

Local Rules of Court

Auglaize County Municipal Court

Effective: February 10, 2025

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These rules may be cited as “Local Rule _____,” or “Loc. R. _____.”

Rule 1

Scope and Applicability of Rules; Purpose

The Rules herein after set forth shall apply to the Criminal, Civil, and Small Claims Divisions of the Auglaize County Municipal. The purpose of these Rules is to define local practices and procedures of this Court, consistent with the Rules of Superintendence, Civil and Criminal Procedure, Traffic Rules and such, as other Rules as may be adopted or promulgated by the Supreme Court of Ohio.

Rule 2

Hours of Sessions

The separate sessions of this Court for the trial of cases shall be from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:30 p.m. on Monday through Friday each week, except on those days designated by law as legal holidays. The Court shall be in session at such other times as the Judge shall prescribe to meet special situations or conditions.

Rule 3

Court Costs

Court costs in criminal, civil and traffic proceedings shall be established by the Judge of the Court in conformance with the provisions of the Ohio Revised Code.

Copies of the cost schedule shall be made available to the public and attorneys upon request.

The Clerk shall have the following discretionary powers:

- a. To apply any deposit for costs at the termination of litigation to any unpaid costs due.
- b. To make periodic partial distribution of money deposited for the purpose of fines and restitution or funds paid pursuant to a trusteeship order.
- c. To refuse to file any paper or pleading not filed in complete conformity with these rules, or any pleading which is not signed or in which the original signature is illegible.
- d. To refuse to accept any check that is not certified.
- e. To require an additional deposit for costs from the initiating party or parties when the Clerk of the Court is of the opinion that the funds on deposit for costs are or will become inadequate in an amount sufficient to cover the excess costs.

Unless a poverty affidavit is filed, no civil action shall be accepted by the Clerk unless the party or parties offering the same for filing have first deposited a sum of money to secure the payment of costs and to pay the filing fees required by the Ohio Revised Code and Local Rules.

Rule 4

Service

(A)(1) In all civil filings, the plaintiff shall initially choose one method of service as provided for in Civil Rule 4.1, and may not request service by an alternate method until there is a return showing failure of service.

(A)(2) Special Process Servers

(a) Application. A person may apply to be designated as a “Special Process Server” for cases filed in the 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 eighteen years of age or older
- (3) That the applicant agrees not to accept service of process on any case in which the applicant is a party or counsel for a party
- (4) That applicant agrees to follow the requirement of Civil Rule 4.1 through 4.6, any applicable local rules, and specific instruction for service as ordered by the Court in individual cases.

(b) Order. The applicant requesting the designation shall submit an order captioned “In Re the Appointment of (name of applicant) As Standing Special Process Server” and stating the following:

“It appearing to the Court that the Applicant is eligible for appointment as a Special Process Server, (name of applicant) is hereby designated a Special Process Server authorized to make service of process in all cases filed with the Court, and to serve one year from the filing of this Order.”

(c) Filing. The order shall be signed by the Judge and shall be filed with the Clerk of Court who shall record the entry and retain the original Application and Order. For a one year period from filing, the Clerk shall accept a file-stamped copy of such order as satisfying the requirements of Civil Rule 4.1 for the designation by the Court as a person authorized to make service of process. The cost of filing this application is \$100.00.

(B) Counsel for a party desiring service by a publication shall submit to the Clerk of Courts the proposed legal notice for such publication. This notice shall be promptly published in the local newspaper by the Clerk of Courts. The costs of the legal notice shall be paid by the requesting counsel directly to the newspaper.

Rule 5

Removing Files; Copying Files

The Clerk of Courts shall not permit any of the files of that office to be taken from said Clerk’s custody except with written approval by the Court, and only then with proper receipt for the same. No such Pleading or papers shall be removed from the Auglaize County Courthouse. Such orders shall not prevent the files of the Clerk of Courts being removed from the County by a visiting Judge, however.

The Clerk shall permit any party to the action or her attorney or agent to make copies of any papers in the files of the Court (except Depositions and Bills of Exceptions, and except items otherwise sealed), the same to be made at the expense of the party requesting such copies. The Clerk shall charge \$.05 per page for all copies made of documents on file in the office of the Clerk of the Court. If Certificate and Seal is requested, the Clerk shall charge an additional \$1.00 fee for each document.

Rule 5.1

Protection of Personal Identifiers

A person filing or submitting a document with the Court or the Clerk of Court shall comply with Rule 44 through 47 of the Rules of Superintendence for the Courts of Ohio by not including in any document “personal identifier”:

Superintendence Rule 44(H) – “Personal identifier” means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.

The parties when omitting personal identifiers from a case document shall submit that information to the Court or Clerk on a separate form designated by the Court in this rule as Form 5.1. Such completed forms shall only be accessible as provided for in the Rules of Superintendence, which will be deemed by the Court as a non-public record. The information will be kept in a separate envelope within the case filed and marked as follows: “CONFIDENTIAL FILE – To be opened by Court/Clerk Personnel ONLY.”

When issuing orders or other documents that require personal identifiers such as on arrest warrants or garnishment orders, those personal identifiers shall be provided on a separate document and not be a part of the case document. That document shall be maintained by the Clerk in the same manner as the personal identifier information sheet, and shall be transmitted by the Clerk to the Sheriff, law enforcement agency, garnishee, or other appropriate party or person as needed to carry out the warrant or order as appropriate.

It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the Clerk of Court’s office. The responsibility of the filing party and counsel to remove personal and private information extends to and includes exhibits or addenda attached to filings, such as preliminary and final judicial reports, which itemize state tax liens that use social security numbers as case numbers, or medical records. The Clerk of Courts and Deputy Clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Clerk of Court’s office.

Any personal and private information in documents filed prior to June 30, 2009, is considered public. Any personal and private information in records or transcripts

transmitted to this court from another court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in a public record of this court may petition the court for the removal of personal and private information, and if the request is granted, the personal and private information will be removed from the file-stamped document and placed in a separate envelope and deemed a non-public record. A redacted copy of the document will be placed in the public case file.

Rule 6

Pleadings and Motions

(A) All pleadings, Motions, Memoranda, Briefs and other papers filed for record shall be legibly typewritten or printed on letter size (8 ½" x 11") paper and must be on the FRONT side only. The top right hand corner of the initial sheet of every pleading, motion, brief, or other paper filed for record shall have an area approximately two and one half inches by two and one half inches (2 ½" x 2 ½") left blank for the Clerk of this Court to file stamp the date and time of filing. All subsequent pages shall have a top margin of at least one and one half inches (1 ½"), shall be secure and bound at the top. All such Pleadings shall contain the name, address and telephone number of counsel, the name of the attorney having primary responsibility for the case where counsel is a firm of attorneys or there is co-counsel and the current address of all parties to the action. All such pleadings shall contain a legible, original signature. The Clerk is authorized to refuse to accept any document not conforming to such requirements. Counsel shall notify the Clerk in writing of any change of address of any party.

(B)(1) The Clerk of Courts shall not accept for filing any Pleading, Motion or Memorandum unless it is accompanied by a copy thereof, which copy the Clerk shall forthwith forward to the Judge, plus sufficient copies for service and/or return to the filing party.

(B)(2)(a) No party or any representative of any party shall cause to be filed in any civil or criminal case any pleading or filing that contains the full social security number of any person, and the Clerk shall not accept for filing any pleading or filing that violates this rule, except as provided in Rule 6(B)(2)(b) below. A party or representative thereof may, at their discretion, file a pleading or filing containing the last four numbers of a person's social security number, if such number is relevant to the case or controversy.

(B)(2)(b) Notwithstanding this rule, any request for issuance of an arrest warrant, summons or bench warrant, and the actual warrant or summons issued thereafter, may include the full social security number and date of birth of the person named therein. The Clerk shall, upon return of service of the warrant or subpoena replace the original with a redacted copy (ies) upon which the Clerk shall redact the first five numbers of such social security number, retaining the original document (s) in a separate envelope maintained with the file, with said documents open only to inspection to judicial staff, clerk's staff or upon Court order.

(C) Motions not expressly governed by Civil Rule #65 and Civil Rule #75, shall have attached thereto and is accompanied by a Brief stating the grounds thereof and citing the authorities relied upon. The Clerk shall not accept for filing any Motion or Exception that is not accompanied by such Memorandum or Brief.

(D)(1) All motions may be decided by the Court without oral hearing unless leave of Court for such a hearing is obtained by counsel.

(D)(2) Motions for summary judgment shall be submitted to the Court upon the pleadings as provided for in the procedures and time frames as set forth in Civil Rule 56(C) without a hearing unless otherwise ordered by the Court.

(D)(3) All other motions shall be subject to the briefing schedule and submission as set forth in Civil Rule 6(C).

(E) 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.

(F) Counsel and parties are reminded of Revised Code Section 2323.51. The Court shall enforce appropriate sanctions where called for.

(G) The Clerk of this Court shall refuse to accept for filing any pleading, motion or other paper which is unsigned. A rubber stamp signature or the signature of an unidentified third-party not an attorney or party acting in a pro se capacity is not sufficient to satisfy Civil Rule 11.

Rule 7

Facsimile Copy Filing with the Clerk

Pleadings and other papers may be filed in the Criminal, Civil and Small Claims Divisions of the Court with the Clerk of Courts by facsimile transmission to 419-739-6768 subject to the conditions listed below:

APPLICABILITY

- (A) These rules apply to civil, criminal, and Small Claims proceedings in the Auglaize County Municipal Court, Ohio.
- (B) The following documents will not be accepted for fax filing: original wills and codicils, cognovit promissory notes, written pleas of not guilty, written pleas of not guilty by reason of insanity, and any pleadings for filing that require a deposit for costs or check for witness fee.

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 Court but must, however, maintain in 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 all opportunities for post judgment relief are exhausted.

