

**COMMON
PLEAS
COURT OF
STARK
COUNTY**

2023 LOCAL RULES OF COURT

Effective March 31, 2023

The following rules govern the practice and procedure in the General Division of the Court of Common Pleas of Stark County, Ohio pursuant to Article IV, Section 5 (B) of the Constitution of Ohio.

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ALL DIVISIONS

RULE 1 - TIME TABLE FOR LAWYERS UNDER OHIO CIVIL RULES

The time allowed or permitted for the performance or completion of any act in handling matters before any Division of Court shall be as established by the Ohio Rules of Civil Procedure, Criminal Procedure, Juvenile Procedure and the Rules of Superintendence; or if a particular matter is not covered by the aforesaid rules, such time shall be as established herein or by Court Order. The "Time Table Under the Civil Rules" are included in the Rules Governing the Courts of Ohio published by the Anderson Publishing Company.

RULE 2 - PRESIDING JUDGE AND ADMINISTRATIVE JUDGES

2.01 Presiding Judge

The Presiding Judge shall be responsible for the general superintendence of all Divisions of the Court of Common Pleas pursuant to the Rules of Superintendence, henceforth cited as [Sup.R. 3](#). Every person appointed by the Court shall be amenable to the direction and discipline of the Court Administrator under the Presiding Judge and the particular Administrative Judge of each division of the Court. The Presiding Judge shall be selected by a majority of the Judges of all divisions of the Court and shall serve at their pleasure pursuant to [Sup.R. 3](#).

2.02 Administrative Judges

The Judges of the General Division and of the Family Division shall, by majority vote of all Judges of their respective Divisions, select one of their number to act as Administrative Judge. The Judge of the Probate Division shall be the Administrative Judge of that Division. The Administrative Judge shall be selected for an annual term and may be reelected. The current year's Administrative and Presiding Judges can be found at the Courts' Websites: <https://www.starkcountyohio.gov/elected-officials>

RULE 3 - DIVISIONS OF COURT

The divisions of the Court shall be as follows:

- (1) General Division (Civil and Criminal cases)
- (2) Family Court Division (Domestic Relations and Juvenile cases)
- (3) Probate Division

RULE 4 - HOURS OF COURT SESSIONS AND MEETINGS OF JUDGES

4.01 Sessions and Hours of the Court

The sessions of the Court shall be daily, Monday through Friday, from 8:30 a.m. to 12:00 (noon) and 1:00 p.m. to 4:30 p.m. The Court shall be in session at such other times and hours as the Administrative Judge or any Judge thereof shall prescribe.

4.02 Judges Meeting

In accordance with the Rules of Superintendence, the Judges of the Court shall meet at the call of the Presiding Judge for the purpose of discussing and resolving administrative problems common to all Divisions of the Court.

RULE 5 - JURY MANAGEMENT PLAN

5.01 General Administration

The responsibility for administration of the jury system shall be vested exclusively in the Court of Common Pleas of Stark County. All procedures concerning jury selection and service are governed by Ohio Revised Code and Ohio Rules of Court. Responsibility for administering the jury system will be vested in the Court Administrator for the Court of Common Pleas.

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

All required court cost deposits for jury demands must be paid within five (5) days of the standard pretrial order. Should costs for a jury demand not be paid, the Court will strike the jury demand. The fact that one party has made a jury demand does not act as a valid jury demand unless court costs have been paid.

5.02 Eligibility shall be limited by statutory exemptions only as stated in O.R.C. 2313.17

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

1. are less than eighteen years of age;
2. are not citizens of the United States;
3. are not residents of the jurisdiction in which they have been summoned to serve; to wit, Stark County; or
4. have been convicted of a felony and have not had their civil rights restored.

5.03 Grounds for Excusing Eligible Persons

In accordance with [Substitute Senate Bill Number 69 of the 122nd General Assembly](#):

Except as provided by section [2313.14](#) of the Revised Code, the Court of Common Pleas shall not excuse a person WHO IS liable to serve as a juror unless:

- (A) The juror is then necessarily absent from the county and will not return in time for service.
- (B) The interest of the public, or of the juror, will be materially injured by the juror's attendance.

When a person who is eligible to serve is excused in a case specified above ([O.R.C. 2313.14](#)), the juror can only be excused by the judge presiding in the case or a representative of the judge. The Jury Commissioners of the Court of Common Pleas of Stark County have been designated by journal entry as representatives of the judges. Any judicially approved excuse per this section ([O.R.C. 2313.14](#)) shall be duly recorded by the Jury Commissioners and retained pursuant to the records retention schedule on file in the Administrative Office of the Court of Common Pleas.

5.04 Postponement of Jury Service

A person may have their jury service postponed in accordance with O.R.C. [2313.15](#) of the Ohio Revised Code. The Court delegates authority to the Jury Commissioners to grant deferrals for jury service to a week certain, providing that the service is fulfilled in the one year continuous term in which the juror was summoned. All requests for deferral shall be made in writing or recorded by the Jury Commissioners and retained pursuant to the records retention schedule on file in the Administrative Office of the Court of Common Pleas.

5.05 Adverse Employment Actions Prohibited

The Court reminds residents and employers that our system of justice is based upon the right to trial by jury. Jury service is an obligation of all qualified citizens of Stark County, Ohio. Failure to attend when summoned to jury duty is a violation of the [Ohio Revised Code 2313.20](#). Employers are prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work when summoned to jury service, as stated in [Ohio Revised Code 2913.19](#). The Court recognizes the burden of jury duty on citizens and employers. The Court has shortened the length of jury service from three weeks to one week (five days) providing that a juror must continue to completion any trial started during this one week of service.

5.06 Jury Source List

Once each year, the list of registered voters shall be obtained from the Stark County Board of Elections in electronic form. The jury source list will be derived from the names of all electors shown on the registration list for the most recent past general election. This list will be compiled according to a mathematical formula as set forth in the jury selection calculation developed by the Stark County Information Technology Center. A copy of this formula is maintained by the Court Administrator and Jury Commissioners. A miscellaneous journal entry signed by the Judges of the General Division shall instruct that upon certification of the list of voters to the Jury Commission by the Stark County Board of Elections and in accordance with a journal entry filed with the Clerk of Courts setting forth the number of

prospective jurors to be called, the drawing of the annual jury list shall proceed until an adequate number of persons are drawn for the coming jury term (year). Pools for the Municipal Courts of Stark County shall be elected in the same manner by journal entry signed by a Judge of the Municipal Court. The output from the computer selection process shall be in the form specified by the Judges of the Court of Common Pleas and the respective Municipal Courts.

5.07 Notification and Summoning Procedures

The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person is hereby combined in a single document, phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems. The juror summons shall be delivered by ordinary mail. The Court Administrator shall have printed a summons clearly explaining how and when the recipient must respond and the consequences of a failure to respond to the questionnaire. The jury questionnaire shall be phrased and organized so as to facilitate quick and accurate screening. The questionnaire shall request only that information essential for determining whether a person meets the criteria for eligibility by providing basic background information ordinarily sought during voir dire examination and for managing the jury system. Policy and procedure for monitoring failures to respond to a summons and for enforcing a summons to report for jury service will be handled by the individual trial judge.

5.08 Voir Dire

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. To reduce the time required for voir dire, basic background information regarding panel members will be made available to counsel on the day on which jury selection is to begin. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time. The judge will ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

5.09 Removal from the Jury Panel for Cause

In accordance with [Ohio Revised Code 2313.17](#), if the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

5.10 Peremptory Challenges

Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

5.11 Juror Instruction

Trial judges are encouraged to give preliminary instructions to all prospective jurors. In addition, trial judges should instruct jurors directly following empanelment to explain the jury's role, trial procedures, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles. Before deliberations, the judge should instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions shall be made available, in writing, to the jurors during deliberations. Judges are encouraged to prepare and deliver instructions which can be readily understood by individuals unfamiliar with the legal system. Before dismissing a jury at the conclusion of a case, Judges should release the jurors from their duty of confidentiality and explain their rights regarding inquiries from counsel and the press and advise them that they are discharged from service.

All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

5.12 Jury Size and Unanimity of Verdict

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

5.13 Jury Deliberations

Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law. A jury should not be required to deliberate after a reasonable hour nor on weekends, unless the trial judge determines that such deliberations would not impose an undue hardship upon the jurors, and that they are required, in the interest of justice. Training shall be provided to personnel who escort and assist jurors during deliberation.

5.14 Sequestration of Jurors

A jury should be sequestered only for good cause determined by the assigned judge including, but not limited to, insulating its members from improper information or influences. The jury shall be sequestered after a capital case is submitted to the jury, in conformity with existing Ohio law. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration. Standard procedures will be promulgated to achieve the purpose of sequestration, and minimize the inconvenience and discomfort of the sequestered jurors. Training shall be provided to personnel who escort and assist jurors during sequestration.

5.15 Monitoring the Jury System

The Court Administrator shall collect and analyze information regarding the performance of the jury system in order to evaluate: the draw of the jury source list; the effectiveness of qualification and summoning procedures; the responsiveness of individual citizens to jury duty; the efficient use of jurors; and the cost-effectiveness of the jury management system. The Jury Commissioners are under the general supervision of the Court Administrator who may require the Jury Commissioners to maintain such records as necessary to assist in this assessment. The Administrator shall report all findings to the Judges concerning jury management including recommendations for corrective action.

5.16 Juror Use

The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques will be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

5.17 Jury Facilities

The Court provides an adequate and suitable juror assembly room located on the first floor of the Stark County Courthouse. The entrance and registration area are clearly designated and appropriately designed to accommodate prospective jurors summoned to the courthouse. The Administrative Office of the Court is charged with the responsibility of providing jury deliberation rooms that are conducive to reaching a fair verdict. The Stark County Sheriff is charged with the safety and security of the deliberation rooms. To the extent feasible, court staff will attempt to minimize contact between jurors, parties, counsel, and the public by limiting juror movement to those areas designated for jury assemblage, deliberation, and trial.

