

IN THE COURT OF COMMON PLEAS  
HIGHLAND COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
HIGHLAND COUNTY, OHIO

073

OCT 06 2022

IN THE MATTER OF: :  
AMENDMENTS OF THE LOCAL :  
RULES OF COURT :

CASE NO: 2022 MISC.

  
HIGHLAND COUNTY CLERK OF COURTS

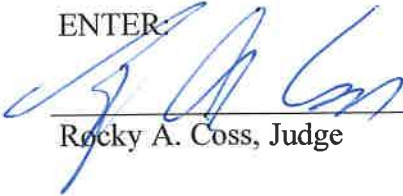
The Court hereby amends Local Rule 4.1 regarding formatting of pleadings and Local Rule 3 in its entirety regarding electronic filing of pleadings and documents.

All other provisions of the Local Rules shall remain in full force and effect including all standing orders and appendices.

Copies of this order and the attached new rules shall be provided by the Clerk to each member of the Highland County Bar Association with a box in the Clerk's office.

IT IS SO ORDERED.

ENTER:

 10/6/22  
\_\_\_\_\_  
Rocky A. Coss, Judge

**HIGHLAND COUNTY COURT OF COMMON PLEAS  
ROCKY A. COSS, JUDGE**

**LOCAL RULES OF COURT  
GENERAL AND DOMESTIC RELATIONS DIVISIONS**

**REVISED EFFECTIVE OCTOBER 7, 2022**

**FILED**  
COMMON PLEAS COURT  
HIGHLAND COUNTY, OHIO

OCT 06 2022

  
HIGHLAND COUNTY CLERK OF COURTS

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## SECTION I GENERAL PROVISIONS

### RULE 1

#### ADMINISTRATIVE PROVISIONS

1.1 The court shall be considered to be in continuous session during each calendar year for the transaction of the business of the court. The calendar year shall be the term of court.

1.2 The court may issue standing orders for the efficient transaction of the business of the Court from time to time such as setting security deposits for court costs and fees, appointments of private process servers, trial management orders and others. Such orders shall be incorporated herein upon the filing thereof with the Clerk of Courts.

1.3 Citations to these rules shall be "Local Rule \_\_\_\_", without reference to the section number.

1.4 The Court digitally records all of its proceedings. Anyone desiring a digital copy of the recording of the proceedings can obtain one from the Court for \$5.00 which shall be payable to the Court's computer fund.

1.5 If a party desires to have the proceedings recorded by stenograph in addition to the digital recording, the party shall file a written request for appointment of a court reporter for that case and present a proposed entry. The party or parties requesting the appointment of a court reporter for that purpose shall be responsible for obtaining the services of the reporter, informing the reporter of the time of the proceedings, and for paying the reporter. The Court shall not obtain, employ or pay the court reporter for the proceedings except in cases of indigency. The Court Bailiff shall retain all original exhibits offered or admitted into evidence as part of the Court's file.

1.6 Anyone desiring to have a typewritten transcript of the proceedings shall obtain a digital copy of the proceeding to be transcribed from the Court and shall provide it to an approved court reporter or court transcriptionist for transcription. The party requesting the transcript shall be solely responsible for identifying to the reporter or transcriptionist the proceedings to be transcribed and for payment of the cost of the transcript to the court reporter or transcriptionist. If the transcript is for an indigent defendant in a criminal case, the Attorney for the defendant shall be responsible for obtaining the digital copy of the recording and the court reporter or transcriptionist. The Court will approve payment of the transcript from the county indigent defense funds and not from the Court's funds.

The party requesting the transcript shall be solely responsible for filing the transcript with the Court or the Court of Appeals within the time limits prescribed by law.

The Court maintains a list of approved court reporters or transcriptionists. Anyone desiring to be placed on that list may file an application letter with the Court setting forth the applicant's training, education and experience. The Court will also allow transcription by any

court reporter certified by a professional court reporting organization or approved by any other court of record.

1.7 A motion to withdraw as counsel in any pending matter shall not be considered until filed in writing with the court. A copy of the motion shall be served on the client of the withdrawing counsel as well as counsel for all other parties. A proposed entry to approve the withdrawal shall also be submitted with the motion and shall include a provision that a copy of the entry shall be served by the Clerk upon the client of the withdrawing counsel by ordinary mail. If the client consents in writing to the motion to withdraw, no hearing shall be required. If written consent is not included with the motion, the Court will set the matter for hearing. Until the motion is approved by the Court, counsel is still counsel of record.

1.8 The Judge of this Court, the Court staff, the Clerk of Courts and Deputy Clerks are not authorized to practice law and shall not provide legal advice to any person on any matter. The Clerk and Deputies may provide copies of pleadings from other cases or blank forms as approved by the Court. However, they may not provide any legal advice as to the completion and filing of the forms.

1.9 All attorneys appearing as counsel in proceedings before this Court whether in person or remotely by video conferencing are expected to wear appropriate business attire which for men includes a suit or sport coat with dress pants and neck tie or bow tie. For women, this includes a coat with dress pants or skirt, or a business dress with long sleeves or sweater, or coat if short sleeved. All parties, witnesses and other persons attending any proceeding before the Judge or the Magistrate are expected to dress appropriately as set forth in standing orders of this Court or other notices posted in the court house.

1.10 Attorneys, parties and witnesses are expected to be punctual for all court proceedings whether in person or remotely by video conferencing. Persistent tardiness after a warning may be subject to sanctions including but not limited to fines, a finding of contempt of court, or dismissal of an action. The Court may proceed in any scheduled proceeding without counsel or a party who fails to appear and may issue rulings on the merits of the subject of the proceeding.

1.11 Failure to comply with any provisions of these rules could result in the imposition of sanctions against parties or their attorneys, including without limitation fines, payment of an opposing party's attorney fees, costs, lost wages or income, a finding of contempt or dismissal of all claims, counterclaims or cross claims.

1.12 Section I of these rules shall apply to all types of proceedings filed in this court. The other sections shall apply to the types of cases indicated therein.

1.13 All former rules of this court are repealed as of the effective date hereof excluding those standing orders previously issued by the court. These rules are ordered entered upon the journal of this Court by the Clerk.

1.14 These revised rules are hereby adopted and shall take effect on March 15, 2021 and will be filed with the Supreme Court of Ohio in accordance with Civil Rule 83. They shall govern all

further proceedings in actions then pending, except if the Court determines that their application in a particular case pending upon the effective date hereof would not be feasible, would work injustice, or would not conform to the Rules of Superintendence, or the Rules of Civil Procedure.

## RULE 2

### SECURITY DEPOSITS FOR COSTS AND OTHER FEES

2.1 No civil action, domestic relations action or other type of proceeding shall be accepted for filing by the Clerk unless there is deposited upon the filing as security for costs the amount required as set forth in **Appendix A** to these rules. The Court may modify the amount of the security deposits and court fees from time to time, and the new deposit schedule shall be substituted as Appendix A to these rules when it becomes effective.

2.2 In any case that is transferred to this court from another court; the Clerk shall collect from the Plaintiff the required filing fees within 30 days of the transfer. The Clerk shall give notice of the filing fee due within three (3) business days of the transfer. If the filing fees are not paid, the Court may dismiss the action without notice to the parties.

2.3 Upon the approval of an affidavit of poverty by entry of the Judge or the Magistrate, an action may be filed without the required security deposit. However, court costs shall be assessed at the conclusion of the case. A person requesting waiver or reduction of the security deposit shall submit a written request with the proposed to the Clerk who will promptly deliver it to the Magistrate if it is a domestic relations proceeding or to the Judge if it is any other type of case. The request and/or the proposed pleading shall not be docketed and no summons shall issue until the request has been reviewed by the Judge or the Magistrate. A hearing may be conducted on the request and the applicant may be required to produce documentation regarding income, expenses and assets and to answer questions under oath.

2.4 All entries ordering notice by publication shall bear the certification of the Clerk that the required additional cost deposit has been made. Pursuant to Civil Rule 4.4(A)(2) in the case of indigents, service by publication shall be by posting on the bulletin board in the first floor lobby of the Court House, on the wall of the Domestic Relations Division waiting room on the second floor of the Court House, on the bulletin board of the first floor of the Highland County administration building on Governor Foraker Place, and on the bulletin board of the Highland County Tech Center building located at 1575 N. High St.

2.5 An additional deposit as ordered by the Court shall be deposited with the Clerk upon the request for jury view in any civil case. The expense of said view shall be taxed as costs in the case.

**2.6 Failure to pay the required security deposit for a jury trial as required by this rule shall be deemed a withdrawal of the demand for a trial by jury.**

2.7 Pursuant to R.C. 2303.201, the Clerk shall collect the \$20.00 computer fee for the Clerk's office and the \$6.00 fee for the Court computer fund on all cases set forth in R.C. 2303.01(A)(1)

in all original actions and in all post judgment actions filed in that case after it has been concluded.

2.8 The Court hereby finds that for the efficient operation of the Court, additional funds are necessary to acquire and to pay for special projects of the Court including but not limited to the rehabilitation of existing court facilities, acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges and magistrates and other related services.

Therefore, it is hereby ordered that the sum of \$50.00 shall be collected by the Clerk of this Court on the filing of each criminal case, civil action or proceeding including both original and post judgment proceedings, all domestic relations cases including dissolutions, both in original and post judgment filings, and judgments by confession.

All monies collected under this order shall be paid by the Clerk of Courts to the county treasurer for deposit into the special projects fund of the court titled Common Pleas Criminal-Civil Court Special Projects Fund, Code S052S01090 in the county budget. Such monies shall be disbursed upon an order or authorization of the Court pursuant to R.C. 2303.201(E)(1).

### **RULE 3**

#### **ELECTRONIC FILING OF PLEADINGS**

3.1 DEFINITIONS. The following definitions apply to these rules:

- A. "Clerk review" or "review by the Clerk" means the review prior to acceptance for filing of an electronically filed pleading or document to determine if the pleading/document submitted complies with the rules, policies, procedures and practices of this court.
- B. "e-file case" means a case that has been designated by administrative order as one in which pleadings/documents may be filed electronically using the e-filing function of the case management system utilized by the Clerk of Courts and the court.
- C. "e-filing" or "e-filed" means a pleading/document that has been transmitted electronically to the Clerk of Courts through the e-filing function of the case management system utilized by the Clerk of Courts and the court.
- D. "electronically filed" means a pleading or document submitted to the Clerk of Courts for filing in a case by e-filing, facsimile transmission or e-mail transmission.
- E. "e-mail transmission" means the electronic transmission of a source document from the email account of the sender to the email account of the Clerk of Courts.
- F. "facsimile machine" means a machine that can send and receive a facsimile transmission.



- G. “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.
- H. “fax” is an abbreviation for “facsimile” and refers to a facsimile transmission or to a document so transmitted.

### 3.2 E-filing of pleadings/documents permitted by registered persons.

Efiling is optional unless otherwise ordered by the court. A party or attorney desiring to file pleadings or documents using the e-filing function of the case management system must register with the Clerk and provide a valid credit card for payment of deposits or fees required by the court rules, Ohio law or Ohio Rules of Court. A link to registration is available on the Clerk of Courts’ website.

Each person that registers for e-filing shall be assigned a unique confidential electronic identifier that must be used each time a pleading or document is e-filed. The registered person is solely responsible for security and use of that identifier. Any pleadings or documents e-filed using that identifier shall be deemed to be made with the authorization of the registered person assigned that identifier.

Any pleading or document that requires the payment of a deposit or fee to the Clerk shall be paid electronically by a credit card through the Clerk of Court’s e-filing system at the time of filing. The e-filing function of the case management system will not accept filing without payment of the required deposit or fee unless a notarized poverty affidavit and motion to waive the payment of a deposit or fee is filed with the e-filing pleading or document. If the court finds that the party is indigent, the pleading or document submitted shall be deemed to have been filed the date it was received provided the Clerk’s Review found it to be in compliance with the court’s rules, policies, procedures and practices. A finding of indigency does not relieve that party from any obligation to pay costs in the case if ordered to do so by the court.

### 3.3 Filing date and Clerk review of electronically filed pleadings/documents.

The date of filing will be the day the pleading/document was submitted by e-filing. Upon receipt of any document submitted electronically, the Clerk shall review the document for compliance with applicable court rules, policies, procedures and practices.

The Clerk of Court shall accept any pleading or document filed by e-filing in any e-file case after the Clerk Review has determined it to be in compliance with the court rules, policies, procedures and practices. A document found to comply will be filed and a docket entry in the case shall be created in the case management system.

If any document submitted electronically does not comply with the applicable court rules, policies, procedures and practices, it will not be accepted by the Clerk for filing and the Clerk shall notify the filer of the deficiency or reason. The filer shall have three (3) business days to correct the deficiency in the filing. An attempted filing that is not accepted by the case management

system shall not be considered as a valid submission or filing. Failure to correct the deficiency shall be grounds for the pleading or document being stricken from the file.