DEFINITIONS

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

- (A) A “facsimile transmission”: means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to **print** a duplicate of the source document at the receiving end.
- (B) A “facsimile machine” means a machine that can send and receive a facsimile transmission.
- (C) “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

- (A) The person filing a document by fax shall also provide therewith a cover page containing the following information: (See appendix 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', Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of 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; and
 - (11) if applicable, a statement explaining how costs are being submitted.
- (B) If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at the Clerk's discretion;
- (1) enter the document in the Case Docket and file the document; or
 - (2) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk of Court.
- (C) The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

SIGNATURE

- (A) A party who wishes to file a signed source document by fax shall either:
- (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.
- (B) A party who files a signed document by fax represents that the physically signed source document is in her possession or control.

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 court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.
- (B) Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g. Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. (See appendix for sample exhibit cover sheet.)

TIME OF FILING

- (A) Subject to the provision of these rules, 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 Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.
- (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 Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.
- (D) The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

FEES AND COSTS

- (A) No additional fee shall be assessed for facsimile filings.

LENGTH OF DOCUMENT

- (A) Facsimile filing shall not exceed 20 pages in length. The filer shall not transmit service copies by facsimile.
- (B) Copies needed for service shall be made by the Clerk and charged for at the rate established by the Auglaize County Clerk of Courts.

Rule 8

Certificate of Service

Every Pleading, Motion, Memorandum or Argument, in writing, filed with the Court and Judge, shall be served upon all opposing counsel or upon all parties not represented by counsel.

Proof of service shall be by certificate of service attached to such Pleading of a Motion, Brief, Memorandum or Argument, and shall include the names of attorneys and/or parties served, and the date and manner of such service.

Rule 9

Rule Dates and Extensions

Prior to the expiration of any Rule date, any party may be permitted leave to Move or Plead provided the total extension of time does not exceed twenty-one (21) days. Subsequent to the expiration of a Rule date, leave will be granted only for good cause shown.

Where an additional extension of time beyond that provided by the foregoing paragraph is needed, the party desiring the extension shall file a written Motion supported by an affidavit stating facts indicating the practical impossibility of pleading within Rule and demonstrating good cause for further extension. The Motion and affidavit shall be served upon opposing counsel and the matter shall be heard at a time to be fixed by the Court. Motion and affidavit will be required even though consent of counsel is obtained if the extension is for a period of time beyond twenty-one (21) days.

Rule 10

Notification of Counsel

It shall be the duty of any attorney upon accepting representation of the Defendant in any Civil, or Criminal matter, to immediately notify the Court of such representation, even though her appearance may not as yet have been entered in the case.

Notification by the Assignment Commissioner by ordinary mail shall be deemed official and complete notification to all counsel of any assignment of any case for any purpose whatsoever.

Rule 11

Withdrawal of Counsel

A trial Counsel shall not be permitted to withdraw from any action at any time within twenty (20) days in advance of trial or hearing. At other times withdrawal shall be permitted only:

(A) Upon written application with the written consent of his or her client and the entry of appearance of a substitute trial Counsel, or;

(B) Upon written application showing a good cause, and service of a copy of this Rule and notice to the client, and upon such terms as the Court shall impose.

If Counsel for a party shall die or formally enter withdrawal from a case, a party shall have fourteen (14) days in which to secure new Counsel. During such time no actions shall be taken in said cause unless the Court shall determine that suspension shall work an injustice to the opposite party. Upon application of the parties, said time may be extended. If a party fails to procure Counsel within fourteen (14) days or fails to request the Court for an extension, all pending actions will be assigned as in any other case, and the case will proceed. In such case, notice of assignment, filed with the Clerk and made a part of the original papers will be deemed notice to the party without Counsel.

Any Counsel formally withdrawing from a case shall advise the party to the action of this rule by furnishing a written copy of such rule to the party.

Rule 12

Scheduling Conference

(A) At such time as the Court may determine, or upon request of any party to the proceeding, and when it appears that any case is at issue before the Court, such case will be assigned for a Scheduling Conference.

(B) Scheduling Conferences may be held in Chambers or by telephone conference as the Court may direct.

(C) Scheduling Conference Statements need not be filed unless specifically directed by the Court. In the event such order is made, the statement will cover the matters set forth in paragraph (D) below. Criminal matters will generally take precedence over civil matters. Civil matters seeking injunctive relief will be scheduled on a priority basis, consistent with Civil Rule 65, and as soon as practicable whether or not a temporary restraining order has issued.

(D) At such Scheduling Conferences, trial counsel shall appear and be prepared to discuss the following:

- 1.) Nature of proceeding;
- 2.) Peculiar issues involved;
- 3.) Analysis of issues;
- 4.) Scope and time needed for Discovery, including cut-off date;
- 5.) Exchange demonstrative evidence and exhibits;
- 6.) Determine whether Pre-trial Conference and/or Pre-trial statement will be required;
- 7.) Determine witness list exchange date;
- 8.) Possible settlement;
- 9.) Estimate of trial time;
- 10.) Firm trial date.

(E) At the Scheduling Conference, the Court shall have the authority to decide any undetermined preliminary matters; to record any admissions, stipulations or agreements; to hear and decide the case with the consent of the parties in Civil cases; to make whatever findings, orders, Judgments or decrees which may be warranted or proper under the circumstances.

(F) Parties are not required to appear at Scheduling Conferences if held in Chambers unless specifically ordered by the Court.

(G) The Court may set certain proceedings for back-up trial at a Scheduling Conference, or at any time thereafter to date of Pre-trial or Discovery cut-off date. Counsel shall be prepared to go forward with trial. The Court will make every effort to advise trial counsel as early as possible as to whether the back-up trial will go forward or be preempted by a signed primary trial, but in any event, no later than three (3) days before trial date.

Rule 13

Pre-trial Procedure

(A) All Civil cases not in Default and all Criminal cases where a plea of Not Guilty has been entered at an Arraignment should be pre-tried. Pre-trial Conferences may be held by telephone conference calls with prior arrangement and approval of the Court.

(B) In all Civil cases, Pre-trial Statements by all parties shall be filed with the Court at least three (3) days before date of Final Pre-trial. They shall include the following:

- 1.) A statement of the facts giving rise to the claim or defense, and/or counter-claim.
- 2.) A comprehensive statement of the issues involved.
- 3.) Propositions of law or positions supported by law with at least two (2) or three (3) authorities cited.
- 4.) List of and addresses of witnesses who will be appearing on behalf of the party, including a short statement of testimony of witnesses. Witness lists shall be furnished to the Court Reporter.
- 5.) A list of all demonstrative evidence or exhibits which will be offered on date of trial. Exhibits shall be marked, in accordance with Court Reporter's instructions, and exhibits shall be exchanged with copies to Court and Court Reporter.
- 6.) A demand or offer for settlement.
- 7.) An estimate of trial time.

(C) It is the intent of the Court to assign Final Pre-trial and trial within a short period of time. Accordingly, it is suggested to counsel that a preparation for the Final Pre-trial hearings shall encompass the same type of preparation as would be required for trial.

(D) The parties and their respective counsel shall appear at each Pre-trial session. A corporate party may appear by an officer or by an employee having knowledge of the subject matter of the case. A party, who is insured, concerning the claims of the case, may appear by a Claims Representative of her public liability insurance company. However, if the Pre-trial Judge finds that the presence of the insurance party is essential to the conduct of the Pre-trial, he may direct such party to appear in addition to the Claims Representative. A party unable to appear by reason of illness or other disability, or residence outside the jurisdiction of the Court, may be excused from appearing upon application to the Pre-trial Judge. If such party is excused, it is mandatory that he be available by telephone at the time of the Pre-trial and ordered to assist in negotiations. A party may be excused only upon prior leave of Court.

Whether or not the case is settled, it is likely that by reason of the knowledge gained at Pre-trial, the case will be more efficiently tried.

(E) The attorneys (or parties pro se) shall be prepared to:

- 1.) Freely discuss the theory or theories of their case, both factual and legal;

- 2.) Discuss the necessity or desirability of Amendments to any Pleadings or the filing of additional Pleadings;
- 3.) Discuss simplification of the issues;
- 4.) Make admissions as to the facts and genuineness of documents and other exhibits which are not in dispute;
- 5.) Eliminate parties unnecessary to the case;
- 6.) Give the names and addresses of witnesses whom they intend to call, and state the general nature of their testimony. The refusal or failure of any counsel to disclose a witness may render evidence by that witness inadmissible at trial, unless leave is obtained for good cause shown. This shall not apply to rebuttal witnesses;
- 7.) Give the number and nature of exhibits they intend to introduce and produce them for examination by the Court or parties;
- 8.) Give the names, addresses and specialties of any anticipated expert witnesses unless disclosure of such witnesses has been previously ordered;
- 9.) Exchange reports of expert witnesses expected to be called by the parties;
- 10.) Exchange medical reports and hospital records;
- 11.) Discuss limitations on the number of expert witnesses;
- 12.) Discuss the necessity of supplementing Interrogatory Answers or other previously discoverable matters;
- 13.) Discuss procedures and time limitations for the completion of any further anticipated Discovery;
- 14.) Submit and consider authorities on unique or controverted issues or guarantee their submission on or before a date certain;
- 15.) Discuss any other matters that may expedite the trial or disposition of the case.

(F) At the Pre-trial Conference, the Pre-trial Judge shall have authority to decide any undetermined preliminary matters; to record any admissions, stipulation or agreements; in Civil cases, to hear and decide the case with the consent of the party; to make whatever findings, orders, Judgments or decrees which may be warranted or proper under the circumstances and within the scope and the spirit of the Civil Rules; set the case for trial or dismissal, or take other appropriate action under Civil Rule #37 if counsel failed to appear.

(G) Following the Pre-trial Conference, the Pre-trial Judge will cause to be prepared an Order reflecting all matters stipulated by counsel and all Orders made by the Pre-trial Judge, and said Orders shall control further proceedings in the action subject to the provisions of Rule #60 of the Civil Rules. The Court and counsel may take any further action at the Pre-trial Conference as is authorized in Rule #16 of the Civil Rules.

