

**Local
Rules
Noble
Court**



**Court
County**

Judge Jennifer L. Arnold, Presiding Judge

Amended Effective January 1, 2022

Rule 1.01

Scope and Applicability of Rules; Division of Court

The Rules hereinafter set forth shall apply to the County Court of Noble County, Ohio, for the conduct, government and management of business, operations, proceedings and other functions and services of the Court. The Court may amend and supplement the Rules from time to time.

The County Court consists of Civil, Small Claims, Traffic and Criminal Divisions.

These Rules are intended to supplement and compliment the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Superintendence Rules of the Supreme Court of Ohio, and other controlling statutes in their application and administration in proceedings in the Court.

Rule 1.02

Terms of Court; Hours of Sessions

The term of the County Court is one calendar year.

Regular sessions of court shall be Monday through Friday, from 8:00 a.m. to 4:00 p.m.

The Clerk's office shall be open from 8:30 a.m. to 4:00 p.m. each day, Monday, Tuesday, Wednesday and Friday. It shall be open on Thursday from 8:30 a.m. until noon. The Court shall observe all State of Ohio legal holidays.

Rule 1.04

Records of the Clerk

No files may be removed for any cause except to go to into the Courtroom without express consent of the Deputy Clerk in charge.

The Clerk shall keep and have in his/her custody the following records:

1. Dockets which shall be separated into a civil docket, a trusteeship docket and a criminal docket. Each docket shall list all cases filed in its category, serially in order of filing, and as to each case shall list the number and title by plaintiff and defendant of each case, the date of filing, and the nature of the of the charge or claim.

2. A journal which shall consist of a record of all orders of the Court showing as to each the caption and number of the case, civil, criminal or trusteeship. No case shall be considered disposed of, nor shall any order concerning it be made, unless the text of the order is reduced to writing, signed by the Judge making it.

3. From the date of filing an original pleading in criminal cases from five days after filing (if there has, in the meantime, been no final disposition), the trial docket shall be kept on single separate sheets or by electronic means as approved by the Clerk. All journal entries shall be signed by the Judge making the same, and in any event, if entry of such order is not presented to the Judge by counsel of record within five days of decision, the entry shall be prepared by the Clerk from such trial docket notation signed, presented to the Judge for signature and entered on the Journal.

4. Case files - a separate case file shall be maintained for each case file, and all individual documents filed in such case shall be securely inserted therein. When finally disposed of, each file folder shall be filed in chronological order of its filing. The folder shall carry on its face the title and number of the case and such information as the Clerk deems pertinent. Until finally disposed of, such folders shall be kept separate and apart from the folders of disposed

cases, either in the office of the Clerk, except when temporarily in the office of the Judge or Courtroom for ruling or disposition.

Rule 1.05

Filing and Assignment of Cases

(A) Consecutive Numbers

All civil and criminal actions brought by this Court shall be numbered consecutively as filed, and shall be entered upon the civil docket or criminal docket as numbered. Subsequent filing shall include the number of the case.

(B) Continuances

No continuances will be granted except by written motion set down for hearing. Hearing may be waived by opposing counsel. Requests for a continuance shall be to a time certain.

(C) Dismissals

No case, once filed, shall thereafter be dismissed except by the Judge on preliminary hearing, trial on the merits, on motion in open court, or on good cause shown by written entry.

(D) Disqualification

When necessary or proper, a Judge may disqualify himself or herself from a particular case. In those circumstances, written entry shall be attached to the case setting out the disqualification, and a new Judge assigned by the Supreme Court.

(E) Refilings

In accordance with the Rules of Superintendence, in any instance where a previously filed and dismissed case is refiled, that case shall be reassigned to the Judge originally assigned unless for good cause shown that Judge is precluded from hearing the case.

(F) Attorneys of Record

Appearance: All pleadings and motions served and filed on behalf of any party represented by counsel shall be signed by one attorney in his or her individual name as the trial attorney with office addresses including zip code and telephone number and Ohio Supreme Court Registration number. Firm names and the names of co-counsel or associate counsel may appear for information only as "Of Counsel". All copies of pleadings or other court filings and notices of all subsequent proceedings shall be served upon the trial attorney, or the party if unrepresented. The attorney of record shall appear personally at all stages of the proceedings unless excused by the Judge.