### 3.4 Facsimile and email filings; retention of source documents.

Pleadings and documents other than those set forth in Rule 3.5 may be filed by facsimile or e-mail transmission. They shall be accepted by the Clerk as the effective original filing if they comply with the court rules, policies, procedures and practices. The person filing by facsimile or e-mail transmission **shall not** file the source document with the Clerk of Courts, but shall retain it until the case is closed and all opportunities for post judgment relief have been exhausted or elapsed, and have it available for production on request by the court. Pleadings and documents accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the facsimile or email transmission was received by the Clerk of Courts.

### 3.5 Filing by facsimile or email transmission.

The following documents **will not be accepted** by the Clerk of Courts for filing if submitted by facsimile or e-mail transmission:

1. Filings commencing an action or reopening a case that was completed and closed;
2. Filings that require a cost deposit or fee;
3. Filings that require the signature of a judge, magistrate or party;
4. Filings that exceed 30 pages, excluding exhibits, without prior approval of the court.
5. Any document that is larger than 8 ½ x 11.

### 3.6 Authorized facsimile number and email address for filing.

All facsimile and email filings must be transmitted to the Clerk of Court's fax number or email address only.

### 3.7 Cover page required.

The person filing a document by facsimile or e-mail shall also provide a cover page containing the following information:

1. The name of the court;
2. The caption of the case;
3. The case number;
4. The assigned judge;
5. The title of the document being filed such as "answer", "motion" etc.
6. The date of transmission;
7. The transmitting fax number or email address;
8. An indication of the number of pages included in the transmission, including the cover page;
9. 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 a document is sent by fax to the Clerk of Courts without the cover page information listed above, or if the transmission contains a filing that is not acceptable under Rule 3.5 of these rules, the Clerk shall reject the filing.

3.8 Risk assumed by sending party.

The risks of transmitting a document by facsimile or email to the Clerk of Courts shall be borne entirely by the sending party. Anyone using filing by facsimile or email transmission is responsible for verifying receipt of such filing by the Clerk of Courts through whatever technological means are available. The Clerk of Courts is not required to send any form of notice to the sending party of a failed filing. If a person claims that a facsimile or email was received and the Clerk of Courts has no record of its receipt, upon filing of written proof of a confirmed transmission by the sending party, the document shall be accepted for filing if it complies with the court's rules, policies, procedures and practices by the Clerk along with the confirmation and the document shall be deemed filed on that date.

3.9 Signatures to be on electronically filed documents.

Any pleadings/documents that are e-filed must contain signatures as required by Ohio law or rules of court. Signatures may be electronic.

A person filing any pleading by facsimile or e-mail transmission shall sign the source document. If other persons have signed the document or approved its filing by telephone, email, fax or other means, the person that faxes the document without the signature of the other person shall note the approval on the source document and initial it.

3.10 Representation by filer.

A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

3.11 Documents that cannot be electronically transmitted.

Each exhibit to a facsimile or email transmission produced that cannot be accurately transmitted due its size or any other reason must be replaced by an insert page describing the exhibit and explaining why it is missing. Unless the court otherwise orders, the omitted exhibit shall be filed with the court, as a separate document, not later than five (5) business days following the filing of the facsimile or email document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

3.12 Confidential Information.

If a pleading or document contains exhibits that are confidential, being submitted for an in camera review or otherwise claimed not to be subject to public inspection, the filing party shall specifically note that in the filing and file a motion to have said exhibits sealed or not made available for public inspection by person accessing the public information in the case management system.

### 3.13 Motions for specific relief.

If a party is seeking specific relief prior to final judgment in a case, that relief shall be requested in a separate pleading (e.g., a motion) that clearly designates the requested relief. Including a request for temporary or ex parte orders in the body of a complaint or other pleading may not be detected by the e-filing function.

Proposed judgment entries or orders shall be e-filed with all motions for specific relief.

### 3.14 Required format and size limit.

All electronically filed pleadings and documents shall be typewritten or computer generated in pdf form, shall be double spaced, have no less than 11 and no more than 12 regular font, shall be paginated sequentially, and shall not exceed 1000 KB in size. Pleadings or documents exceeding 1000 KB shall be split into multiple documents of less than 1000 KB each. Each document must contain the case caption, case number, description of the pleading and identify what part of the filing it represents (e.g., part 2 of 3, document 3 of 4 etc.).

### 3.15 Commencement of action, request for service.

Any time that an action is commenced by e-filing, or a third party complaint or any other type of pleading requiring service is filed in an open case, a request for service and instruction for service shall also be filed with the pleading. The complaint, third party complaint or other pleading shall contain the names and addresses of all parties to be served.

### 3.16 Compliance with Ohio Rules of Practice and Procedure.

Parties filing pleadings or documents electronically must still comply with any applicable Rules of Practice and Procedure for Ohio Courts (e.g., certificate of service, notice etc.) in addition to the local rules of this court.

## **RULE 4**

### **PLEADINGS**

4.1 All pleadings shall be filed flat, with no backing required, printed or typed, double spaced on 8-1/2" by 11" white paper using not less than 11 point nor more than 12 point regular font with a minimum head margin of one and one half inches and paginated sequentially. In addition to the original, sufficient copies shall be filed with the Clerk to provide counsel and the party with a file stamped copy and to accomplish service of process, if required. No additional file copies shall be accepted by the Clerk. The name, address, telephone number, fax number, email address and attorney registration number of the attorney shall also be on all pleadings filed with the Clerk. Self-represented parties shall include their address, telephone number, fax number and email address on the pleading.

4.2 Pleadings shall not include the Social Security Number of any party unless specifically authorized or required by law.

4.3 Exhibits attached to pleadings by Plaintiffs shall be marked numerically beginning with the number 1. Exhibits attached to pleadings filed by Defendants shall be marked alphabetically beginning with the letter A. Joint exhibits attached to pleadings shall be marked by roman numerals beginning with the number I. If there are multiple Plaintiffs or Defendants, the exhibit will include the party's name.

4.4 No civil complaint shall be accepted for filing unless accompanied by a classification form prescribed by the court that classifies the case and clearly designates the trial attorney. If more than one attorney is listed as trial attorney, each person listed shall be considered the trial attorney for the case.

4.5 The attorney or party completing the classification form upon the filing of a complaint shall certify as to whether the case had been filed previously and dismissed. If the case was previously dismissed under Civ. R. 41, then, under the case number, the re-filed complaint shall contain the statement: "This is a refiled case", and shall state the number of the previous case.

4.6 Any pleading tendered for filing that does not comply with this rule shall not be accepted for filing by the Clerk and shall be returned to the tendering party. Any pleading mistakenly accepted by the Clerk may be stricken by the court as a sanction for violation of this rule.

## **RULE 5**

### **SUBPOENAS**

5.1 In all hearings, trials, examinations, depositions, productions of documents or evidence, and any other proceedings in any case pending in this court, the party or attorney filing a precipe for the issuance of any type of subpoena by the Clerk of Courts, shall be required to present to the Clerk of Courts at the time of the filing of the precipe, a completed original subpoena and two (2) copies thereof for each person designated in the subpoena to be issued in a form approved by the Clerk. Any precipe filed without the original and two (2) copies shall not be accepted for filing by the Clerk and the Clerk shall not issue the subpoenas requested therein. A precipe and subpoena may include up to five (5) names and addresses provided that all persons are to appear at the same time and date.

5.2 The Clerk shall provide copies of acceptable formats for subpoenas and returns thereof to parties and attorneys requesting the same. Attorneys are encouraged and authorized to use any approved formats for inclusion in their computers for use in preparing the subpoenas.

5.3 The Clerk shall also accept any format for a subpoena that clearly states the following information:

1. Name of the Court
2. Case number and caption of the case
3. Date, time and place of appearance including full address of the Court
4. Name and address of witness including county of residence
5. Identification of documents or evidence to be produced
6. Identification of officer to serve said subpoena
7. Return of Service of the subpoena

5.4 Parties and/or attorneys are responsible for allowing sufficient time for service of the subpoenas. It is recommended that precipes and subpoenas for persons residing in Highland County be presented to the Clerk at least five business days prior to the date of appearance to allow ample time for service of the subpoena. The party and/or attorney filing a precipe and subpoena for persons residing outside of Highland County should contact the Sheriff of that county or other process server to determine how much time will be needed for service of the subpoena.

## **SECTION II CIVIL CASE MANAGEMENT PLAN**

### **RULE 6**

#### **MOTIONS-Other than for Summary and Default Judgment**

6.1 All motions submitted shall be accompanied by a brief memorandum in support of the relief requested and a proposed entry. Responses to a written motion except a motion for summary judgment may be served within fourteen days after service of the motion and the movant's reply to the response shall be filed within seven days after service of the response. A response to a motion for summary judgment may be served within twenty-eight days of the service of the motion and the movant's reply to the response shall be served within seven days of the service of the response. The Court may upon motion and for good cause shown, reduce or enlarge the time deadlines as authorized by Civ. R. 6.

6.2 Motions may be set for an oral hearing on the court's motion or on any party's written motion with consent of the court. This Rule shall not apply to motions filed under Ohio Civil Rules 22, 23, 24, 55, 56, 65 and 75. Failure of counsel or a party to appear at a hearing may result in the Court's ruling on the motion and in imposition of sanctions including without limitation, fines, orders to pay opposing party's attorney fees, an opposing party's economic loss, dismissal of the action for failure to prosecute or other sanctions provided by the Ohio Civil Rules.

6.3 Unless oral argument is requested by any party in the pleadings, or set by the Court on its own motion, the issues in the motion will be determined by the Court based upon the memoranda submitted. If the issues to be determined in the motion require findings of fact and the parties do not stipulate to the facts, the Court shall set an evidentiary hearing on the motion.

6.4 Motions filed for purposes other than trial shall be served on the opposing party and filed with the court no later than fourteen days prior to a scheduled hearing. A motion filed for purposes of trial shall be filed no later than twenty-eight days prior to trial. A response to the

motion must be filed within fourteen days of service of the motion. Upon motion of a party and for good cause, the Court may reduce or enlarge the time within which to file motions or responses.

6.5 This Rule shall not apply to motions filed under Ohio Civil Rules 55, 65 and 75 or to procedural motions such as motions for extension of time deadlines, continuances, leave to file a pleading, leave to withdraw as counsel and similar motions which may be decided immediately by the Court without a response from the other parties to the action.

## **RULE 7**

### **MOTIONS FOR SUMMARY JUDGMENT**

7.1 All motions for summary judgment shall be accompanied by a memorandum in support of the motion and supporting affidavit or other documents permitted by Civil Rule 56. The movant shall attach to the motion copies of all documents referred to in the motion or memorandum in support along with copies of the pages of transcripts of depositions of witnesses referred to in the memorandum. Any depositions cited in the memorandum must be filed no later than the filing date of the motion.

7.2 Responses and replies to a motion for summary judgment may be filed within the times provided by Ohio Civil Rule 6 and Local Rule 6. A non-oral hearing date shall be set by the Court. If any party desires to have oral argument on the motion, a request for oral hearing on the date set shall be filed by that party with the pleadings filed by that party. The Court may also set the motion for an oral hearing on its own motion.

7.3 If the opposing party files a motion for summary judgment, the original moving party shall file a response within twenty-eight days and the reply shall be filed within seven days of the service of the motion. A non-oral hearing date shall be set by the Court. If any party desires to have oral argument on the motion, a request for oral hearing on the date set shall be filed with the pleadings filed by that party. The Court may also set the motion for an oral hearing on its own motion.

7.4 Exhibits attached to pleadings by Plaintiffs shall be marked numerically beginning with the number 1. Exhibits attached to pleadings filed by Defendants shall be marked alphabetically beginning with the letter A. Joint exhibits attached to Pleadings shall be marked by roman numerals beginning with the number I. If there are multiple Plaintiffs or Defendants, the exhibit will include the name of the party that has marked it.

## **RULE 8**

### **MOTIONS FOR DEFAULT JUDGMENT**

8.1 Motions for default judgment shall be filed in writing any time after the answer time has expired. A proposed entry shall be submitted with the motion. If the Court has set a final hearing or trial date, a motion for default judgment shall not be filed without leave of court.

8.2 The Court may schedule a hearing on a motion seeking damages that are unliquidated. The Plaintiff's trial counsel must be present at the hearing to present evidence of said damages. At the hearing the Court shall consider the following:

1. Perfection of service of the complaint by plaintiff or counsel;
2. Defendant's failure to answer or appear within twenty-eight (28) days of service;
3. Evidence of damages either by verified pleadings by plaintiff, or testimony of plaintiff, together with any exhibits properly appended to pleadings or affidavit, or introduced and accepted at hearing;
4. Report from expert stating opinion as to proximate cause of injury;
5. Report from expert stating opinion as to present value of damages sought;

8.3 No hearing is required on a motion for default in which the damages sought by plaintiff are liquidated. The Court shall consider the following upon the filing of a motion for default:

1. Perfection of service as above;
2. Failure of defendant to answer as above;
3. Affidavits in support of the motion;
4. Copies of notes, statements of account or other documents relating thereto;
5. Standing of the Plaintiff to bring the action.