(H) Failure of any attorney to be prepared for Pre-trial Conferences or failure of a party or attorney to appear, or to cooperate in good faith in the conduct of the Pre-trial Conference, shall subject said attorney or party, in the discretion of the Judge, to any sanctions provided by Rule #37

of the Ohio Rules of Civil Procedure, including an award of expenses and/or attorney fees to any party prejudiced by said failure. In addition, the Court shall have the authority to proceed with all or any portion of the case and to decide and determine any or all matters ex parte upon failure of the Plaintiff or Defendant to appear in person or by counsel at Pre-trial Conferences in Civil cases. In addition, the Court may transfer the matter to the inactive docket of this Court. In addition, the Court may exclude exhibits if not produced at Pre-trial, or exclude testimony of witnesses who have not been identified to opposing counsel on witness lists at Pre-trial.

(I) Statements of the parties through their counsel made in the course of any Pre-trial hearing shall not be binding upon the parties unless expressly made so by written stipulation in the course of the Pre-trial, or as set forth in the Judge's Pre-trial Minutes.

At the Court's discretion, counsel shall file within five (5) days after the Pre-trial, an amended Pre-trial Statement, including those items contained in paragraph (B), above.

Rule 14

Discovery

(A) Unless circumstances clearly dictate otherwise, counsel shall participate in informal Pre-trial Discovery Conferences to reduce, in every way possible, the filing of Discovery demands and procedures; to that end it is suggested that no Interrogatory requests, Motions or Applications, or Protective Orders shall be filed under Civil Rule #26-37, inclusive, until counsel have diligently explored such objectives with opposing counsel in an effort to informally handle all Discovery matters and reduce or clarify the issues in controversy to facilitate the presentation at trial.

(B) At such time as Discovery cannot be completed informally, the party seeking Discovery shall advise the Court in writing and file such Interrogatory requests, Motions, Applications and Protective Order requests as may be necessary or advisable to counsel for protecting the interests of their client. Such statements shall recite efforts made to resolve differences informally. In addition, such statements shall recite those matters that remain in dispute, and in addition, the date, time and place of such conferences, and names of all parties participating therein.

(C) All Discovery shall be completed by date of Pre-trial or at such other time as may be set by the Court. Unless authorized by the Court, any Discovery after said date may not be offered at trial.

(D) Any person who has responded to a request for Discovery, informal or formal, is under a continuing duty to supplement such response pursuant to Civil Rule #26(E). Any party who fails to supplement such responses will be subject to sanctions by the Court at trial.

Rule 15

Interrogatories and Production of Documents

Counsel demanding Discovery shall file with the Clerk of Courts a one (1) page certificate bearing the caption, the type of Discovery requested, the name of the party required to respond,

the name and address of the counsel to whom the demand for Discovery was directed, and the date of mailing. Unanswered Discovery requests (interrogatories, requests for production of documents, etc.) shall not be accepted for filing by the Clerk.

Rule 16

Depositions

(A) The fees of Officers taking and certifying Depositions shall be paid by the party on whose behalf such Depositions are taken. If the Deposition is used to present evidence at the trial, such payments may be taxed as costs in favor of the prevailing party and shall then become part of the Judgment in the action, except as otherwise ordered by the Court.

(B) When a Deposition has been filed in any action, except in actions in which the law prescribes a different procedure, it shall be opened only by the Clerk at the direction of the Court. The fact and date of opening, and the name of the person opening it shall be endorsed on the envelope containing the Deposition, which envelope shall be preserved with the Deposition.

(C) Depositions on file shall not be withdrawn without leave of Court.

(D) All Video Depositions shall be filed no later than fourteen (14) days before trial and shall be accompanied by a written transcript of the testimony. The Court will hold a hearing as soon as possible and order to rule on objections, and allow the Video to be edited by trial date if such editing is required. When testimony is recorded on video tape pursuant to Civil Rule #40, it will be the responsibility of counsel to instruct the Notary Public before whom the testimony is taken to note by the use of a digital counter or other clock device connected with the tape, the point on the video tape where objections are made. The Notary will then number the objections consecutively and attach this record to the certification when filed with the Clerk. Objections must be made at the conclusion of the question and answer only. Counsel may state the basis for the objections and read citations into the record at this time. Any objections made prior to the completion of an answer may, in the Court's discretion, be considered overruled.

(E) The filing party/Court Reporter shall include the name and address of the deposing attorney or the party paying for the deposition to allow the Clerk of Court to notify the proper party when the time comes to dispose of the deposition.

(F) All Exhibits depositions and transcripts. depositions and transcripts shall be destroyed in accordance with Supreme Court Rule 26 Court Records Management and Retention (F) Exhibits.

RULE 17

Trial Briefs

Preliminary to the trial of cases assigned for trial, counsel may, within their discretion, or counsel shall upon request of the Judge, file Trial Briefs containing questions of law involved in the case. All Trial Briefs shall be furnished to opposing counsel.

Rule 18

Default Judgments and Relief from Judgment

(A) Default Judgments shall be granted in accordance with Civil Rule #55. All Motions for Default Judgment shall be accompanied by a proposed Judgment Entry. In addition to the following requirements of Civil Rule #55, the party applying for a Default Judgment shall give notice of the application to the party against whom the Default Judgment is sought and shall, at the time of filing the application, submit to the Court proof of service of the application. Said application shall recite that the moving counsel has not been contacted by the Defaulting party or counsel for the Defaulting party, or if such contact has been made, the extent to which such contact has been made.

(B) In all cases where a party is seeking unliquidated damages or is entitled to a Jury trial, at a time designated for Default Judgment, the party entitled to Judgment shall present proper evidence in support of the Allegations and Pleadings for consideration by the Court and Judgment shall be rendered according to the evidence and law applicable. Counsel shall set forth in the Entry of Assignment that a trial by Jury was waived and the matter submitted for decision by the Court.

(C) In any action or proceeding commenced in this Court, if there shall be a Default of any appearance by any party, the party seeking Judgment shall file with the Court an affidavit setting forth facts showing the party in Default is not in the military service. If unable to file such affidavit, the party seeking Judgment shall in lieu thereof file an affidavit setting forth that the party in Default is either in the military service or the affiant is not able to determine whether or not such Defaulting party is in the service, so that before Judgment can be entered, further Civil proceedings shall be had pursuant to the Soldiers and Sailors Civil Relief Act (50 U.S.C. 520 et seq.).

(D) No Motion for Relief from Judgment pursuant to Civil Rule #60(B) shall be granted by the Court unless the Movant has demonstrated the satisfaction of the Court by operative facts of evidentiary quality that:

- 1.) The Movant has a meritorious defense or claim to present if Relief is granted;
- 2.) The Movant is entitled to Relief under one of the grounds stated in Civil Rule #60(B)(1)(5);
- 3.) The Motion is made within a reasonable time;
- 4.) Such party in Default presents and offers to file a proper Pleading in the case together with the Motion for Relief. The Court may, if justice requires, set aside the Default Judgment or decree upon such terms to costs as may be just, and shall order the Pleadings for want of which the Default existed, to be filed forthwith or within such time as the Court may designate.

Rule 19

Entries in all Cases

(A) Unless the Court otherwise directs, counsel for the parties in whose favor an order, decree or Judgment is rendered, shall within five (5) days thereafter, prepare the proper Judgment

Entry and submit it to counsel for the adverse party who shall approve or reject the same within five (5) days after receipt thereof. When approved by counsel, it shall be so endorsed and furnished to the Court. If counsel are unable to agree on the form of the Entry, or if the same is prepared and submitted by counsel in whose favor the order, decree or Judgment is rendered, and counsel for the adverse party fails, neglects, or refuses to return such Entry, counsel in whose favor an order, decree or Judgment is rendered shall prepare a substitute Entry and submit the same to the trial Judge with the notation thereon that the same has been submitted to counsel for the adverse party pursuant to this Rule, and thereafter the trial Judge will direct what Entry shall be made or shall approve and file the Entries submitted. If such Entry is not prepared and presented for filing by counsel, then it shall be prepared and filed by the Court.

(B) Counsel shall promptly submit an order of dismissal following settlement of the case. If counsel fails to do so within fifteen (15) days after representation to the Court that the case has been settled, the Court may order the case dismissed for want of prosecution or file a Judgment Entry of settlement and dismissal, and assess costs. The Court may also sua sponte transfer any matter to the inactive docket upon being advised the cause has been settled.

(C) Provisions of this Rule shall not be deemed to preclude the Court at any time from sua sponte preparing and filing with the Clerk its own Judgment or order.

(D) All such Entries shall be submitted to the Court with sufficient copies to provide each party with a copy thereof. The Clerk of Courts will not accept for filing any Judgment Entry unless it is accompanied by sufficient copies for each party or counsel in the cause, and the Clerk shall immediately, upon the filing of any such Entry, cause each party or counsel to be served a copy of such Entry.

(E) The Clerk's notation of the service of the entry of judgment on the appearance docket is sufficient evidence of service.

Rule 20

CONTINUANCES

(A) No continuance of an oral hearing will be granted except upon written application of the Court together with evidence of good cause for such continuance. Also, its applications for continuance must be made at least seven (7) days prior to such hearing.

(B) In cases assigned for trial, applications for Continuances must be supported by evidence of good cause for Continuance and when such application is based upon the absence of a witness it must be supported by evidence of reasonable diligence on the part of counsel.

(C) All applications for Continuances must be approved by the Judge subject to the following:

- (1) If a Jury has been called, the expense of calling such Jury will be borne by the party requesting the Continuance.
- (2) If the request is granted, the applicant shall prepare a Judgment Entry which contains the reason for the Continuance, the name of the attorney who made the request and the new date certain to which the matter has been continued, which dates shall be first obtained from the Assignment Commissioner.
- (3) Counsel who plan to be away on vacation or otherwise, should notify the Assignment Commissioner well in advance of their anticipated absence.
- (4) After a trial date is scheduled, counsel who has a conflict with a scheduled trial date should immediately apply for Continuance so that their case may be rescheduled and a replacement case inserted instead; also, requests must be accompanied by a copy of the Order creating the conflict.
- (5) Untimely requests will be denied.