Rule 1.06

Bonds

(A) All persons, except those who may be denied bail under Article 1, Section 9 of the Ohio Constitution, are entitled to bail; and the purpose of bail is to ensure that the Defendant appears at all stages of the criminal proceedings subject to any conditions imposed by the Court under Criminal Rule 46. Where summons has issued and the Defendant has appeared, the Judge shall, absent good cause, release the defendant on his personal recognizance or execution of an unsecured appearance bond.

Unless application is made for discharge of the surety, the same bond shall continue as a matter of right until the final disposition of the case.

(B) Upon the forfeiture of bond and payment into Court of the sum forfeited, the Clerk shall first satisfy any and all costs in the case. With the written consent of the person posting a

cash bond, upon disposition of the case, the Clerk will deduct all restitution, fines and costs due from the case from the cash appearance bonds posted by a Defendant, or by another person on behalf of the Defendant, before any refunds are made. The balance of a cash appearance bond after deductions, if any, will be refunded to the person who posted the cash appearance bond upon presentation of the receipt when the case is concluded.

(C) Defendant may elect if he has posted a cash appearance bond to apply the cash bond as a payment for a minor misdemeanor disposition without a Court appearance pursuant to Criminal Rule 4.1 and in appropriate cases under Traffic Rule 13 with written consent of the person posting the cash bond.

In accordance with Traffic Rule 13 and Criminal Rule 4.1 payments may be made for disposition of such cases through the violations bureau. If the Defendant's cash, money order or certified check is received by the violations bureau within forty-eight hours after the Court date, no bench warrant shall issue even though the Defendant failed to appear.

(D) Any bond money received on out-of-state bench warrants may be accepted by the Clerk of Courts and the warrant recalled without hearing.

(E) Unless bail has been set by order of any Judge of the Court pursuant to Criminal Rule 46, a person charged for a misdemeanor enumerated in the Court's bail bond schedule, and who is not released pursuant to Criminal Rule 4(F), or has not appeared before a Judge pursuant to Criminal Rule 5, shall be eligible for release by doing any of the following at the person's option: Posting in the amount set by the bail bond schedule, a surety bond, a bond secured by real estate or securities as allowed by law, or the deposit of cash at the option of the defendant.

(F) A person may use a recognized and established credit card issuer only if the Clerk of the Court has approved the credit card issuer, and no service charge is made by the credit card issuer against the Court or Clerk unless allowed by law.

Rule 1.07 **Recordings**

All matters which come before the Court shall be recorded on tape or by digital recording. Authorized court reporters may remove recordings upon their signature alone. Transcription of recordings shall be at the expense of the requesting party. Recordings shall be stored for a period of one year after trial or hearing, unless by request for a longer period.

Rule 1.08 **Deposit for Costs**

No civil action shall be accepted by the Clerk for filing without a deposit to secure the costs. The Clerk may require the said deposit to be increased from time to time or a deposit be made by a counter, cross or third party claimant, so as to secure all costs that may accrue.

Where any party required to deposit or secure costs by affidavit shows inability to pay, the Clerk shall submit such affidavit and claim to the assigned Judge for review before accepting for filing.

In all criminal cases, costs shall be taxed at the sum of \$20.00 plus Sheriffs costs at the rate fixed by the Judge of the County Court, plus witness fees, mileage and service, court ordered costs as provided by law, and fees. A list of costs shall be compiled per the Revised Code on an annual basis and shall be posed in the office of the Clerk of Courts. (A current list of costs is annexed to these local rules for convenience.

In addition, costs shall include service of execution of process wherever necessary.

No civil matter will be assigned a jury trial date without a deposit of \$350.00 as one day's jury fees.

Rule 1.10

Jurors/Jury Trials

Jurors in County Court shall be chosen and summoned by the Jury Commission as provided by law.

