

IN THE TRUMBULL COUNTY COURT EASTERN DISTRICT

TRUMBULL COUNTY, OHIO

IN RE: RULES OF PRACTICE AND CASE )  
MANAGEMENT RULES FOR THE ) JOURNAL ENTRY  
TRUMBULL COUNTY COURT, EASTERN )  
DISTRICT )

**1 RULE: APPLICABILITY; AUTHORITY; CITATION; REFERENCE:**

- 1.01 **Applicability.** These local court rules shall be applicable effective January 14, 1993 to all civil and criminal actions filed in the Trumbull County Court, Eastern District.
- 1.02 **Authority.** These Rules are promulgated pursuant to the Ohio Constitution; Ohio Revised Code, Chapter 1907; and the Rules of Superintendence for Municipal Courts and County Courts, Rule 18.
- 1.03 **Citation.** These rules shall be known as the Local Court Rules of the Trumbull County Eastern District Court and shall be cited as “T.C.E.D.C. Local Rule \_\_\_\_.”
- 1.04 **Reference.** As used in these rules a reference to “O.R.C” is a reference to the Ohio Revised Code; a reference to the Ohio Rules of Civil Procedure; a reference to “Criminal Rules” is a reference to the Ohio Rules of Criminal Procedure; a reference to “Rules of Superintendence” is a reference to the Rules of Superintendence of Municipal and County Courts; and a reference to “Traffic Rules” is a reference to the Ohio Rules of Practice and Procedure in Traffic Cases.

**2 RULE: HOURS OF SESSION:**

- 2.01 The hours for holding the regular sessions of the Court shall be from 8:00 A.M. to 4:00 P.M. The office hours for the Court will be 8:00 A.M. to 4:00 P.M. Monday through Friday each week, except on those days designated by law as legal holidays or by entry. The Judge of the Court may establish earlier opening or closing times, and the Judge may extend the closing hour during trials to include a Saturday session or a holiday when deemed necessary.

**3 RULE: ATTORNEY REGISTRATION NUMBER AND DESIGNATION OF TRIAL ATTORNEY:**

- 3.01 Each and every document, either civil or criminal, filed with the Court shall have the attorney registration number printed under the name of the attorney filing the document.

- 3.02 In civil cases the attorney who is to try the case shall be designated as trial attorney on all pleadings. In criminal cases, except felonies, the attorney who is to try the case shall, upon being retained or appointed, notify the court that he or she is the trial attorney by filing a written statement with the Clerk of the Court.

#### 4 **RULE: OFFICIAL NOTICE OF CIVIL AND CRIMINAL PROCEEDINGS:**

- 4.01 **Official notice.** Official and complete notification to all counsel of record of any assignment of any case for any purpose shall be as follows:
- 4.02 **Ordinary mail notice.** Ordinary mail service of written notice addressed to the counsel of record for each party and each unrepresented party by the Clerk of Court to the address indicated for such attorney of record or party on the pleadings as filed.
- 4.03 **Notice by phone.** Where ordered by the Judge, telephone notification of counsel or unrepresented parties will be sufficient notice.

#### 5 **RULE: CIVIL CONTINUANCES:**

- 5.01 No party shall be granted a continuance of a trial or hearing without first submitting a written motion with the Judge stating the reason for such request. The Court will not grant a continuance to any party at any time without first setting a new and definite date for the continued trial or hearing pursuant to Superintendence Rule 16(A) and (B).
- 5.02 **Conflict of trial assignment dates.** When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court pursuant to Superintendence Rule 16 (B).
- 5.03 **Timeliness of Motion.** Motions for continuances filed within five (5) calendar days of any scheduled trial shall be denied except upon the showing of exigent circumstances.
- 5.04 **Stipulated Continuances.** Stipulated continuances shall not be granted as a matter of course. The Judge's approval must be obtained and noted on any stipulated continuance.

## **6 RULE: CIVIL PRE-TRIAL CONFERENCE:**

- 6.01 **Pre-trial conference.** A pre-trial conference will be held in civil cases when ordered by the Court. All parties in interest must be present with authority to settle of the client. The attorneys of record will: be prepared to furnish a list of all witnesses whom they intend to call, along with a statement of the general nature of their testimony; produce all exhibits intended to be offered at time of trial; set forth the legal theory of their cases; state any discovery not yet completed and the reasons for such lack of completion; and such other matters as the Court may properly bring up or require.
- 6.02 **Failure to appear.** In the event neither party nor their respective attorneys appear for any scheduled pre-trial, the case may be dismissed by the Court without prejudice for want of prosecution.