5.18 Juror Compensation

Persons called for jury service shall receive payment for jury duty pursuant to statute. In addition, the Administrative Office of the Court is charged with the responsibility of providing parking for all jurors in a lot under contract with the Court of Common Pleas at no expense to the jurors. The Court Administrator is also authorized to pay the mass transport for fares encountered by jurors on days summoned to serve. The Administrative Office shall see that such fees are paid promptly.

5.19 Contact with Jurors Post-Trial

Except on leave of court granted, no attorneys connected with the trial of an action shall themselves, or through any investigator or other person acting for them, interview, examine or question any juror with respect to the verdict or deliberations of the jury in the action while on Courthouse grounds or in designated juror parking areas.

RULE 6 - DOCKETS AND CALENDARS

6.01 Clerk Dockets

The Clerk of the Court shall prepare and maintain for the use of the Judges the following dockets:

1. A general case docket for General and Family Court Divisions;
2. Electronic journals for General and Family Court Divisions;
3. Index to the case dockets, Electronic or Paper;
4. Specialized Docket – Stark County Reentry Court
5. Specialized Docket – Stark County Honor Court
6. Specialized Docket – Stark County Drug Court, CHANCE Program
7. Specialized Docket – Stark County Court of Common Pleas Domestic Violence Court

6.02 Case Numbers

All cases, correctly prepared in conformance with Rule 9 herein, received by the Clerk for filing shall be numbered consecutively in a new series each calendar year.

6.03 Assignment

At the time of the initial filing of a civil case, the Clerk shall cause the case to be docketed and shall record on the file the name of the Judge to whom the case is assigned. Pursuant to Rules of Superintendence Rule 36, cases shall be randomly assigned through a program on the court case management system. Names of the Judges assigned shall be recorded in the Clerk's Office as listed on The Stark County Government's Websites: [Family Court Division](#) or [General Division](#).

6.04 Refiled Cases

In accordance with Rules of Superintendence Rule 36(D), in any instance where a previously filed and dismissed case is refiled, the Clerk of Court shall immediately reassign the case to the Judge originally assigned by lot to hear it, unless, for good cause shown, that Judge is precluded from hearing the case.

6.05 Clerk of Court Staffing

The Clerk shall assign a sufficient number of deputies to receive, process, image, and enter information required by the Court.

RULE 7 - COURT REPORTERS

7.01 Appointment

The Court Reporters of the Court of Common Pleas shall be appointed by the Judges to serve as pooled reporters. The Judges of the Court of Common Pleas may, "en banc," appoint a Chief Court Reporter who will supervise all Court Reporters and be responsible for their assignment. The Court Reporters appointed by the General Division Judges are available for use in jury trials by the Family and Probate Divisions of the Common Pleas Court. Transcript requests for non-jury hearings and trials in the Family and Probate Divisions shall be directed to the Judges of the respective Division.

7.02 Hours

Hours of Court Reporters shall be from 8:30 a.m. to 4:30 p.m. each working day and as otherwise directed by the Court.

7.03 Other Employment

Court Reporters shall not engage in any other employment as a court reporter.

7.04 Transcript Format

The format of the Transcript of Proceedings prepared by Official Court Reporters shall be as follows:

- (A) 25 lines to a page, pica type or Times New Roman if prepared by computer aided transcription;
- (B) Q & A to be 15 spaces from the left hand margin and identification of the speaker should be in upper case letters;
- (C) the indentation for the body of the question or answer should be 21 spaces from the left hand margin and paragraph indentation should be 30 spaces from the left hand margin;
- (D) the right hand margin is to be 5 spaces from the right hand edge;
- (E) an index to proceedings and exhibits is to be included in all transcripts.

7.05 Retention of Records / Record Retention of Notes and Exhibits

Court Reporters will retain their notes in accordance with the records retention schedule adopted by the Court. Upon expiration of time designated for each case type pursuant to this schedule, the Court Administrator will cause all notes and records to be destroyed. Court Reporter(s) shall mark each exhibit by party prior to being admitted into evidence. At the completion of a trial, the Court Reporter(s) shall convey an inventory list and the exhibits listed to the Evidence Administrator. The Court Reporter(s) will store electronically a copy of the CAT shorthand notes on a computer system for future transcription.

Ohio Law establishes the Court as owner of the record made by Court Reporters in courts of record. For this reason, the Court must take steps to ensure that a transcript of proceedings can be produced from notes at some time in the future. All notes are property of the Court of Common Pleas and shall not be removed from the facility other than for the purpose of

transcription by the reporter of record. In the event of the unavailability of any Court Reporter, the remaining pool will have access to that reporter's CAT dictionary and any electronically stored steno notes for transcript. The Court shall translate or use electronically stored CAT notes only with the knowledge of the Court Reporter or remaining pool.

7.06 Recording Fee

In every case recorded, the trial judge shall make an appropriate entry taxing the statutory fee for each day's service to be collected as other costs in the case. The compensation of reporters for making transcripts and copies shall be paid forthwith to the reporter by the party for whose benefit the same was made. Transcripts or proceedings filed in the Court shall bear the name and address of the reporter making up the same. A reporter shall not be required to prepare a transcript for any attorney unless served with a praecipe for the transcript or parts thereof and reasonable arrangements for payment have been made.

7.07 Transcript Fees

Transcript fees for all Divisions of the Court of Common Pleas are set at four dollars and twenty-five cents (\$4.25) per page for original pages. Overnight delivery transcript fees are set at five dollars and ninety-five cents (\$5.95) per original page. Fees for copies of original transcripts will be assessed pursuant to [R.C. Section 149.43](#).

7.08 CAT (Computer Assisted Transcripts) Fees

Fifty-three cents (\$0.53) per page will be paid by each reporter to the Court of Common Pleas – Stark County Treasurer for use of computer-aided transcription equipment purchased and maintained by the Court. All such payments shall be submitted to the Administrative Office noting the case numbers for which payment is being submitted.

RULE 8 - ADMINISTRATIVE OFFICES

8.01 Appointment of Administrator

A Court Administrator may be appointed and removed by the Judges of each division and shall be under the direct supervision of the Administrative Judge of each of the respective divisions.

8.02 Duties

The duties of the Court Administrator shall include the following:

- (A) Personnel Management;
- (B) Fiscal Management;
- (C) Technology Management;
- (D) Jury Management;
- (E) Facilities Management;

- (F) Public Relations;
- (G) Records Management;
- (H) Research and Advisory Services: identifying problems and recommending procedural and administrative changes to the court;
- (I) Intergovernmental Relations: acting as liaison to the government agencies;
- (J) Management of the exhibit and evidence room; and
- (K) Coordinate the Bailiffs to maintain efficient operation of the courts with respect to supervision of jurors, general safety, and orderly conduct of all persons using court facilities;
- (L) Provide training;
- (M) Other Duties: the Court may assign other duties to the Administrator as the Judges of the Court deem necessary.

8.03 Staff

The Administrator shall have such necessary staff to perform these duties as the Court may determine, from time to time. The staff will be subject to call by any Judge to perform duties as directed by the respective Judge.

8.04 Security Policy

All persons shall be subject to the Stark County Security Policy and Procedure Manual, as adopted and as amended by the Court, so that there is sufficient security to protect the integrity of Court procedures, to protect the rights of individuals before the Court, to deter those persons who would take violent action against the Court or litigants, and to sustain the proper decorum and dignity of the Court, and to ensure that Court facilities are secure.

GENERAL DIVISION

GEN RULE 9- PLEADINGS AND MOTIONS

9.01 Format

Attorneys are required to include their attorney registration number issued by the Supreme Court of Ohio on all documents filed with the General Division. All pleadings and motions must be legible, double-spaced and formatted in letter size (8 ½ X 11). The caption in every Complaint shall state the name and address, if known, of each party. Subsequent pleadings and motions shall state the number of the case, the name of the Judge to whom the case is assigned, the name of the first Party Plaintiff and the first Party Defendant on each side.

All motions, responses, and replies shall be filed and titled in the following manner:

1. Motion:
MOTION OF (Plt/Def) (Party Name)
(To/For) (Type of Motion)
2. Response:
RESPONSE OF (Plt/Def) (Party Name)

TO (Plt/Def) (Party Name)
MOTION (To/For) FILED (Date of Motion)

3. Reply:
In support of Motion (to/for) (type of motion)

Every pleading, motion, brief or other document filed in a cause shall be identified by title and shall bear the name of the individual attorney; the attorney registration number assigned by the Clerk of the Supreme Court of Ohio; the firm, if any; office address; email address; and telephone number and fax number of counsel filing the same. If there is no counsel, the same applicable information is required of the party filing the document.

9.02 Leave to Plea

Civil Rule 12, prescribing Rule Day for pleadings, will be strictly enforced. However, parties may obtain an extension of time, not to exceed thirty (30) days in which to answer, plead or otherwise move, when no such prior extension has been granted, by filing with the Clerk a written stipulation approved by all counsel providing for such extension. The stipulation shall affirmatively state that no prior extension has been granted. Neither the stipulation nor any entry to that effect need be submitted to the Court for the initial extension. If no such stipulation is obtained, or if an additional extension beyond the initial stipulated period is requested, the party desiring an extension must obtain the approval of the Court.

9.03 Amendments

Pleadings and motions may be amended as provided in Civil Rule 15, but no pleading or motion shall be amended by interlineation or obliteration except upon leave of Court first obtained. Upon the filing of an amended pleading or motion, the original or any prior amendment thereof, shall not be withdrawn from the files except upon leave of Court.