Jurors reporting, impaneled or sworn in any case shall receive the same prevailing compensation of Jurors in the Court of Common Pleas

Demand for a jury trial must be made in writing, filed in the Clerk's office not less than three days after a trial date setting. Jury demands made after that time must be approved by the Judge assigned to the case. Demands, once filed, may be withdrawn only on leave of the Court.

All jury demands properly filed will be set by the Clerk on the next pretrial docket of the Judge.

Rule 1.11

Broadcasting and Photographing

The Court finds it necessary, for the safety, security and maintenance of all court proceedings, to issue certain orders governing the conduct of all participants and those in attendance at trials.

In issuing these orders, the Court considers the physical facilities in which the court proceedings are conducted, the ingress and egress available to the courtroom for all participants, including the jury, the jury room and court office facilities, the length and width of the available hallways and stairways leading to the courtroom, the exits available from the courtroom, the rights of all parties and participants to have free access to the area of the trial.

It will be the order of the Court that all recording and photographic equipment, including still, moving and videotape equipment, together with lights and accessories, tape recorders, etc., will not be permitted to any door of the courtroom or Clerk's office closer than ten feet.

It will be the further order of the Court that no individual, or group of individuals, acting individually or in concern or with equipment shall impede or bar the free access of all participants, jurors witnesses and the general public in going to or from the courtroom in the hallways of the building.

It will be the further order of the Court that no one shall interfere with, impede or attempt to impede or interfere with the Sheriff's department in the conduct of any defendant from the jail quarters to the courtroom for the purpose of appearing at trial. It is further ordered that all broadcasting, televising, recording and taking of photographs in the courtroom by news media during sessions of the Court, including recesses between sessions, will be by special permission of the Court, secured prior to the Court session.

The Court considers the physical access to and conditions within the courtroom, the rights and privileges of all parties, ordering as follows:

(A) Due to limited space facilities, only one portable camera (television, video tape or movie) with one operator shall be permitted in the courtroom designated Courtroom A and B. In the event more than one application is filed for the same date or time, the Rules of Superintendence shall control.

(B) Due to limited space facilities, not more than one still photographer shall be permitted to photograph trial proceedings. In the event more than one application is filed for the same date or time, the Rules of Superintendence shall control.

(C) Due to limited space facilities and exits from the courtroom, all person using photographic and recording equipment in the courtroom shall be in the designated area before Court convenes and shall not leave until Court recesses or adjourns for the day.

(D) No witness, party or juror who has objected to recording will be recorded unless the Court has determined that there is no reasonable cause for such objections.

(E) The Court may record by digital means any public proceeding, trial hearing, arraignment or other Court proceedings under this Rule and the use of such recordings shall be in accordance with law or by order of this Court.

Rule 1.12

Hearings by Telecommunication

(A) The Court may, in its discretion, hear oral argument on any motion or conduct a pretrial conference or other hearing by speaker, regular telephone, video conference or other teleconference method provided that every statement is audible to all persons.

(B) Upon request of any party, such oral argument, conference or hearing may be recorded under such conditions as the judge shall deem practicable.

(C) The Court may direct which party shall pay any cost, long distance, or otherwise, associated with the communications method chosen. The requesting party shall set up such conference call with all counsel, parties and the Court unless directed by the Court.

Rule 2.01

Criminal Practice and Procedure

(A) Criminal cases may be taken out of their order of filing and shall have precedence over all civil cases on the trial list. The Rules of Practice for civil cases apply to all criminal procedures except where clearly inapplicable.

(B) Traffic offense defendants and criminal defendants may be arraigned jointly.

(C) Affidavits shall be executed in the presence of the Judge, Clerk, Deputy Clerk or Notary, and the Clerk may require the same to be approved by the Prosecuting Attorney before receipt for filing.

(D) Where a felony and a misdemeanor arise from the same act, transaction or series of acts or transactions, one case shall be assigned for the felony and one for all other offenses.