If the Court determines from a review of the file that there is an issue as to whether Plaintiff is entitled to judgment as a matter of law or the amount of claimed damages or monies owed to Plaintiff, the motion may be set for hearing and the motion may be denied.

8.4 The Court will not grant a default judgment seeking recovery on a promissory note, negotiable instrument or an account unless satisfactory proof of the actual note, instrument or statement of account showing the original creditor, debtor and terms thereof is attached to the complaint or motion, or is provided at the hearing on the motion.

8.5 When the assignment notice states that counsel of record or a party must appear, a substitution of counsel or engagement of local counsel for the motion is not permitted without prior court approval. Approval will not be granted on the date of the hearing. Failure of trial counsel to appear may result in sanctions including denial of the motion.

## **RULE 9**

### **DISCOVERY**

9.1 Parties shall comply with the provisions of the Ohio Civil Rules of Procedure regarding discovery. After a discovery conference pursuant to Civ. R. 26(F), the court shall set general discovery deadlines in its case scheduling orders. The court expects the parties to resolve



discovery issues between them without court intervention. Any motion filed seeking enforcement of discovery requests, sanctions or protective orders shall set forth the efforts of the moving party to resolve the issues prior to the filing of the motion.

9.2 The parties are expected to conduct their discovery expeditiously. The court's case scheduling order will allow sufficient time to complete discovery in most cases. Any requests for extensions of discovery deadlines should be filed as soon as it becomes evident that an extension is needed but no later than the first pre-trial.

9.3 Any party filing requests for discovery shall not file a copy of that document with the Clerk. A document certifying that a discovery request has been served upon the opposing party shall be filed with a certificate of service. When the party responds to the request, that party shall file. The responding party shall not file copies of the documents provided.

## **RULE 10**

### **ENTRIES**

10.1 Unless the court designates otherwise, judgment entries shall be prepared by the counsel for the prevailing party or the self-represented party who prevails. Entries shall contain a caption listing all parties, the case number, the title of the entry and the name of the judge to whom the case has been assigned. Final judgment entries shall contain the language that it is a final appealable order and there is no just cause for delay. It shall also contain a provision requiring the Clerk of Courts to serve the judgment on the parties in the action pursuant to Civil Rule 58(B).

10.2 Entries shall be submitted to opposing counsel or to a self-represented party for signature within five (5) business days of the court's decision, along with notice that the entry will be offered to the court on the fifth business day after the proposed entry is submitted. If the opposing counsel or self-represented party objects to the proposed entry, he or she shall file written objections together with a copy of the proposed entry and a memorandum in support of the objections within five (5) business days after the proposed entry was submitted. The opposing party may submit a memorandum in opposition to the objections within five (5) business days after the filing of the objections. The Court shall then consider and rule upon the objections or may set the matter for hearing.

10.3 Any entry presented to the court for signature without endorsement by all counsel or parties shall contain the certification that the entry was served upon the opposing counsel or appearing self-represented party and that the time for objection has expired.

10.4 If an entry or objections to a proposed entry is not received by the court within fifteen (15) business days of its decision, then the court may dismiss the matter, order the Clerk to enter judgment in accordance with the decision rendered, or take other appropriate action including the imposition of sanctions.

10.5 Any entry affecting a pending matter such as a continuance or dismissal that has been set for a hearing, arbitration, or mediation shall be delivered to the Assignment Commissioner for cancellation of the hearing. Delivery of a copy of the motion and entry satisfies this rule.

10.6 The Court shall not approve a nunc pro tunc entry or an entry modifying a judgment unless there is a motion filed requesting the issuance of a nunc pro tunc entry that specifically sets forth the date of the prior entry being modified, the error in the prior entry, and any other information necessary for the Court to determine whether to approve the entry.

10.7 This rule does not apply to entries or nunc pro tunc entries prepared by the Judge or the Magistrate.

## **RULE 11**

### **SCHEDULING, DISCOVERY PLAN AND TRIAL MANAGEMENT ORDERS**

11.1 After the filing of an answer to the complaint or third party complaints, the Court will issue one or more scheduling orders pursuant to Civ. R. 16(B) except for cases excluded by Civ.R. 1(C) setting dates for a discovery conference pursuant to Civ. R. 26(F), deadlines for discovery plan and compliance, for filing of dispositive motions, and dates for pre-trial, final pre-trial and trial. If a party has a pre-existing conflict with any of the dates, that party shall file a motion for a continuance or rescheduling of the proceeding immediately upon receipt of the order.

11.2 It is the policy and practice of this Court to complete all cases within the time guidelines set by the Ohio Supreme Court. In the absence of good cause to avoid a miscarriage of justice, the Court will not continue the trial or final hearing of any case to a date beyond that deadline.

11.3 A copy of the standing trial management order, a copy of which is attached hereto as **Appendix B** shall be included by reference in all scheduling orders. The parties will comply with the terms of that order. The Court may make modifications of the order as applicable to the specific case. The Court may make modifications to this order from time to time.

11.4 The Court's preferred method of giving notice of hearings, trials or other court proceedings is by e-mail to counsel of record or to self-represented party parties with a read receipt. Counsel of record and self-represented party parties shall provide the assignment commissioner with an e-mail address. The "read receipt" box on email notices from the court shall be checked by the recipient when opened. If the recipient does not have "read receipt" setting on the e-mail account, a return e-mail acknowledging receipt of the e-mail notice shall be returned to the court within one business day of its receipt. Counsel of record are responsible for forwarding all notices of court proceedings to their clients. However, if counsel supplies an e-mail address for a party to the Court Assignment Commissioner, the Court may send e-mail notices to those parties.

11.5 **Failure to pay the required security deposit for a jury trial as required by Local Rule 2 shall be deemed a withdrawal of the demand for a trial by jury.**

## **RULE 12**

## PRE-TRIALS

12.1 The Court may schedule pre-trial conferences in the initial scheduling order in each case and as needed as determined by the court on its own motion or upon the request of counsel.

12.2 Trial counsel and all parties or a representative of legal entities who are parties shall appear at all final pre-trials with full authority and full preparation to negotiate a settlement of the action.

12.3 All trial counsel, unless excused by the court, shall attend the pre-trial conferences with full authority and knowledge to adequately represent the client in all matters relating to the case including decisions regarding procedural matters.

12.4 The failure of trial counsel or a party to appear at a pre-trial conference may result in the continuance of the pre-trial and appropriate sanctions against the party and counsel, including being assessed the costs and attorney fees of opposing litigants, lost wages and travel expenses incurred and other expenses incurred as a result of the continuance.

12.5 Trial counsel shall comply with the requirements of the standing trial management order, **Appendix B. Failure to pay the required security deposit for a jury trial as required by Local Rule 2 shall be deemed a withdrawal of the demand for a trial by jury.**

## RULE 13

### CONTINUANCES

13.1 No continuances of any court dates will be granted except upon written motion served upon the opposing party and by entry approved by the court and reflected upon the court's docket. Requests for continuances shall be signed by trial counsel of record and if requested by the court or required by this rule, by the parties. A proposed entry shall be submitted with the motion.

13.2 Any motion to continue any court date shall set forth good cause for the continuance. No motion for continuance due to a conflict with counsel's appearance being required in another court shall be granted unless there is attached to the motion a copy of the assignment notice for said court date, and that court date was scheduled prior to the scheduling of the date in this court.

13.3 Continuances of a trial date beyond the time guidelines set by the Ohio Supreme Court shall not be granted without a showing of extraordinary circumstances, and only then when there is no alternative means of preventing a substantial injustice and the cause for the delay is not due to neglect or purposeful act of the moving party.

13.4 No entry of continuance of a court date shall be granted unless the entry submitted includes a new date and time for the next court date or blank spaces to insert them. Counsel shall contact the court to schedule the new date upon filing of the request whenever feasible.

## **RULE 14**

### **TRIALS**

14.1 Counsel and parties shall be present at 8:00 a.m. on the first day of a jury trial and at 8:30 a.m. on each day thereafter unless otherwise ordered by the Court during the trial. Counsel and the parties shall be present at the times designated in the assignment notice for bench trials.

14.2 Jury selection will commence by 9:00 a.m.

14.3 Prospective jurors will be examined by counsel during voir dire in a group of 24. Challenges for cause will generally be withheld until completion of voir dire examination by the court and counsel for all parties unless the Court determines it appropriate to determine the challenge immediately.

14.4 Upon completion of the voir dire examination, counsel will make challenges for cause and peremptory challenges at a side bar conference.

14.5 No persons, other than members of the Bar, officers of the court, litigants whose case is on trial, witnesses under examination, certified interpreters or jurors, shall be allowed to remain within the Bar during the sessions of the Court, except by leave of the presiding judge.

14.6 Counsel for the parties and the parties shall be responsible for informing their witnesses of and ensuring compliance with an order of separation of witnesses made by the Court.

## **SECTION III FORECLOSURES**

### **RULE 15**

#### **FORECLOSURE PROCEEDINGS**

15.1 The Plaintiff shall file the original complaint and sufficient copies for service by the Clerk and for returning file stamped copies. Defendants filing counter claims or cross claims for foreclosure shall file sufficient copies for service by the Clerk and returning file stamped copies.

15.2 A copy of the promissory note which is the subject of the action shall be filed with the complaint as required by Civil Rule 10(D). If a copy of the note is not available at the time of the filing, a copy thereof shall be filed prior to the filing of a motion for summary judgment or default judgment.

15.3 A copy of the mortgage which secures the promissory note that is the subject of the action shall be attached to the complaint as required by Civil Rule 10(D). If the Plaintiff is not the mortgagee named in the mortgage, the Plaintiff shall file copies of the assignments of the mortgage with the complaint whether or not the assignment has been recorded. Said assignment shall be recorded with the county recorder prior to the filing of any motion for summary judgment or default judgment.

15.4 A preliminary judicial title report or shall be filed with the complaint. A final judicial title report or title opinion shall be filed prior to or with a motion for summary judgment or default judgment. Failure to comply with this rule may result in the imposition of sanctions against the Plaintiff including dismissal of the complaint.

15.5 The Plaintiff shall have the accuracy of the legal description checked by the Highland County Tax Map office prior to the filing of a motion for summary judgment or default judgment to ensure that the correct legal description is being used in the proceeding.

15.6 The party seeking summary judgment or default judgment shall submit a proposed judgment entry with the motion.

15.7 The party granted foreclosure shall prepare the notice of publication and pay the newspaper directly for that cost prior to the sale date. Proof of payment shall be filed with the proof of publication by the newspaper publishing the notice.

15.8 An order to sell real estate upon foreclosure can only be withdrawn by entry signed by the Judge. The Clerk or Sheriff is not authorized to withdraw the property from sale without an entry from this Court except in the case of receipt of a notice of stay from a U.S. Bankruptcy Court. If a notice of a stay is received, the party granted the foreclosure shall present a proposed entry staying the case to the court within seven (7) business days of the filing of the notice of stay with the Clerk of Court.

15.9 The Sheriff shall employ a licensed auctioneer to conduct the sale and shall pay a fee approved by the Court for each property sold.

15.10 The entry confirming sale and ordering distribution of the proceeds of sale must be presented to the court for approval within fifteen (15) days of the sale date by the party granted the foreclosure unless exceptions to the proposed distribution have been filed. Entries providing for distribution of less than 100% of the proceeds must contain language setting a hearing on final distribution which will be obtained from the Assignment Commissioner prior to presentation of the entry.

15.11 If a nunc pro tunc entry or an entry modifying a prior entry confirming sale and ordering proceeds distributed is requested after the entry confirming sale and ordering distribution of proceeds is filed, a motion requesting said entry stating with specificity the provisions to be corrected shall be filed with the proposed entry. The Court shall review the motion and the reasons for the error in the original entry and may set the matter for hearing if the motion does not contain sufficient particularity.

15.12 If a writ of possession is required, the party granted the judgment for foreclosure shall file a precipe for the writ with the Clerk of Court.

15.13 Any pleading tendered for filing that does not comply with this rule shall not be accepted for filing by the Clerk and shall be returned to the tendering party. Any pleading mistakenly accepted by the Clerk may be stricken by the court as a sanction for violation of this rule.

## SECTION IV MEDIATION

### RULE 16

#### MEDIATION PROCEEDINGS

16.1 This Rule incorporates by reference the “Uniform Mediation Act” (UMA), codified at R.C. 2710.01 et seq., and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

16.2 All definitions found in the UMA, codified at R.C. 2710.01, are adopted by this Court and incorporated herein by reference. Any subsequent modifications or additions to the statute shall be deemed incorporated herein as of the effective date of said changes. For purposes of this rule, the following definitions apply:

1. “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
2. “Mediator” means an individual who conducts a mediation.
3. “Mediation Communication” means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
4. “Proceeding” means either of the following:
  - a. Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
  - b. A legislative hearing or similar process.

