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PREBLE COUNTY, OHIO  
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CLERK OF COURTS

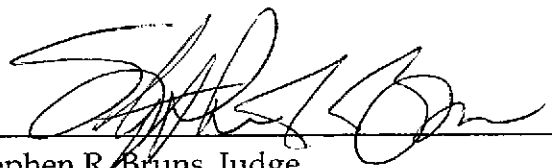
IN THE COMMON PLEAS COURT OF PREBLE COUNTY, OHIO

IN THE MATTER OF LOCAL  
CIVIL AND CRIMINAL RULES

ENTRY

These local rules are adopted to govern the practice and procedure of this Court subject to such rules as may be adopted or promulgated by the Supreme Court of Ohio.

These rules shall be recorded by the Clerk of the Common Pleas Court of Preble County, Ohio, and journalized therein and shall be filed with the Supreme Court of Ohio. Unless otherwise stated herein, these rules are effective July 1, 2021.

  
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Stephen R. Bruns, Judge

2021  
misc  
151-169

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## PREBLE COUNTY LOCAL CIVIL AND CRIMINAL RULES

### LR 1: CLASSIFICATION OF CASES FOR THE SUPREME COURT REPORT

When a new case is filed the filing attorney shall designate the case as being in one of the following categories:

- PROFESSIONAL TORT
- PRODUCT LIABILITY
- OTHER TORTS
- WORKERS COMPENSATION
- FORECLOSURES
- ADMINISTRATIVE APPEAL
- OTHER CIVIL
- CRIMINAL
- DIVORCE WITH CHILDREN
- DIVORCE WITHOUT CHILDREN
- DISSOLUTION WITH CHILDREN
- DISSOLUTION WITHOUT CHILDREN
- CHANGE OF RESIDENTIAL PARENT STATUS
- VISITATION/MODIFICATION OR ENFORCEMENT
- SUPPORT ENFORCEMENT/MODIFICATION
- UIFSA ALL OTHERS (4/98)

### LR 2: COURT COSTS IN CRIMINAL CASES

In criminal cases that are dismissed by the Court, either after resolution of a substantive issue or at the request of the State, and where there is no agreement by the defendant to pay the costs, the costs shall be paid by the State, provided, however, that the costs for which the State is responsible shall be limited to sums necessary to reimburse the Clerk of Courts for expenses actually incurred by and paid by the Clerk. When the State is ordered to pay costs, the Clerk shall deliver to the Prosecuting Attorney a cost bill that represents expenses actually incurred by and paid by the Clerk. Commencing on January 1, 1999, the State shall pay costs, as defined above, in all criminal cases that proceed to trial and result in a verdict of not guilty (by jury or the Court) on all charges tried. (7/98)

In all criminal convictions where a defendant is ordered to pay restitution, court costs and the costs of appointed counsel, said payments shall be distributed in the manner prescribed by the Ohio Revised Code. (1/05).

### **LR 3: COURT COSTS AND DEPOSITS**

Court costs incurred in civil and domestic relations shall be collected in the following manner: If the defendant is ordered to pay court costs, the deposits made by plaintiff shall be held until reasonable efforts are exhausted by the Clerk to collect the costs from the defendant. If costs cannot be collected from the defendant, then the deposits shall be used toward the payment of court costs, with the balance to be paid by plaintiff. In domestic relations cases where affidavits of poverty have been filed and where the location of the defendant is unknown, costs shall be paid by plaintiff pursuant to a schedule established by the Clerk and the plaintiff, so that the payment of costs does not create a burden for the plaintiff. SEE SCHEDULE OF COSTS

### **LR 4: CONTINUANCE OF A COURT DATE**

In a continuing effort to improve the management of the Court's docket, the following rule concerning the granting of continuances will be followed as closely as possible to assure that the Court's pending cases are heard in as timely a manner as possible. Continuances shall only be considered when submitted in writing and when they substantially comply with Rule 41 of The Supreme Court's Rules of Superintendence. In addition, continuances shall state the nature of the scheduled hearing, the name of the party who filed the original motion to be heard, the reason for the continuance, how many continuances have previously been granted for this particular motion, and whether the opposing side objects or agrees with the continuance. Further, if the reason for the continuance is a conflict with another scheduled hearing in another court, the movant shall file with the continuance a timed stamped copy of the order or hearing notice setting the conflicting hearing.