## **7 RULE: CIVIL TRIAL DATE ASSIGNED:**

- 7.01 **Dismissal for failure to prosecute.** Each civil case assigned for trial upon the date designated for trial shall either proceed to trial, or if plaintiff is not ready, said case may be dismissed without prejudice. If the Defendant does not appear, a judgment may be awarded to plaintiff, unless the Court orders otherwise.
- 7.02 Settlement of cases set for trial. If a civil case set for trial is settled, the trial counsel shall immediately notify the Court and thereafter as provided by Rule 28(B), file a stipulation of dismissal or any other appropriate entry for approval by the Court.

## **8 RULE: REPRESENTATION OF CLIENTS:**

- 8.01 **Approval of appointed counsel.** Any attorney, appointed by this Court to represent an indigent charged with an offense, shall not receive any fees for professional services rendered in connection with said appointment, without first securing the approval of this Court and having been discharged as appointed counsel, by journal entry. Counsel shall submit all necessary documentation within 10 days of disposition in this Court.
- 8.02 **Withdrawal of appointed counsel.** An attorney appointed by this Court shall not be permitted to withdraw as counsel of record without first moving the Court for an order allowing such withdrawal. Such motion shall set forth the reason for such request and show that new counsel has been furnished by the indigent. Withdrawal of counsel will be allowed only by journal entry only with proof of notice to the indigent.

- 8.03 **Withdrawal of counsel of record.** No attorney shall be permitted to withdraw as counsel of record in any civil or criminal matter without first moving the Court in writing for such withdrawal. Such motion shall set forth good cause and contain therein proof of service that the motion was served upon the client.

**9 RULE: TRIAL BY JURY:**

- 9.01 **Written demands.** Demands for trial by jury must be made in writing in conformance with the Civil and Criminal Rules of Procedure.
- 9.02 **Withdrawal of jury demand.** The Court must be notified by either counsel by 10:00 A.M. on the last working day prior to a scheduled jury trial that the case will not precede to a jury trial. Failure to do so will require the case to go to a jury or the payment of one day's jury costs.
- 9.03 **Jury Costs.** When a jury trial is held the non-prevailing party will be responsible for jury costs unless the Court provides otherwise.

**10 RULE: MANNER OF SELECTING JURIES:**

- 10.01 Jurors for the Trumbull County Eastern District Court shall be chosen and summoned as provided in O.R.C. Section 2313.01 to 2313.26. Selection shall be made from residents within the Court's jurisdiction pursuant to O.R.C. Section 1907.28.

**11 RULE: LEAVES TO PLEAD:**

- 11.01 **First leave to plead.** In all cases, when a party desires a leave to move or plead, then such party, if they have not previously obtained any leaves to plead, may obtain one automatic leave to plead by filing with the Clerk of Court a certification in which it is certified that the moving party has not previously obtained any leaves to plead in the particular case. The first leave to plead may not be for a period of more than thirty (30) days and a copy must be mailed to opposing counsel of record.
- 11.02 **Additional leaves to move or plead.** One additional leave to move or plead may be obtained by a party for a period of not more than thirty (30) days by filing of a stipulation in which consent to the leave to plead is had from opposing counsel and so indicated in the stipulation. In such stipulation the party obtaining the leave to move or plead shall certify the number of leaves to plead they have previously obtained in that case and the total length of time of those leaves to plead.

- 11.03 **Written motions to move or plead.** Except as provided above, leaves to plead or motions may only be obtained by written application to the Judge who must sign the order if it is granted. Such application will set forth the number of leaves to move or plead already obtained, the reason such leave is requested, and the total days of any such leaves.