16.3 To promote greater efficiency in the resolution of case and public satisfaction through the facilitation of the earliest possible resolution of civil and domestic relations cases filed in the General Division and all cases filed in the Domestic Relations Division of the Highland County Court of Common Pleas, the Court hereby establishes a mediation program for such cases. However, the following types of cases are not subject to mediation:

1. As an alternative to the prosecution or adjudication of domestic violence cases.
2. In determining whether to grant, modify or terminate any protection order.
3. In determining the conditions of a protection order.
4. In determining the penalty for violation of a protection order

16.4 The Court may, at any time, refer a civil or domestic relations action in this Court to mediation. The mediation is to be conducted by the court-appointed mediator unless the parties agree to another mediator approved by the court. There shall be no charge beyond the special projects fee assessed under Rule 2 for the services of the court-appointed mediator. If the parties choose to use another mediator, they will be required to share equally the cost thereof if said mediator is approved by the Court.

16.5 Any party may request in writing that a case be referred to mediation. The Court may act on the request immediately. If all parties to an action do not join in the request for mediation, a party not joining in the request shall have five (5) business days after the filing of the request or the order of referral whichever is later, to file an objection to the mediation. If an objection is filed, the Court will determine the issue based upon the information submitted.

16.6 All parties, bank representatives and insurance representatives are required to be present for mediation. Representatives of financial institutions in foreclosure cases may be granted permission to attend by telephone provided that the representative is available immediately by telephone during the entire mediation session and has the authority to approve mediation agreements. Failure to have a representative with authority to approve a mediation settlement shall be deemed a cancellation of the mediation without forty-eight hours (48) hours' notice and shall result in the assessment of the non-cancellation fee currently being charged.

16.7 Mediation shall not be used as an alternative to the prosecution of any criminal offense or civil protection proceeding.

16.8 **Confidentiality/Privilege.** All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10, R.C., the Rules of Evidence and any other pertinent judicial rules. Except as provided in sections 121.22 and 149.43 of the Ohio Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical prior to the mediation and all mediation participants shall execute any confidentiality agreement prior to the start of the mediation.

By participating in mediation, a nonparty participant as defined in R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are granted to parties except that no privilege under the Ohio Rules of Evidence shall be expanded.

Except as otherwise provided herein, all mediation communications related to and made by any person during the mediation process are subject to and governed by the UMA. Such communications are confidential and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose sanctions for any improper disclosures made in violation of this rule or the UMA. Disputes regarding confidentiality should be first addressed to the mediator if possible. Notwithstanding the provisions of this rule, the following communications are not confidential:

- a. Parties may share all mediation communications with their attorneys.
- b. Threats of abuse or neglect of a child or an adult.
- c. Statements to plan or to hide an ongoing crime.
- d. Statements that reveal the commission of a felony.

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

If counsel or a mediation party requests that the assigned mediator withdraw because of the facts so disclosed, the assigned mediator shall withdraw and request that the Judge or Magistrate appoint another mediator from the list of qualified mediators that is maintained by the Court. The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest.

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

16.11 It is the policy of this Court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the court appointed mediator, judge or magistrate who referred the case.

16.12 Attorneys shall submit a "Mediation Case Summary" to the mediator which shall contain the following:

1. Summary of material facts.
2. Summary of legal issues.
3. Status of discovery.
4. List of special damages and summaries of injuries
5. Settlement attempts to date, including demands and offers.

16.13 In foreclosure cases, the homeowners requesting mediation shall be required to complete financial counseling and to file proof thereof with the Court at least 5 days before the scheduled hearing. The parties shall also be required to exchange such documentation and information as may be ordered in the order of referral. Failure to comply with this rule shall be deemed a cancellation of the mediation without 48 hours' notice and shall result in an assessment of the non-cancellation fee currently being charged.

16.14 Mediator's Report

At the conclusion of the mediation and in compliance with R.C. 2710.06 the court shall be informed of the status of the mediation including without limitation all of the following:



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

16.15 If any individual or representative required by these rules to attend a mediation session fails to attend without good cause, the court may impose sanctions which may include, but are not limited to, payment of a non-cancellation fee, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned judge or magistrate.

16.15 If the mediation results in settlement, counsel for the parties are responsible for submitting the necessary entry in accordance with Local Rule 10. If some, but not all, issues in the case are settled during mediation, then the parties shall submit a joint entry to the court listing the issues settled and that remain disputed within 5 business days of the termination of the mediation.

16.16 The Court shall maintain information regarding resources for parties who are considering or engaged in mediation proceedings such as victims' assistance programs, domestic violence victims' programs, Children's Services, mental health and addiction treatment services and other similar resources.

16.17 All mediators shall meet the qualifications of and comply with the training requirements of Sup. R. 16.

16.18 A referral to mediation shall stay the time standards for the case during the time of mediation only.

## **SECTION V DOMESTIC RELATIONS CASES CASE MANAGEMENT PLAN**

### **RULE 17**

#### **FILING OF DIVORCE, LEGAL SEPARATION OR DISSOLUTION CASE**

17.1 The caption of all complaints and petitions shall include the full names, prior surnames, aliases, addresses, and dates of birth of all parties to the action. Pleadings shall also contain the phone number of any unrepresented party. The social security numbers of parties shall not be included on any filing, unless otherwise directed by statute. The case classification form shall be filed with all complaints or petitions.

17.2 A financial disclosure statement as prescribed by the Court, **Appendix C signed by the plaintiff**, shall be attached to every complaint for divorce, spousal support or legal separation. The defendant or respondent shall file a disclosure statement signed by the Defendant with a counterclaim or the answer to the complaint. Both parties to a dissolution proceeding shall sign Appendix C and attach it to the petition for dissolution.

The information contained in the disclosure shall be treated as though it was obtained in answer to questions propounded by the court and shall be subject to examination and cross-examination by the parties in any court proceedings in the case.

17.3 A waiver of attorney for an unrepresented petitioner in a dissolution shall be included in or filed with the petition.

17.4 A waiver of service of process on the parties shall be filed with a petition of dissolution.

17.5 In a case involving minor children, a UCCJA affidavit, **Appendix D** or similar form containing the same information must be attached to the pleadings.

17.6 An application for services under Title IV-D of the Social Security Act shall be filed with all divorce complaints or petitions for dissolutions involving minor children in which child support or a medical support is requested.

17.7 Upon the filing of an action for divorce or legal separation, a mutual temporary restraining order shall be issued as set forth in **Appendix E**. The Clerk shall include a copy of the temporary restraining order with the summons and complaint served on defendant and shall mail a copy of the temporary restraining order to both parties by ordinary mail. This order may be amended at any time by the court.

17.8 Any pleading tendered for filing that does not comply with this rule shall not be accepted for filing by the Clerk and shall be returned to the tendering party. Any pleading mistakenly accepted by the Clerk may be stricken by the court as a sanction for violation of this rule.

17.9 After service has been accomplished in a divorce or legal separation proceeding, Plaintiff's counsel or the Plaintiff if self-represented shall immediately contact the Assistant Assignment Commissioner of the Domestic Relations Division to schedule a pre-trial/final hearing.

17.10 Upon filing of a petition for dissolution, counsel for one of the parties, or the parties if self-represented shall immediately contact the Assistant Assignment Commissioner of the Domestic Relations Division to schedule a final hearing.

17.11 The Court will also accept for filing any pleadings or other documents required under this rule on forms that have been adopted by the Ohio Supreme Court for use in domestic relations cases in the courts of this state.

## **RULE 18**

### **EX PARTE ORDERS**

18.1 The Court does not generally favor issuance of ex parte orders in domestic relations cases. Motions for ex parte orders shall be filed pursuant to Civil Rule 75(N) and shall be

accompanied by sworn affidavit that contains sufficient allegations of fact that support immediate intervention of the court by ex parte order. Ex parte orders shall not be issued based upon affidavits that contain mere conclusions of the affiant without specific factual allegations that will support the necessary findings by the court to issue such orders.

18.2 In matters of allocation of parental rights, it is the Court's preference and policy that in the absence of compelling evidence to the contrary, the status quo of the children prior to the filing of the complaint be maintained. If the parties separated shortly before the filing of the complaint, the children should remain with the parent that was the primary caretaker prior to the separation. If the parties have been separated for some time, the children should be with the parents according to the prior practice of the parties. Generally, the Court will not approve the children being transferred to a new school district shortly before or after the filing of the complaint.

18.3 The Court will not generally issue ex parte orders allocating parental rights unless the affidavits filed in support of the motion demonstrate that immediate issuance of an order is necessary for the protection or best interests of the children.

18.4 A party seeking an ex parte order shall present a proposed order to the court with the motion and supporting affidavits. The order shall include an allocation of parenting time with the minor children to the non-residential parent unless the court finds that it is not in the best interests of the children. It shall also include language that requires the children to continue to attend the same school they were attending prior to the filing of the complaint.

18.5 Unless proof of exigent or other compelling circumstances is shown in the supporting affidavits, the Court will not grant ex parte orders for child support, spousal support or payment of expenses and debts until fourteen days after service of the motion has been made upon the opposing party to give that party opportunity to file counter affidavits. Such motions will be considered as motions for temporary orders pursuant to Local Rule 19.

18.6 Ex parte orders for exclusive possession of the marital residence shall not be granted except in cases of domestic violence or when the other party has not resided in the marital residence for an extended period of time, excluding time spent on military duty or working out of town. Motions and affidavits in support shall set forth detailed information regarding the ownership of the property and whether it is marital or non-marital property.

## **RULE 19**

### **TEMPORARY ORDERS**

19.1 No motion for a temporary order shall be accepted for filing by the Clerk unless there is attached thereto a memorandum in support and a detailed supporting affidavit. A copy of the motion, memorandum and supporting affidavit filed by Plaintiff shall be served by the Clerk with the summons and complaint. Defendant shall serve a copy of a motion,

memorandum and supporting affidavit with the answer pursuant to Civil Rule 5. Affidavits in support of motions for temporary orders filed by attorneys that are counsel in the proceeding shall not be considered by the court.

19.2 The opposing party shall file any counter affidavits and memorandum in opposition to the motion, within fourteen days after the party has been served with the motion requesting temporary orders.

19.3 After fourteen (14) days from service has elapsed or the filing of counter affidavits and memorandum in opposition to the motion for temporary orders, the Court may issue temporary orders based upon the affidavits submitted or set the motions for hearing.

19.4 A party may file a motion to modify, terminate or vacate a temporary order that has been issued if that party did not timely file counter affidavits and a memorandum, or if there has been a change in circumstances since the issuance of a temporary order. The motion and/or memorandum in support shall state with particularity the specific relief sought and the affidavit shall state specific facts that support the motion. Motions, memoranda and affidavits that set forth only generalized or conclusory allegations shall be denied without hearing. The opposing party shall have fourteen (14) days to respond with a memorandum and counter affidavits. The Court may modify, terminate or vacate the temporary order, or set the matter for hearing.

19.5 If the parties are cohabitating at the time of the filing of a motion for temporary allocation of parental rights, the Court will issue a temporary order designating both parties as residential parent and ordering the parties to pay for the support of the children in the same manner as they had been immediately prior to the filing of the action. The affidavit and motion shall state this practice with particularity.

19.6 In matters of allocation of parental rights, it is the court's intention that the status quo of the children prior to the filing of the complaint be maintained. If the parties have been separated shortly before the filing of the complaint, the children should remain with the parent that was the primary caretaker prior to the separation. If the parties have been separated for some time, the children should be with the parents according to the prior practice of the parties. Generally, the Court will not approve the children being transferred to a new school district shortly before or after the filing of the complaint.

19.7 Motions for exclusive possession of marital premises, supporting memoranda, and affidavits in support shall set forth detailed information regarding the ownership of the property and whether it is marital or non-marital property as well as detailed information about the parties' past possession of the property.

19.8 A party seeking temporary orders shall present a proposed temporary order to the Court when the motion is filed. Orders for child support shall not be granted until the proposed Obligee has filed an application for Title IV-D services through the Highland County Child Support Enforcement Agency as provided by R.C. 3125.36. A child support worksheet must be attached to the motion together with an affidavit supporting the

information set forth in the worksheet.

19.9 Child Support orders shall include a provision for payment of all uninsured medical expenses and for the party with medical insurance covering the children to maintain it. If the parties do not have medical insurance for the child, it shall contain the cash medicals language required by law. Further, it must contain language requiring the payment of child support to be through the Ohio Child Support Payment Central and other standardized language for child support orders as set forth in **Appendix F**.

19.10 Orders requiring payment of marital expenses and debts shall state with particularity the specific debts and expenses to be paid by each party to the action. A general order requiring payment of "all marital debts and expenses" shall not be issued. If the debt or expense is to be paid by the opposing party and the other party receives the bill for that debt or expense, the order shall contain language that requires that party to provide the other with the bill immediately upon receipt.