### **LR 5: DEFAULT JUDGMENTS**

No default judgment shall be granted except upon motion of the requesting party. All hearings for default judgment shall be set by the Court with a minimum notice to the defaulting party of two weeks from the date of mailing the entry setting hearing. On or before the hearing date the movant shall submit to the Court an affidavit setting forth facts sufficient to support a judgment for the relief requested and a proposed entry granting the relief sought. This affidavit must be signed by the movant and not counsel for the movant. Neither movant nor counsel are required to attend the hearing. If the

defaulting party fails to appear on the date scheduled for hearing, and if the affidavit is sufficient to support the judgment requested, the judgment will be granted. If on the scheduled date the defaulting party (or one of the defaulting parties if more than one) appears, then the Court will inquire of said party or parties in an effort to determine whether or not the matter should go forward on the basis of the affidavit or be continued for further proceedings. In actions requesting foreclosure of a party's interest in real estate it shall not be necessary for lienholding defendants to appear, provided however that before the interest of a lienholding defendant may be protected in a default entry (based on the motion of a party other than said lienholding defendant) proof of said interest shall be submitted by affidavit. No default entry shall be approved by the Court unless same is approved by counsel of record for all parties. (5/01)

#### **LR 6: FACSIMILE COPIES**

Filing by facsimile should only be employed when necessitated by time restraints. Any pleadings submitted to the Court by facsimile shall be followed by submission of the original pleading within 24 hours of its receipt by the Clerk. The Clerk shall file-stamp the first page of the facsimile only and retain the facsimile in the file until the original pleading is submitted for filing. When the original is received, the first page of the facsimile shall be retained in the court file; however, the remaining pages of the facsimile shall be removed and discarded and the original pleading shall be file-stamped and placed in the file in place of the facsimile. (8/98)

#### **LR 7: FORECLOSURE CASES – APPRAISAL FEES**

The \$150.00 deposit for the appraisal fee shall be included in the deposit made at the filing of the foreclosure complaint. (3/08)

#### **LR 8: FORECLOSURE ACTIONS - CONVEYANCE FEES**

In all foreclosure actions the transfer tax set forth in Ohio Revised Code Section 322.02 shall be paid out of the proceeds of sale. (10/01)

#### **LR 9: TRANSCRIPT FEES:**

The Court does hereby adopt the following fee schedule regarding transcripts of court proceedings:

ORIGINAL (COURT OF APPEALS/OTHER)	\$3.50 per page
COPY	.25 per page
DAILY RATE	5.00 per page (9/2012)

**LR 10: RULES FOR WEEKEND/INTERMITTENT CONFINEMENT:**

The Court adopts the Rule for Weekend/Intermittent Confinement as defined by the Sheriff of Preble County, Ohio. A copy of the Policy shall be given to each defendant who is sentenced to a term of intermittent confinement by the Community Control Office on the day of sentencing. Same shall serve to instruct and warn such defendant of the penalties associated with non-compliance with the terms of said policy (3/08).

**LR 11: PROBATION AND COMMUNITY CONTROL - CONDITIONS**

Any defendant convicted of a criminal offense in the Common Pleas Court of Preble County, Ohio, and whose sentence is suspended and who is placed on probation or community control shall be subject to the Conditions of Supervision (see attached) of the State of Ohio, Department of Rehabilitation and Correction, Adult Parole Authority as they exist at the time of the Defendant's sentence.