9.04 Filing of Discovery

In accordance with Ohio Civil Rule 5(D), depositions upon oral examination, interrogatories, requests for documents, requests of admission, and answers and responses thereto shall not be filed unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding. The Clerk of Court shall not accept for filing the transcript of a deposition unless it is accompanied by a certificate of compliance by counsel that the deposition is being filed on order of the Court or for use as evidence or for consideration of a motion to a proceeding. The same procedure shall be followed for discovery documents.

9.05 Objections to Interrogatories

An objection to an interrogatory will be noted as such below the particular interrogatory, but discussion thereon, must be submitted on a separate page with appropriate caption. Objections shall include, immediately preceding the discussions and citation of authority, the interrogatory in full to which objection is made.

9.06 Filing of Deposition Testimony for Use at Trial

- (A) Unless otherwise ordered by the Court, depositions must be filed no later than one day prior to the commencement of trial. Every deposition filed must contain either an index of objections or a separate objection transcript. Failure to comply with this rule may result in the waiver of any and all objections.
- (B) In addition to the requirements of Rule 13 of the Rule of Superintendence for the Courts of Ohio, if a video deposition is filed, then a transcript of the deposition must be filed simultaneously unless the transcript has been filed previously. The filing of the transcript must comply with Local Rule 9.05.
- (C) The Clerk shall not accept for filing any deposition unless it is accompanied by a certification from counsel that it is being filed in compliance with this rule and Local Rule Gen R 9.05.

9.07 Process Server – Continuing Appointment

(A) Application and Affidavit

A person may apply to be designated as a “standing process server” for cases filed in this court by filing an application supported by an affidavit setting forth the following information:

1. The name, address and telephone number of the applicant;
2. That the applicant is 18 years of age or older;
3. That the applicant agrees not to attempt service of process in any case in which the applicant is a party, counsel for a party, or related to a party by blood or marriage;
4. That the applicant agrees to follow the requirements of Civil Rules 4 through 4.6 and any applicable local rules, and specific instructions for service of process as ordered by the court in individual cases.

(B) Order of Appointment

The applicant requesting designation shall also submit an order captioned “In re: the appointment of (name of applicant) as standing process server” and stating as follows:

“It appearing to the Court that the following applicant has complied with the provisions of Local Rule 9.07, (name of applicant) is hereby designated as a standing process server authorized to make service of process in all cases filed in this Court, to serve until further order of this Court.”

(C) Recording Order

The Clerk of Courts shall record such appointment on the Court’s general docket and shall retain the original application and judgment entry. In any case thereafter, the Clerk of Courts shall accept a time-stamped copy of such an order as satisfying the

requirements of Civil Rule 4.1(B) for designation by the Court of a person to make service of process.

9.08 Certified Mail Electronic Return of Service

The Stark County Clerk of Courts shall accept service of process methods as outlined in Civil Rule 4.1 Process: methods of service, which methods shall include service of process utilizing advanced postal technology for service by certified mail. This advanced postal technology does not modify Civil Rule 4.1(A) Service by Certified Mail, but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation utilizing the Clerk of Courts electronic docket to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with now-existing Civil Rules.

All service of process of complaints and other documents served in this matter are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service process date being made available through the e-Filing system.

9.09 Facsimile Filing

I. PROVISIONS OF THE RULE

****Any application to Civil Filings is void once the e-Filing Rule is adopted and in place****

- A. The provisions of this local rule are adopted under Civ.R. 5(E) and Crim.R.12(B).
- B. Subject to the following conditions, pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission. Civil proceedings shall be filed by facsimile transmission to 330-451-7853. Criminal Proceedings shall be filed by facsimile transmission to 330-451-7066.

Commencing September 1, 2012, costs will be charged for incoming fax transmissions at the rate of \$2.00 for the first page and \$.25 for each additional page. Fax transmissions shall not exceed 10 pages. The fax transmission cost shall be charged to the case in which the documents are to be filed.

If an incoming fax transmission exceeds the 10-page limit, or fails to comply with the provisions of this rule, costs will still be assessed at the rate of \$2.00 for the first page and \$.25 for each additional page to the case in which the documents were to be filed. However, because the transmission exceeded the required page limit or fails to comply with the provisions of this rule, it will not be accepted for filing.

II. DEFINITIONS

As used in these rules, unless the context requires otherwise:

- 1. "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. "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.
4. "Source document" means the original document from which the image is transmitted to the court by facsimile machine/system.
5. "Effective original document" means the facsimile copy of the source document received by the Clerk of Courts and maintained as the original document in the Court's file.
6. "Effective date and time of filing" means the date and time that facsimile filing is accepted by the Clerk of Courts for filing.

III. APPLICABILITY

- A. This rule applies to civil and criminal proceedings in the General Division of the Stark County Court of Common Pleas.
- B. This rule does NOT apply to Order in Aid, objections to the attachment of property other than personal earnings, objections to garnishment of personal earnings, objections to prejudgment attachments, objections to orders of possession in replevin actions, probable cause hearings, and forcible entry and detainer proceedings. In these proceedings no facsimile transmission of documents will be accepted.
- C. The following documents will NOT be accepted for fax filing:
 1. original complaints;
 2. any document that requires a filing fee or deposit for cost;
 3. any document that requires the Clerk's Office to provide service;
 4. any document that requires a judge's signature;
 5. any document requiring to be certified or authenticated;
 6. any liens;
 7. registration of a notary;
 8. trial exhibits or evidentiary materials that are not on 8 1/2 x 11 paper;
 9. transcripts of depositions;
 10. any notice of appeal.
 11. any document exceeding 10 pages in length (see IX, Length of Document)
- D. If a proposed order is transmitted as part of a fax filing, it will be forwarded to the court for consideration and will not be filed until it is signed by the court.

IV. ORIGINAL FILING

- A. 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 Courts but must, however, maintain in his or 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.

- B. The source document filed by fax shall be maintained by the person making the filing until the case is closed, and the time for appeal has expired or the appeal has been heard or denied, and all opportunities for post judgment relief are exhausted.

V. COVER PAGE

- A. Only one pleading shall be filed by fax under each cover page. Each pleading requires a separate cover sheet.
- B. The person filing a document by fax shall also provide therewith a cover page containing the following information: [See Appendix A for sample cover page form.]
1. the name of the court;
 2. the title of the case;
 3. the case number;
 4. the assigned judge;
 5. the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
 6. the date of transmission;
 7. the transmitting fax number;
 8. an indication of the number of pages included in the transmission, including the cover page;
 9. if a judge or case number has not been assigned, state that fact on the cover page;
 10. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available.
- C. If a document is sent by fax to the Clerk of Courts without the cover page information listed above or the document is incomplete, it will be deposited in a file of failed faxed documents with a notation of the reason for the failure and the document shall not be considered filed with the Clerk of Courts. Failed faxed documents will be retained by the Clerk of Courts for 90 days.
- D. The Clerk of Courts is not required to send any form of notice to the sending party of a failed fax filing. The burden of confirming the receipt of a complete facsimile transmission is on the sending party.

VI. SIGNATURE

- A. A party who wishes to file a signed source document by fax shall do either of the following:
1. fax a copy of the signed source document; or
 2. 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 and it is in his or her possession or control.

- B. A party who files a signed document by fax represents that he or she physically signed the source document and it is in his or her possession or control.

VII. EXHIBITS

- A. 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 Clerk of Courts, as a separate document, not later than five 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.
- B. Any missing exhibits filed under section VII. A of this rule 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 Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss) and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. Missing exhibits filed under this section will be separately docketed by the Clerk of Courts. [See Appendix B for sample exhibit cover sheet.]

VIII. TIME OF FILING

- A. Subject to the provisions of the rule, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the fax transmission was received by the Clerk of Courts. The office of the Clerk of Courts will be deemed open to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays. 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 of filing, provided the document is deemed accepted by the Clerk. [The fact that fax filing may be available to file certain documents at times when the office of the Clerk of Courts is not otherwise open for business DOES NOT accelerate the time for filing. For example, if the time for filing a document falls on a Saturday, Civil Rule 6 and Criminal Rule 45 extend the time for filing to the next regular business day of the Clerk's office. This fax filing rule would NOT require the document to be filed by fax on Saturday. It would be due on the next regular business day of the Clerk's office whether filed physically at the Clerk's office or by fax on that day.]
- B. 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 Courts.
- C. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. In the event of dispute as to the date and time of a fax filing or the number of pages in the fax, the burden of proof is on the sending party.

IX. LENGTH OF DOCUMENT

Facsimile filings, including attachments, shall not exceed ten pages in length, excluding the cover page. A single pleading may not be divided into multiple facsimile transmissions in order to qualify under the ten page limit for facsimile filings. If the facsimile document received by the Clerk of Courts exceeds the page limit, it will be deposited in a file of failed faxed documents with a notation of the reason for the failure and the document shall not be considered filed with the Clerk of Courts. The Clerk of Courts will retain failed faxed documents for 90 days.

X. EFFECTIVE DATE

These local rules shall be effective September 1, 2022, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

APPENDIX A

**FACSIMILE FILING COVER PAGE
RECIPIENT INFORMATION:**

NAME OF COURT: _____

FAX NUMBER: _____

SENDING PARTY INFORMATION:

NAME: _____

SUPREME COURT REGISTRATION NUMBER.(if applicable): _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

E-MAIL ADDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER: _____

TITLE OF THE DOCUMENT: _____

JUDGE: _____

FILING INFORMATION:

DATE OF FAX TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

APPENDIX B

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

JOHN SMITH, Plaintiff,

Case No. : 1234567

v.

BILL JONES, Defendant.

Judge _____

*(in the alternative, a notation
here that the case is not yet assigned)*

PLAINTIFF SMITH'S NOTICE OF FILING EXHIBIT "G"
TO
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule 9.09.

Respectfully Submitted,

Attorney Name (Sup. Ct. Reg. No.)
Office/Firm
Address
Telephone
Facsimile
E-mail
Counsel for Plaintiff John Smith

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. mail on [date] to counsel for defendant Bill Jones, [name and address of recipient].