## **RULE 20**

### **MANDATORY DISCLOSURE REQUIREMENT**

#### **FAILURE TO COMPLY WITH THIS RULE MAY CAUSE DELAY AND RESULT IN THE IMPOSITION OF SANCTIONS BY THE COURT.**

20.1 Each party to a pending divorce or legal separation shall within twenty-eight (28) days of the filing of an answer or counterclaim disclose to the opposing party the following information and documents:

1. All pension, retirement and/or profit-sharing plans including the most recent plan summary;
2. All COBRA benefits to which the other party may be entitled;
3. Copies of all real estate deeds and vehicle titles and registrations, unless already in the possession of the other party;
4. All appraisals of real estate or personal property in which the party holds an interest;
5. Copies of the last three years individual income tax returns unless already in the possession of the other party;
6. Documentary proof of current income from all sources including recent pay stubs and
7. Copies of the most recent statements for all bank accounts, IRA's, pensions, retirement plans, profits sharing plans, stock accounts, mortgages, credit accounts and all other debts.

20.2 No objections as to the admissibility of any document provided pursuant to this rule at least fourteen (14) days before a scheduled court hearing shall be considered unless the party opposing introduction of the document files a written objection to the introduction of that document at least seven (7) days prior to the hearing setting forth the particular legal objection being raised or unless the basis for the objections was unforeseeable prior to the hearing.

20.3 This rule does not limit the parties' right to engage in additional discovery as provided in the Ohio Civil Rules. However, a party shall not include in a discovery request a request for information already provided under this rule.

## RULE 21

### ALLOCATION OF PARENTAL RIGHTS

21.1 **Parent Education Class.** All parents in divorce, legal separation, or dissolution actions in which there are any minor children or in post-decree actions involving visitation or reallocation of parental rights and responsibilities for minor children shall attend an educational seminar sponsored by the Domestic Relations Division of the Highland County Court of Common Pleas and Highland County Children Services Agency or another seminar approved by the Magistrate or Judge. In post decree proceedings, attendance shall not be required if the parties have attended such a class within two years immediately preceding the filing of the post decree motion. However, that must be stated in the motion and proof of attendance attached.

Attendance at the seminar shall take place within forty-five (45) days after the filing of the action or motion. No action or motion involving minor children shall proceed to final hearing until there has been compliance with this rule, provided, however, that noncompliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing. If the Court finds that a party has failed to attend the seminar, the Court may impose sanctions against that party or proceed with a final hearing and deny parenting time with the children to that party until that party has filed proof of attendance at the seminar with the Clerk of Courts.

Each parent shall be responsible for registering for the class by contacting the parenting class provider in accordance with the written instructional letter provided by the Clerk of Courts. All parents who have not filed an indigency affidavit with the Court shall be required to pay a fee approved by the court to cover the cost of providing this class at the time of registration for the seminar. Persons found to be indigent will be required to pay this amount as part of the court costs upon completion of the case.

An instructional letter shall be included by the Clerk of Courts with service of process in each action for divorce or legal separation in which there are minor children and in each post-decree motion involving visitation or reallocation of parental rights and responsibilities. At the time of filing, the Clerk of Courts shall provide a copy of the instructional letter to counsel for delivery to the plaintiff, movant or to self-represented parties. Counsel filing dissolution of marriage actions shall provide a copy of the instructional letter to both parents to the action.

21.2 **Mediation.** In any divorce, legal separation or post-decree motion filed involving the allocation or modification of allocation of parental rights, the Court may refer the case to the Court's Mediation Program pursuant to Sup. R. 16. Counsel will not participate in

the mediation unless the Mediator determines that involvement of counsel would be helpful to the procedure. Attendance at the mediation shall be mandatory. Any party that fails to appear at the mediation or fails to request a rescheduling of the session at least forty-eight (48) hours prior to the time that it is scheduled shall be assessed the current non-cancellation fee.

### 21.3 **Standard Parenting Time Schedule for non-residential parents.**

The parties are encouraged to share time with their minor children by agreement. In all cases, the Court shall issue a parenting time schedule as set forth in the standard parenting time schedule of this court, **Appendix F**. A copy of this schedule shall be attached to all orders allocating parental rights. If the parties are unable to agree on parenting time with their children, they shall follow the option set forth in Appendix F that is ordered in their parenting order.

The Court's general policy is that the parties shall share equally in the transportation of the children for parenting time when the parties both reside in Highland County or within thirty (30) miles of each other. If one party moves more than thirty (30) miles from the other, the Court's general policy is that the party that moved must bear the additional time and expense of the increased transportation distance.

21.4 All final decrees or entries designating parental rights and responsibilities shall order the residential parent not to remove the children from the state of Ohio for the purpose of establishing residency for them in another state without either (1) a court order approving such change and establishing a parenting schedule or (2) an agreement signed by the parties.

21.5 **Guidelines for Parents.** The following guidelines apply to all orders allocating parental rights and are included in **Appendix F**:

1. The residential parent shall give the non-residential parent's name, address, home and work telephone numbers to the administration and teachers of the school that the children attend, coaches of sports teams, medical providers and the adult supervisors of other extracurricular activities.
2. The residential parent shall immediately provide copies of notices of any activities of the children to the non-residential parent if that parent is not receiving them immediately upon receipt by the residential parent. This includes without limitation parent-teacher meetings, meetings of school or other clubs, sports schedules, school programs and other extracurricular activities.
3. The residential parent shall provide copies of the grade reports of the children to the non-residential parent immediately upon receipt by the residential parent unless copies are being sent to the non-residential parent by the school.
4. The residential parent shall whenever possible, arrange appointments for parent-teacher meetings, other school meetings and medical

examinations or treatments at a time that the non-residential parent may attend. Both parents should attend all such meetings when possible.

5. The residential parent shall promptly inform the non-residential parent of any illness, injury or condition of the children that requires medical treatment. Elective surgery for a child should not be performed until the residential parent consults with the non-residential parent. Emergency surgery or treatment necessary to preserve the life or prevent further harm to a child may be done without consultation when time does not permit consultation with the non-residential parent. If the parents do not agree, the residential parent has the authority to consent to any examinations, tests, treatment, surgery or other procedures.
6. The residential parent shall encourage frequent communication between the children and the non-residential parent and shall not impede or restrict reasonable communication by telephone or email. Such communications should be confidential between the children and the non-residential parent and not monitored or read by the residential parent unless the children voluntarily permit it. This applies to the non-residential parent when the children are with them.
7. Both parents shall refrain from criticizing the other in the presence of their children.

21.6 **In camera interviews.** Whenever a child is interviewed in camera, the only persons permitted to be present shall be the Judge or Magistrate, a court reporter and at the discretion of the Court, a guardian ad litem or another non-party acting on behalf of the child. Attorneys for the parties shall not be permitted to be present unless the Judge or Magistrate determines that such presence is necessary for the best interest of the child or to prevent a miscarriage of justice.

At the discretion of the Court, the in camera interview may be conducted in advance of a hearing scheduled on the issue of parental rights.

21.7 **Guardians Ad Litem.** The appointment, training, responsibilities and issuing of reports of guardians ad litem and the responsibilities of this Court pertaining to guardians ad litem shall be governed by Rule 48 of the Rules of Superintendence for the Courts of Ohio. Any person seeking to be approved for appointment as a guardian ad litem shall submit a resume setting forth the applicant's training, experience and expertise demonstrating the ability to successfully perform the duties of guardian ad litem. The applicant shall also undergo a criminal background check by the Highland County Sheriff's Department and pay the fee for that service.

The Magistrate will maintain the records of each person who is approved for appointment as a guardian ad litem. Each guardian ad litem is responsible for providing the Court with evidence of his or her training and continuing education courses. Failure to provide this documentation shall result in removal of that person from the list of approved guardians ad litem until it is provided.



Any complaints regarding the performance of a guardian ad litem shall be submitted in writing to the Magistrate. The complaint must be signed and the name, address and telephone number of the complainant must be included with the complaint. A copy of the complaint will be provided to the guardian ad litem who is the subject of the complaint for purpose of responding in writing. The complaint and response will be provided to the Judge of the Court for disposition. The complainant shall be notified in writing of the disposition of the complaint.

Appointments will be made in an equitable manner on a rotating basis taking into consideration the nature of the case, possible or actual conflicts with the parties involved, the experience of the potential guardian ad litem and any other relevant factors.

21.8 In any case in which the allocation of parental rights is contested, the Court in its discretion may and upon the motion of either party shall appoint a guardian ad litem for the child or children. The guardian ad litem shall be selected from a list of persons approved by the court who have the qualifications required by Superintendence Rule 48. Unless otherwise ordered, the costs of the guardian litem shall be shared equally by the parties. Each party shall deposit one-half of the estimated cost of the guardian ad litem as ordered by the Court with the Clerk within fourteen (14) days of the appointment. If the guardian ad litem determines that the original deposit is not sufficient, the Court upon motion of the guardian ad litem may require the parties to make additional deposits to be applied to the fees.

Guardian ad litem interim reports shall be filed with the Magistrate at least fourteen (14) days prior to the hearing set for review of the report in the order of appointment. The Magistrate shall provide a copy of the report to all attorneys of record in the case. A self-represented party may inspect the report at the Court's offices during regular business hours under supervision of court staff. No copies, photographs or any other form of reproduction of any guardian ad litem's report shall be made by any person except by court staff for a self-represented party which copies shall be returned to the staff at the completion of the inspection. The report shall not be disclosed to a third party unless an order is granted by the Court upon motion of a party to the action.

The guardian ad litem shall file any additional reports as may be necessary during the pendency of the case. Said reports shall be filed at least fourteen days in advance of a pre-trial or final hearing unless the Magistrate or the Judge otherwise orders.

The GAL report shall be admitted as evidence as the direct testimony of the guardian ad litem as a court witness. Any party can cross examine the guardian ad litem at the hearing. The party wishing to cross examine shall be responsible for ensuring that written notice is given at least seven days in advance of the hearing so that the guardian ad litem can prepare for the testimony.

The guardian ad litem shall perform any functions necessary to protect the best interests of the child or children in accordance with Superintendence Rule 48. The guardian ad litem shall not act as an attorney for the children unless appointed as such by

the Court in its appointment entry.

**21.9 Psychological Reports and Custody Evaluations.** The court may appoint a psychologist or psychiatrist to conduct an evaluation on the issues of custody and/or parenting time in order to assist the court in allocating parental rights. The court will allocate the costs of the evaluation between the parties. The psychologist or psychiatrist will be the court's witness and neither attorney shall provide any documents to such person, other than a trial notice, or communicate, or cause any third party to communicate, with the psychologist or psychiatrist prior to the receipt of the report.

The psychologist or psychiatrist will provide the court with the original written report and recommendation (including case name and number, the date of hearing) no less than seven (7) days prior to the hearing unless otherwise ordered, with copies mailed to counsel for each party, or to a party if unrepresented. The report shall be accepted into evidence as the psychologist's or psychiatrist's direct testimony, and he or she may be subject to cross examination by either party. A party desiring to cross examine shall arrange for the psychologist's or psychiatrist's appearance at the hearing and is responsible for paying the fee for that appearance.

## **RULE 22**

### **DIVISION OF PROPERTY**

**22.1 PERSONAL PROPERTY.** If personal property has been divided and exchanged before the divorce or dissolution decree is filed, the decree shall include the following language:

"All personal property has been divided and exchanged." If personal property has not been divided and exchanged before the divorce decree is filed, the decree shall include the following language: "The parties shall exchange and divide all personal property no later than thirty(30) days after the filing date of the final decree. If the parties cannot agree upon a date to conduct this division and exchange, the date for the division and exchange of personal property shall be at 12:00 noon on the 30<sup>th</sup> day following the filing of the decree. If either party fails to abide by the terms of the final decree regarding the division and exchange of personal property, the court shall entertain a motion for contempt or a motion to compel the division or exchange of personal property. The court will only entertain these motions if filed by a party on or before the 30<sup>th</sup> day after the expiration of the 30-day period."

**22.2 Legal Description Approval.** Any legal description of Highland County real estate that is incorporated into an entry for recording purposes must be reviewed by the Highland County Tax Map Department prior to submission to the Court for approval.

**22.3 Qualified Domestic Relations Court Orders (QDRO).**

1. Unless otherwise agreed, counsel for the alternate payee entitled to a portion of the other spouse's pension or retirement plan shall prepare the QDRO for submission to the court. The pension participant shall sign any releases necessary to facilitate drafting of the QDRO.

2. Whenever the parties agree to divide a pension or retirement program by a QDRO, they and their counsel shall sign and approve the original of a QDRO submitted to the court, and shall sign and approve any subsequent QDRO submitted to the court, unless waived by the court.

3. The QDRO shall be prepared and submitted to the court with the final decree, or as soon as possible thereafter.

4. All QDRO's shall be first submitted to the plan administrator for approval which shall be presented to the Court with the entry.

5. In all cases in which a QDRO is to be issued, the final judgment entry shall contain the following language:

“The court retains jurisdiction with respect to the Qualified Domestic Relations Order to the extent required to maintain its qualified status and the original intent of the parties. The court also retains jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions of this order.”