Rule 2.02

Case Management Rules for Criminal Cases

(A) The purpose of this rule is to establish a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

(B) Scheduling of Events. The scheduling begins after arraignment. Thereafter, the case is managed in four (4) judicial steps.

(1) Pretrials: After arraignment, all misdemeanors, except minor misdemeanors, shall be

set for pretrial by the assignment commissioner within thirty (30) days. All minor misdemeanors shall be set for trial unless the judge orders a pretrial in said case.

The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a pretrial entry of the matters agreed upon shall be filed in said case. Any attorney who fails to appear for pretrial without just cause being shown may be punished for contempt of court.

If the parties cannot resolve the case, then the case should be set for trial to court unless a jury is demanded.

(2) Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. Motions may be set for oral hearing at the discretion of the assigned judge.

(3) Trials: Each case not resolved at pretrial shall be set for trial to court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. All attorneys shall notify the Court by 9:00 a.m. of the day preceding their trial of any change in plea or jury costs will be attached to their case.

(4) Sentencing: Sentencing hearings shall be set within seven (7) days from the trial if no pre-sentence report is requested. After the Court receives the probation report, the Court will set the hearing for sentencing within seven (7) days.

(C) Bench Warrant. When a bench warrant is issued, the Clerk may removed the case from active status for three (3) years court reports.

Rule 2.03

Procedure Governing Criminal PreTrial Conference

Pursuant to this local rule, once a criminal case has been assigned and given a pretrial date and the defendant is represented by counsel, it shall be incumbent upon the State and the defendant's counsel, to confer with one another at the earliest possible time relative to any issues of discovery as requested and permitted under the Ohio Rules of Criminal Procedure.

At the time and place set for pretrial conference, all parties and their representatives to the criminal proceeding, that being the prosecutor for the State of Ohio, the defendant, and defendant's attorney of record, shall be present and shall have authority to act and consider all matters pursuant to this rule as are relevant to the case in issue and Criminal Rule 17.1 of the Ohio Rules of Criminal Procedure.

At the pretrial conference, the State shall present its position on the case at bar, and the defendant and the defendant's attorney shall, upon review of the State's position, determine whether or not this mater shall be set for trial on the merits, pending motions in limine or to suppress evidence, or disposed of through the negotiated plea with concurrence of the defendant.

In the event that no agreement is reached between the State of Ohio and the defendant, the case will be set for trial with notice and a memorandum in accordance with Rule 17.1 of the Ohio Rules of Civil Procedure as to date and time of trial being given personally by the Court to all parties present. No continuances will be granted once a trial date has been set, other than for good cause shown and upon motion and entry signed by the parties and approved by the Court.

Based on the requirements of this local rule, it is incumbent upon all parties to the case to be present at the pretrial when called and be prepared to proceed forthwith in accordance with this rule. Failure to adhere to this rule may result in appropriate sanctions as permitted by law and found necessary in the circumstances by the Court.

Pretrial conferences will be set by the Clerk of the Court in blocked intervals of one-half hour or time periods with four (4) hearings allotted within each block

Rule 2.04

Written Pleas

The Court will accept written pleas of Not Guilty in traffic and criminal matters as indicated in this rule, except the Court will NOT accept written pleas of Not Guilty in cases of violence. Appearance of the Defendant is required in those matters.

The written plea may be by letter from counsel or a formal pleading that shall contain the name of the defendant, the case number, a written plea of not guilty, and a waiver of speedy trial.

Absent leave of Court, a written plea in a criminal matter must be received by the Clerk of this Court on or before the original arraignment date or any continuation thereof.

All written pleas shall contain a complete waiver of all time limitations within the letter or the pleading.

The date the written plea is time- stamped by the Clerk shall be considered the arraignment date for all other purposes.

A written plea that does not comply with this rule will not be accepted by the Court, even if time-stamped by the Clerk.

Rule 3.01

Civil Practice and Procedure

(A) All civil actions are hereby divided into the following classes: Civil and Small Claims.

(B) All uncontested civil cases that have not been disposed of on a default docket within six months will be set for dismissal at the next regularly scheduled civil session.