## **12 RULE: FILES:**

- 12.01 **Paper size and style.** All papers filed with the Clerk of Court in any contested action or proceeding shall be typed on 8 ½" by 11" paper and filed under the style and case number of the cause, and shall include the name of the judge to whom the case is assigned, a notation as to the type of case, a short description as to what type of pleading is being filed and any other information required by the Civil Rules. All papers filed shall remain in the Clerk's office except when required otherwise by the Court.
- 12.02 **Caption of pleadings.** The face caption of all pleadings filed in civil cases should provide a blank space of approximately two and one-half (2.5") inches in diameter on the upper right portion of the pleading sufficient to permit the Clerk's time stamp imprint. The face sheet of all complaints filed in civil cases shall provide a two and one-half (2.5") inch type written horizontal line for the Clerk to provide a case number.

## **13 RULE: FILING FEES:**

- 13.01 **Pre-paid fees.** No civil action or proceeding shall be accepted for filing by the Clerk of Courts unless there is first deposited with the Clerk a sum not less than that established by the Court by separate order as filing fees. Such prescribed fees may be amended from time to time by order of the Court.
- 13.02 **Liable parties.** All entries or orders of dismissal in any action before the Court terminating any case shall contain a determination as to the responsibility for the payment of court costs. Failure of the parties to designate the responsible party for payment of court costs will result in the Judge assessing such fees in the Court's discretion.
- 13.03 **Jury trials.** Demands for juries shall be made in writing and in civil cases shall be accompanied by the deposit required not less than ten (10) days before the date set by the Clerk for jury trial.

**14 RULE: ARBITRATION:**

14.01 The Court may assign a particular case or matter to be heard by a panel of arbitrators as permitted under O.R.C. Sections 1907.41 through 1907.45.

**15 RULE: COPY OF PROCEEDINGS:**

15.01 **Written request.** A request for the recording of any civil proceeding shall be filed in writing by the party requesting the recording and not less than one business day before the scheduled hearing or trial date.

15.02 **Cost of transcripts.** Written copies transcripts of matters before the Court will be provided to appropriate parties and at such costs as may be established by the Court or upon receipt of the appropriate entry from the Common Pleas Court.

**16 RULE: DECORUM AND CONDUCT:**

16.01 **Proper decorum.** All persons in the courtroom shall conduct themselves in accordance with the decorum and in such manner as not to interfere with or obstruct the judicial activities or proceedings.

16.02 **Smoking limited.** No smoking shall be permitted in the courtroom or the surrounding areas of the courtroom. Smoking will only be permitted in those areas designated by the Court.

16.03 **Proper attire.** All persons appearing before the Court shall, as far as practicable, appear in appropriate dress. The Court requests legal counsel to call this rule to the attention of their clients and witnesses.

16.04 **Courtroom conduct.** No person shall loiter, or conduct his or her self in an unseemly or disorderly manner in the courtroom or in any halls, entry way, or otherwise interfere with or obstruct the judicial activities or proceedings. Packages or other containers shall, at the discretion of the Court, Clerk or Bailiff, be subject to inspection prior to entry in the courthouse or courtroom.

**17 RULE: COMPLAINT IN FORCIBLE ENTRY AND DETAINER:**

17.01 Any complaint in forcible entry and detainer must state the explicit reason for the filing of the eviction action, and must be accompanied by the following attached exhibits, when filed with the Clerk of Court:

17.02 A copy of the notice required by O.R.C., Section 1923.04.

17.03 When proceedings in forcible entry and detainer are based upon forfeiture of a land contract, lease or other written contract, lease or other written instrument, such document shall be attached to the Complaint as an exhibit along with:

17.03.1 A copy of the written notice as prescribed in Section 5313.06 O.R.C.

17.03.2 If restitution of the premises is requested, a copy of the notice as required by Section 1923.04 of the O.R.C.

17.03.3 The reason for requesting such eviction shall be set forth in the complaint.

17.04 **Dismissal for violation.** The Clerk of this Court shall refuse to accept for filing any complaint not presented in compliance with this rule. The Judge may summarily dismiss, without prejudice, any complaint filed in violation of the requirements of this rule.

#### **18 RULE: TRIALS IN FORCIBLE ENTRY AND DETAINER CASES:**

18.01 **Call day.** There shall be an "Answer Day" or "Call Day" as the term used in civil cases, which are assigned to the regular docket.

18.02 **Failure to appear.** Forcible Entry and Detainer cases shall be called for trial on the date set forth in the summons, unless the case is continued, in accordance with the rules of this Court. If neither party appears, the Judge may dismiss the complaint without prejudice for failure to prosecute.