Attorney Name
Counsel for Plaintiff John Smith

9.10 Service by Publication

If service is to be perfected by publication pursuant to Rule 4.4(A)(1) of the Rules of Civil Procedure, the party or counsel for the party shall file with the Clerk of Courts an affidavit stating that service of summons cannot be made, together with a Notice of Publication stating a legal notice has been sent to a newspaper of general circulation. The party or counsel shall make arrangements and be responsible for all publication costs directly with the publisher. After the last publication, the party or counsel for the party shall file with the court an affidavit from the newspaper together with a copy of the notice of publication.

9.11 Filing by Electronic Means

- A. Attorneys and *pro se* litigants shall file all documents electronically and receive notice of filings electronically, absent a showing of good cause and unless otherwise ordered by the Court or otherwise excused by the Procedures for Electronic Filing.
- B. The Clerk of Court shall be governed by the Court's "Procedures for Electronic Filing" as set forth in Administrative Order and any amendment thereto, filed in case number 20__MI_____ and published on the website of the Stark County Court of Common Pleas.

Effective ___/___/20___ (Not yet in effect)

GEN RULE 10 - HEARINGS AND SUBMISSION OF MOTIONS

10.01 Submission of Motions

Motions, in general, shall be submitted and determined upon the motion papers hereinafter referred to. Oral arguments of motions may be permitted on application and proper showing.

10.02 Duty of Moving Party

The moving party shall serve and file with the party's motion a brief written statement of reasons in support of the motion and a list of citations of the authorities on which the party relies. If the motion requires the consideration of facts not appearing of record, the party shall also serve and file copies of all affidavits, depositions, photographs or documentary evidence the moving party desires to present in support of the motion.

10.03 Duty of Responding Party of Non-Dispositive Motions

Within fourteen (14) days after service, each party opposing the motion shall serve and file a brief written statement of reasons in opposition to the motion and a list of citations of the authorities on which the party relies. If the motion requires the consideration of facts not appearing of record, the party shall also serve and file copies of all affidavits, depositions, photographs or documentation evidence which the party desires to submit in opposition to the motion.

10.04 Discovery Obligations

Counsel must participate in pretrial discovery conferences as mandated by Civ. R. 26. To curtail undue delay in the administration of justice, no discovery procedure filed under Rules 26 through 37 of the Rules of Civil Procedure to which objection or opposition is made by the responding party shall be taken under consideration by the Court unless counsel state in writing that after personal consultation and sincere attempts to resolve differences they are unable to reach an accord. This statement shall recite those matters which remain in dispute, and in addition, the date, time and place of such conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.

10.05 Sanctions

The presentation to the Court of unnecessary motions, and the unwarranted opposition of motions, which in either case unduly delay the course of an action through the Courts, may subject an offender to appropriate sanctions including the imposition of costs and fines.

GEN RULE 11 - REPRODUCTION OF MEDICAL RECORDS

11.01 Orders for Reproduction

Upon motion of any party showing good cause therefore and upon notice to all other parties, the Judge may order any medical provider in the county, by any agent thereof competent to act in its behalf, to reproduce, all or any portion of designated medical provider records or X-rays, which constitute or contain evidence pertinent to an action pending in this Court.

11.02 Objections to Reproductions

Objections to the admissibility of such medical records shall be deemed reserved for ruling by the court and pursuant to their Trial Protocol.

11.03 Record Fees

Movant(s) shall pay the record reproduction charges directly to the medical provider.

GEN RULE 12 – GENERAL CALL OF THE DOCKET [REPEALED]

GEN RULE 13 - PRE-TRIALS

(A) A pretrial conference may be held on a date and at a time certain, at which time all parties and their counsel must appear, unless otherwise noted. Any party need not appear if such absence is approved by opposing counsel and the Court. The Court may excuse the presence of any party after prior notice to opposing counsel. All cases involving insurance shall in addition require the presence of an insurance company

- representative with authority. The Court may, prior to said pretrial conference, excuse the presence of such representative after notice to opposing counsel, or allow said representative to appear by telephone.
- (B) Notice of assignment of cases for pretrial conference shall be provided to counsel of record and/or pro se litigators at least two (2) weeks prior to such conference.
 - (C) If a pretrial statement with summarization of the issues and damages is required by the assigned Judge, such shall be filed with the Clerk of Court, with a copy served upon opposing counsel.
 - (D) In the event that neither the Plaintiff nor counsel appears for a pretrial conference, the Court may dismiss the case without prejudice.
 - (E) In the event that neither the Defendant nor counsel appears for a pretrial conference, the Court at Plaintiff's request, may hear evidence and decide a case triable to the Court, or if it be a case triable to a jury, may accept Plaintiff's waiver of trial by jury, hear evidence and decide the case.
 - (F) At the conclusion of the initial pretrial conference, a Case Management Order shall be issued, when applicable.

GEN RULE 14 - ASSIGNMENT OF CASES FOR TRIAL

14.01 Assignment

All civil cases shall be assigned to a Judge, pursuant to Local Rule 6.

14.02 Companion and Re-Filed Cases

Cases voluntarily dismissed under Civil Rule 41 and subsequently re-filed shall be assigned to the same Judge to whom the case was originally assigned and assessed a fee. Any re-filed case not designated as such by counsel at the time of filing of the Complaint, shall be assessed an additional fee.

14.03 Trial Dates

The Assigned Judge shall select trial dates upon which a case shall be heard. Notice of pretrial and trial assignments shall be served via e-Filing on counsel of record, and to parties who are not registered users in the e-Filing system at their last known address.

14.04 Failure of a Party to Appear for Trial

If a party seeking affirmative relief, either personally or through counsel, fails to appear for trial, the Judge may enter an order dismissing the claim for relief for want of prosecution. If a Defendant, either in person or by counsel, fails to appear for trial, and the party seeking affirmative relief does appear, the Court may order such party to proceed with the case and decide and determine all matters *ex parte*.

14.05 Failure of a Party to Prepare for Trial

If a party or counsel appears for trial but shows good cause as to why the party or counsel is not ready for trial, the Court shall make such order or orders as it deems proper. If a party or counsel appears for trial but indicates the party or counsel is not ready for trial without showing good cause for unreadiness, the Court, if such party is one seeking affirmative relief, may enter an order dismissing the claim for want of prosecution, or if a party defending a claim, order the party seeking relief to proceed with the case.

14.06 Motions to Continue

Motions for continuance must be in writing and shall contain the reasons for the request for continuance. Any continuance shall be granted only by the trial Judge having jurisdiction of the case.

14.07 Notice of Settlement and Assessment of Juror Costs

When a case which has been assigned for trial has settled, counsel for the party seeking affirmative relief shall immediately notify the Assigned Judge and prepare a judgment entry in compliance with Rule 18 herein. Failure to provide notice of settlement to the Court no later than the Friday preceding the week in which the case is scheduled to commence trial without good cause shown, may result in the costs of the assigned jurors for said trial being taxed as costs to one or more of the parties.

14.08 Scheduling Conflict

In the event two cases assigned for trial on the same date under Rule 14.03 are unresolved at trial time, and the Assigned Judge believes that both cases will require trial, at the request of the assigned Judge, the Administrative Judge may transfer one case to another Judge for trial.

14.09 Precedence of Criminal Trials

Trials of criminal cases are to take precedence and shall be assigned in accordance with Rule 17.10.

GEN RULE 15 – PASSING AND DELAY OF CASES [REPEALED]

GEN RULE 16 MEDIATION

16.01 Uniform Mediation Act and Definitions

The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule. Frequently used definitions include:

- A. “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.

- B. “Mediator” means an individual who conducts a mediation.
- C. “Mediation Communication” means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- D. “Nonparty participant” means a person other than a party or mediator that participates in a mediation.

16.02 Cases Eligible for Mediation

- A. General. The court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
- B. Exceptions. Mediation is prohibited in the following:
 - 1. As an alternative to the prosecution or adjudication of a civil stalking protection order;
 - 2. In determining whether to grant, modify, or terminate a protection order;
 - 3. In determining the terms and conditions of a protection order;
 - 4. In determining the penalty for violation of a protection order.

16.03 Confidentiality

- A. General: All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.

By participating in mediation, a nonparty participant, as defined by [R.C. 2710.01\(D\)](#), submits to the court’s jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

- B. Exceptions: All mediation communications are confidential with the following exception:
 - 1. Parties may share all mediation communications with their attorneys;
 - 2. Certain threats of abuse or neglect of a child or an adult;

3. Statements made during the mediation process to plan or hide an ongoing crime;
and
4. Statements made during the mediation process that reveal a felony.

16.04 Referral to Resources

The court administrator shall maintain resources for mediation parties and encourage appropriate referrals to legal counsel and other support services.

16.05 Mediator Training and Education

A mediator shall meet the qualifications of and comply with all training requirements of [Sup.R. 16.23](#) and adopted pursuant to [Sup.R. 16.22](#) governing mediators and mediation.

16.06 Mediator Selection and Assignment

The following methods may be used to determine the mediator for the case:

- A. The court may assign a court mediator to mediate
- B. The court may randomly assign a mediator to the case from the court's roster of approved mediators
- C. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case
- D. Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education and training requirements set forth in section (5) above.

16.07 Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

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

16.08 Mediation Statement

At least five (5) days before a mediation or arbitration, the parties shall submit to the Mediator:

Each party shall submit to the Mediator and opposing parties a mediation statement setting forth the legal and factual issues in the case, the damages, the status of discovery, and settlement positions. This statement will not be filed in the case.

16.09 Party/Nonparty Participation

Parties to informal cases such as pre-filing or diversion may voluntarily attend mediation sessions.

Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.

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

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or, 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.

By participating in mediation a nonparty participant, as defined by [R.C. 2710.01\(D\)](#), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by [R.C. 2710.03\(B\) \(3\)](#) and [2710.04\(A\) \(2\)](#).