Rule 21

Attorney Case Load

Any attorney whose case load interferes with the effective function of the trial docket, shall obtain co-counsel and proceed to trial on the date scheduled.

This Rule is in accordance with Superintendence Rule #9 of the Supreme Court.

Rule 22

Admission Pro Hac Vice

In order to make for consistent treatment of counsel admitted *Pro Hac Vice*, the Court establishes this local rule to require all counsel who have been admitted *Pro Hac Vice* in pending cases to comply with all registration requirements of the current Rules for the Government of the Ohio Bar, Rule XII. Pending cases shall be counted in the limitation contained within said Rule XII, and shall be reported accordingly. Counsel shall forthwith register and fully comply with said Rule XII, and shall certify the same to this Court as soon as practicable.

Rule 23

Counsel for Indigent Criminal Defendants

In all Criminal cases of a serious offense where the Defendant is unable to obtain counsel, the Court shall appoint counsel from the members of the Bar or the Public Defender's Office.

When counsel appointed by the Court to represent an indigent Defendant or the Public Defender's Office discovers that the Defendant has property in addition to that reported to the Court when indigence was determined, he shall report the facts in open Court in Defendant's presence.

Rule 24

Indigent Appeal Procedure

An indigent, where there are reasonable grounds to believe that prejudicial error has been committed during the trial proceedings, has the right of appeal. A Defendant has the right to seek leave to appeal a sentencing order of the Court, unless the sentencing was consistent with a joint recommendation pursuant to R.C. 2953.08. Defense counsel, upon determination that an appeal is meritorious, shall advise the indigent Defendant of her rights of appeal, the grounds for the appeal, and file the Notice of Appeal. At the time of the filing of the Notice of Appeal, counsel shall:

- 1.) File a Motion with the trial Court requesting an estimated cost of that part of the transcript required to perfect the appeal.
- 2.) File a Motion with the trial Court on behalf of the Defendant requesting the appointment of defense counsel.
- 3.) File a Motion with the Trial Court asking for approval of the cost estimate for the payment of the cost of the transcript.

Each Motion, upon a termination, must be terminated in the appropriate Court by Journal Entry.

Rule 25

Bail and Surety Bonds

- (A) The Clerk of Courts shall accept payment of Bail/Bond set by this Court by either cash or credit card.
- (B) All posted bail/bond shall be considered posted in the name of the Defendant.
- (C) If Bond is posted by Credit Card the Defendant shall appear before the Court on the next court date following posting of bond. If the Defendant fails to appear, they may be subject to Bench Warrant and arrest.
- (D) Attorneys and other Officers of the Court shall not be accepted as bail or surety for others, and no bond shall be approved having the name of such persons thereon as surety for others.

Rule 26

Jurors

- (A) All jurors to be used in the Auglaize County Municipal Court shall be selected from a list of eligible jurors furnished to the Court by the Jury Commissioners of the Court of Common Pleas of Auglaize County. The Court shall notify the Jury Commissioners of the number of names to be drawn for the venire. The venire shall be notified by the Sheriff of Auglaize County as the bailiff of the Court that they have been selected for jury duty.

- (B) The assignment clerk of the Court shall summon jurors for trial in a number to be determined by the Judge in the order that they appear on the list as provided by the Jury Commissioners. Summons to be a juror to appear for trial shall be made by mailing the summons to the juror's last known address.
- (C) No person shall be summoned as a juror twice until all prospective jurors have been summoned once.
- (D) A juror may be excused upon the request of the juror from service when the request is made at least two business days before the date summoned for service. The request may be made in person by the juror, by telephone, electronic mail or in writing. The request will be granted if the juror has not previously been granted a postponement and the juror and the court reach an agreement as to future service. The juror may be assigned to a subsequent term. A juror may be granted a second postponement of service only in the event of an extreme emergency or a natural disaster or emergency in which the juror is personally involved that could not have been reasonably anticipated at the time the initial postponement was granted.
- (E) A juror who requests an excuse from service due to undue or extreme physical or financial hardship may be required to provide the Court with documentation supporting the request to excuse service.
- (F) A juror who is over 75 years of age is entitled to be excused from jury service but must inform the Court of the request no later than the date on which the juror is scheduled to appear for service. An employer may request postponement of the jury service of an employee if the employer has fewer than 25 full time employees and if another employee has been summoned to appear during the same term.

Rule 27
Jury Waiver

- (A) When jury trial has been demanded in a criminal case, the demand may only be withdrawn in writing signed by the defendant. Unless the waiver or withdrawal is received prior to notice being sent to the jurors, costs associated with the jury shall be assessed to the defendant.
- (B) When a jury trial has been demanded in a civil case, the demand may only be withdrawn by a waiver executed by either parties or their counsel. Unless the waiver is received prior to notification of the jury to appear, the costs associated with the jury shall be assessed to the party that demanded the jury unless it can be shown that the failure to timely file the waiver was the fault of the opposing party.
- (C) In civil cases the party demanding a trial by jury shall pay a bond for the court costs associated with jury fees. Said fees shall be applied to court costs at the end

of the trial. The Court shall not schedule the case for jury trial until such time that the bond is paid or waived by the Court.

Rule 28
Discharge of Jurors for Past Service

Pursuant to R.C. 2313.21(B), persons who were drawn from the jury wheel for jury service in Auglaize County in the prior jury service year (defined as from September 1 through August 31) shall be and are hereby DISCHARGED and shall be prohibited from jury service in Auglaize County in the ensuing jury service year, and shall be excluded from the jury draw therefor.

Rule 29
Conduct at Trial

(A) Trial Counsel shall meet in Chambers with the Court on day of Jury Trial at least thirty (30) minutes before time set for trial.

(B) Prior to trial, counsel for the parties shall be provided by the Court with copies of Juror questionnaires which have been previously completed by perspective Jurors and directed to the Court. During voir dire, Counsel may not inquire of Jurors as to matters satisfactorily and completely answered in the questionnaires. Counsel may not copy the Juror questionnaires furnished to them, and must return the jury questionnaires to the Court promptly after voir dire.

(C) The Court hereby maintains a standing order of separation of witnesses during the trial. The only witness permitted in the Courtroom during the trial shall be the Defendant in Criminal Cases, an investigating officer for the State, and any party in a Civil Case. All other witness must wait outside of the Courtroom until they are called by a party to testify.

(D) Witnesses shall be expected to take the stand in all cases, unless prevented from doing so by physical infirmity. A witness, not a party, when examined, cannot be recalled without express permission of the trial Judge.

(E) Only one (1) Counsel on each side will be permitted to examine the witness on the trial of a case. Only the same Counsel who examines the witness will be permitted to object.

(F) The Court Reporter shall be the official custodian of all exhibits offered and admitted during the trial of any cause. The same shall be retained by her until otherwise ordered by the Court.

(G) After a Judgment and appeal, or after appeal time has expired without appeal, Counsel for each party shall, upon issuing a receipt to the Court Reporter therefore, obtain return of the exhibits introduced into evidence by such Counsel and cause them to be returned to the owner. In cases of doubtful ownership of the exhibits, Counsel shall bring the matter before the Court for determination.

(H) The Prosecution, plaintiff, or movant in any proceedings shall be seated at the counsel table adjacent to the jury box, unless directed by the Court.

(I) Any party or their Counsel, who requests a view of the premises or scene, must make a request in writing for such not later than seven (7) days prior to the scheduled date of trial. No requests will be honored if made with less than seven (7) days notice. View requests will be granted only upon a showing to the Court that it will expedite or make the testimony of witnesses more understandable, and that it is necessary in the interest of substantial justice.

Rule 30
Courtroom Procedure

(A) No photographic, television, recording, broadcasting, telephonic equipment or devices shall be used within the confines of the Courthouse, and in official business, unless otherwise approved by the Court for trial related proceedings and as long as such action is approved by Canon 3(A), Ohio Code of Judicial Conduct. All requests pursuant to this rule shall be received no later than 4:00 p.m. at least one business day prior to the hearing.

(B) Spectators and others will be seated in the Courtroom on a first come, first serve basis for who seats are provided behind the rail, and remain there until such time as the Court declares a recess or adjournment. The Court may, in the public interest, reserve seats for the public media, this Rule notwithstanding.

(C) No person shall have on his person or under his control any dangerous weapon or dangerous ordinance other than police officers on official business. Any person within the confines of the Courthouse shall be subject to search at any time by the Sheriff of Auglaize County, Ohio. The Sheriff is further directed to search any and all spectators at his discretion.

(D) The Courtroom shall be cleared at all 12:00 noon recesses, at discretion of the Judge.

(E) Representatives of the media will under no circumstances question or converse with prospective or selected Jurors concerning a cause set for trial.

(F) No person except officers of the Court and duly authorized persons shall be permitted in front of the railing or bar of the Common Pleas Courtroom.

(G) There shall be no eating, drinking or smoking in the Courtroom.

(H) Any person violating any part of Rule 44 shall be subject to a finding as in "Contempt of Court".

Rule 31
Guidelines for Counsel in Jury Trials

The following guidelines for counsel involved in Jury Trials in this Court are established in the hopes that they will not only enhance the likelihood of a fair trial, but also will permit the trial to run more smoothly.

I. VOIR DIRE EXAMINATION:

During voir dire counsel shall not:

- (A) Argue the case.
- (B) Engage in efforts to indoctrinate, visit with or establish “rapport” with Jurors.
- (C) Question Jurors concerning anticipated instructions or theories of law, or Jurors’ “understanding” of various legal principles yet to be explained to them.
- (D) Ask Jurors what kind of verdict they might return under a hypothetical statement of facts.
- (E) Seek a pre-commitment from a Juror to a factual or legal proposition that is in issue.

II. CHALLENGES TO JURORS:

All challenges, whether peremptory or for cause, shall be addressed to the Court outside the hearing of the Jury at the bench.