**LR 12: NEWSPAPER PUBLICATION**

Counsel for any party requesting any Sheriffs sale or requesting service by publication or requesting any other relief which requires publication of notice in a local newspaper shall prepare the publication required, cause same to be published at the party's expense and shall cause the filing of any affidavit (proof) of publication that may be required by law. In cases where service is made by publication, no Judgment Entry or Decree of Foreclosure shall be accepted for filing until the Proof of Publication is filed. The cost of said publication, once paid by the party requesting same, shall upon application of said party, be taxed as costs thus enabling said party to obtain possible reimbursement or judgment for said sum. This rule shall apply to all parties including any public office or official whether a subdivision of the state, county, city or village. The purpose of this rule is to avoid situations where the Clerk incurs an obligation to a newspaper for the cost of any publication that may be associated with any case pending in the Common Pleas Court of Preble County. (1/05)

**LR 13: MOTIONS AND NOTICES OF APPEARANCE**

All motions filed with the Court shall be filed separate and apart from any proposed entry. A separate copy of a pending motion and the proposed entry (if any) shall be delivered to the Court by counsel. As a backup, the clerk or a deputy clerk, shall scan the front sheet of every motion filed and e-mail same to the Judge or to the Magistrate (if the motion pertains to a domestic relations matter). The clerk shall, on the day motions are filed, return all file stamped copies to counsel via the self-addressed

envelope provided or by placing same in the designated mail box in the clerk's office.  
(11/11)

When motions are filed that apply to two separate cases, an original of the motion (bearing the relevant case number and original signature of the filing party) shall be filed with each case (1/05).

The assignment commissioner shall file all signed entries, and copies, submitted to the Court. File stamped copies shall be placed in the attorney's box at the Clerk's Office. Out of town counsel shall submit with the copies a self-addressed stamped return envelope properly sized for the number of copies to be returned. Entries submitted without copies shall be filed without copies. It is counsel's responsibility to see that service of the entry is made on opposing counsel. The first line of the first page of all pleadings filed with the Court shall begin two and one-half inches (2 1/2") from the top of the page. In addition, to promote accuracy in the docket, all initial pleadings filed by counsel shall be accompanied by a Notice of Appearance of Counsel. The only exception to this rule shall be the filing of a complaint or an answer. (4/98)

#### **LR 14: CERTIFICATES OF SERVICE**

Effective December 1, 2001, all Certificates of Service shall contain the name of the attorney, the party represented, and the address of the attorney to whom the pleading is being mailed. If the pleading is being mailed to a party who is not represented by counsel, the Certificate of Service shall contain the name and address of the party.

#### **LR 15: CONFIRMING ENTRIES**

A confirming entry shall be presented to the Court for approval and filing within 30 days of 1) the filing of a decision that requires a confirming entry to be prepared by one of the attorneys, 2) the recitation in the record in the presence of the parties of an agreement that resolves the issues, or 3) notice to the Court via phone or otherwise that a case has been settled. If a confirming entry is not timely submitted to the Court, a Notice and Order will be filed ordering all counsel to appear in open court on a specific date and time to explain the failure. If a Notice and Order is filed, counsel may avoid the order to appear by submitting the confirming entry no later than seven days prior to the hearing date. Depending on the nature of the information received at the hearing, contempt proceedings may follow. Failure to appear for said hearing might result in contempt proceedings.

**COMMENTS:** The attorney instructed to prepare a confirming entry (in the decision or perhaps from the bench) is ultimately responsible for the timely submission of same to the Court. A confirming entry should contain the approval of all counsel involved; however, same is not required. If the issue(s) cannot be resolved, then the attorney responsible for preparation of the entry shall (within the 30-day period) submit his or her entry with an explanation as to the attempts made to obtain approval of all counsel and an explanation as to why an approval is missing. Parties who have appeared in open court and who have acknowledged their understanding and acceptance of the agreement that was placed of record in their presence are not required to execute the entry. If counsel desires to obtain the approval of a client, counsel must do so within the time limit. In cases where a party is having "second thoughts" or is otherwise opposed to language contained in an agreement, the proposed entry should still be timely submitted with an explanation. The Court will thereafter likely review the recorded hearing to make sure that the entry accurately recites the agreement. Before counsel leave the courtroom, in cases where the agreement is placed of record, make sure the Court has indicated the attorney who is to prepare the confirming entry. This is usually nothing more than the Court's acceptance of counsel's offer to prepare same.