Rule 3.02

Complaint

(A) Civil actions, except small claims, shall be commenced by filing in the office of the Clerk, a pleading on 8 ½ x 11 inch sheets of paper subscribed by the Plaintiff, his/her agent or attorney, which shall be known as a Complaint and which shall contain:

(1) Full name, and if known, the residence address of each Plaintiff or an address at which service of process may be obtained.

(2) The full name and if known, the residence address of each Defendant.

(3) A statement in plain and direct language of the facts constituting the cause of action with sufficient certainty fairly to inform the Defendant(s) of the nature of the case he/she is called upon to defend.

(4) If in contract, set forth whether the agreement was oral or in writing; and, if in writing, set forth the substance thereof fully or annex a copy thereof.

(5) A statement of the amount claimed or the relief demanded.

(6) Any civil complaint filed which contains a jury demand shall be set for pretrial hearing before the assigned Judge upon receipt of an answer therein or after thirty (30) days from the date of filing, whichever comes first.

- (7) See Rule 1.08 - Deposit for Costs
(B) Corporations must be represented by counsel.

Rule 3.04

Mail Service

In an ordinary mail service, the writ or summons, shall be enclosed in a sealed envelope, bearing proper postage and such envelope shall be addressed to the party to be served at his/her residence address. In the case of a corporation, domestic or foreign, or partnership, the envelope shall be addressed to the corporation or a partnership to be served at its office or place where it regularly receives mail, if within the jurisdiction of the Court. The envelope shall bear a request for return of the envelope to the Clerk in case of non-delivery after three (3) days, and the instruction in bold type "DO NOT FORWARD"

No writ or summons shall be served by mail unless it appears to the Clerk that mail delivery is made to the residence of the Defendant(s). This provision shall not apply in cases where property or earnings of the Defendant within the territorial jurisdiction of the Court has been attached and the Defendant is a non-resident of the territory of the Court; in such case, notice by ordinary mail may go forward to the Defendant wherever his/her residence may be.

Rule 3.05

Service by Publication

Service may be made by publication in those cases in which such service is authorized by the laws of Ohio, in which this Court has jurisdiction, and such service shall be made in the manner and form as provided by in law and such service shall be deemed completed and the rule days computed from the last publication in the same manner as provided for in Common Pleas Court.

Rule 3.06

Extension of Time for Filing Pleadings and Motions

Leave for extension of time to plead will be granted, only on approval of opposing counsel or on motion, in writing, showing good cause, accompanied by proof of notice to opposing counsel.

Leaves to move will ordinarily not be granted, notwithstanding approval of opposing counsel.

Leaves to plead for more than ten (10) days will require showing of cause, notwithstanding approval of counsel.

Rule 3.07

Copies of Pleadings

It shall be the duty of the Plaintiff or his/her counsel to furnish to the Clerk, at the time of filing of Complaint, one copy of the Complaint for each Defendant to be served; and the Clerk shall issue such copies with summons. It shall be the duty of the party or his/her counsel filing any suit pleading or motion either (1) to show proof of mailing copy of opposing party or counsel at the address of record, (2) furnish the Clerk with sufficient additional copies thereof for mailing to all adverse parties or counsel, in which case, the Clerk shall immediately mail such copies to them at their respective addresses of record.

Failure of party offering pleading or motion to comply with this rule may be cause for striking the same from the files.

Rule 3.08

Motions

(A) Any motion made during a hearing or trial once the case has been assigned, shall be heard by the Judge presiding. A motion for new trial, for judgment notwithstanding verdict, or for relief from a judgment or order, shall be heard by the Judge who rendered the judgment or order from which relief is sought.

(B) All motions, unless made during a hearing or trial, shall be made in writing and the Clerk shall accept for filing only those motions (other than motions for a new trial pursuant to Civil Rule 59) accompanied by a memorandum in support of the motion, which shall be a brief statement of the grounds for the same, with citation of authorities relied upon, and (except in the case of an ex parte motion or an agreed entry situation) proof of service in accordance with Civil Rule 5.