III. OPENING STATEMENTS:

Opening statements of counsel afford an opportunity to explain to the Jury the issues in the case and summarize the facts that counsel expect the evidence will show. Argument in support of the client’s case should not be made during opening statements. Counsel may use visual aids such as charts, graphs, maps, photographs, models or other graphic devices, but leave the Court for such use should be first obtained unless the visual aid has, outside the presence of the Jurors, already been admitted into evidence or its use has been approved by stipulation of all counsel.

IV. OBJECTIONS AND TRIAL MOTIONS:

Generally speaking, except when the Court feels it necessary to act sua sponte to prevent a manifest miscarriage of justice, the Court will make rulings on evidentiary and related matters only upon appropriate objection or Motion of counsel. Objections or Motions should be made promptly and should state the basis or grounds for the objection or the nature of the Motion, but without argument unless or until invited by the Court. “Speaking” objections or Motions, that is, objections or Motions in which counsel argue the basis or ground of the objection or Motion, should be avoided. All objections or Motions should be addressed to the Court and at no time should counsel address one another directly except for perfunctory matters of courtesy, such as stating the page and line number of a Deposition to which reference is made. All argument in support of or against an objection or Motion, unless otherwise directed by the Court, should be out of the hearing of the Jury, either in a low voice at the bench or after the Jury has been excused.

V. EXAMINATION OF WITNESSES:

Ordinarily, counsel should remain at or behind the lectern when examining a witness. However, counsel may approach a witness for the purpose of showing a witness a document or other object. Before approaching a witness for any other purpose, counsel should request permission from the Court. For limited or brief examination, counsel may conduct such examination from his position at counsel's table, but should always stand while conducting examination of the witness or while addressing the Court. Counsel, upon completing examination of the witness, whether on direct or cross, should so state to the Court and the Court will then direct such further examination of the witness as may be appropriate.

VI. RECORD AWARENESS:

Please remember that while all present in the Courtroom may be fully aware of the document or exhibit which you show to a witness and say, "I now hand you this document", and while all present in the Courtroom may understand what the witness means when he points to a drawing and says "I was standing over here", one who subsequently reads the Court Reporter's transcript of the proceedings will have no idea of what was meant by "this document" or "over here" without the exhibit number. Have the witness identify where "over here" is, preferably by an identifiable symbol on the map, chart or drawing, etc.

VII. FINAL ARGUMENT:

Arguments should be limited to matters in evidence and all inferences fairly and reasonably to be drawn from the evidence together with reference to matters of common and every day knowledge. Except where a different procedure may be required in a complex case, the order of argument is (1) Plaintiff's summation; (2) Defendant's summation, including rebuttal of the Plaintiff's summation, and; (3) Plaintiff's rebuttal of Defendant's summation.

While the Court will generally give counsel wide latitude, there are some areas which are improper for argument and which are generally known by experienced trial counsel. While not meant to be an exclusive list, the following are considered by the Court to be improper during closing argument.

- (A) Reading from the Pleadings is not allowed.
- (B) Counsel may not testify in the guise of argument by suggesting that he has personal knowledge of the facts in the case or of matters outside of the evidence, nor should counsel assert his personal belief in the justice of his cause.
- (C) Plaintiff's counsel may not comment on his client's obligation to pay an attorney's fee out of the gross damages awarded by the Jury.
- (D) The Golden Rule Argument – requesting the Jury to put itself in the place of one of the parties and reach a verdict according to how the Jury would wish to be treated in the same position – is improper.

- (E) Personal attack on opposing counsel is to be avoided.
- (F) Argument which in any way attempts to relate to an individual Juror or which attempts to elicit a direct or immediate response from a Juror is improper.
- (G) Any argument which seeks to appeal to sympathy, bias or prejudice, or seeks to inflame the Jury by arousing in them any feeling of hatred or distrust of a party or counsel is improper. The Jury's duty is to fairly and dispassionately consider and weigh the evidence, to decide the disputed issues of fact, and to apply the law to the facts as it finds them from the evidence. It is not the Jury's duty to "send a message" to anyone.

Rule 32

Findings of Fact and Conclusions of Law

When a party requests the Court to state its findings of fact separately from its conclusions of law under the provisions of Civil Rule #52, the party requesting such statement shall within five (5) days after receipt of notice of the Court's decision, submit to the Court a statement of proposed findings of fact and conclusions of law and shall serve copies thereof on all opposing parties or their Counsel. Within five (5) days after receipt of such proposed statement of findings of fact and conclusions of law, opposing Counsel shall submit and similarly serve their proposals.

For want of strict compliance with this Rule on the part of the party requesting this statement of findings of fact and conclusions of law, the Court will enter a general finding.

A party moving for dismissal pursuant to Civil Rule #41(B)(2) shall submit to the Court proposed findings of fact and conclusions of law in writing together with his Motion for Dismissal.

Rule 33

Transcription: Trial Record

All proceedings before the Auglaize County Municipal Court shall be recorded by a duly appointed Court Reporter.

Requests for transcriptions of testimony from the recordings of any cases shall be made in writing by Motion with the Court, with a copy to be served upon the Court Reporter. The Motion shall request an estimated cost of the transcript from the Court Reporter. Upon the estimate being determined and after submission, the party shall secure the cost of the transcript before transcription commences.

The Motion shall further set forth the testimony to be transcribed.

Transcription from the recording for the Court record shall be made by the Court Reporter, under the control and direction of the Court and shall be paid for at rates assessed by the Court. The Court Administrators are appointed to serve as the Court Reporters unless modified by a specific order of the Court.

No transcript shall be prepared by other than a duly appointed and sworn Court Reporter as set forth and certified in Third Appellate District Court of Appeals, Rule #5 .

Transcription of the tapes shall be made by the Court Reporter under the control and direction of the Court and shall be charged as determined by the Court.

Said transcript schedule is as follows: original and one copy to same person \$4.00 per page; subsequent copy \$0.05 per page.

All transcript charges are to be paid for in advance to the Auglaize County Municipal Court before transcription will commence, by the appointed Court Reporter-Transcriber.

Rule 34

Exhibits for Reporter

It shall be the duty of the Court Reporter to receive and hold all exhibits offered and received during the trial of any case and safely keep same throughout such trial, unless the release thereof is consented to by the parties, or released by the Order of the Court.

Once the period for appeal and post conviction motions has expired, the Reporter may contact the party that offered the exhibit for it to be returned. If the exhibit is not claimed by the party who offered it at trial or hearing after 60 days from the notice it shall be destroyed.

Rule 35

Bankruptcy Adjudication

Whenever any party to an action pending in this Court files bankruptcy, the attorney of record or the party, if acting in a pro se capacity shall, within fifteen (15) days after filing bankruptcy, file written Notice of Filing with the Clerk of this Court. Such Notice shall include a copy of the Order Staying State Court actions or other appropriate documentation confirming and giving the date of such filing.

Such attorney or party shall likewise give such Notice to other counsel or pro se parties of record in such pending litigation; same to conform to requirements of Civil Rule #5.

Furthermore, such attorney or party shall file and serve all counsel or pro se parties notice of the lifting of any such stay within fifteen (15) days after such a stay is lifted by the Bankruptcy Court or operation of law.

Rule 36.

Uniform Work-Release Program

WHEREAS Section 5147.28 et seq. of the Revised Code of Ohio provides for establishment of a prisoner work-release program, which said program may be established with the agreement of all Courts in the County or by the Presiding Judge of the Court of Common Pleas;

AND WHEREAS the current work release program established decades ago contains terms that are no longer feasible and are in need of revision;

AND WHEREAS the officials of all Courts in Auglaize County together with those persons and officials connected with the administration and with the working of such program having heretofore met and been consulted, and the Courts have agreed upon and have approved a uniform work release program provided in such cases;

THEREFORE BE IT ORDERED, ADJUDGED AND DECREED that a new prisoner work-release program be and the same is hereby established and adopted for all Courts of Auglaize County, Ohio, effective February 7, 2025, to replace the current work-release program in order that the Courts of this county may permit prisoners confined in jail in Auglaize County, Ohio, to have employment so that they can continue and that they may provide for restitution,

payment of other bills and expenses and to provide a fund for themselves as upon their release from such institution;

Such prisoner work-release program shall be administered and shall be subject to the following rules, terms and conditions, which said rules may be complemented, amended or changed by Judgment Entry of this Court.

Section One--**RULES AND REGULATIONS**

1. At the discretion of the sentencing Judge in Auglaize County, Ohio, any prisoner sentenced to a County jail term may be permitted to participate in a Work-Release Program, provided:
 - a. At or before the time of sentencing, a defendant may make application to the sentencing Court. Any such applicant shall provide to the administrator of the program all information deemed necessary by the administrator as set forth below unless waived by either the administrator or the sentencing Court.
 - b. Any prisoner participating in a work-release program in Auglaize County, Ohio, shall be paid remuneration, subject to child support payments and/or garnishment, and have hours and other conditions of work substantially equal to those prevailing in the locality; provided, however, the sentencing Court may under special circumstances approve the work-release program for a wage less than the prevailing rate in the locality; but no employer may discriminate as to wages and hours against any such inmate/employee.
 - c. The Presiding Judge of the Court of Common Pleas shall appoint the person by separate journal entry to serve as the Administrator of the Work-Release Program as set forth herein, such position being necessary and proper pursuant to Section 5147.29 et seq. of the Ohio Revised Code. Such appointment shall be at the pleasure and discretion of said Presiding Judge and shall continue until said Administrator resigns or is replaced by said Presiding Judge.
2. Inmates serving sentences under the Work Release Program under commitment to the Auglaize County Correctional Center shall agree to abide by the rules, regulations and terms, established herein below pursuant to R.C. 5147.28(B). Failure to follow these may result in removal from the program.
 - a. Each inmate shall limit the hours of work-release to the hours of approved work plus a reasonable period of time for travel to and from the work site. Any inmate requesting additional travel time or modification to the hours of employment must justify the need for the additional travel time or modification to the hours of employment to the Work Release Administrator.
 - b. Each inmate shall provide the following information and items to the Work Release Administrator by providing a copy of the application and supporting documents to the Work Release Administration:
 1. Working Hours and Days of Week and the inmate's recent time card if available.
 2. Current Pay Check Stub.
 3. Valid Driver's License & valid Insurance Card if inmate is driving to/from work.
 4. The direct phone number and address of the supervisor for verification.