**LR 16: STATUS AND SCHEDULING CONFERENCES:**

In all civil cases, upon the completion of service a status/scheduling conference date will be assigned. At said hearing dates will be established for discovery cut-off and for pre-trial conference. If requested, a trial date will be assigned.

**LR 17: PRE-TRIAL CONFERENCES:**

On the day that a pre-trial conference is scheduled, each party shall file a pre-trial statement, which contains all of the following information:

1. A description of each and every exhibit intended to be introduced at trial.
2. A list of the names and addresses of all witnesses who are expected to testify at trial along with a brief summary of the expected testimony.
3. A description of all of the legal issues that the Court will be asked to determine.
4. A summary of any expected evidentiary questions that may arise at trial.
5. The names and addresses of any witnesses whose testimony will be presented to the Court via deposition as well as notification to the Court as to whether or not any of said depositions are or will be recorded on videotape.
6. If there is a jury demand, include a summary of the status of settlement negotiations. For purposes of promotion of settlement, counsel for the parties shall



appear at said conference with full settlement authority or in the alternative, the party shall be present with his/her counsel.

7. Request for special jury instructions.

If a pre-trial statement is not filed in accordance with this rule, the Court may continue the pretrial in progress and entertain a motion for attorney fees against the non-complying party. If at the conclusion of the pre-trial conference the matter is not resolved, a trial will be scheduled.

Trials shall begin promptly on the date assigned. Before the trial begins, each attorney shall provide the Court with the following:

1. An index of exhibits.
2. All exhibits shall be pre-marked with plaintiff using numbers and defendant using letters
3. A list of the names and addresses of all witnesses.

A copy of any joint pre-trial statement (stipulations) prepared and/or filed pursuant to a previous order of the Court.

**LR 18: SPECIAL PROJECTS FUND:** This Court has determined that additional funds are necessary to defray the costs associated with the efficient operation of the Court in matters including the acquisition of equipment, community control programs, mediation and dispute resolution services, magistrate, training and education of staff and the Court, and other related services as the Court may direct for the operation of the Court. Beginning July 1, 2019, pursuant to ORC Section 2303.201(E)(1), in addition to the fees and costs authorized by law, the following fees will be charged and collected by the Clerk of Courts upon the filing of the following types of cases:

New and re-opened divorce, dissolution, and legal separation cases:	\$65.00
All foreclosure cases:	\$165.00
All other civil cases:	\$90.00

Petitions for civil protection orders, stalking civil protection orders and IV-D motions are exempt from this required fee. All fees paid under this Rule shall be paid to the Clerk of Courts for deposit with the County Treasurer for deposit into a general special projects fund. That fund shall be called "Special Projects Fund – Court Training and Services Fund." Monies from that fund shall be disbursed upon order of this Court in an amount no greater than the actual cost of the special project stated above or for any

other special project which this Court from time to time might deem necessary for its efficient operation.

#### **LR 19: EXHIBIT RETENTION ORDERS**

In all trials before the Court or Magistrate, any exhibits admitted during trial shall be held by the Court Reporter until an appeal is filed and the exhibits are sent to the Court of Appeals. If no appeal is filed, the party seeking release of an exhibit or exhibits shall petition the Court for an order releasing said exhibit. No exhibit shall be released without a court order. All unreleased exhibits in civil and domestic relations cases shall be held for a period of two years from the date of the hearing. All unreleased exhibits in criminal cases shall be held for a period of ten years from the date of the hearing, except in the instance of capital cases or in criminal cases where the Defendant is incarcerated for longer than ten years. In those cases the exhibits shall be held until ordered destroyed by the Court.