(C) Any memorandum contra to said motion (except dispositive motions) shall be served upon movant's attorney, or if there be none of record, upon movant, within fourteen (14) days from the date of memorandum in support of the motion and proof of service thereof. Memorandum Contra on dispositive motions shall be filed within thirty (30) days within service of the service of the motion. Failure to serve and file a memorandum contra may be cause for the Court to grant the motion as served and filed. A reply memorandum may be served and filed within seven (7) days of the service of the memorandum contra. The time periods set forth in this paragraph may be extended by the Court, for good cause shown, upon applications therefore.

(D) All motions for a definite statement, pursuant to Civil Rule 12(E), and all motions to strike pursuant to Civil Rule 12(F), shall set out the language in full, sought to be stricken or claimed to be indefinite.

(E) Upon the filing of any motion which requires a notice hearing by reason of the Ohio Rules of Civil Procedure or any other provision of law, or upon which oral argument is automatically granted in accordance with this paragraph (other than one which may be heard ex parte) or an agreed entry situation the attorney filing such motion shall obtain a date for such hearing and shall promptly notify the other parties to the action, or their respective attorneys of record, in writing, of the date and time of the hearing and file proof of service of said notice of hearing with the Clerk, prior to the hearing. Other than motions interposed under Civil Rule 55(A), the hearing obtained shall take into account the time periods set forth in Paragraph (C) hereof.

(F) At the time a written motion is interposed in accordance with Paragraph (B) hereof, the movant may submit to the Clerk, with the motion, an agreed entry signed by all parties or their attorneys, which motion and entry shall immediately be submitted by the Clerk to the Judge of this Court for approval of the entry.

Rule 3.09

Garnishment

Garnishment for personal earnings shall be accepted by the Clerk as provided for by law.

Rule 4.01

Trusteeship Rules

Applicant must be a resident of Noble County.

At the time of Application, applicant shall exhibit to the Clerk of the legal fifteen (15) day notice received from a creditor listed in his/her application within thirty (30) days prior to filing of Trusteeship Application.

The acceptance of the filing by the Clerk of the debtors application for trusteeship will not cause any attachment or garnishee filed prior to application to be dismissed by the Court.

List of Creditors:

Applicant must present to the Clerk a list of all creditors, their correct addresses with zip codes, and the amount of money due from each (on a separate sheet of paper).

Lay-off, Change of Employment, or Address:

Debtor will report to the Clerk any lay-off or change of employment, or his/her address at the regularly scheduled pay day, whether pay is received or not. Failure to do so, will be grounds for termination of Trusteeship.

Payments:

At the time of application, Debtor shall disclose to the Clerk his/her payday and whether it is weekly, bi-weekly, semi-monthly, or monthly and at the time of filing, must make a full payment; and every pay day thereafter, shall appear and show pay stubs to the Clerk as Trustee, and pay twenty-five per cent from his/her gross pay (before deduction for taxes, union dues, hospitalization, or any other sum deducted by the employer). Failure to pay accordingly will be cause for termination of Trusteeship.

Termination:

In event Debtor shall fail to make any scheduled payment, the Clerk shall, within ten (10) days after scheduled payment is due, mail a letter, by ordinary mail, to Debtor at the address listed by him requiring him to appear at a date not less than five (5) days more than ten (10) days from date of letter, to show cause why the trusteeship shall not be terminated. If Debtor appears, the hearing may be had before the Judge at Debtor's insistence. If he/she shall fail to appear, the Clerk shall forthwith prepare an entry terminating the Trusteeship for cause.

Any Debtor whose Trusteeship is terminated for cause, shall not be eligible to be reinstated for a period of six (6) months from the date of termination, except on motion to and by the order of the Court.

Rule 5.01

Electronically Transmitted Filings

Pursuant to Rule 5(E) of the Ohio Rules of Civil Procedure and Rule 12(B) of the Ohio Rules of Criminal Procedure, the Court will allow the filing by electronic transmission, through the Clerk of Court's Office, of complaints, motions, pleadings, letters, documents and all other matters that may be filed in person, or by mail, with the following provisions:

(A) The Clerk shall designate an email account to accept electronically transmitted filings.