5. If driving a vehicle to and from work, the inmate must provide a description of car and the license plate number in addition to No. 3, above.
 6. If being picked up for work, the driver's name and vehicle information and the driver must have a valid operator's license.
 7. The transportation time needed if inmate plans to walk or ride a bike to work.
3. Each inmate shall provide to the Work-Release Administrator a written record of earnings on a per pay period basis while on work-release program. Each inmate shall pay to the Work Release Administrator immediately upon receipt of their pay a fee to be approved by the sentencing judge, after input from the Work Release Administrator, as follows:¹
- A. The LESSER of:
 - a. 25% of the prisoner's income defined as follows:
 - I. GROSS wages, LESS:
 - i. All taxes withheld, including Federal, State and local income tax, FICA, and Medicaid,
 - ii. Group Health insurance single or family plan, plus
 - iii. Court Ordered Child Support withheld, equals the Net pay
 - b. the actual cost of boarding the prisoner for a day.
 - B. At or after sentencing, inmate's attorney shall assist inmate in submitting the above documentation and proposed Work Release Agreement to the court with a copy for the WRA.
4. The inmate shall sign a WORK RELEASE AGREEMENT² as approved by the sentencing judge prior to participation.
5. The amount of monies paid by the inmate to the Work Release Administrator shall be applied and distributed by said Work Release Administrator as ordered by the sentencing judge, as follows:
- a. Reimbursement of the county for the direct costs of administering the program and the cost of boarding the prisoner at a percentage as determined by the sentencing judge pursuant to division (D) of R.C. 5147.29, but may be lower than 25%;
 - b. A portion of the 25% received from the prisoner shall be applied as payment of restitution, fines, and court costs at a rate to be approved by the sentencing judge and spelled out in the Work Release Agreement, which payments for restitution, fines and costs shall be deposited with the Clerk at least monthly and at a schedule to be approved by the Clerk.

¹ R.C. 5147.29 applied.

² Using the Form approved by the sentencing judge.

- c. With the agreement of the Auglaize County Sheriff, 80% of the money received will be applied to the cost of boarding the prisoner for a day and 20% will be applied to restitution, court costs and fines.

Support of the prisoner's dependents as ordered by the sentencing judge will be paid directly by the employer or the prisoner to the CSEA, or to the appropriate person, and not from the amount received from the prisoner. The inmate SHALL pay the child support obligation to the appropriate CSEA or to an approved PAYEE for the benefit of his children, and failure to do so may result in termination from this program.

6. Necessary travel expenses to and from work and other expenses incidental to employment, which has been provided for in the above computation and shall be the responsibility of the inmate.
7. Debts acknowledged by the prisoner in writing subsequent to his sentencing will be paid by the inmate from the balance the inmate controls after payment to the Work Release Administrator and shall be the responsibility of the prisoner.
8. Debts which have resulted in garnishment or other attachment of personal earnings will already have been deducted by the inmate's employer.
9. The Sheriff shall maintain complete and accurate records as to all prisoners employed in the work-release program with respect to all monies received and disbursed.
10. Inmates who are serving ten (10) days or less may be required to pay their room and board fee up front as determined by the Sentencing Judge.
11. Inmates driving to and from work may obtain fuel or food as needed at a location approved by the Work Release Administrator.
12. No prisoner on the work-release program shall be required to work in an establishment where legally constituted strike is in progress.
13. Employment in another County will not be permitted under the work-release program unless specifically authorized by the sentencing Court.
14. If the inmate's employment requires the inmate to travel to different locations, those locations must be communicated to the Work Release Administrator and must be approved prior to the inmate changing location of his work.
15. Each inmate employed in this work-release program shall be provided adequate and nourishing meals by the jail only if said employment allows her to be incarcerated during the serving of meals, and if this is not the case, then each prisoner shall provide his/her own meals.
16. Each inmate participating in the Work-Release Program shall follow all rules and regulations of the Auglaize County Correction Center.
17. Each inmate participating in the Work-Release Program shall complete and follow all rules and regulations set forth in the Work Release Program Packet as approved by the Work Release Administrator.
 - a. The Work Release Administrator shall provide the Auglaize County Common Pleas and Municipal Courts a current copy of the Work

Release Program Packet and shall not modify the packet without approval from the Court.

18. Violation of the Rules and Regulations of the Work Release Program, the Auglaize County Correction Center, or the Work Release Program Packet may result in termination from the program.
 - a. If the Administrator deems a violation has occurred the inmate may be suspended from the program and the Administrator shall notify the Court that placed the Defendant in the program by 9:00 a.m. of the next Court day.
 - b. After notification of a potential violation, the Court may terminate the inmate's participation in the Work-Release Program, or may set a hearing to determine if the Defendant may continue in participation in the program.
19. The Judges of the Courts of Auglaize County and the Auglaize County Sheriff shall meet no less than one time per year to discuss the necessity for any changes to this program. The meeting will be schedule to occur directly after the first Elected Official meeting that occurs each calendar year.
20. Any person applying for the Work-Release Program may be denied by the sentencing court admission if they have an outstanding balance with the Auglaize County Correction Center for prior participation in the program or incarceration, and to the Auglaize County Clerk of Courts for unpaid fines and court costs.
21. The attached FORM 40(A) and FORM 40(B) are hereby adopted and shall be Appended to and a part of this Rule.
22. The Work Release Administrator and the Court's Probation Officers shall communicate regarding supervision the work release inmates and their progress while participating in this program.

The above Rule is hereby amended, effective February 7, 2025, and the Presiding Judge of each court shall cause a copy of the Amended Rule to be provided to the Ohio Supreme Court in accordance with the Rules of Superintendence.

IN THE AUGLAIZE COUNTY _____ COURT

STATE OF OHIO
PLAINTIFF

:

Case No: _____

:

Vs.

**WORK-RELEASE
APPLICATION**

: Form 40(A)

DEFENDANT

:

[Attach additional sheets if more space is needed,]

Now comes the Defendant who moves the Court, in the event that this honorable Court sentences the Defendant to incarceration, that said incarceration be in the Auglaize County Correctional Center Work Release Program. In accordance with the Local Rules of Court which this Applicant has read and understands, Applicant provides the following information:

1. Defendant is employed at the following place of employment: _____

_____, Ohio.

Defendant's work days and hours are as follows:

2. Defendant has attached hereto a copy of his current pay stub (identifiers deleted), a copy of his most recent time card (Y or N), a copy of his valid Ohio Driver's License (identifiers deleted) (valid Y or N), a copy of his valid health insurance card (identifiers deleted) (valid Y or N), and if applicable a copy of his current valid auto insurance card.

3. Defendant ___DOES or ___DOES NOT have a valid operator's license, insurance and a vehicle to drive to and from his employment.

If so, the vehicle he will be driving is titled in the name of _____ and has Ohio License Plate No. _____ and is described as follows: _____

4. If the Defendant will NOT be driving to work, but will be:

_____ walking _____ riding a bicycle _____ taken by someone

5. If being taken to and from work, that person will be _____

who is _____ a co-worker _____ a family member _____ friend _____ paid driver

6. The Defendant's immediate supervisor is _____ who can be contacted to verify this information at the following telephone number and email address:

7. The next date and time I am supposed to report to work following my scheduled sentencing hearing is on the _____ day of _____ at _____ o'clock __.m.

8. I have _____ accumulated days vacation time that I can take immediately upon my sentencing.

9. I have been employed at the above place of employment most recently and continuously since the _____ day of _____, _____.

10. a. I ___ DO or ___ DO NOT have a retirement plan (401(k) or otherwise) at this employment.

b. I ___ DO or ___ DO NOT have a health insurance plan through this employer.

c. I ___ DO or ___ DO NOT have child support deducted from my pay.

11. I receive my pay ___ by check ___ by deposit into my account at _____ Bank _____ other
(specify) _____.

12. I ___ DO or ___ DO NOT have legal custody of minor children who ___ DO or ___ DO NOT live with me.

14. I ___ DO or ___ DO NOT have a child support order that ___ requires me to pay child support; that ___ requires someone to pay child support to me. (check all that apply.)

15. I have attached a list of all real estate I own any interest in, including the location and the value of each property as shown by parcel number on the Auditor's records or appropriate records of the state where the property is located.

I declare that the above information is true and accurate subject to criminal penalties for falsifying any of this information.

Defendant

IN THE AUGLAIZE COUNTY _____ COURT

STATE OF OHIO, : Case No: _____
PLAINTIFF :
Vs. : **WORK-RELEASE**
 : **AGREEMENT**
 : Form 40(B)
_____ :
DEFENDANT :

I, _____ being in the custody of the Sheriff of Auglaize County under sentence of a court of Auglaize County, agree to abide by the rules and regulations of the WORK RELEASE PROGRAM in order to become eligible to participate in that program. I have received a copy of the LOCAL RULE OF COURT that contains those rules and I acknowledge that I understand them and agree to comply with each of them. In addition to those rules, I specifically agree to the following:

- (1) The prisoner agrees and understands that he/she is to go directly to his/her place of employment and return directly therefrom without exception at the end of the working day, subject to the Order of the Court, unless the Work Release Administrator (WRA) or his designee or the Court has approved stops for food or fuel in writing;
- (2) The prisoner agrees to furnish and provide his/her own transportation to and from the Auglaize County Jail subject to the approval of the Work Release Administrator, his designees or the Court.
- (3) The prisoner agrees that he/she will under no circumstances drink alcoholic beverages or consume any marijuana or any controlled substances, shall not possess or consume any tobacco products or vapes, or use social media during the period of his/her participation in the work-release program.
- (4) The prisoner will not leave his/her place of employment for any purpose other than to return to the Auglaize County Jail, subject to the Order of the Court, unless approved in writing by the WRA or WRA's designee.
- (5) The prisoner understands and agrees that he/she will make an accurate record of the time he/she enters and departs both from work and the Auglaize County Jail.
- (6) All prisoners will provide to the work-release administrator a written record of earnings on a weekly basis while on the work-release program.