16.10 Termination

If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

16.11 Stay of Proceedings

Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation unless expressly permitted by these rules or by court order.

Only the following documents may be filed while a mediation stay is in effect:

1. Motion to lift the mediation stay;
2. Response to a motion to lift mediation stay;
3. Motion or Stipulation to dismiss the case; and
4. Notice related to counsel.

16.12 Continuances

It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The mediation may be continued by the mediator or the judge or magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

Continuances of Mediation are counter-productive and requests are discouraged absent exigent circumstances. Requests for continuances of scheduled mediations must be in writing with specific reasons and directed to the Mediation Office. Requests made at least two (2) weeks before the scheduled date will be referred to the assigned mediator for a decision. Requests made within two (2) weeks of the scheduled date must go to the assigned Judge/Magistrate for a decision.

16.13 Attendance; Sanctions

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned judge or magistrate, up to and including a dismissal of the case or adverse judgment.

16.14 Evaluation, Comments, and Complaints

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible that maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints or feedback regarding the performance of mediators receiving referrals from the court.

GEN RULE 17 - SUPPLEMENTARY RULES OF CRIMINAL PROCEDURE

17.01 Initiation of Criminal Cases

- (A) Each of the judges sitting in the General Division of the Stark County Common Pleas Court shall serve as Criminal Judge for a period of three (3) months consisting of one term of Court. The Judges will rotate in order of the Courtroom number.
- (B) The Grand Jury tenure and proceedings will be conducted in accordance with [Rule 6 of the Ohio Rules of Criminal Procedure](#) and [Chapter 2939 of the Ohio Revised Code](#).
- (C) The prosecuting attorney shall refer all requests by grand jurors to be excused, whether temporary or permanent, to the Judge presiding over the Grand Jury.
- (D) The Judge sitting as Criminal Judge shall handle all Grand Jury matters including the appointment of Grand Jury foreman and deputy foreman, the receiving of reports by the Grand Jury and the giving of any necessary instructions.
- (E) The official Court Reporter shall not prepare transcripts of testimony of Grand Jury proceedings except upon order of the Court, or upon an order of the prosecuting attorney. Said order shall be in writing and directed to the Court Reporter.
- (F) Arraignments for defendants who are in custody at the Stark County Jail will be conducted over the video and audio link with the courtroom, pursuant to [Rule 10\(B\)\(2\) of the Ohio Rules of Criminal Procedure](#). Defendants will not be transported to court for their arraignment unless they or counsel object to the video arraignment procedure and request the opportunity to personally appear in court to enter their plea of “Not Guilty.” Entering a plea over the video link will be considered a waiver of their right to present in court for their arraignment only. Defendants in custody will be transported to court for all other hearings in their cases.

An attorney from the Public Defender’s Office will be permitted access to the secured area of the jail for the video arraignments. Private counsel appearing in the courtroom for arraignments will have access to a secured telephone line if they wish to speak privately with their client.

17.02 Fees and Indigent Defendants

- (A) Payment and/or reimbursement of fees to attorneys who have been appointed to represent indigent Defendants shall be made based on the Stark County Commissioners’ most recent fee schedule resolution.
- (B) Extraordinary Fees. The Judges recognize that a set fee cap is inappropriate in some cases because of the number of days required to try a case or because of an extraordinary amount of investigation work. In such instances, the Judge, in the Judge's discretion, may allow an amount greater than the suggested amount. Additional payment and/or reimbursement for extraordinary cases will only be made with approval of the trial court.
- (C) Expenses must be approved by the Judge before incurred and itemized when presented for payment. Payment and/or reimbursement for expenses associated with providing representation shall be made when submitted with the attorney's fee

certificate (OPD-1026), Affidavit of Indigency, Journal Entry of Appointment and approved by the trial Judge. Expenses include, but are not limited to, such items as expert witness fees, polygraph examination costs, parking and meal expenses, long distance telephone calls, copying, and other necessary items as approved in the discretion of the Court.

- (D) The Judges of the Court of Common Pleas may reduce or refuse to approve any fee certificates submitted for approval of the court if the fee certificate is submitted outside of the filing schedule detailed in the Stark County Commissioners most recent fee schedule resolution.

17.03 Withdrawal of Appointment

When an attorney appointed by the Court to represent an indigent defendant discovers a conflict or that the defendant has sufficient income or other means, the attorney shall report the facts in open Court in the defendant's presence. If the Court rescinds the appointment, the defendant shall be advised by the Court that the defendant is free to employ counsel of the defendant's choice.

17.04 Criminal Case Filing and Court Designation

- (A) The Clerk, upon receiving a criminal bind over packet from a Municipal Court, or upon receiving a secret indictment from a grand jury, shall immediately assign a case number.
- (B) The Prosecuting Attorney, when drawing an indictment in compliance with the findings of the Grand Jury, shall comply with [Rules 6, 7 and 8 of the Ohio Rules of Criminal Procedure](#) and [Chapter 2941 of the Ohio Revised Code](#) in all respects and endeavor to maintain the original case number assigned. Where the indictment joins two or more defendants, the indictment should be returned under the lowest case number.
- (C) Upon the request of the prosecuting attorney, the Clerk shall forthwith issue a warrant (capias) or summons for each Defendant named in every indictment. A copy of the indictment shall be attached thereto containing an appropriate place for the return by the Sheriff of the service of the indictment. The warrant (capias) or summons shall be executed or served and a return to the court made therein in accordance with [Rule 9 of the Ohio Rules of Criminal Procedure](#).
- (D) Upon filing of the indictment, computer generated random assignment to specific Judges will be made pursuant to [Rule 36 of the Rules of Superintendence](#). The date and time of arraignment shall be set by the Criminal Judge, and the Clerk of Courts shall notify the Defendant as follows:
 - (1) By preparing and delivering to the Stark County Sheriff a written arraignment schedule listing each Defendant who is in jail and containing the arraignment information.
 - (2) By mailing a notice of arraignment to each Defendant who is not in jail with a copy to the Defendant's lawyer and bondsman.

17.05 Entry of Appearance of Counsel

- (A) An attorney who represents a defendant in a criminal case shall enter an appearance at the time of arraignment or file a notice of appearance.
- (B) When a defendant is unable to employ counsel, the Court shall appoint counsel to represent the defendant pursuant to [Rule 44 of the Ohio Rules of Criminal Procedure](#), which appointment shall be reflected by entry filed with the Clerk.
- (C) Appointment of counsel for indigent defendants will be made by the Court. To ensure equitable distribution of appointments between attorneys, General Division appointments will be made pursuant to the Court's written "[Guidelines for Appointment of Counsel](#)."
- (D) Upon arraignment of a defendant, an entry shall be filed with the Clerk reflecting the arraignment and the details thereof including the name of the defendant's counsel.
- (E) An attorney who appears or enters an appearance for a defendant shall not be permitted to withdraw except in open court in the presence of the defendant and upon written entry approved and filed not less than thirty (30) days before the date assigned for trial.

17.06 Suspended Criminal Cases

- (A) Criminal cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes upon Motion and shall not be subject to dismissal for want of prosecution. A case shall be reactivated when the defendant is available and proceedings resumed or when such case is dismissed.
- (B) No case in which the defendant has absconded shall be suspended until any bail has been forfeited and judgment entered thereon.

17.07 Search Warrants

- (A) The Clerk shall maintain a separate index and docket for each warrant.
- (B) Where the Judge files with the Clerk, pursuant to [Rule 41\(E\) of the Ohio Rules of Criminal Procedure](#), the search warrant, copy of the return, inventory OR ANY other papers in connection therewith, the Clerk shall secure said documents in a separate jacket, consecutively numbered and indexed by name.
- (C) If property is seized it shall be held by the officers or arresting authority who seized the property for safe keeping unless the court directs otherwise.

17.08 Bail Bond Procedures

[Rule 46 of the Ohio Rules of Criminal Procedure](#) will govern in all cases. Criminal bond in cases shall be determined on a case by case basis. A standard criminal bond is not mandatory and the judge setting the bond may deviate from the standard criminal bond herein established where the totality of the circumstances in the judge's discretion warrant it.

Notice of bail forfeiture shall be sent by the Clerk to the defendant and to the Surety in a form as may be approved by a Judge. Once judgment is rendered on the forfeiture of a bond, payment in full is required within fifteen (15) days of the judgment. On appearance or

surrender of the defendant within sixty days, the Court shall remit twenty-five percent (25%) of the judgment of the forfeited bond.

17.09 Criminal Case Management

- (A) Criminal cases will be assigned for hearing or trial by the Judge to whom the case is assigned.
- (B) A date certain will be assigned for pretrial at the arraignment and a date certain for trial will be assigned at the time of pretrial.
- (C) The Clerk's Office shall be responsible for notification of all hearings and trials to all parties concerned, including the prosecuting attorney and defense counsel.

17.10 Continuance of a Trial

All requests for continuance shall be made by written motion supported by an affidavit showing just cause as soon as possible prior to the trial. Notice of the filing of such motion shall be served upon opposing counsel who may forthwith file an affidavit in opposition. If the defendant has no counsel and a motion for continuance is filed by the prosecuting attorney such notice shall be served on the defendant. The motion shall be submitted upon the affidavit or upon oral hearing as the trial Judge may direct. Any continuance granted shall include a date for the next appearance.

17.11 Post Conviction Relief

All cases involving post conviction relief pursuant to [2953.21](#) shall be docketed by the Clerk. At the time of the filing the Clerk shall determine the appropriate courtroom where the original underlying criminal case was assigned and the post conviction relief matters shall be reassigned to that courtroom or to the Administrative Judge if the appropriate courtroom cannot be determined. The Clerk shall immediately forward copies of all post conviction filings to the appropriate courtroom and to the County Prosecutor's Office.