(B) An attorney must provide all required identification on the first page of the transmission: case number and name, filer's name, address, attorney registration number (as applicable), electronic address, date and time of electronic submission and as applicable, a

statement explaining how costs are being submitted.

(C) The electronically transmitted document's filing date is determined by court hours. Any filings sent electronically and received by the Court after 4:00 p.m. Eastern Time will be file-stamped the next business day.

(D) A document filed by electronic transmission shall be accepted as the effective original filing. The person filing a document by electronic transmission is not required to file any source document with the Clerk. The person filing the document shall maintain in his or her records, and have available for production on request by the Court the source document filed by electronic transmission, with original signatures as otherwise required under the applicable rules. Attorneys must indicate on the original filing the date and time the electronic transmission was sent.

(E) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.

(F) All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in any other format as the court may require.

(G) Any document filed electronically that requires a filing fee may be rejected by the Clerk of Court unless the filer has complied with the mechanism established by the Court for the payment of filing fees.

Rule 5.02

Electronically Produced Ticket

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

Rule 5.03

Electronic Signatures

(A) The following definitions shall apply to this rule:

(1) "Electronic" and "Electronic Signature" have the same meaning as used in R.C. 1306.01.

(2) The term "document" includes journal entries, notices, orders, opinions, and any other filing by a Judge of this Court.

Rule 6.01

Case Management for Civil Cases

(A) Purpose. The purpose of this rule is to establish a system for civil case management which will achieve the prompt and fair disposal of civil cases.

(B) Scheduling of Events. The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and five (5) judicial steps.

(C) Clerical Steps

(1) Summons shall be served in accordance with the Ohio Rules of Procedure. In the

event there is a failure of service, the Clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date of the cause of action has been filed, then the Clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

(2) Upon perfection of service, the Clerk shall notify counsel of the default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.

(3) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge so the matter may be set for a hearing.

(4) If no action has been taken on a file for six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within one (1) week, unless good cause is shown.

(5) When a file has been marked "settlement entry to come" and the entry has not been received within thirty (30) days, the Clerk shall notify the party that his/her case will be dismissed, unless the entry is received within ten (10) days.

(D) Judicial Steps

(1) Status Hearing: After an answer is filed, the Court will then set a status hearing. The purpose of the status hearing is to set discovery and motion deadlines so a formal pretrial can be set.

(2) Motions: All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period, unless time is extended by the court.

There will be no oral hearings granted in said motions unless the parties request an oral hearing in writing and/or the court deems it necessary.

(3) Pretrials: For the purpose of this rule "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and/or, his, hers, or their attorney of record.

Any attorney for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this Court.

Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone from the assignment commissioner not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the Court.

Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority. The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in suit.

The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The Court will file a pretrial statement to become part of the record and the case embracing all stipulations, admissions, and other matters which have come before it in the pretrial. The Court shall, at that time, determine whether or not trial briefs should be submitted and shall set a date when they are to be filed.

The Judge presiding at pretrial conference of trial shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff, and/or his/her counsel to appear in person at any pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference of trial as required; to make such other order as the court may deem appropriate under all the circumstances.

If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties.

(4) Continuances: No party shall be granted a continuance of a trial or hearing without a written motion from the party or his/her counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court. If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the administrative judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

(5) Judgment Entries: Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution.

Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution.

The journal entry shall state which party will pay the court costs.

Rule 7.01

Case Management for Rules for Special Proceedings

(A) Purpose. The purpose of this rule is to establish, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a judge to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to cite, garnishment hearings and debtor's exams. The following criminal matters are considered special proceedings and they are to be heard by a judge, to wit: preliminary hearings, extradition hearings and B.M.V. hearings.

(B) Scheduling of events. Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed one hundred twenty (120) days.

(C) Clerical steps. In all new cases, if counsel fails to obtain service of summons within six (6) months, the Clerk shall notify counsel that the case will be dismissed in ten (10) days, unless good cause is shown to the contrary.