All prisoners will provide the work-release administrator payments as set forth below immediately upon receipt of any income. All prisoners are required to provide the work-release administrator their written documentation of all wages and income immediately upon receipt, and also their final written record of earnings and income to settle their obligations prior to or after discharge.

The prisoner agrees to do what is necessary to complete the payments when due.

(7) The Defendant represents to the Court that his/her wages and income are as follows:

(a) From employment at the following employer: _____

At the following rate of pay: Salary per _____ in the amount of \$ _____

Hourly at \$ _____ per hour

PAYABLE ___ daily ___ weekly ___ bi-weekly ___ semi-monthly ___ other

Bonuses (if any) \$ _____ payable _____

(8) That my regularly scheduled work schedule is as follows:

Any changes in work hours/schedule must be reported immediately to the Work Release Administrator.

(9) That I ___ DO or ___ DO NOT have mandatory overtime in my job.

(10) That I ___ DO or ___ DO NOT have voluntary overtime offered to me in my job. If so, my voluntary overtime ___ IS scheduled in advance ___ IS NOT scheduled in advance. The Work Release Administrator may deny the inmate's participation in voluntary overtime. The Defendant may appeal this decision to the sentencing Court.

(11) That I ___ DO or ___ DO NOT have minor children or owe back child support.

(12) That I ___ DO or ___ DO NOT have child support taken out of my pay and if applicable, in the amount per pay period of \$ _____

(13) That I ___ DO or ___ DO NOT have minor children that I have custody of and who reside with me in my household. If so, what are their ages: _____

(14) That I ___ DO or ___ DO NOT support my minor or disabled adult children. If so, how many? _____ Where do they live? _____

(Attach proof of your relationship to them, and proof of your payments.)

(15) That I ___ DO or ___ DO NOT receive other income from any other source. If so, list that income source and amount(s) and explain.

FILL OUT AND ATTACH THE FINANCIAL DISCLOSURE FORM OPD-206R.

- (16) The prisoner agrees to hold the County of Auglaize, the Court, the Sheriff, the Work-Release Administrator, and any of the county employees harmless for any injuries or damages which the prisoner might suffer while outside of the Auglaize County Jail and while participating in the Work-Release Program.
- (17) The prisoner understands and agrees that while outside the jail, he/she will not visit with or communicate with family or friends or have a cell phone in his/her possession or under his/her control.
- (18) The prisoner understands and agrees that while outside the jail, he/she will not send or receive mail.
- (19) The prisoner understands and agrees that he/she will not carry mail or packages into or out of the jail without specific approval of the Sheriff or one of his officers.
- (20) The prisoner understands that if he/she fails to return to the jail as the work release rules require, he/she will be charged with escape.
- (21) Defendants agree that they will be responsible for their own medical costs while on the work-release program. All prisoners will coordinate their medical and/or dental appointments based on approval by the Work Release Administrator's designee. It is the prisoners' responsibility to arrange their own transportation to their medical and/or dental appointment subject to approval by the Work Release Administrator's designee. The Sheriff will provide medical services to prisoners in an emergency.

PAYMENTS DUE FROM THE DEFENDANT

After consideration of the requirements of R.C. 5147.28 *et seq.*, the information provided to the Court by the Defendant, the rights of the victim(s) if any, the Court finds that the following payments by the Defendant to the Work Release Administrator's designee is fair and equitable.

The prisoner agrees that the prisoner will pay the Work-Release Administrator's designee twenty-five percent (25%) of the inmate's gross earnings less standard payroll deductions for taxes, Court Ordered child support and insurance as set forth in the Work Release Program Rules (*but not garnishments, 401(K) or other pension or retirement plans, Ohio 529 plans, or charitable contributions*) each pay period immediately upon receipt of those wages or salary. Said amounts will be determined based upon the pay received each pay period commencing immediately upon entering the program. Prisoner shall provide proof of his pay and allowable deductions.

PROVIDED, however, that upon receipt of the Defendant's first pay after acceptance into the Work Release Program, the Defendant shall pay a one-time additional amount equal to one-half of item (a), below, for security of payments due for all the days Defendant serves.

The Work Release Administrator's designee shall apply that portion of the inmate's earnings for the following purposes in the order stated, per pay period as follows:

- (a) The room and board of prisoner per day of incarceration up to 80% of the money received from the prisoner. The payment may be less than, but shall not exceed, the actual cost of boarding the prisoner for a day as set in the Work Release Program Packet.
- (b) The remaining balance of the monies received from the prisoner, but not less than 20% of the monies received each pay period shall be distributed to the Clerk pursuant to the Local Rules and Regulations paragraph 5(b), and applied toward payment of court costs, restitution, supervision fees, mandatory fines and other fines, in that order.

The debts owed by the inmate to the Court are as follows:

- (a) Payment of court costs in the amount of (subject to increase) \$ _____
- (b) Payment of restitution in the amount \$ _____
- (c) Payment of fines in the amount of \$ _____
- (c) If all court costs, restitution, supervision fees, and fines have been paid in full, the entire remaining balance shall be applied for room and board, subject to the limitation in the statute of the actual cost of incarceration.
- (d) Any balance of the payments received from the Defendant/inmate not needed to satisfy all monies owed as listed in (a) through (c), above, at the conclusion of the Defendant's work release shall be first applied to all outstanding financial obligations owed by the Defendant to the Clerk on any case, and then the balance shall be released to the Defendant upon release from local incarceration and/or at the successful conclusion of the work release sentence.

I have read and agree to all of the above terms and conditions, and I have received a copy thereof for my own records.

Prisoner

_____, _____
Date

Upon motion of the Defendant and consideration of the record including the application, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the above Work Release Agreement is hereby APPROVED.

The Clerk of Courts shall cause a copy of this Journal Entry to be served upon the Auglaize County Sheriff, Auglaize County Correction Center, the Probation Department of this Court, and all counsel of record by hand delivering the same, or electronic means if available, or by regular U.S. mail, at the Clerk's discretion.

IT IS SO ORDERED.

Judge

Rule 37

STANDARD CONDITIONS OF COMMUNITY CONTROL

All persons subject to supervision by the Auglaize County Municipal Court Probation Office in all cases in this court, whether by reason of a conviction and sentence to Community Control Sanctions, or by reason of Intervention in Lieu of Conviction, shall be subject to the special conditions ordered in that individual case, IN ADDITION TO the following standard conditions of supervision:

1. I will obey federal, state, and local laws and ordinances, including laws and court orders pertaining to the payment of support, and all orders, rules, and regulations of the Auglaize County Municipal Court. Further, I agree to conduct myself as a responsible law-abiding citizen.
2. I will always keep my Probation Officer informed of my residence and place of employment. I will obtain permission from my supervising officer before changing my residence or my employment. I understand that if I abscond supervision, I may be prosecuted for the crime of escape, under section 2921.34 of the Ohio Revised Code.
3. I will comply with all orders, verbal or written, given to me by my Probation Officer or other authorized representatives of the Court.
4. I will not use, possess, purchase, or have under my control any narcotic drugs or other controlled substances, illegal drugs, dangerous drugs or harmful intoxicants, including any instrument, device, or other object used to administer drugs or to prepare them for administration, unless it is lawfully prescribed to me by my physician. I agree to inform my Probation Officer promptly of any such prescription.
5. I shall submit to any drug and alcohol testing whenever requested by his probation officer, drug counselor, or any other law enforcement officer. I shall not attempt to manipulate the result of any test given to him. The offender shall be immediately incarcerated upon any manipulation or refusal to test.
6. I will not use, purchase, have under my control, or be in the presence of any mind altering substances which include, but are not limited to, methylenedioxypropylamphetamine (MDPV), Mephedrone (also known as 4-methylmethacathinone [4-MMC], or 4-methylephedrone) which are chemicals in "Bath Salts", K-2 or synthetic cannabis (cannabicyclohexanol, JWH-018, JWH-073, or HU-210) unless it is lawfully prescribed to me by my physician.
7. The offender shall not use medical marijuana without written permission of the Court even with a valid marijuana card or prescription.

8. I will report any arrest, citation of a violation of the law, conviction or any other contact with a law enforcement officer to my Probation Officer no later than the next business day. Further, I will not enter into any agreement or other arrangement with any law enforcement agency which might place me in the position of violating any law or condition of my supervision, unless I have obtained permission in writing from the Auglaize County Adult Probation Department, or from the Court.
9. I agree that I will submit my person, property, place of residence, vehicle, personal effects, to search at any time, with or without a search warrant, warrant of arrest or reasonable cause by any probation officer or law enforcement officer.
10. I agree to sign a release of confidential information from any public or private agency if requested to do so by my Probation Officer.
11. I agree to comply with all financial obligations, including child support as ordered by any Court and/or Department of Rehabilitation and Correction. Further, I agree to give all information regarding my financial status to assist in determining my ability to pay specific financial obligations, to my Probation Officer.
12. I agree to participate in any type of rehabilitation, educational, or treatment programs as deemed appropriate by my Probation Officer and successfully complete those programs.
13. I agree to abide by any and all rules and regulations of the Auglaize County Correctional Facility or other facility in which I am incarcerated.
14. I agree to report as directed by my Probation Officer. It is my responsibility to contact my probation officer to reschedule any missed office visits. Contact must be made within 2 business days.
15. I agree to fully participate in, and successfully complete the Sanctions/Special Conditions as ordered by the Auglaize County Municipal Court and Probation Department.

Rule 38

Trusteeship

Trusteeships established pursuant to Revised Code §2339.70 shall be subject to the following rules:

- (A) No payment will be accepted without a current payroll check or payroll statement.
- (B) All payments must be made in cash, with bank drafts or by money order.
- (C) The debtor must notify the Clerk immediately of any change in work status or address.
- (D) The debtor must make a minimum payment of at least \$5.00 from each pay received unless the Court has waived the payment for good cause shown.
- (E) Creditors may only be added to the trusteeship with the approval of the Court.
- (F) A trusteeship account will be automatically terminated if there has been no payment received or change of work status reported within thirty days of the last recorded payment. The trusteeship clerk shall, after such termination, distribute all monies held and notify all creditors of such termination.