18.03 **Notice to the defendant.** No trial of a Forcible Entry and Detainer case shall be held unless service is had on the defendant at least five (5) days prior to the date set for trial as prescribed in O.R.C. Section 1923.06.

18.04 **Multiple causes of action.** Where other causes of action are filed along with the action for forcible entry and detainer, the Court may also include a trial of the other causes of action, unless for good cause shown the Court may continue the other causes of action separately. For the purpose of this rule, good cause shall include, but is not limited to, the reasons set forth in O.R.C. Section 1923.081.

18.05 **Motions.** Unless otherwise designated by the Judge or Referee, all motions filed in forcible entry and detainer cases shall be heard on the date set for trial. Unless the motion disposes of the case, a trial on the issues shall be had, after any such ruling on the motion.

**19 RULE: DEMAND FOR JURY TRIAL IN FORCIBLE ENTRY AND DETAINER CASES:**

- 19.01 **Time for demand.** Demand for jury trial in Forcible Entry and Detainer cases must be made, in writing, not less than three (3) days prior to the date set for trial by the Court.
- 19.02 **Deposit required.** A demand for jury trial shall not be filed unless accompanied by the amount of deposit as set forth by the Court for court costs.

**20 RULE: CONTINUANCES IN FORCIBLE ENTRY AND DETAINER:**

- 20.01 Continuances may only be granted by and at the discretion of the Judge.
- 20.02 Any request for a continuance of a cause of action for restitution of a premise must be submitted, in writing, not less than three (3) days prior to the date of trial. The request must specifically set forth the specific grounds for the request and a proof of service upon the opposing party or counsel.
- 20.03 Any motion for a continuance will not be effective until approved by and signed by the Judge which if reassigned may be subject to any conditions, including the posting of any bond which the Court may require.

**21 RULE: ACTION ON AN ACCOUNT:**

- 21.01 Account required to be attached. Any action filed upon an account shall have attached to the complaint a copy of the account, which account shall begin from a zero balance and indicate each and every charge against and credit upon the account thereafter, up to and including the date of filing of the legal action. The Clerk shall refuse to accept for filing any complaint or action on an account which does not conform to this Rule and the Court may summarily dismiss, without prejudice, and complaint filed in violation of this Rule.

**22 RULE: SMALL CLAIMS DIVISION:**

- 22.01 Small claims will be heard at such times as the Court may designate for trial.

**23 RULE: TIME FOR TRIAL OF SMALL CLAIM:**

- 23.01 **Time for trial.** A memorandum of the time and place set for trial shall be given to the person signing the claim at the time of filing the small claim petition. The time set for trial shall not be less than fifteen (15) nor more than forty (40) days after commencement of the action pursuant to O.R.C. Section 1925.04.



- 23.02 **Continuance by Court.** Nothing in subsection 23.01 shall deny the Judge the option of exercising his discretion to grant a continuance, in accordance with these rules.
- 23.03 **Presence of Plaintiff required.** No default judgment shall be granted to a plaintiff who is not present, individually or by counsel, when such case is called for trial.

#### **24 RULE: TRANSFER OF SMALL CLAIMS TO REGULAR DOCKET:**

- 24.01 **Grounds for removal.** A case duly entered on the docket of the Small Claims Division of the Court shall be transferred to the regular docket of the Court upon: the motion of the Court, made at any stage of the proceedings; upon the motion of a defendant, accompanied by an affidavit stating that a good defense, setting forth the reason such transfer is requested and the compliance of the defendant with any terms fixed by the Court; or by the filing of a counterclaim in an amount greater than Six Thousand Dollars (\$6,000.00) pursuant to O.R.C. Section 1925.10.
- 24.02 **Additional costs for transfer by Judge.** If a case is ordered transferred to the regular docket, by the Judge, the Judge in addition to any other proper conditions may order a party to pay additional court costs within the time designated by the Court.
- 24.03 **Additional costs for transfer by Defendant.** At the time of granting a defendant's motion to transfer a claim to the regular docket, the Judge in addition to any other proper conditions set forth by the Judge shall require the defendant to pay the designated court costs, within the time designated by the Court.
- 24.04 **Counter claim in excess of \$6,000.00** The Clerk of the Court shall not accept for filing a counterclaim in excess of Six Thousand Dollars (\$6,000.00) excluding costs, without payment of court costs designated for transfer of a small claim to the regular docket.
- 24.05 **Failure to pay costs.** In cases where the claim is to be transferred to the regular docket, upon motion of the Court, or upon defendant's motion, and the additional court costs are not paid within the time designated by the Court, the claim shall be returned to the Small Claims docket, and may not thereafter be transferred to the regular docket.
- 24.06 **Dismissal for failure to pay costs.** Any case transferred to the regular docket based on a counterclaim, without payment of the additional costs designated for transfer of a small claim to the regular docket, may be dismissed upon the Court's own motion, or the motion of any party.