17.12 Civil Forfeitures Related to Criminal Cases

All civil cases seeking forfeiture of property or other relief because of a relationship to conduct alleged to be a criminal offense shall be docketed by the Clerk as miscellaneous civil filings. At the time of the filing the Clerk shall determine whether a criminal action is then pending, or previously was pending, based on substantially the same conduct alleged in the civil forfeiture action. Where such a criminal action is or previously was pending, the civil forfeiture action shall be reassigned to the Judge to whom the pending or prior criminal action is or was assigned.

Where such a criminal action has not previously been filed, the civil forfeiture action will be assigned to the current Administrative Judge for further handling.

Where such a criminal action is later filed after the filing of a civil forfeiture action, any party to the civil forfeiture action may make application to the Court for reassignment of the civil forfeiture action to the Judge to whom the corresponding criminal matter is assigned.

GEN RULE 18 - JUDGMENT ENTRIES

Upon filing of any motion, Counsel may submit a proposed entry for review, unless otherwise specified by the Court. The Court shall approve a judgment entry deemed by it to be proper, sign the same and cause it to be filed with the Clerk, and notice of the filing of each judgment entry be given to all parties. The time for the doing of any other act resulting, caused or required by the filing of such judgment entry shall not commence until such notice has been given. All non e-Filing parties shall be served with a copy of the judgment entry by the preparing party.

GEN RULE 19 - COURT FILES AND PAPERS

No person (except a Judge of the Court) without consent of the Administrative Judge shall remove any Court papers, files of the Court or parts thereof from the custody of the Clerk; provided, however, that such files may be removed in accordance with the provisions of Rule 16 hereinabove.

GEN RULE 20 - SECURITY FOR COSTS

20.01 Deposits for Filing

- (A) No civil action or proceeding shall be accepted by the Clerk for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by law. Such advance deposit shall be in accordance with the schedule approved by the Court and prepared and published by the Clerk from time to time.
- (B) Any other deposits required for filing can be found on the Clerk of Court's [Deposits and Fees](#) page.

20.02 Additional Costs Required

- (A) In cases transferred to the Common Pleas Court in which the demand of the counterclaim exceeds the monetary jurisdiction of the Municipal Court the counter claimant shall post security for costs in a sum equal to the amount required if the case was originally filed in this Court.
- (B) In cases with multiple parties, the Clerk may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the cost thereof.

20.03 Affidavit of Indigency

An affidavit of indigency filed in lieu of cash deposit must state the reasons for the inability to prepay costs and is subject to Court review at any stage of the proceedings. The filing of

an affidavit of indigency pursuant to this rule is not determinative of whether a party will be assessed costs.

20.04 Costs Secured by Plaintiff

This rule shall be subject to the provisions of Sections [2323.30-31](#) of the Ohio Revised Code.

20.05 Application of Deposit

Upon final judgment, the Clerk of Courts is directed to apply the deposit for costs to the costs in the case, regardless of the party against whom costs are assessed. The Clerk shall thereupon assess the costs against the proper party, and notify and bill such party, reimbursing the Court costs depositor upon receipt of such cost.

20.06 Default Rules for Application of Costs

All entries, orders, or notices terminating or dismissing any case shall designate the party or parties responsible for the payment of costs. In all cases where no party is designated as provided in this rule, then the security deposits shall be applied toward the payment of costs in the order in which the security deposit(s) were received by the Clerk. Any costs in excess of the security deposit(s) shall be billed to the party initiating the action. Any excess deposit(s) shall be reimbursed to the depositor upon journalization of an entry, order, or notice terminating or dismissing the case. No extraordinary items shall be taxed as costs unless approved, in writing, by all counsel, or unless ordered by the Court.

20.07 Costs and Foreclosure Actions

- (A) If property is sold at a Sheriff's sale, unless otherwise ordered by the Court, costs shall be paid from the proceeds of the sale and the security deposit shall be reimbursed to the depositor upon journalization of a decree of confirmation.
- (B) Unless otherwise ordered by the Court, if property is not sold at a Sheriff's sale, the security deposit shall be applied toward any accrued costs. Any excess security deposit remaining shall be reimbursed to the depositor. Any excess deposit to be reimbursed shall be disbursed upon journalization of an entry terminating or canceling a Sheriff's sale.

20.08 Previously Assessed Costs Due Upon Filing

If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the Court may make such order for the payment of costs of the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order. [\[Ohio Civil Rule 41\(D\)\]](#)

GEN RULE 21 - APPEALS TO THE COURT OF COMMON PLEAS FROM ADMINISTRATIVE AGENCIES

21.01 Briefing Schedule

In all appeals to the Court of Common Pleas provided in [Section 119.12 of the Ohio Revised Code](#) and in [Chapter 2506 of the Ohio Revised Code](#) from administrative agencies the time for filing the brief shall be as follows:

- (A) Within twenty (20) days after the filing of the record of proceeding with the Clerk of the Common Pleas Court, the appellant shall file his assignments of error and brief.
- (B) Within twenty (20) days after the appellant's brief has been filed, the appellee shall file its brief and assignments of error, if any.
- (C) Within ten (10) days after filing of the appellee's brief, the appellant may file a reply brief.
- (D) For good cause, the Court may, upon motion, extend the time for filing the brief and assignments of error.
- (E) Upon expiration of the time for filing the brief as set forth above, the case will be considered submitted on briefs unless oral argument is requested in writing and granted by the Judge to whom the appeal is assigned.

21.02 Industrial Commission Appeals

The above rules do not apply to appeals from the Industrial Commission pursuant to [Ohio Revised Code Section 4123.512](#).

GEN RULE 22 - RECEIVERSHIPS

In all cases where receivers are appointed by this Court, the following shall apply:

- (A) Unless the Court by entry specifically authorizes the receiver to continue a business, the receiver shall expeditiously take control of the assets of the defendant debtor, give notice to all known creditors of his appointment and afford them opportunity to present and prove their claims, cause the assets to be inventoried and appraised, determine the validity and priority of creditor's claims, take such steps as may be necessary to reduce the assets to cash and make distribution of said cash between the various classes of creditors.
- (B) Within two (2) months after the appointment, the receiver shall report to the Court, submitting the inventory and appraisal, and including an account of receipts and expenditures to date. Such documents shall be filed with the Clerk. The several matters herein referred to shall be considered by the Judge to whom the case is assigned and the Judge's approval thereof shall be by entry, approved first by the receiver and counsel.
- (C) Semiannually after filing the first report with inventory, appraisal and account, the receiver shall file with the Clerk, consecutively numbered reports, with accounts, for approval by entry by the Court as to all receipts and expenditures made by the receiver during the reporting period and a summary of plans for the future conduct of the receivership.

- (D) In cases involving receivers appointed to take charge of property and to collect rents and other income, the receiver may expend funds, without first having obtained Court approval, to pay for insurance premiums, water and utility bills, and to make emergency repairs as are necessary for the proper maintenance of the property. For authority other than that conferred upon the receiver by virtue of this rule, the receiver shall make application to the Court for such authority.
- (E) In all receiverships in which property appraised in excess of One Thousand Dollars (\$1,000) is to be put up for public or private sale, the receiver shall file in advance of such sale a report with the Court showing the amount of expenditures incurred or to be incurred prior to the time the sale is to be conducted.
- (F) An application for payment of receiver's and counsel for receiver's fee (partial or final) shall be filed with the Clerk for approval by the Court. Notice of filing shall be provided to all counsel and unrepresented parties. Such applications shall show time spent on enumerated items, amounts of money collected, dispersed and on hand, the status of secured and unsecured creditors' claims, including amounts claimed, payments made thereon and balances due, the amounts and dates of prior fees authorized in the case and an estimate of the amount of time necessary to complete work in the receivership and make final distribution. The Court may approve or set for hearing the matter of receiver's fees or counsel for receiver's fees not sooner than ten (10) days after the filing of the application therefore.
- (G) Failure to file an inventory and appraisal, accounts or other reports as contemplated by this Rule may constitute cause for removal of the receiver and/or attorney and for withholding of fees for the receiver and/or attorney.

GEN RULE 23 - NOTARIES PUBLIC [REPEALED]

GEN RULE 24 - FORECLOSURE, QUIET TITLE AND PARTITION ACTIONS

24.01 Preliminary Judicial Report

In actions to quiet title, partition and for the marshaling and foreclosure of liens on real property, except those involving registered lands, the plaintiff shall procure and file with the Clerk, within thirty (30) days after the filing of the complaint, evidence of the record title to the property in question including but not limited to the names of the owners of the property, the record volume and page numbers of the next preceding recorded instrument by or through which the owners claim title, and the names of all lien holders of record, and any other parties claiming an interest in the real property. Evidence of title may be demonstrated by a preliminary opinion of an attorney in a form and to such extent as would satisfy the requirements of the Marketable Title Act or preliminary judicial report issued by a title insurance company. Such opinion or report shall be rendered as of the last date upon which all titleholders have been served the complaint and shall include all matters affecting the title up to and including the last date upon which all titleholders have been served the complaint. Upon failure of the plaintiff to timely comply with the foregoing requirements, any other interested party upon notice to plaintiff, may procure leave to furnish and file such evidence of title within the ensuing thirty (30) days. Such evidence of title or copy thereof shall become and remain a part of the files in the case. Where the evidence of title indicates that necessary

parties have not been made defendants, the party filing the same shall proceed without delay to cause such new parties to be added and served. The opinion of title or judicial report shall be for the benefit of the purchaser at any sale resulting from the action filed.

24.02 Grounds for Dismissal

Failure to comply with the foregoing rule shall be grounds for dismissal of an action. Dismissal may be granted on motion of any party or upon the motion of the Court.

24.03 Title Work Expense

Unless otherwise ordered by the Court, the expense of the title work required under this rule in an amount not exceeding Four Hundred Dollars (\$400) for each property involved may be taxed as a part of the costs in favor of the plaintiff or other party who furnished the evidence of title.