#### **LR 19: MOTIONS FOR INTERVENTION IN LIEU OF CONVICTION**

If a defendant meets the requirements of R.C. §2951.041, and would like to be considered for intervention in lieu of conviction, the defendant shall notify the Court of that intent by filing a motion for intervention in lieu of conviction, consistent with the provisions of R.C. §2951.041. The defendant, or counsel, shall serve a copy of that motion to the prosecuting attorney and deliver a copy to the Court. Upon receipt of the motion, the case shall be removed from the Court's trial docket for 60 days in order to afford the defendant the opportunity to complete the steps outlined herein.

If the Court finds that the defendant is eligible for intervention in lieu of conviction, (ILC), the Court will issue an order that the defendant attend a mandatory ILC class and obtain an eligibility assessment.

The ILC classes will be held on the second Tuesday of each month in the Common Pleas Courtroom. The order will advise the date and time of the class. The purpose of the class will be to inform the defendant as to what will be required of them in order to successfully complete the ILC program.

In order to obtain the eligibility assessment the defendant must make an appointment for an ILC evaluation to be conducted by an evaluator, approved by the Court, of defendant's choice. The Court's probation department, upon request, will provide defendants with a list of approved evaluators. Other evaluators will be approved by the Court if they are already approved by other Common Pleas Courts in the State of Ohio

or upon submission of their credentials and a finding by the Court that they are an appropriate evaluator.

The defendant will be ordered to keep their appointment and to execute a release authorizing the evaluator to release a report and treatment plan to the Court and to discuss that plan with the Court's probation department.

The defendant must obtain a written report of the assessment and treatment plan consistent with the requirements of R.C. §2951.041 from the evaluator. Defendant or counsel shall file a copy of the report and treatment plan with the Clerk of Courts within three days of its receipt from the evaluator. The report shall be submitted as an attachment to a filing captioned, "Notice of Filing of ILC Report," or words to that effect. Pursuant to the criminal rules, the defendant or counsel shall serve a copy of the same on the prosecuting attorney and deliver a copy to the Court, which shall be reflected by a certificate of service included as part of the notice.

Once the report and treatment plan have been delivered to the Court, a hearing will be scheduled on defendant's request for ILC.

If the defendant fails to attend the ILC class, fails to submit the report and treatment plan within 60 days of the filing of the request for ILC, or fails to serve a copy of the report and treatment plan to the prosecuting attorney and the Court, the motion will be denied and the case will be returned to the Court's trial docket.

The purpose of these procedures is to assure that a Defendant makes a timely and serious effort to obtain an evaluation and begin any recommended treatment. Absent a showing of good cause, a failure to abide by the provisions of this rule shall result in a denial of defendant's motion for intervention in lieu of conviction. (11/1/2019)

## **LR 20: MEDIATION**

Effective January 1, 2007, the Court adopts the following local rule regarding mediation, which rule incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

### **Definitions**

All definitions found in the "Uniform Mediation Act" (UMA) R.C. 2710.01 are adopted by this court through this local rule including, but not limited to the following:

**“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.

**“Mediator”** means an individual who conducts a mediation.

**“Mediation Communication”** means a statement, whether oral, in a record, verbal or non-verbal, 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.

**“Proceeding”** means either of the following:

Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery; or  
A legislative hearing or similar process.

### **Purpose**

To promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution of cases through the use of mediation.

### **Scope**

At any time any action under the jurisdiction of this court may be referred to mediation by the Judge or Magistrate. The following actions shall be exempted from mediation upon request of any party:

- Cases in which one of the parties is mentally ill;
- In emergency circumstances requiring an immediate hearing by a jurist, or
- Cases in which the parties have achieved an executed Agreed Judgment Entry.