24.07 **Frivolous filing.** If a counterclaim or cross-claim exceeds the Six Thousand Dollars (\$6,000.00) and the case is transferred to the regular docket of the Court, the Court may, if it finds that the counterclaim or cross-claim was without substantial grounds, award reasonable attorneys' fees by special order to the party against whom the counterclaim or cross-claim is instituted, if the party prevails in the action on the claim pursuant to the Civil Rules and the O.R.C.

**25 RULE: CORPORATION PRESENTATION OF CLAIM OR DEFENSE:**

25.01 A corporation which is a real party in interest in any action in a small claims division may commence such an action and appear therein through an Attorney at Law. Such corporation may, through a bona fide officer or salaried employee, may file and present its claim or defense in any action in a small claims division arising from a claim based on a contract to which the corporation is an original party or any other claim to which the corporation is an original claimant, provided such corporation does not, in the absence of representation by an Attorney at Law, engage in cross-examination, argument, or other acts of advocacy pursuant to O.R.C. Section 1925.17.

**26 RULE: EXAMINATION OF JUDGMENT DEBTOR; FAILURE OF CREDITOR TO APPEAR:**

26.01 If a debtor or debtor's debtor appears in Court for examination, pursuant to a court order, based upon the application of a creditor, and the creditor fails to appear, the Judge may impose upon the creditor the following sanctions:

26.02 Order that there be no further examination of the same party, within ninety (90) days from date set for the examination, at which the creditor failed to appear; and/or

26.03 Dismiss the motion for examination of judgment debtor at the cost of the creditor.

26.04 No order of contempt shall be issued to a debtor to appear and show cause for a failure to appear unless the debtor against whom such contempt order is sought was served by personal service or service by certified mail.

**27 RULE: MOTION FOR RELIEF FROM JUDGMENT:**

27.01 Any motion for relief from judgment filed pursuant to Rule 60, Ohio Rules of Civil Procedure, must:

27.01.1 State with particularity the grounds or reasons for such motion.

27.01.2 State that the defendant has a good defense.

- 27.01.3 Be accompanied by an answer tendered for filing instanter should such motion be granted
- 27.01.4 Have attached to it affidavits, depositions, or other sworn testimony in support of any operative fact upon which the movant relies in support of such motion.
- 27.02 Any brief, affidavit or other sworn testimony which a party wishes the Court to consider must be filed within seven (7) days after service upon the party of a motion for relief from judgment.
- 27.03 Thereafter, the Court may in its discretion assign such motion for an oral hearing or rule on the motion and supporting documentation as filed without a hearing.

## **28 RULE: JOURNAL ENTRIES:**

- 28.01 **Preparation of entries.** When ordered or directed by the Court, counsel for the party in whose favor an entry, order, judgment or decree is entered in a civil case shall, within ten (10) days thereafter, unless the time is extended by the Court, prepare a proper Journal Entry and submit the same to counsel for the opposite party who shall approve or reject the same within three (3) days after its receipt by him and may, in case of rejection, file objections thereto in writing with the Court. The event counsel fails to prepare and present a journal entry within the time required, the Court may prepare and journalize such entry in its discretion.
- 28.02 In the event a matter set for trial is settled, counsel for the parties shall prepare and sign a journal entry. Such journal entry shall be presented to the Court no later than ten (10) days after the date assigned for trial. Should counsel fail to present such entry within the ten (10) day period, the Court may, in its own discretion, file its own entry or dismiss all causes of action therein for failure to prosecute.