“The participant shall not take actions, affirmative or otherwise, that can circumvent the terms and provisions of the Qualified Domestic Relations Order, or that may diminish or extinguish the rights and entitlements of the participant.”

**22.4 Division of Public Retirement Benefits.** The division of retirement benefits for members of the Ohio Public Employees Retirement System (OPERS), State Teachers Retirement System (STRS), School Employees Retirement System (SERS), Ohio Police and Fire Pension Fund (OP&F), and Ohio Highway Patrol Retirement System (HPRS) or an entity providing an alternative retirement plan under Chapter 3305 of the Revised Code shall conform with the requirements of each agency's respective administrative rules. All such orders shall be first submitted to the plan administrator for approval which shall be presented to the Court with the entry.

Specific retirement information may be found for the respective agencies on the Internet.

## **RULE 23**

### **ATTORNEY FEES**

23.1 Attorney fees will not be granted unless there has been a specific written request therefore made in the complaint or motion being determined by the Court.

23.2 As an alternative to retaining an expert to testify at the final hearing on the issue of reasonableness and necessity of legal services, the party requesting fees may submit an

affidavit to opposing counsel or self-represented party setting forth qualifications of the requesting party's attorney, the hourly rate of the attorney, and an itemized statement of the services rendered, with an estimate of the remaining preparation time and time required for attendance to the final hearing. The affidavit must be submitted to opposing counsel or self-represented party at least two days (2) before the final hearing.

23.3 The affidavit should be offered as an exhibit at the final hearing. The responding party may then indicate at the final hearing whether he or she will stipulate to the reasonableness and necessity of the requesting party's attorney fees. If there is no such stipulation, the court, upon request, will schedule a follow-up hearing at which time the issue of attorney fees will be litigated and the requesting party may present expert testimony on the issue of reasonableness and necessity of fees, including those fees incurred in preparing for and attending the follow-up hearing.

23.4 The Court will award attorney fees of \$500.00 to the prevailing party in a contempt action without an affidavit or testimony as provided in this rule.

## **RULE 24**

### **PRE-TRIALS**

24.1 The Court may schedule a pre-trial in all newly filed cases excluding dissolutions, and all post-decree filings. The purpose of the pre-trial will be as follows:

1. To identify factual and legal issues in dispute.
2. To identify agreements on facts and to enter into stipulations.
3. To set a case schedule.
4. To determine discovery deadlines and a discovery plan pursuant to Civ. R. 26(F).
5. To discuss settlement of the case.
6. To determine if a guardian ad litem or psychological report will be requested.
7. To determine if appraisals will be required.
8. To determine if a final pre-trial will be required.

24.2 The Court notice of the pre-trial may include notice as a final hearing as well. If the parties reach a settlement of the case, the Court may hear the case as a final hearing at that time. If the parties do not reach a settlement, the matter will be set for final hearing and a final pre-trial if the Court requires it. Notice of hearings shall be pursuant to Local Rule 11.4.

24.3 All parties and counsel must appear at all pre-trials unless excused by the Judge or the Magistrate.

24.4 The Court may issue a trial management order to facilitate the presentation of evidence at the final hearing.

## **RULE 25**

## **CONTINUANCES**

25.1 No continuances of any court proceeding will be granted except upon written motion served upon the opposing party and by entry approved by the court and reflected upon the court's docket. Requests for continuances shall be signed by trial counsel of record and if requested by the court or required by this rule, by the parties. A proposed entry shall be submitted with the motion.

25.2 Any motion to continue any court date shall set forth good cause for the continuance. No motion for continuance due to a conflict with counsel's appearance being required in another court shall be granted unless there is attached to the motion a copy of the assignment notice for said court date, and that court date was scheduled prior to the scheduling of the date in this court.

25.3 Continuances of a trial date beyond the time guidelines set by the Ohio Supreme Court shall not be granted without a showing of extraordinary circumstances, and only then when there is no alternative means of preventing a substantial injustice and the cause for the delay is not due to neglect or purposeful act of the moving party.

25.4 No entry of continuance of a court date shall be granted unless the entry submitted includes a new date and time for the next court date or blank spaces to insert them. Counsel shall contact the court to schedule the new date upon filing of the request whenever feasible.

## **RULE 26**

### **FINAL HEARINGS**

26.1 The Court may issue trial management orders and case scheduling orders when it is deemed appropriate and upon the request of either party shall issue such orders.

26.2 The parties shall comply with the trial management order issued in the preparation and presentation of the case.

## **RULE 27**

### **SETTLEMENTS**

27.1 If the parties reach a settlement agreement prior to the date of the final hearing or pre-trial, the parties shall prepare a written separation agreement and/or shared parenting plan if applicable in the case of a divorce or legal separation proceeding, a shared parenting plan or other agreement for post decree motion and submit it to the Court at the hearing together with a proposed entry. The agreement shall be signed by both parties.

27.2 If the parties reach an agreement on the day of a hearing and it is read into the record and approved by each of the parties and the Court, said agreement shall be binding upon the parties and the Court will enter an order incorporating said agreement.

27.3 A hearing will not be continued for the reason that the parties have reached a settlement agreement unless it has been reduced to writing and signed by both parties prior to the hearing.

## RULE 28

### ENTRIES

28.1 After the court has announced its decision on any matter requiring an entry, order, decision or decree, unless otherwise ordered, counsel for the prevailing party shall prepare the appropriate document and forward it to opposing counsel within five (5) business days. Opposing counsel shall sign and return the document within five (5) business days of receipt. The document shall be submitted to the court within fifteen (15) business days after the court announces its decision.

28.2 If the prevailing party prepares the necessary document as noted above but opposing counsel objects to the document as to form or because it does not accurately set forth the court's decision, counsel shall indicate objections by affixing the words "subject to objection" under counsel's signature. Counsel shall then prepare his or her own entry, sign it and submit the original to the prevailing attorney along with the entry previously submitted to him or her by the prevailing attorney and file a request for ruling on the entry with the Court within three (5) business days. The Judge/Magistrate shall then approve and file one of the submitted entries or shall prepare and file his/her own entry or decision.

28.3 If the prevailing party prepares the necessary document(s) as noted above but opposing counsel fails to respond with approval or objections, or if the prevailing party fails to timely prepare the necessary document as noted above, counsel shall submit the proposed entry to the Court with a notation on the line for approval by the non-responding counsel of the date that it was submitted and that the counsel did not respond.

28.4 Failure of the opposing party to file written objections will be construed as approval to the filing of the proponent's entry.

28.5 Nothing in this rule precludes the Judge/Magistrate from preparing and filing his or her own entry/decision in any case at any time.

28.6 A proposed decree of dissolution of marriage shall be submitted to the Court prior to final hearing. Failure to have a proposed decree at the final hearing shall be just cause for continuance of the hearing and dismissal of the petition if it cannot be scheduled for another hearing within the required ninety (90) day jurisdictional period. If a decree of dissolution has not been presented within the ninety (90) day jurisdictional period, the petition will be dismissed even if a hearing has already occurred.

28.7 Attorneys or self-represented parties who fail to timely submit entries will be given notice to appear and to present the entry or be subject to contempt citation and/or dismissal of the pending matter. Attendance of the attorney or self-represented party is compulsory unless excused by the court.

28.8 All entries containing child support orders shall specify the effective date of the order that it shall be paid through Ohio Child Support Payment Central, and a provision for cash medicals if applicable. All orders shall include the language required by Chapter 3119 or other applicable provisions of the Revised Code regarding child support orders.

28.9 If there is a deviation in child support, the entry must set forth the specific reasons for the deviation and a child support worksheet showing the amount payable under the child support guidelines must be filed with the Court prior to approval of the order.

## RULE 29

### MAGISTRATE'S PROCEEDINGS

29.1 The Court has a standing order referring all domestic relations proceedings to the Court Magistrate. It is the general policy and preference of the Court that the Magistrate review and rule upon all motions for ex parte or temporary orders in domestic relations proceedings, and conduct all proceedings in those cases.

29.2 **Objections to Magistrate's Orders.** An objection to a Magistrate's order must be by motion to set aside the order pursuant to Civil Rule 53(D)(2)(b). The motion must be accompanied by a memorandum stating with particularity the basis of the motion. If the motion is based upon factual findings made after a hearing, the movant shall file with the motion a request for a transcript with the motion and order a compact disc of the recording of the hearing from the court reporter within five (5) business days of the filing of the motion. The movant shall then have thirty (30) days from that date to file a transcript of the hearing transcribed by a court reporter approved by this Court.

If the motion is based upon findings made based upon affidavits submitted with a motion pursuant to Civil Rule 75(N) without hearing, the motion shall be accompanied by an affidavit setting forth specific facts in support of the motion.

If the Court determines that the objections do not contain sufficient particularity in the objection or the memorandum in support of the objection or were not filed in accordance with law or these rules, the Court may immediately overrule the objections without the filing of a transcript.

Copies of all motions and supporting documents shall be served upon counsel for the opposing party. The opposing party shall have five (5) business days to file a memorandum and documentation opposing the motion.

If the Court sustains the motion, the Court will generally refer the matter back to the Magistrate for further hearing unless the Court determines that an immediate order from the Court should be entered.

29.3 **Objections to Magistrate's Decision.** An objection to a decision of the Magistrate shall be filed in accordance with Civil Rule 53(D)(3) and shall state with specificity the basis for the objection. The movant shall request a copy of a compact disc for the hearing when the objections are filed and shall have thirty (30) days from that date to file a transcript of the hearing transcribed by a court reporter approved by this Court.

If the Court determines that the objections do not contain sufficient particularity in the objection or the memorandum in support of the objection, the Court may immediately overrule the objections without the filing of a transcript.

The movant shall file a written memorandum in support of the objections within fourteen days of the filing of the transcript. The opposing party shall file a memorandum in opposition within fourteen (14) days of receipt of the movant's memorandum. Movant may file a reply memorandum within seven (7) days of receipt of the opposing memorandum.

29.4 Unless a motion for oral hearing is filed by a party and good cause therefore is shown, the Court will not conduct an oral hearing on the objections, but will make an independent review of the objections, transcript and record and issue a ruling. If oral hearing is granted, the Court will not hear additional evidence. If a party demonstrates pursuant to Civil Rule 53(D)(4) that there is additional evidence that with reasonable diligence could not have been produced by that party for consideration by the Magistrate, the Court will remand the matter back to the Magistrate for further hearing on that evidence and any evidence opposing that new evidence only.

## **RULE 30**

### **POST DECREE PROCEEDINGS**

30.1 All motions to modify previous court orders shall state the date of the prior order for which a modification is sought, shall state with particularity the specific provision of said order for which modification is being requested, shall state with particularity the requested modification and shall contain a statement of the facts and legal basis for the modification.

30.2 Motions to modify child support orders that are objecting to an administrative determination of child support by the Highland County CSEA shall specify the exact objections, and shall have a copy of the administrative determination attached. The movant shall state with particularity the claimed errors made in the administrative proceeding and shall include a proposed child support worksheet for the amount that the movant claims should be ordered if any.

30.3 **Agreed Modifications.** If the parties agree to a modification, a joint motion to modify signed by both parties and acknowledged before a notary public shall be filed. The movants shall submit a proposed entry granting the modification also signed by each party and acknowledged before a notary public.



The proposed entry shall specify the date and provision of the order being modified and the specific modification being made. After a review of the proposed order, the Court may approve the order or set it for hearing.

30.4 Upon service of a motion for post-decree relief, counsel for the movant or movant if acting self-represented party shall contact the Assistant Assignment Commissioner of the Domestic Relations Division to obtain a hearing date.

## **RULE 31**

### **CONTEMPT PROCEEDINGS**

31.1 Any motion to show cause why a party should be held in contempt shall:

1. State the date and specific provision of the order that is the basis of the allegation of contempt.
2. State the facts constituting the alleged non-compliance.
3. Be supported by affidavit by a party to the action or by a person who will be a witness at the hearing on the motion. Attorneys that are representing parties shall not submit affidavits in support of motions except in cases in which the allegation is a failure to pay attorney fees.

31.2 Motions to show cause pertaining to non-payment of child or spousal support shall also state:

1. The date of the last order of support;
2. The amount of said order;
3. The total elapsed time from the date of the order to the date of filing of the motion;
4. The amount which should have been paid and the amount which was actually paid during the period; and
5. The amount of arrearage supported by an attached certified CSEA record.
6. For support orders after July 1, 1992 the amount of interest being requested and the calculations relied upon to support the claim.

31.3 For purposes of computing arrearages, the effective date of any order for support shall be the date the order was journalized unless the order specifically designates some other effective date. At the hearing, the Movant shall be prepared to update the arrearage computation to the date of hearing.

31.4.1 A show cause motion for unpaid medical bills shall contain:

1. An "Explanation of Medical Bills" completed and attached to the motion

identifying the provider; the service, the amount of the charge, the amount paid by insurance, the amount for which the ex-spouse is liable and a calculation of the total amount claimed to be owed either in a computer program or in an adding machine tape attached to the motion.

