special Projects	20.00	
Legal Research	3.00	
REPLEVIN COMPLAINT		150.00
Filing	91.00	
House Bill 405	26.00	
Computerization	10.00	
Special Projects	20.00	
Legal Research	3.00	

COGNOVIT NOTE COMPLAINT		125.00
Filing	66.00	
House Bill 405	26.00	
Computerization	10.00	
Special Projects	20.00	
Legal Research	3.00	
CERTIFICATE OF JUDGMENT (TRANSFER)		120.00
Filing	61.00	
House Bill 405	26.00	
Computerization	10.00	
Special Projects	20.00	
Legal Research	3.00	
SMALL CLAIMS		95.00
Filing	53.00	
House Bill 405	11.00	
Computerization	8.00	
Special Projects	20.00	
Legal Research	3.00	
SMALL CLAIM EXAM		25.00
SMALL CLAIM TRANSFER TO THE REGULAR DOCKET		75.00
Filing	60.00	
House Bill 405	15.00	
MOTOR VEHICLE APPEALS (ALS, 12 PT, FRA)		145.00
Filing	86.00	
House Bill 405	26.00	
Computerization	10.00	
Special Projects	20.00	
Legal Research	3.00	
JUDGMENT ENTRY AFTER REPLEVIN HEARING		50.00
OBJECTIONS TO THE MAGISTRATE'S DECISION		30.00
SERVICE FEES ON ALL CIVIL FILINGS:		
ALIAS SERVICE (REGULAR MAIL)		20.00
CARRIER SERVICE (ALL CIVIL FILINGS)		20.00
PERSONAL SERVICE		30.00
CERTIFIED MAIL SERVICE IF REQUESTED		20.00

CERTIFICATE OF JUDGMENT	25.00
ALIAS SUMMONS	25.00
AMENDED COMPLAINT (SERVICE ONLY)	25.00
CROSS COMPLAINT	25.00
ANSWER AND THIRD PARTY COMPLAINT (Service only)	25.00
MOTION TO REVIVE, MODIFY, VACATE JUDGMENTS	50.00
ORDER IN AID OF EXECUTION (Wages)	
Filing and Service:	
Judgments \$0.00 to \$3,000.00	85.00
Judgments over \$3,000.00	145.00
ORDER IN AID OF EXECUTION (Bank)	51.00
Filing and Service	50.00
Bank	1.00
DISBURSEMENT FEE-Order in Aid of Execution-Wages	20.00
WRIT OF RESTITUTION	50.00
EXAMINATION OF JUDGMENT DEBTOR	30.00
EXAMINATION OF JUDGMENT DEBTOR (Add. Def.)	20.00
EXECUTION (Business or Automobile)	50.00
APPRAISERS DEPOSIT	150.00
CIVIL APPEAL	100.00
CIVIL APPEAL DEPOSIT FOR COURT OF APPEALS	150.00
MOTION FOR DEFAULT JUDGMENT	50.00
CONTEMPT OF COURT/MOTION TO SHOW CAUSE	50.00
EXEMPLIFIED COPIES	30.00
TRANSFER TO ANOTHER COURT	75.00
CIVIL CAPIAS	50.00

BMV SUSPENSION NOTICE		20.00
CONTINUANCE		10.00
ISSUING SUBPOENAS		5.00
Filing	1.00	
Service and Return	4.00	
WITNESS FEE (Each)	½ day	6.00
	Full	12.00
JURY DEMAND DEPOSIT		350.00
(One half to be returned if jury withdrawn two weeks prior to jury trial)		
CALLING JURY		20.00
Venire (Service and Return-each person)		5.00
JUROR (Seated and unseated)		25.00
LANDLORD/TENANT		01% of Deposit
TRUSTEESHIP		75.00
PHOTOSTATIC COPIES (Each page)		.10
CERTIFIED COPIES		5.00

It is further ORDERED AND DECREED that the Clerk shall collect the above respective costs as deposits at the time of filing any of the above documents.

It is further ORDERED AND DECREED that the Orders heretofore made relative to civil court costs be and they are hereby vacated, set aside and held for naught.

It is further ORDERED AND DECREED that the within Order be and the same is hereby effective September 3, 2019.


 JUDGE THOMAS P. GYSEGEM


 JUDGE TERRY F. IVANCHAK

JOURNAL 2019 Page 45

FILED
 OFFICE OF THE CLERK

JOURNALIZED
 Warren Municipal Court
 AUG 12 2019
 MARGARET M. SCOTT

AUG 12 2019
 MUNICIPAL COURT
 WARREN, OHIO
 MARGARET M. SCOTT, CLERK

**WARREN MUNICIPAL COURT
RULES OF PRACTICE AND PROCEDURE
BAIL BOND SCHEDULE APPENDIX C**

Pursuant to ORC 2937.22 and Ohio Rules of Criminal Procedure 46, the Warren Municipal Court hereby directs all police departments within the Court's jurisdiction to set bail as follows:

- The Judge or the Magistrate of the Court shall set bail in:
 - F1, F2, F3 cases and any **charges involving weapons**
 - Any case where the defendant is charged with Domestic Violence and/or Menacing by Stalking or Aggravated Menacing or Violating of a Temporary Protection Order
 - Any failure to appear charges other than minor misdemeanor

Other felony cases involving:

- F4 charges - \$5,000.00 surety only
- F5 charges - \$3,500.00 surety only

Misdemeanor cases:

- In misdemeanor cases where the officer in charge is of the belief that personal bail is insufficient using the factors set forth in Criminal Rule 46 ©, the bail should be set in accordance with the following schedule:

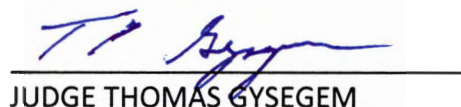
• First Degree Misdemeanor	\$1,000.00	10% or surety
• Second Degree Misdemeanor	\$1,000.00	10% or surety
• Third Degree Misdemeanor	\$1,000.00	10% or surety
• Fourth Degree Misdemeanor	\$1,000.00	10% or surety
• Traffic Offenses OMVI (4511.19) offense	\$1,000.00	Personal bond if 1 st
• Traffic Offenses OMVI (4511.19) offense	\$2,500.00	Surety if second
• Traffic Offenses (DUS & NO O.L.)	\$1,000.00	Surety
• Any MM failure to appear charges must appear	\$150.00	Cash only bond/still

Where a Judge or Magistrate has previously set a bond in a case, or has ordered a new bond in its last Capias / Warrant entry, that bail shall supercede the above bond schedule.

Additional guidelines: If the officer in charge is of the belief that the amount shown on this schedule is insufficient, the Judge or Magistrate shall be contacted for additional authority.

IT IS SO ORDERED:


JUDGE TERRY IVANCHAK


JUDGE THOMAS GYSEGEN

JOURNAL 2019

PAGE 47

JOURNALIZED
Warren Municipal Court
AUG 12 2019
MARGARET M. SCOTT
CLERK OF COURT

FILED
OFFICE OF THE CLERK
AUG 12 2019
MUNICIPAL COURT
WARREN, OHIO
MARGARET M. SCOTT, CLERK