## **29 RULE: CASE MANAGEMENT IN CIVIL CASES:**

- 29.01 **Purpose:** It is the purpose of this rule is to establish, pursuant to Rules of Superintendence Rule 18, a system for civil case management which will achieve the prompt and fair disposal of all civil cases.
- 29.02 **Scheduling of events.** The scheduling of a case begins when a civil case is filed. Thereafter, the case is to be managed in five (5) clerical steps and five (5) judicial steps.

- 29.03 **First clerical step, service.** Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date the cause of action has been filed, then the Clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.
- 29.04 **Second clerical step, default.** Upon perfection of service, the Clerk shall notify counsel of the default and the failure to submit a motion for default and a judgment entry within fifteen (15) days may result in the case being dismissed.
- 29.05 **Third clerical step, motions.** After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Judge so that the matter may be set for hearing.
- 29.06 **Fourth clerical step, failure to prosecute.** If no action has been taken on the file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within ten (10) days unless good cause is shown.
- 29.07 **Fifth clerical step, settlement.** When a file has been marked that a “settlement entry is to be filed”, a journal entry shall be filed in accordance with T.C.E.D.C. Rule 29.
- 29.08 **First judicial step, status hearing.** After an answer is filed, the case will be assigned to the Judge and the Clerk will forward the file to the Judge. The Court may then set a status hearing which may be heard in person in Court or at the request of a party and approval by the Court, over the phone. The purpose of the status hearing is to set discovery and motion deadlines so a formal pre-trial and trial date can be set.
- 29.09 **Second judicial step, motions.** All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall respond in a like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the Court. There will be no oral hearings granted on the motions unless the parties request an oral hearing in writing and the Court deems it necessary.
- 29.10 **Third judicial step, pre-trials.** For the purpose of this rule, “pretrial” shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term “party” or “parties” used hereinafter shall mean the party or parties to the action, and/or his, hers, or their attorney of record.

- 29.11 **Contempt.** Any attorney for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this Court.
- 29.12 **Notice of pretrial.** Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone by the Clerk of Court not less than fourteen (14) days prior to the pre-trial conference. Any application for continuance of the conference shall be addressed to the Judge to whom the case has been assigned.
- 29.13 **Preparation for pretrial.** Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority.
- 29.14 **Purpose of pretrial.** A purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy between the parties. The court shall attempt to narrow the legal issues, to reach stipulations as to facts in controversy and in general, to shorten the time and expense of trial. The Court will file a pretrial statement to become part of the record and the case embracing all stipulations, admissions, and other matters which have come before it in the pretrial. The Court shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.
- 29.15 **Failure to appear at pretrial.** The Judge presiding at pretrial conference or trial shall have the authority to dismiss the action for want of prosecution on motion of the defendant for the failure of the plaintiff and his counsel to appear in person at a pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person with counsel, if any, at any pretrial conference or trial as required; to make such other order as the Court may deem appropriate under all the circumstances.
- 29.16 **Trial date.** If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties and the Court.
- 29.17 **Continuances.** No party shall be granted a continuance of a trial or pretrial hearing without compliance with T.C.E.D.C. Rule 5. If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the Judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

29.18 **Journal entries.** Journal Entries shall be prepared and filed in accordance with T.C.E.D.C. Rule No. 29. Upon notification from the Clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution. The journal entry shall state which party will pay the court costs.

### **30 RULE: CASE MANAGEMENT IN SPECIAL PROCEEDINGS:**

- 30.01 **Purpose.** The purpose of this rule is to establish, pursuant to Rules of Superintendence Rule 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by the Judge to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to cite, garnishment hearings, and debtor's exams. The following criminal matters are considered special proceedings and they are to be heard by the Judge, to wit: preliminary hearings, extradition hearings, and B.M.V. hearings.
- 30.02 **Scheduling of special proceedings.** Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. Where a jury demand is filed, the case may be scheduled for a status hearing prior to trial at the Court's discretion. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.
- 30.03 **Clerical steps.** In all new cases, if counsel fails to obtain service of summons within six (6) months, the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.
- 30.04 Upon perfection of service, the Clerk shall notify counsel of said default and that a failure to submit a motion for default and default entry within fifteen (15) days may result in the case being dismissed.
- 30.05 After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge so the matter may be set for a hearing.
- 30.06 If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed within ten (10) days unless good cause is shown.
- 30.07 When a file has been marked "settlement entry to be filed" and the entry has not been received as required by T.C.E.D.C. Rule 28, then the Clerk shall notify the Judge of such fact for appropriate further action by the Court.