2. An Affidavit signed by the Movant alleging the following as applicable:
  - a. Movant has sent copies of the bills to the ex-spouse and the dates sent, the bills were returned and the dates returned;
  - c. Movant has sent bills to the ex-spouse and the ex-spouse has not paid or acknowledged receipt of the bills
  - d. Movant has sent copies of the bills to the ex-spouse and the ex-spouse has refused payment; or
  - e. Any other pertinent information

31.5 Attorneys or moving parties shall have a copy of all bills, proof of insurance paid and proof of the Movant's payment for the opposing party and the Court at a hearing or mail a copy to opposing counsel in advance.

31.6 The moving party must be able to identify the bills, dates of service, purpose for treatment, total bill, amounts paid by insurance, amount paid by Movant, and amount sought from the opposing party.

31.7. All motions to compel the payment of medical bills shall be filed within twenty-four (24) months of the initial date that the bill was submitted to the submitting party.

31.8 Motions to show cause pertaining to property or debt provisions of an order shall state the specific property or debt in issue and the efforts made to obtain compliance with the order by the opposing party.

31.9 Prior to or immediately upon filing of a motion to show cause, counsel for the movant or the movant if self-represented shall immediately contact the Assistant Assignment Commissioner for the Domestic Relations Division to obtain a court date.

## **RULE 32**

### **CONFIDENTIAL FAMILY FILES IN DOMESTIC RELATIONS CASES**

32.1 The Court hereby adopts and incorporates herein the definitions set forth in Rule 44 of the Rules of Superintendence for the Courts of Ohio or any future amendments thereto.

32.2 Documents filed in any domestic relations case containing sensitive personal information shall be kept in a "family file," separate from the public case file otherwise maintained by the Clerk of Courts. The family file shall be maintained by the Clerk of Courts in such manner and in such location as the Clerk deems appropriate.

32.3 The family file shall contain items as follows:

1. Affidavits of indigency, financial records and financial disclosure statements regarding property, debt, taxes, income and expenses, including collateral source documents attached to or filed with records and statement, including, but not limited to, income tax returns;
2. Health care documents, including, but not limited to, physical health reports, psychological assessments and any other mental health or counseling documents;
3. Drug and alcohol assessments, screens and reports;
4. Guardian Ad Litem reports, including collateral source documents attached to or filed with the reports;
5. Home studies, including collateral source documents attached to or filed with the studies;
6. Child custody evaluations, including collateral source documents attached to or filed with the evaluations;
7. Domestic violence reports and screens, including, but not limited to, risk assessments;
8. Supervised parenting time/companionship/visitation records and reports, including, but not limited to, exchange records and reports;
9. Genetic testing relationship reports;
10. Asset appraisals/valuations;
11. Other items as directed by the Court.

32.4 Upon motion of any party or upon the Court's own motion, and, for good cause shown, other documents containing sensitive personal information may be ordered to be maintained in the family file.

32.5 If there are documents which are to be filed in the public case file containing social security numbers or any other individual personal identifiers, the same shall be redacted by the filing party on those documents in the public case file.

32.6 The public case file shall contain, in place of the document contained in the family file, a Notice of Filing signed by the Clerk or designee reflecting the filing of the document maintained in the family file and the date thereof.

32.7 Contents of the family file may be inspected by the parties, an attorney for the parties or a Guardian Ad Litem upon request filed with the Clerk. A prescribed form requesting inspection will be made available for that purpose and must be completed prior to inspection. Inspection of family files may be permitted by others upon motion to the Court and for good cause shown.

32.8 Authorized viewers may take notes while reviewing confidential reports and documents, but they are strictly prohibited from copying those documents, distributing them or showing them to unauthorized individuals, or from removing them from the Courthouse. Upon completing a review of the family file, these documents are to be returned immediately to the Court or to the designated Deputy Clerk. Inspections may be monitored by Court personnel.

32.9 Notwithstanding the provisions of this rule, the Court, for good cause, may order certain

confidential documents to be filed under seal by the Clerk. Said documents would not be accessible to any person without permission of the Court.

## SECTION VII-CRIMINAL CASE MANAGEMENT PLAN

### RULE 33

33.1 Arraignment of persons indicted by the Highland County Grand Jury shall occur as soon as feasible after service of the indictment. The Court shall set arraignment dates for persons served with summons to appear personally or remotely by video technology before the Court for arraignment. Those that are arrested shall be arraigned by video from the Highland County Justice Center.

33.2 At arraignment, the Court or Magistrate arraigning the defendant shall set dates and times for the first pre-trial, final pre-trial and trial date. A written notice of appearance shall be given to the defendant. The original shall be filed with the Clerk of Courts.

33.3 If a defendant is determined to be entitled to court appointed counsel in accordance with the Ohio Public Defender's income guidelines, the Court will appoint counsel from a list approved by the Court. Appointments shall be on a rotating basis. However, the Court may deviate from the rotation depending upon the eligibility to be appointed for the level of the offense, the nature of the offense, known or possible conflicts of interest, experience, and case load of the attorney being considered for the appointment.

33.4 Counsel for defendants shall be expected to request discovery from the State of Ohio promptly after being appointed or retained. The State of Ohio is expected to promptly comply. Compliance with the discovery request by a defendant should be completed prior to the first pre-trial. Defendant is expected to comply with the State's request by the final pre-trial.

33.5 Counsel for defendants shall file any pre-trial motions as soon as the grounds for said motions become known, and in no case no later than the date of the final pre-trial unless the Court grants leave to file out of rule.

33.6 Any motion to continue filed by the defendant shall include a waiver of speedy trial rights and the entry submitted for granting of the continuance must state that the speedy trial time is extended and time charged to the defendant.

33.7 Trial dates will generally be set within 90 days of arraignment or sooner if there is a speedy trial deadline.

33.8 The Court will complete all criminal cases within the time guidelines set by the Ohio Supreme Court. Trials or pleas shall be completed no later than 150 days after arraignment. Sentencings will be completed within 180 days of arraignment. Unless necessary to avoid a miscarriage of justice, no continuance will be granted that will result in the case not being completed within the Supreme Court guidelines.

33.9 The State and the Defendant shall present the Bailiff and the Judge with a list of exhibits one business day prior to commencement of trial. All exhibits that are intended to be offered into evidence shall be marked prior to trial. This shall not apply to exhibits that were not reasonably anticipated to be offered into evidence prior to trial. The State's exhibits shall be identified by number and the Defendant's exhibits by letters. Joint Exhibits will be identified by Roman Numerals. Failure to comply with this rule may result in the imposition of financial or other appropriate sanctions permitted by the Ohio Rules of Criminal Procedure.

33.10 The State and Defendant shall present a list of prospective witnesses to the Bailiff and the Judge one business day prior to commencement of trial. The parties shall not be prohibited from calling witnesses not on the list that were not reasonably anticipated to be needed to testify prior to the trial. Both parties shall schedule witnesses to be available when needed.

### **33.11 Drug Court Docket**

The Court hereby establishes the Highland County Drug Court Docket, to be named the "New Way to Recovery Docket" which is a specialized drug court docket in accordance with Sup. R. 36.20 through 36.29, developed to offer a therapeutically oriented judicial approach to providing court supervision and treatment to individuals who have been diagnosed with substance abuse disorders that are a contributing or mitigating factor in their criminal offenses.

**GOALS-**The goals and objectives of the Drug Court Docket are as follows:

#### **Goal 1**

60% successful completion rate of docket participants.

#### **Objective 1**

All participants will successfully complete all four phases of the docket resulting in their living a sober life with gainful employment if able in a stable home environment.

#### **Goal 2**

To reduce the risk level of all participants as measured by ORAS by at least three points over the time spent in the docket.

#### **Objective 2**

Participants will reduce their ORAS scores while participating in the program by complying with their treatment plan, supervision conditions and accomplishing goals set forth in their self-assessments.

#### **Goal 3**

To reduce drug-related offenses defined as criminal convictions in which drugs were a contributing factor.

## **Objective**

To reduce recidivism 25 percent for docket graduates over a one-year period after graduation.

## **Goal 4**

Participants able to work will become productive tax-paying members of society by obtaining stable employment while participating in the docket.

## **Objective**

At least 50% of the participants will be gainfully employed at the time of graduation.

### **Placement in the Drug Court Docket**

The Drug Court Docket is designed for low level felony offenders with underlying alcohol and/or substance abuse addictions who reside in Highland County or in a county adjoining Highland County. Persons who are charged with the following offenses are ineligible for the program:

1. Any drug trafficking offenses that are third degree felonies or higher.
2. Any sex offenses.
3. Any offenses involving the use of a weapon by the offender.
4. Any offenses involving children who were victims.
5. Any offenses of violence involving a victim with a serious injury.
6. Any offense that is a first- or second-degree felony.

Persons who do not live in Highland County or in a county adjoining Highland County are not eligible for the Drug Court Docket.

An applicant who has been convicted of an offense that is eligible for the Drug Court Docket and desires to be accepted for that docket, will have to file a written request for admission into the program, have a pre-sentence investigation report completed by the County Probation Department which will include an Ohio Risk Assessment Score (ORAS) and a substance abuse assessment. Absent unusual circumstances, the applicant must have an ORAS of 15 or higher to be eligible for the Drug Court Docket. The applicant must be diagnosed with an alcohol and/or substance use disorder that requires treatment after an assessment by a treatment agency that is licensed through the Ohio Department of Drug and Alcohol Addiction. The applicant must be mentally competent and have the developmental capacity to adhere to the participation requirements.

**Case Assignment** – Acceptance into the Drug Court Docket shall be determined by Judge Rocky A. Coss, who will preside over the specialized docket. Participation in the program is limited to 40 individuals unless expanded by the Judge to accommodate unusual circumstances.

Request by the accused for acceptance into the Drug Court Docket shall be made to the Drug Court Coordinator. If accepted, and the case is not otherwise assigned to the regular trial docket of the Court, the case shall be reassigned to Judge Rocky A. Coss as Judge of the Drug Court Docket in accordance with Sup. R. 36(C)(1). In the event of an unsuccessful termination from the Drug Court Docket, the offender's case shall be reassigned to the regular docket of Judge Coss and the criminal case will be reactivated on the regular court docket.

**Drug Court Docket Case Management** – Cases accepted to the Drug Court Docket shall be managed in accordance with the procedures set forth in the “Drug Court Docket Program Description,” which is maintained by the Highland County Court of Common Pleas and is on file with the Ohio Supreme Court.

**Termination from the Drug Court Docket** – Participants may be unsuccessfully terminated from the program for: on-going noncompliance with treatment; new criminal conviction(s); serious docket violation or a series of violations; or serious Community Control.

The consequences for the participant in the event of an unsuccessful termination may include: loss of future eligibility for the docket; further legal action including notice of alleged violations of community control supervision conditions, a motion to revoke community control; imposition of a term of imprisonment, a term of incarceration in the county jail or other penalties provided by law.

Judge Rocky A. Coss will make the final decision regarding unsuccessful termination from the Drug Court Docket in accordance with written eligibility criteria set forth in the “Drug Court Docket Program Description,” which is maintained by the Highland County Court of Common Pleas and is on file with the Ohio Supreme Court.

Termination from the docket will result in the reactivation of criminal proceedings on the court's regular trial docket and notices of alleged violations of community control or judicial release community control case.

## **SECTION VIII-JURY MANAGEMENT PLAN**

### **RULE 34**

34.1 Responsibility for administering the jury system will be vested in the Administrative Judge for the Court of Common Pleas, General Division. Procedures concerning jury selection and service are generally governed by Ohio law and Ohio Rules of Court. Jury Commissioners and Clerks will perform the duties required by law under direction of the Administrative Judge.

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

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

1. Are less than eighteen years of age;
2. Are not citizens of the United States;
3. Are not residents of Highland County;
4. Are not able to communicate in the English Language;
5. Have been convicted of a felony and have not had their civil rights restored;
6. Are prohibited from serving by any provision of Federal or State Law.

34.3 The Court hereby adopts an electronic jury pool selection process. Once each year, the list of registered voters shall be obtained from the Highland County Board of Elections in electronic form. The jury source list will be derived from the names shown on the registration list for the most recent past election.

34.4 The jury year shall be the calendar year. The court may divide the year into up to four parts for purposes of grand jury or petit jury service as the court determines may be appropriate.

A miscellaneous journal entry signed by the Administrative Judge of the General Division shall instruct that upon certification of the list of voters to the Jury Commission by the Highland County Board of Elections and in accordance with a journal entry filed with the Clerk of Courts setting forth the number of prospective jurors to be called, that the drawing of the annual jury list shall proceed until an adequate number of persons are drawn for the coming jury year or for such number of additional jurors as may be needed for the current jury year. Pools for the Probate Court, Hillsboro Municipal Court and the Highland County Court for Madison Township shall be selected in the same manner

34.5 There shall be a notice summoning a person to jury service and the questionnaire eliciting information regarding that person. The juror summons shall be delivered by ordinary mail. The summons shall explain how and when the recipient must respond and the consequences of failure to comply with the summons. The questionnaire shall request only that information essential for determining whether a person meets the criteria for eligibility.