24.04 Confirmation of Sale and Satisfaction of Liens

No Confirmation of Sale and Distribution Entries shall be submitted to the Court which do not provide for complete distribution of the sale proceeds, unless prior Court approval is obtained. Confirmation entries shall provide for payment to the Stark County Treasurer of all required real estate taxes. Real estate taxes shall include all current and delinquent taxes and assessments, penalties, interest, tax lien certificates, and pro-rated amounts in the current year preceding the date of confirmation of sale. The party responsible for preparation of the entry shall obtain a verification of the amount due from the Treasurer's Office. When judgment liens are ordered to be satisfied, the attorney of record shall file a Satisfaction of Judgment with the Clerk of Courts to be entered on the Judgment Lien Satisfaction Docket.

24.05 Service of Treasurer

In all foreclosure actions it shall not be necessary to name the Stark County Treasurer as a party unless plaintiff or another party is contesting the real estate taxes appearing on the tax records, either to the amount or validity, or as to the priority of real estate taxes as the first and best lien, or as to the validity or priority of a personal property tax lien or other lien held by the Treasurer. The Clerk shall deliver a copy of the complaint but not a summons to the Treasurer in all cases in which the Treasurer is not named a party. In all foreclosure actions in which the Treasurer has been named a party, and in which the taxes are not in dispute, the Treasurer need not file an answer to the complaint or to any cross-claims, counterclaims or third-party complaints. The Treasurer may intervene in the foreclosure action as a defendant and file a cross-claim and/or third party complaint to foreclose the lien of delinquent taxes or tax lien certificates or assert any other claim properly joined in the action, just as though named as a defendant in the original action. Even when the Treasurer is not named a party in the action, the Plaintiff shall serve the Stark County Prosecutor a copy of the proposed and final confirmation entry or dismissal entry.

GEN RULE 25 - SHERIFF'S SALES

25.01 Sale Day Proceedings

In every Sheriff's sale of real property, the successful bidder as purchaser, shall be required to deposit by 12:00 o'clock noon on the day of the sale, by cashier's check or certified check payable to the Sheriff, not less than ten percent (10%) of the amount of such bid but in no event less than Five Hundred Dollars (\$500) or more than Ten Thousand Dollars (\$10,000), plus the additional amount necessary to establish a balance due in even thousands of dollars. The unpaid balance of the purchase price shall be due and payable to the Sheriff within sixty (60) days from the date of the sale.

25.02 Post Sale Proceedings

On the first Monday following the date of sale, the Sheriff shall make the return to the court. The plaintiff shall prepare and deliver a proposed entry confirming the sale to the Clerk of Courts, and serve copies upon all parties or their attorneys of record and the Stark County Prosecutor on behalf of the Stark County Treasurer, if not a party, and the Civil Sheriff's Department by regular mail within seven (7) days after the date of sale. It shall not be necessary to obtain the approval of other parties or their attorneys of record prior to the filing of such entry. Unless proper written objection to the proposed confirmation entry is presented to the court by a party or the party's attorney within fourteen (14) days after the date of sale, a confirmation of sale shall be approved by the Court and filed with the Clerk of Courts forthwith. If proper written objection is made, the Court shall determine the validity of the objection and make an order determining the issue. Upon the filing of the confirmation of sale and upon payment in full of the purchase price by the purchaser, the Sheriff shall forthwith cause the deed to be recorded with the County Recorder.

25.03 Defaulting Purchaser

In the event a purchaser fails to pay the balance due on the purchase price and complete the purchase within sixty (60) days after the date of sale, any attorney of record in the case may file a motion to show cause why the purchaser shall not be held in contempt. In addition, any purchaser who has not paid the balance of the purchase price within sixty (60) days from the date of the sale is prohibited, either personally, or through another individual, or through any other legal entity, from participating in, bidding on, or acquiring property in subsequent Sheriff's sales of real property until the unpaid balance is paid in full. Failure to pay the ten percent (10%) down by noon the day of the sale in accordance with Gen Rule 25.01 may result in a suspension, upon motion to the Court, from further participation in Sheriff's sales for a period of up to six (6) months.

25.04 Plaintiff's Obligation Upon the Defaulting Purchaser

Upon default, the moving party shall proceed as follows:

- (A) Plaintiff shall notify the defaulting purchaser that the purchaser shall not be permitted to either personally, or through another individual, or through any other legal entity,

participate in, bid on, or acquire property in subsequent Sheriff's sales of real property until the unpaid balance is paid in full.

(B) Plaintiff shall notify the Sheriff of all individuals who have not paid the balance of the purchase price within the prescribed time.

25.05 Appraisal Fees

Appraisal fees are hereby established at \$125.00 per appraisal.

25.06 Levying and Selling Deposits

In every execution issued to the Sheriff upon goods or chattels, where property is not exempted by law, the plaintiff or the attorney for the plaintiff shall procure and file with the Clerk, a cash deposit to cover the cost and fees required by the Sheriff in levying upon and selling the goods and chattels. A deposit shall be required according to the schedule at the [Clerk of Court's website](#).

25.07 Moving and Storage Deposits

All goods and chattels in retail or wholesale business operations, household goods, manufacturing plant or storage facility which must be moved and stored by a professional mover acting as an agent of the Sheriff after the Sheriff has seized such Goods and Chattels shall require an advance deposit according to the schedule at the [Clerk of Court's website](#). Deposit to be deposited with the Clerk of Courts prior to seizing any Goods and Chattels.

If goods and chattels in a retail or wholesale business operation, household goods, manufactured plant or storage facility are to be secured upon the site of the business, plant or storage facility, an order of the Court shall be obtained requiring the padlocking and securing of the premises wherein the Goods and Chattels are found and a bond with sufficient surety shall be given.

25.08 Online Sheriff Sales Fees

For Online Sheriff Sales, a licensing fee will be charged at the time of the filing of the Complaint in Foreclosure. **This fee is a ONE-TIME ONLY FEE charged per case.** This fee is pursuant to the contract of RealAuction.com with the Ohio Department of Administrative Services, for the purposes of statewide online Sheriff Sales. The licensing fee is \$220.00 per case.

This fee is to be taxed as a cost to the case. No additional licensing fees shall be assessed to the county sheriff. [O.R.C. 2329.153\(D\)](#).

GEN RULE 26 - DESIGNATION OF COUNSEL

26.01 Required Information

All pleading and motions, served and filed on behalf of any party represented by counsel in a civil action, shall be signed by one attorney in the attorney's individual name as required by Civil Rule 11, as the attorney of record who shall have primary responsibility for the attorney's client's interest in the case. Following the attorney's signature, the attorney's office address, zip code, telephone number, area code, E-Mail, and Attorney Registration Number assigned by the Clerk of the Supreme Court of Ohio shall be set forth.

26.02 Communication from the Court

All notices and communications from the Judges of this Court with respect to a pending case will be sent to the attorneys of record appearing in such case. The notice shall specify the number and title of the case, the date and time of the required appearance, and name of the Judge to whom the case is assigned or before whom the appearance is required, and the reason for such appearance. The notices shall be addressed to the attorney of record in the attorney's individual name. The attorney of record shall be responsible for notifying co-counsel or associate counsel of all matters affecting the actions.

26.03 Withdrawal of Counsel

(A) Application to Withdraw

Application for leave to withdraw as attorney of record in a civil case shall be made by written motion, documenting sufficient cause by affidavit and providing certified mail tracking information, filed with the Clerk of Courts, with copies served upon all other attorneys of record in accordance with Civil Rule 5 and these Rules unless one of the following two exceptions exist:

- i. The client will be represented by other counsel who have appeared; or
- ii. There is written evidence from the party that they no longer wish to be represented by the attorney seeking to withdraw.

Counsel shall notify the client of all scheduled dates and deadlines. A copy of such notice, together with the proposed order authorizing withdrawal and the certified mail, return receipt requested shall be filed and docketed with the Clerk.

(B) Written Notice and Request for Hearing

Written notice of such application shall be given to the client(s) of such attorney of record seeking to withdraw, by certified mail, return receipt requested, stating the date when such application will be filed and before which Judge such application will be pending. Such notice shall also advise that such client(s) may request an oral hearing on such application within seven (7) days after the service of the application by filing with the Court a request for hearing (request form to be provided to the client(s) by the attorney) in a format substantially similar to the following:

REQUEST FOR HEARING

I (We) hereby request a hearing on the Application for Leave to Withdraw as Attorney of Record, which has been filed demonstrating sufficient cause with the Court on

_____ in Case No. _____
[Date] [Case No.]

[Signature]

[Signature]

If you desire to have a hearing regarding your attorney's affidavit to withdraw as attorney of record, this Request for Hearing form must be completed and filed with the Court within seven (7) days after receiving the Application To Withdraw as Attorney of Record. Your request for hearing must be sent to:

*Stark County Clerk of Courts, Suite 101
Stark County Courthouse
115 Central Plaza, North
Canton, Ohio 44702-1414*

(C) Failure of Service

If an attorney who is required to give notice by certified mail to a client(s) under this Rule is unable to effect service of the notice upon such client(s), the attorney shall certify to the Court all efforts made to notify such client as required under this Rule, or the reasons why service of the notice is impracticable, and the Court, in its discretion, may grant the attorney leave to withdraw as attorney or record.

**GEN RULE 27 – NOTICE OF APPLICATION FOR DEFAULT JUDGMENT
[REPEALED]**

GEN RULE 28 - CIVIL STALKING PROTECTION ORDERS

Forms and instruction packets for use in civil stalking protection order proceedings brought under [R.C. 2903.214](#) shall be obtained from the Clerk of Court or their [website](#).

An action for a Civil Stalking Protection Order pursuant to [R.C. 2903.214](#) shall be commenced by the filing of a fully completed petition, typed or legibly printed. [A petition for a Civil Stalking Protection Order](#) is not fully complete unless it includes a [Form 10-A](#).