### **Case Selection/Referral Process**

The court, on its own motion or the motion of any of the parties, may refer disputed issues to mediation in whole or in part by Entry which shall, at a minimum indicate the date, time, place and contact information of the mediation. All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

### **Eligibility of Cases**

The Judge or Magistrate will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

### **Mediator Selection and Assignment**

The parties shall chose a mediator and they shall make arrangements for the payment of the mediator. The mediator, however, must have the following qualifications: comply with the qualifications set forth in Rule 16 of the Ohio Rules of Superintendence; adhere to the ethical standards of the mediation profession; and maintain appropriate liability insurance, specifically covering the activities of the individual as a mediator.

### **Procedures**

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Judge or Magistrate, mediation will 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.

The court shall utilize procedures for all cases that will:

Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.

Screen for domestic violence both before and during mediation.

Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

Prohibit the use of mediation in any of the following:

- As an alternative to the prosecution or adjudication of domestic violence;
- In determining whether to grant, modify or terminate a protection order;
- In determining the terms and conditions of a protection order; and
- In determining the penalty for violation of a protection order.

### **Party/Non-Party Participation**

Parties to informal cases 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.

A judge, magistrate and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.

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).

### **Confidentiality/Privilege**

All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10, R.C., the Rules of Evidence and any other pertinent judicial rule(s).

### **Mediator Conflicts of Interest**

In accordance with R.C. 2710.08(A) and (B), the Mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the Mediator's impartiality as soon as such conflict(s) become known to the Mediator. If counsel or a

mediation party requests that the assigned Mediator withdraw because of the facts so disclosed, the assigned Mediator should withdraw and the parties shall retain the services of a substitute mediator.

### **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.

### **Stay of Proceedings**

All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

### **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 in accordance with the local rules regarding continuances. 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.

### **Mediation Case Summary**

Attorneys may, at their option, or must if required on a specific case by the judge and/or magistrate, submit a "Mediation Case Summary" to the mediator which shall contain the following:

- Summary or material facts.
- Summary of legal issues.
- Status of discovery.
- List special damages and summarize injuries or damages.
- Settlement attempts to date, including demands and offers.

### **Mediation Memorandum of Understanding**

The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The "Mediation Memorandum" may be signed by the parties and counsel

(if the "Mediation Memorandum" is signed it will not be privileged pursuant to R.C. 2710.05 (A) (1)). The written "Mediation Memorandum of Understanding" may become an order of the court after review and approval by the parties and their attorney, if applicable. No oral agreement by counsel or with parties or an officer of the court will be regarded unless made in open court.

### **Mediator Report**

At the conclusion of the mediation and in compliance with R.C. 2710.06 the court shall be informed of the status of the mediation including all of the following:

- Whether the mediation occurred or was terminated;
- Whether a settlement was reached on some, all or none of the issues; and
- Attendance of the parties.
- Future mediation session(s), including date and time.

### **Qualifications**

To be a court approved mediator the following qualifications apply:

- Commitment to Continuing Education,
- Membership in a Mediation Association,
- Appropriate amount of mediation experience as determined by the Court.

### **List of Qualified Mediators**

The court will maintain a list of qualified Mediators. All those on the list of qualified mediators shall submit to the Court a regularly updated Curriculum Vitae (including a list of training related to the field of dispute resolution and professional or association memberships) which CV shall be provided by the Court to those requesting information on an assigned Mediator's qualifications to mediate a dispute pursuant the requirements set forth in R.C. 2710.08(C).

The Court will review applications of person seeking to be added to the list of qualified Mediators.