### **31 RULE: CASE MANAGEMENT IN CRIMINAL CASES:**

- 31.01 Purpose.** The purpose of this rule is to establish, pursuant to Rules of Superintendence, Rule 18, a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.
- 31.02 Scheduling of events.** The scheduling begins after arraignment. Thereafter the case is managed in four (4) judicial steps.
- 31.03 First judicial step, pretrial.** At arraignment, all first, second and third degree misdemeanors shall be set for pretrial by the Court within forty-five (45) days. All other misdemeanors shall be set for trial unless the Judge orders a pretrial in said case.
- 31.04 Pretrial attendance requirements.** The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon should be filed in said case. Any attorney who fails to appear for pretrial without just cause being shown may be punished for contempt of court. All defendants must appear for pretrial or be subject to bond forfeiture proceedings and a bench warrant issuance for their arrest.
- 31.05 Trial date set at pretrial.** If the parties cannot resolve the case, then the case should be set for trial to court or subsequent pretrial at the Court's discretion unless a trial by jury is demanded.
- 31.06 Written pleas pursuant to Criminal Rule 10(b).** Any written plea of not guilty filed by legal counsel with the Court shall be accompanied by a written waiver of time for speedy trial under O.R.C. Section 2945.71, a written consent of Defendant pursuant to Criminal Rule 10(b), a bond pursuant to the Court schedule of bonds. Personal Recognizance Bonds will be granted by the Court only upon written appearance by legal counsel and is subject to modification by the Court.
- 31.07 Motions.** All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearing.
- 31.08 Trials.** Each case not resolved at pretrial conference will be set for trial to the Court. If a written jury demand is timely filed, then the case will be moved to the jury trial schedule. Where a jury demand is filed, the case may be scheduled for a

status hearing prior to jury trial at the Court's discretion. All attorneys shall notify the court by 10:00 A.M. of the last working day preceding their trial of any change in plea or jury costs will be attached to their case.

**31.09 Sentencing.** In any case where sentence is not given upon the conclusion of trial, a sentencing hearing will be set within seven (7) days from trial if no pre-sentence report is requested. After the Court receives the probation report, the Court will set the hearing for sentencing within seven (7) days.

### **32 RULE: FILING OF COURT DOCUMENTS BY FACSIMILE:**

**32.01 Permission required.** Any attorney who wishes to file a motion, pleading or other matter with the Court by facsimile transmission shall first obtain the permission of the Clerk of Court or the Judge. Complaints shall not be permitted to be filed by facsimile.

**32.02 Photo static copy.** The Clerk of Court upon receipt of any permitted facsimile transmission shall make a photo static copy of the documents received by facsimile and file the photo static copy with the Clerk of Court as if received as an original document in the ordinary course of business.

**32.03 Original document.** Any attorney taking advantage of this rule to file a permitted document by facsimile must forward the original document with an original signature to the Clerk of Court for filing, and pay the facsimile fee listed below, within five (5) business days or the facsimile transmission that is filed will be subject to being stricken from the record by the Court as if never filed. Any required proof of service of any such motion or pleading will remain the responsibility of the attorney filing the same.

**32.04 Facsimile Fee.** The Clerk of Court shall charge a fee for the use of or filing of any document by facsimile machine of \$.50 cents per page.

### **33 RULE: ELECTRONIC FILING:**

**33.01** In lieu of manually produced tickets, e-tickets produced electronically, unsigned or digitally signed are authorized by Trumbull County Eastern District Court; along with the electronic data files that are created by the law enforcement agency. The electronically produced ticket and data shall conform in all substantive respects to the "Ohio Uniform Traffic Ticket". If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket and shall provide the Trumbull County Eastern District Court with an electronic copy of the ticket provided to the defendant.



**34 RULE: AMENDMENT OF LOCAL RULES:**

34.01 It is further the rule of this Court that the Local Rules of the Trumbull County Eastern District Court as set forth above may be amended as deemed necessary by the Court.

Dated: January1, 2019

A handwritten signature in black ink on a light gray background. The signature reads "Marty D. Nosich" in a cursive, slightly slanted script.

Judge Marty D. Nosich  
Trumbull County Court  
Eastern District