Protection Order Notice to NCIC (National Crime Information Center) with all identifying information included therein.

Petitioner may move the Court on [Form 10-B](#) to seal the Domestic Violence Petitioner's Confidential Information Sheet and [Form 10-A](#) upon completion of processing by the Clerk of Courts.

GEN RULE 29 - COURT RECORDS - MANAGEMENT AND RETENTION

The General Division of the Stark County Court of Common Pleas hereby adopts Rule 26 of the Rules of Superintendence for the Courts of Ohio as the Local Rule of Court for Records Management and Retention. Exhibits in civil cases will be held for a period of one (1) year from the date of the final entry of judgment in the case. Parties desiring return of exhibits should make application to the Court within the one year period. All civil exhibits will be destroyed after the one (1) year time period, unless otherwise ordered by the Court.

GEN RULE 30 - CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (CQE)

30.01 Filing a CQE

- (A) The purpose of this Local Rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in [Ohio Revised Code 2953.25](#) and [Administrative Rule 5120-15-1](#) established by the Department of Rehabilitation and Correction (DRC). Refer to the DRC website at <https://www.drccqe.com/Login2.aspx?APPTHEME=OHCQE> for further [information and forms](#).
- (B) In order to request a CQE, an applicant shall visit the CQE website at www.drccqe.com and complete the online registration process. Upon completion of the registration form, the applicant shall sign into the CQE Petition site using the login name and password created during registration. All six (6) pages of the CQE Petition must be completed and officially submitted to the Department of Rehabilitation and Correction (DRC) for review.
- (C) After notification from DRC of a determination that the Petition is complete, the Petitioner is to print the Petition and file the Cover Sheet (Petition for Certificate of Qualification for Employment [Ohio Revised Code 2953.25](#)) with the Clerk of Courts for the Stark County Court of Common Pleas if the Petitioner is a resident of Stark County. The Petitioner shall include the DRC Electronic Petition Number on the Cover Sheet, and shall attach a copy of the fully completed Electronic Petition. A deposit of \$50.00 is required at the time of filing. A Judge may waive some or all of the deposit otherwise required by this Local Rule. The Petitioner may submit an Affidavit of Indigency or other relevant information for the Court's consideration if requesting a waiver or reduction of the filing fee.
- (D) All Petitions submitted through the DRC shall include electronic access to the Department of Rehabilitation and Correction CQE Summary (CQE Summary).

- (E) All social security numbers and other information that must be excluded from public records shall be redacted in accordance with the rules of this Court and the Rules of Superintendence. Records of information received by a court to assist the court with making its decision under Ohio Revised Code 2953.25, including information included on a Petition, shall retain their character as public or non-public records, as otherwise provided in law.

30.02 Assignment and Processing a CQE

- (A) Upon receipt of a Notice of Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number. The Clerk of Courts shall determine the appropriate courtroom where the underlying criminal case was assigned and the Petition shall be assigned to that courtroom. Should the Clerk not be able to determine the appropriate courtroom, or if the Petition is filed for a misdemeanor conviction in another court, or if a Petitioner who currently resides in Stark County but whose underlying conviction occurred in a different county in Ohio files the Petition, the Petition will be assigned to the current Administrative Judge.
- (B) Upon assignment of a Petition for CQE, the assigned Judge shall request a complete investigation of the Petition and criminal history for the Petitioner from Pre-Trial Services. Pre-Trial Services shall prepare a report, including the criminal history of the Petitioner, and shall return such report to the assigned Judge.
- (C) After receiving the report and criminal history from Pre-Trial Services, the assigned Judge shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense. The Assigned Judge shall send notice of the Petition to each court so identified, providing said courts with the opportunity to comment upon the petition within thirty (30) days of the notice. Such Notice shall be sent via ordinary U.S. mail.
- (D) The assigned Judge shall also send notice of the Petition to the Stark County Prosecutor, providing him or her with the opportunity to comment upon the Petition within thirty (30) days of the notice. Notice to the Stark County Prosecutor shall be sent via courthouse mailbox.
- (E) The assigned Judge shall review the Petition, criminal history, all filings submitted by the Prosecuting Attorney or victim in accordance with the rules adopted by the Department of Rehabilitation and Correction, Division of Parole and Community Services, and all other relevant evidence, including, but not limited to any comments submitted by any other court in the state in which the Petitioner has been convicted of or plead guilty to an offense.
- (F) The assigned Judge may order any additional report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision.
- (G) Once all information requested has been received, the assigned Judge shall decide whether to Grant or Deny the Petition within sixty days, unless the Petitioner requests and is granted an extension of time.
- (H) The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk

shall also notify the DRC of the disposition of the Petition as required under the Administrative Rules, and if granted, order the DRC to issue the CQE to Petitioner.

GEN RULE 31 - SPECIALIZED DOCKET STARK COUNTY COMMON PLEAS REENTRY COURT

- (A) This Court has created a Specialized Docket for its Reentry Program according to the requirements as set forth in [SUP.R 36.02 through 36.28](#). The docket being created is for Stark County Common Pleas Court Reentry Program. The starting date of the Program was September 2006 and the goals and objectives are set forth in the Reentry Court program description.
- (B) The general guideline for how a person is considered for the Reentry Program is set forth in the Program description and also contained therein are the legal and clinical eligibility criteria for the Reentry Program as well as any disqualifying factors.
- (C) At any time when an individual is placed on community control sanctions, judicially released from prison, or released from prison upon completion of his or her sentence, the case may be transferred to the Reentry Court Docket. Said assignments will not affect the case assignments or caseload for the Specialized Docket Judge. In the event the case is unsuccessfully terminated from the Specialized Docket, said case is referred back to the sentencing Judge for disposition.
- (D) The Reentry Program Specialized Docket Case Management Program is described in the program description, which also references the participant handbook and participation agreement.
- (E) A participant may be terminated from the Reentry Program and referred back to the sentencing Judge for final disposition for violation of rules and regulations of the Reentry program as set forth in the Program description.

GEN RULE 32 - SPECIALIZED DOCKET STARK COUNTY COMMON PLEAS HONOR COURT

- (A) This Court has created a Specialized Docket for its Honor Court Program according to the requirements as set forth in [SUP.R. 36.02 through 36.28](#). The docket being created for Stark County Honor Court Program. The starting date of the program was June 27, 2011 and the goals and objectives are set forth in the Honor Court program description.
- (B) The general guideline for how a person is considered for the Honor Court Program is set forth in the Program description and also contained therein are the legal and clinical eligibility criteria for the Honor Court Program as well as any disqualifying factors.
- (C) At any time when an individual is placed on community control sanctions or judicially released from prison, the case may be transferred to the Honor Court Docket. Said assignments will not affect the case assignments or caseload for the Specialized Docket Judge. In the event the case is unsuccessfully terminated from the Specialized Docket, said case is referred back to the sentencing Judge for disposition.
- (D) The Honor Court Program Specialized Docket Case Management Program is described in the program description, which also references the participant handbook and participation agreement.

- (E) A participant may be terminated from the Honor Court Program and referred back to the sentencing Judge for final disposition for violation of rules and regulations of the Honor Court Program as set forth in the program description.

GEN RULE 33 - SPECIALIZED DOCKET STARK COUNTY COMMON PLEAS DRUG COURT, CHANCE PROGRAM

- (A) This Court has created a Specialized Docket for its Drug Court, the CHANCE Program, according to the requirements set forth in [SUP.R. 36.02 through 36.28](#). The starting date of the program was July of 1998 and the goals and objectives are set forth in the CHANCE program description.
- (B) The general guideline for how a person is considered for the CHANCE Program is set forth in the Program Description. Also contained therein are the legal and clinical eligibility criteria for the CHANCE Program, as well as disqualifying factors.
- (C) A CHANCE Program participant's case(s) will be transferred to the CHANCE Program Docket after acceptance and after entering a guilty plea before the assigned sentencing judge. Further proceedings will be stayed during program participation. The CHANCE Docket will not affect the case assignments or caseload for the Specialized Docket Judge. In the event the case is unsuccessfully terminated from the CHANCE Program, the case(s) will be referred back to the assigned sentencing Judge for disposition.
- (D) The Drug Court, CHANCE Program, Specialized Docket Case Management Program is described in the program description, which also references the participant handbook and participation agreement.
- (E) A participant may be terminated from the CHANCE Program and referred back to the assigned sentencing Judge for final disposition for violation of rules and regulations of the CHANCE Program as set forth in the Program description.

GEN RULE 34 - SPECIALIZED DOCKET STARK COUNTY COMMON PLEAS DOMESTIC VIOLENCE COURT

- (A) This Court has created a Specialized Docket for its Domestic Violence Court according to the requirements set forth in [SUP.R. 36.02 through 36.28](#). The docket being created is for the Stark County Court of Common Pleas Domestic Violence Court. The starting date of the program was September of 2014 and the goals and objectives are set forth in the Domestic Violence Court program description.
- (B) The general guideline for how a person is considered for Domestic Violence Court is set forth in the Program Description and also contained therein are the legal and clinical eligibility criteria for the Domestic Violence Court as well as disqualifying factors.
- (C) Domestic Violence Court participants' cases will be transferred to the Domestic Violence Court Docket after they enter a guilty plea and are referred by their sentencing judge. The Domestic Violence Court Docket will not affect the case assignments or caseload for the Specialized Docket Judge. In the event the case is unsuccessfully terminated from the Specialized Docket, said case is referred back to the sentencing Judge for disposition.
- (D) The Domestic Violence Specialized Docket participant monitoring is described in the program description, which also references the participant handbook and participation agreement.

- (E) A participant may be terminated from the Domestic Violence Court Program and referred back to the sentencing Judge for final disposition for violation of rules and regulations of the Domestic Violence Court as set forth in the Program description.