### **Fees and Costs**

The parties may agree between themselves to apportion the costs of the mediation. Unless otherwise agreed by the parties, the mediation costs shall be shared equally. In the event that the parties cannot agree, the court shall determine the apportionment of



the mediation costs to the parties. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

### **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.

### **LR 20: CAPITAL MURDER CASES**

The prosecutor and defense counsel shall present for filing two complete sets of each pleading to be retained by the Clerk. One set shall be filed in the official record of the Court and one set shall be filed in the Clerk's duplicate file. (3/08)

### **LR 21: JUDICIAL SALE OF REAL ESTATE**

On the day of the Sheriff's sale, the Sheriff or his appointee shall announce that any purchaser shall have 20 days from the date of sale to obtain an examination of title to said real estate. Should the examination disclose the title so purchased to be unmarketable, by reason of any defect in the proceedings or the existence of any interest not disclosed, said purchaser may, within the twenty day period petition the Court by written motion requesting that said sale be set aside. If the Court, after hearing, finds said title to be unmarketable, the Court shall refuse to confirm the sale. The Court may, however, fix a reasonable time within which such defect(s) may be corrected. (2/17)

Any purchaser of real estate at a judicial sale shall pay a deposit in an amount enumerated in §2329.211 R.C. (2-17)

Prior to confirmation of sale, counsel for the party required to prepare the deed to convey said property shall certify to the Court that a deed has been prepared which bears all the necessary approvals. After confirmation, said deed shall be presented to the Sheriff for recordation. (9/08)

### **LR 22: PROBATION SUPERVISION FEES**

In order to provide a means to defray costs of the probation department, the Court has established a Probation Services Fund. Said fund will be used for salaries, purchase of equipment, supplies, and for programs associated with the Probation Department. Pursuant to Ohio Revised Code §2951.021, a fee of \$50.00 per month will be charged to

each person placed on community control or probation supervision. The fees shall be paid to the Community Control Department, who shall deposit said monies with the treasurer of the county pursuant to ORC §321.44. This order shall be effective July 1, 2021.

**LR 23: SCHEDULE OF DEPOSITS FOR COSTS**

Effective July 1, 2021, the Clerk of Courts shall collect as Deposit for court costs the following:

CERTIFICATE OF JUDGMENT, FILING	\$ 36.00
MAKING AND FILING	41.00
RELEASING	5.00
FOREIGN	51.00
CERTIFICATION	2.00
CIVIL (except foreclosure)	290.00
FORECLOSURE (includes appraisal fee)	650.00
CROSS-COMPLAINT, COUNTERCLAIM, THIRD-PARTY COMPLAINT, or ANSWER with Motion Requesting Service	150.00
AMENDED COMPLAINT (re-issuing per party)	20.00
JURY DEMAND	300.00
DEBTOR'S EXAM	66.00
EXECUTION	90.00
EXPUNGEMENT/SEALING OF RECORD	160.00
GARNISHMENT	115.00
DISSOLUTION WITH CHILDREN	500.00
DISSOLUTION WITHOUT CHILDREN	400.00
DIVORCE WITH CHILDREN	500.00
SEMINAR FOR SEPARATING PARENTS	25.00
DIVORCE WITHOUT CHILDREN	400.00
AGREED ENTRY FILED AFTER CASE CLOSED (per page)	3.00
QDRO (filing)	65.00
RE-OPENING CASE	270.00
SUBPOENA	20.00
OUT-OF-COUNTY WITNESS PAYABLE	

TO WITNESS PER DAY	12.00
PLUS PER MILE	.10
STATE TAX CASES	58.00
COURT OF APPEALS	225.00
NOTARY FILING FEES (EXAMINATIONS)	25.00
WRIT OF POSSESSION	115.00
SPECIAL PROJECTS FUND (COURT TRAINING and SERVICES ( NEW CRIMINAL CASES)	15.00
COURT ORDERED CERTIFICATE OF AUTO TITLE	100.00
PROBATION SUPERVISION FEES ASSESSED AT \$10.00 WEEK	

The Clerk may require additional deposits throughout the case should the outstanding costs exceed the initial deposit.

\*Guardian ad litem fees are now handled by Movant's counsel in his/her trust fund. See local rule DR 9