Rule 39

Transfer from Small Claims Docket

Except for good cause shown, no case shall be transferred from the small claims docket to the regular docket of the Court except upon a motion by the moving party filed at least five days prior to the scheduled trial date and approved by the Judge. The motion shall set forth the defenses claimed and shall include an affidavit stating facts consistent with the defense alleged. Failure to timely file the motion or to attach the affidavit of facts shall be sufficient grounds for the denial of the motion.

Rule 40

Weddings

The Auglaize County Municipal Court conducts weddings under the following rules, subject to the discretion of the presiding Judge:

- (A) Weddings are to be scheduled on the first Tuesday of each month from 1:15 p.m. to 2:00 p.m.
- (B) No more than four (4) weddings shall be scheduled on any given day.
- (C) One of the persons being married must be a current resident of Auglaize County.
- (D) All persons involved in the wedding, including those being married and those in attendance shall be appropriately attired. The Court may at its discretion deny performing the ceremony if in the opinion of the Judge, the persons are not dressed appropriately.

Rule 41

Clerk Acceptance of Proof of Insurance

In all traffic cases before the Auglaize County Municipal Court, the Clerk of Courts may accept paper, email, and electronic proof of insurance that demonstrates the Defendant was insured on the date of the citation.

Rule 42

Special Projects Fund and Supervision Fees

- (A) The Court orders the Court costs assessed in all cases before the Court have a fee of \$15.00 per case assessed. Said funds are necessary for the Court's Special Projects fund.
- a. Pursuant to ORC §1901.26(B)(1) the fee is necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, the training and education of judges, acting judges, and other related services.
 - b. The additional costs in civil cases shall be collected as a \$15.00 increase in the deposit made for the filing within each civil action.
 - c. The funds collected by the Clerk shall be paid over to the County Treasurer for deposit into an account for the Municipal Court's Special Projects Fund.
- (B) A Supervision Fee of \$240.00 shall be assessed to all individuals sentenced to supervised Community Control to this Court's Probation Department for periods of 2 years or longer.
- a. The fund is to be used to pay for specialized staff, purchase of equipment, purchase of services, reconciliation programs for offenders and victims, other treatment programs, including alcohol and drug addiction services certified under [section 5119.36 of the Revised Code](#), determined to be appropriate by the chief probation officer of the department of probation, and other similar expenses related to placing offenders under a community control sanction.
 - b. The supervision fee shall accrue monthly but shall be paid by each supervised individual at a rate and time as set by the Chief Probation Officer.
 - c. The funds collected by the Clerk shall be paid over to the County Treasurer for deposit into an account for the Account 199: Municipal Court's Probation Services Fund.
 - d. Pursuant to ORC 2951.021(E), the Clerk of Courts may retain 2% poundage from each fee paid.
 - e. On all cases, the Clerk shall apply payments collected in the following order: 1st to Restitution, 2nd to supervision fees, 3rd to fines, and then court costs.
- (C) Pursuant to House Bill 37, passed by the 126th General Assembly of the Ohio Legislature, and effective April 9, 2025, \$75.00 of the mandatory fine on OVI convictions under ORC 4511.19 shall be deposited into a second Special Projects

fund, titled with the County Auditor as Muni Special Project OVI Mandatory Fines. The money deposited into this fund shall be used for the purposes set forth in the house bill. The Court finds this second special projects fund to be necessary to keep the mandatory fine funds separate from the Court's other special project funds for clear and transparent accounting purposes.

Rule 43

Sealing or Expungement of Criminal Conviction (under R.C. §2953.32)

Forms can be found on the Court's website. All applications must be duly sworn to as indicated on the application. An application may request relief in more than one case in this court by listing each case number on the face of the application, but a separate copy of the application shall be provided to the court for each case listed, and each separate copy shall be signed with an original signature under oath or affirmation and shall be considered a separate application. Only one filing fee shall be charged for the application, even if multiple cases are being listed in the application.

Each application shall be accompanied with a filing fee totaling \$100, to be applied as follows: \$50 which shall be deposited by the Clerk with \$30 of that going to the State Treasury and \$20 going to the County General Fund; and with the remaining \$50 to be held by the Clerk and to be applied towards the court costs in the case. Any unused portion thereof shall be refunded to the applicant. In no event shall the costs assessed exceed the deposit required under this rule. Indigent *pro se* applicants may file their affidavit of indigency and may apply to the Court for waiver of the filing fee.

Upon filing of a Petition for either sealing or expungement of a record, the Court will order an investigation and a report will be filed with the Court, which shall include whether the application is timely filed, and if so, under which provision of the Ohio Revised Code; a copy of the Defendant's fingerprint card, if any was taken; the prior record of the Defendant; records of any pending criminal cases. The report shall also note if the Defendant was a victim of human trafficking associated with this investigation. This report shall be filed with the Court as set forth in the entry 30 days after filing the application, and the Court will provide a copy of that report to the prosecuting attorney and the applicant's counsel or pro se applicant. The report shall not be filed with the Clerk.

In order to comply with R.C. Chapter 2953, upon request of the Probation Department, all relevant law enforcement agencies shall provide a copy of the record of the applicant's fingerprints, prior record, and pending cases, if any, and information concerning whether the applicant was the victim of human trafficking; and all CSEA shall provide information about child support arrearages and payments sought.

Upon filing of a Petition for either Sealing or Expungement of a record, the Court shall set a hearing date approximately 80 days from the date of filing of the petition. The Court shall notify the Prosecutor, the Victim's Advocate, the applicant, and the applicant's attorney of the hearing date and the deadlines from filing objections by the prosecutor, the victim, or victim's representative. The prosecuting attorney shall comply with R.C. 2953.32(C) concerning notification of the victim(s) or representative(s).

All objections to the application shall be filed at least 30 days before the hearing. If the 30th day falls on a weekend or holiday, the objection shall be due the last court date prior to that date, and shall be served by the Clerk upon applicant's attorney by electronic means, or served upon a *pro se* applicant either electronically if the application contains an electronic address, or by regular U.S. mail if no electronic address is supplied.

If an objection is filed, it shall indicate whether an oral hearing is requested, or is submitted on their written objection only. All objections shall set forth the basis with particularity.

If objection(s) are filed timely, the applicant shall have 15 days from the proof of service to respond to objections, if any, and shall indicate whether the applicant will rely upon the documentation in this case, or request an oral hearing.

If there is no timely objection filed by either the prosecutor or on behalf of the victim(s) and if there is no request by any party for an oral hearing, the matter will be deemed submitted on the documents received without oral hearing.

If any party affected requests an oral hearing, the hearing shall be on record when initially set.

The applicants have the burden to prove by a preponderance of the evidence that they are entitled to the sealing or expungement sought. Any objecting party has the burden to prove by a preponderance of the evidence that the applicant is not entitled to the sealing or expungement sought.

Notwithstanding R.C. §2953.32(B)(1), this Court does not have jurisdiction and will not entertain a motion to seal or expunge a record of an applicant's conviction in any Federal court, whether under the United States Code, the Uniform Code of Military Justice, or otherwise. ["Article VI, Paragraph 2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Constitution of the United States.

Furthermore, notwithstanding R.C. §2953.32(B)(1), this Court does not have jurisdiction and will not entertain a motion to seal or expunge a record of an applicant's conviction in any court of any other state. ["Article IV, Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state." Constitution of the United States.]

[Some states, and some Federal Circuits, allow sealing or expungement of criminal convictions, but applicants must apply to a court with competent jurisdiction, and this Court will not entertain such applications to seal or expunge a record of conviction as noted above.]

The Court will post on its website:

1. An explanation of the procedures relating to sealing and expungement of records as an informal guide to assist lawyers and *pro se* applicants; and
2. An **Application Form** which shall be required to be submitted by any applicant, and attested to in accordance with that form requirements.

Applications that are incomplete will be summarily dismissed.

Nothing in the Court's website is intended, nor shall it be used, as legal advice. Applicants are encouraged to seek legal advice from their private counsel. Indigent applicants are encouraged to contact the Public Defender's Office for assistance, at (419) 739-6796.

APPENDIX

**AUGLAIZE COUNTY MUNICIPAL CIVIL DEPOSITS
Effective February 10, 2025**

A) COMPLAINT, ANSWER & COUNTER CLAIM, CROSS COMPLAINT, COUNTERCLAIM, THIRD PARTY COUNTER COMPLAINT, CERTIFICATE OF JUDGMENT TRANSFER,	\$ 125.00
B) FORCIBLE ENTRY AND DETAINER -EVICTION	\$ 150.00
C) SMALL CLAIMS	\$ 100.00
(Personal Service may require additional deposit)	
D) SMALL CLAIMS TRANSFERRED TO CIVIL DOCKET	\$ 100.00
E) PETITION FOR DRIVING PRIVILEGES	\$ 100.00
POST JUDGMENT MOTION FOR DRIVING PRIVILEGES	\$ 25.00
F) RENTAL ESCROW	\$ 100.00 +FIRST MONTHS RENT
G) SATISFACTION	\$ 5.00
H) SATISFACTION W/ JUDGE'S SIGNATURE	\$ 7.00
I) CERTIFICATE OF JUDGMENT	\$ 5.00
J) CERTIFIED COPY	\$ 1.00
K) JUDGMENT DEBTORS EXAMINATION	\$ 75.00
L) PERSONAL EARNINGS GARNISHMENT	\$ 75.00
M) OTHER THAN PERSONAL EARNINGS GARNISHMENT	\$150.00
N) WRIT OF RESTITUTION	\$150.00
O) WRIT OF EXECUTION	\$300.00

(May require additional deposit as costs accrue.)

P) MOTION TO REVIVE \$ 75.00

Q) APPEAL TO COURT OF APPEALS \$150.00