(D) Upon perfection of service, the Clerk shall notify counsel of said default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.

(E) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the judge so the matter may be set for a hearing.

(F) If no action has been taken on a file for a six (6) month period, and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within one (1) week, unless good cause is shown.

(G) When a file has been marked “settlement to come” and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that his/her case will be dismissed unless the entry is received within ten (10) days.

Rule 8.01

Case Management Rules for Forcible Entry & Detainer Hearings

All forcible entry and detainer cases shall be set for hearing before the Court pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure will be applied. If any answer or jury demand is filed in a forcible entry and detainer case, then the Clerk shall forward the case to the Judge so the case can be scheduled for the appropriate hearing.

Either party filing a jury demand shall be accompanied by a jury fee of \$250.00. Failure to file the fee will be deemed a waiver of Trial to Jury (See R.C. 1923.101).

Any Jury demand filed that creates a continuance shall be accompanied by a bond in the amount of \$350.00, in accordance with R.C. 1923.08. A failure to post the bond will constitute a waiver of Jury trial and will proceed to trial to the Court as scheduled.

All Jury demands shall be filed no later than forty-eight (48) hours prior to the hearing date. Any demand filed later than forty-eight (48) hours shall be deemed out of rule and a waiver of trial to a jury.

Rule 8.02

Forcible Entry and Detainer Set-Out

For purpose of this rule, the Court takes judicial notice that the Noble County Sheriff's Office has neither the manpower nor the financial resources to physically “set out” holdover tenants and/or defendants in eviction cases. Accordingly, the Court adopts the following rules:

(1) A plaintiff who prays for and receives a writ of forcible entry and detainer shall immediately contact the Noble County Sheriff's Office and provide the office with a copy of the writ;

(2) The plaintiff and the Sheriff's Office will designate a mutually agreeable time, not to exceed five (5) business days following the issue of the writ (not including the date the writ is issued), for a deputy to supervise the eviction process;

(3) At the designated time, the plaintiff will have at least four (4) adult persons present and able to remove the defendant's belongings. Deputies will only supervise, provide protection for the Plaintiff, and prevent the defendant or other parties from interfering with the eviction process;

(4) The plaintiff shall place all of the defendant's belongings on the ground or at the curb outside the premises. The belongings will be set upon clean plastic sheeting. All of said belongings will then be covered with clean plastic sheeting secured by duct tape or other suitable tie downs. After forty-eight (48) hours, the property may be removed from the premises or otherwise disposed of.

Rule 9.01

Case Management Rules for Small Claims Court

(A) A small claim action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served, then a default judgment will be entered against said defendant. All pleadings will be construed to accomplish substantial justice.

(B) Upon filing of motion and affidavit, as required by Ohio Revised Code Section 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.

(C) Hearing. The hearing in small claims court shall be conducted by the Court. The Judge shall place all parties who plan to offer evidence under oath and then to allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of evidence and the Ohio Rules of Civil Procedure will not apply to a hearing in small claims court, to the extent that such rules of procedure and evidence are inapplicable in accordance with law.

(D) Collection of Judgment. The employees of the Court shall assist the prevailing parties in collecting their judgments pursuant to Ohio Revised Code Section 1925.13.

Rule 9.02

Small Claims

(A) The Rules of Practice of this Court, to the extent that they would, by their nature, be clearly inapplicable, shall not apply to the practice and procedure in the Small Claims Division of this Court, which has been established under Ohio Revised Code Chapter 1925.

(B) In order to avoid multiple court appearances, the assigned hearing date of a matter in Small Claims Court shall be the date of trial, and all parties and their witnesses shall appear in Court on that date, prepared for trial.

Rule 9.03

Answer to Small Claims

In Small Claims cases, no written answer pleading will be required unless defendant desires to file a counter-claim demanding relief. In the event an answer containing new matter is filed in a small claims case, the new matter will be deemed denied by plaintiff and the case may be set for hearing on the filing of the answer.