The Court will develop uniform policy and procedure for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

34.6 Persons summoned for jury service may be excused for reasons provided by law. All persons seeking to be excused shall be required to complete a form stating the reason for the request and information necessary to support the request such as medical information.

34.7 The Administrative Judge may defer service of persons summoned for jury service during one part of the jury year to a future part of the jury year rather than excuse that person from service.

34.8 Copies of jury questionnaires will be provided to counsel prior to the day of trial. They shall be returned to the Court upon completion of jury selection. Any copies made shall be returned as well. Counsel may not distribute copies of the questionnaire to any other persons.



34.9 Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. The Trial Judge shall conduct a preliminary voir dire examination. Subject to the control of the Court, counsel shall then be permitted to question panel members. The Judge will ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process. The voir dire process shall be held on the record, unless otherwise ordered by the Court.

34.10 All communications between the Judge and members of the jury panel during deliberations shall be in writing or on the record in open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard regarding the content. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform to existing Ohio law. A jury should not be required to deliberate after a reasonable hour and on weekends, unless the Trial Judge determines that such deliberations would not impose an undue hardship upon the jurors, and that they are required to do so in the interest of justice.

34.11 The Court is charged with the responsibility of providing jury deliberation rooms conducive to reaching a fair verdict and with the safety and security of the deliberation rooms in conjunction with the Highland County Sheriff. To the extent feasible, Court staff will attempt to minimize contact between jurors, parties, counsel, and the public by limiting juror movement to those areas designated for jury assemblage, deliberation, and trial. Court staff will be posted outside the jury room to ensure that jury deliberations are confidential.

34.12 The Court shall monitor the performance of the jury system in order to evaluate: the representativeness and inclusiveness of the jury source list; the effectiveness of qualification and summoning procedures; the responsiveness of individual citizens to jury duty; the efficient use of jurors; and the cost effectiveness of the jury management system.

34.13 The Court shall utilize the services of prospective jurors so as to minimize inconvenience to jurors.

## **SECTION VIII-CONFIDENTIAL COURT RECORDS**

### **RULE 35**

35.1 The Court hereby adopts and incorporates herein the definitions set forth in Rule 44 of the Rules of Superintendence for the Courts of Ohio or any future amendments thereto.

35.2 All documents filed with the Court are presumed to be open to public access except as otherwise provided by Rules 44 and 48 of the Rules of Superintendence for the Courts of Ohio, Local Rule 32 and any provisions of the Ohio Revised Code.

35.3 Any of the following types of documents filed with the Clerk shall be deemed confidential documents not accessible to non-parties and attorneys of record unless admitted as evidence in a hearing or trial in this Court and not otherwise deemed to be confidential:

1. Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health and counseling documents;
2. Drug and alcohol use assessments and treatment facility/agency reports;
3. Guardian Ad Litem reports in general division cases;
4. Financial records regarding property, debt, taxes, income and expenses including collateral source documents filed with records and statements;
5. Asset appraisals and evaluations;
6. Any other documents deemed to be confidential pursuant to state or federal law including rules of court.

35.6 Any person may file a written motion with the Court requesting access to a document deemed to be confidential. A copy of the motion shall be served upon all parties and attorneys of record in the case. The Court may schedule a hearing on the motion or consider it without hearing at the discretion of the Court.

Access to a confidential document may be permitted if the Court finds by clear and convincing evidence that the presumption of maintaining confidentiality is outweighed by a higher interest than that of the parties or the person to whom the document belongs or concerns.

## **SECTION IX-COURT TECHNOLOGY**

### **Rule 36**

In accordance with Superintendence Rule 5(E), the Court has adopted and maintains a court technology plan which includes:

- (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and
- (2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the "Americans with Disabilities Act."

**APPENDIX A**

**IN THE COURT OF COMMON PLEAS  
HIGHLAND COUNTY, OHIO**

**IN RE: Schedule of Deposits**

The Court hereby adopts the following schedule of deposits for court costs effective January 23, 2017:

**SCHEDULE OF DEPOSITS**

**CIVIL CASES**

**1. FORECLOSURES**

- a. Five or less defendants.....\$500.00
- b. Each additional defendant.....\$20.00
- c. Writ of Possession.....\$200.00

**2. REPLEVIN ACTION**

- a. Five or less defendants.....\$200.00
- b. Each additional defendant.....\$20.00

**3. PETITION FOR CQE.....\$150.00**

**4. ALL OTHER CIVIL ACTIONS**

- a. Five or less defendants.....\$200.00
- b. Each additional defendant.....\$20.00
- c. Service required on pleading filed after complaint for each.....\$20.00
- d. Jury Trial Deposits.....\$1,000.00

This deposit shall be made by the party demanding at least 30 days prior to the date of jury trial. If multiple parties have demanded a jury trial, each party shall pay its pro-rated share. The Court may modify this amount depending upon the number of days that the parties expect the trial to continue.

Failure to deposit the required sum shall be deemed a withdrawal of the demand for a jury trial.

**DOMESTIC RELATIONS CASES**

- 1. DISSOLUTION – NO CHILDREN.....\$300.00
- 2. DISSOLUTION – WITH CHILDREN.....\$400.00
- 3. DIVORCE OR LEGAL SEPARATION – NO CHILDREN.....\$350.00
- 4. DIVORCE OR LEGAL SEPARATION – WITH CHILDREN.....\$450.00
- 5. POST DECREE MOTIONS.....\$200.00

**JUDGMENTS**

- 1. ISSUING A CERTIFICATE OF JUDGMENT.....\$5.00
- 2. FILING A CERTIFICATE OF JUDGMENT.....\$30.00
- 3. RELEASE OF CERTIFICATE OF JUDGMENT.....\$5.00
- 4. GARNISHMENTS.....\$50.00
- 5. RELEASE OF STATE TAX LIEN.....\$35.00

**MISCELLANEOUS**

- 1. EXECUTION.....\$75.00
- 2. DEBTORS EXAM.....\$75.00
- 3. MOTION TO REOPEN CASE..... \$200.00
- 4. CROSS COMPLAINT AND/OR THIRD PARTY COMPLAINT AND/OR SUPPLEMENTAL OR AMENDED COMPLAINT IF SERVICE IS REQUIRED PER CIVIL RULES.....\$50.00 FOR EACH SERVICE
- 5. SUBPOENAS-To be paid when precipe is filed.....\$25.00 per subpoena

When a precipe for subpoena is filed it must also be accompanied by a check made payable to the witness in the following amounts:

- a. For a one day appearance....\$12.00 PLUS round trip mileage at 10 cents per mile
- b. For a one-half day appearance....\$6.00 PLUS round trip mileage at 10 cents per mile
- 6. SEALING OF RECORD IN CRIMINAL CASE.....\$50.00
- 7. WRIT OF POSSESSION IN ANY CIVIL CASE.....\$200.00

**APPEALS**

- 1. FILING NOTICE OF APPEAL.....\$85.00
- 2. FILING NOTICE OF MANDAMUS APPEAL.....\$85.00

**Changes to any court cost deposit required by changes to Ohio laws shall be adopted as the order of this court when it becomes effective.**

**APPENDIX B**

COURT OF COMMON PLEAS  
HIGHLAND COUNTY, OHIO

Plaintiff  
-vs-

CASE NO:

TRIAL MANAGEMENT ORDER

Defendant

FINAL PRETRIAL REQUIRMENTS

Proposed jury instructions and proposed verdict forms shall be presented to the Court at Final Pre-trial on hard copy and on CD, in Microsoft Word.

Counsel must present the Court with a written pre-trial statement at the Final pre-trial conference.

WITNESS DISCLOSURE

No later than one week before trial (“Disclosure Date”), each party will provide any adverse party with the name of all witnesses whom that party intends to call at the trial.

a. Any party that first locates a prospective witness after the Disclosure Date despite the exercise of due diligence to learn about that witness earlier, shall disclose the name of that witness to each adverse party (a) within forty-eight hours after learning about that witness, and (b) no less than twenty-four hours before referring to the witness at the trial.

b. Any party who proposes to use or refer to a witness that was not timely disclosed shall first satisfy the Court that the party exercised due diligence to learn about that witness.

c. Absent a showing of good cause that the name or location of a witness was unknown to a party earlier with the exercise of due diligence, the Court will exclude from evidence and will preclude any comment about or reference to any witness for which the proponent failed to comply with this order.

## MARKING AND EXCHANGE OF EXHIBITS

To facilitate the use of trial exhibits and to avoid any unnecessary disputes about discovery compliance, the Court directs the parties to comply with the following exhibit order:

The parties shall pre-mark all joint exhibits with sequential roman numerals (Jt. Ex. I, etc.). Each party shall pre-mark all of that party's prospective separate exhibits, with the plaintiff using sequential Arabic numbers (Pl. Ex.1, etc.) and the defendants using sequential letters (Def. Ex. A, etc.). The parties shall make reasonable efforts to avoid duplicative exhibits, by omitting any exhibits which another party supplies as a prospective exhibit. The Court will instruct the jury to draw no inference from exhibit identification labels, or from the fact that any party first produced any exhibit at the trial.

No later than one week before trial ("Disclosure Date"), each party shall supply the adverse party with a list of all proposed exhibits and a pre-marked copy of every exhibit that the party may offer at the trial (or reference to any exhibit which the adverse party already possesses from discovery responses).

No later than one day before trial, each party who objects to the admissibility of any adverse party's exhibit shall file and serve a written Objection Statement regarding any challenged exhibits which shall state (a) whether the party objects to an exhibit's authenticity, and (b) any other ground on which the party objects to that exhibit's admissibility (without argument or citation of authority).

The Court intends to admit unchallenged exhibits before opening statements and may rule on some or all exhibit challenges then or at an appropriate later time after giving the complaining party an opportunity to explain the objection more fully.

Any party that first obtains a prospective exhibit after the disclosure date, despite the exercise of due diligence to obtain it earlier, shall supply a copy of that prospective exhibit to the adverse party (a) within twenty-four hours after obtaining it, and (b) no less than twenty-four hours before referring to it at the trial. Any Party who proposes to use or refer to a tardy exhibit shall first satisfy the Court that the party exercised due diligence to obtain the exhibit earlier.

At the beginning of the trial, each party shall provide two additional pre-marked sets of all prospective exhibits: one for the trial judge, and one which will remain at the witness chair for any witness to use at any counsel's direction.

Absent a showing of good cause where an exhibit was unavailable to a party earlier with the exercise of due diligence, the Court will exclude from evidence and will preclude any comment about or reference to any exhibit for which the proponent failed to comply with this order. This subparagraph does not apply to any exhibit that a party may use solely to impeach a witness's credibility or solely to refresh a witness's recollection, and not as substantive evidence.

Counsel should offer each exhibit in evidence when they believe they have laid sufficient foundation, without waiting until that party rests. The court may admit unchallenged exhibits before opening statements. At the end of each day, the court may ask counsel whether they have any exhibits to offer which they have not offered previously.

#### TRIAL OBJECTIONS

Counsel should avoid “speaking objections,” which argue in the jury’s hearing why the court should sustain the objection. The single word “objection” will usually suffice. If counsel believes the court may not recognize the found for the objection, they may add another single word: such as “leading”, “compound”, “argumentative”, “relevance”, “foundation”, “hearsay”, “privilege”, “best evidence”, “competence”, “scope”, etc.-or counsel may orally cite the Ohio Evidence Rule number on which they rely.

ENTER:

\_\_\_\_\_  
ROCKY A COSS, JUDGE

## **APPENDIX C**

See Court Website or use Supreme Court form.





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5. In addition to the parties to this action, the child/children has/have lived with the following persons during the last five years whose addresses are as follows:

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6. Affiant has(not) participated as a party, witness or in any other capacity in any litigation in this or any other state concerning the allocation of parental rights and responsibilities or for the care or of the child/children or any other litigation concerning the custody of the children except as follows: \_\_\_\_\_

7. Affiant has no information or knowledge of any proceedings involving the custody of the child/children pending in this or any other state.

8. Affiant has no knowledge of any person not a party to this proceeding who has physical custody of the child/children, who claims to be a parent of the child/children, who is designated the residential parent or legal custodian of the child/children, who claims to have visitation rights with respect to the child/children or who claims to be a person other than a parent of the child/children who has custody of the child/children:

9. Affiant has(not) been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused or neglected child.

10. Affiant has (not) previously been determined to be the perpetrator of an abusive or neglectful act which was the basis for a determination in a case in which a child was adjudicated an abused or neglected child.

11. Affiant acknowledges that he/she has a continuing duty to inform the Court of any proceedings concerning the child/children in this or any other state of which he/she has knowledge.

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Affiant

Sworn to and subscribed to before me a notary public this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

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Notary Public

**APPENDIX E**

IN THE COURT OF COMMON PLEAS  
HIGHLAND COUNTY, OHIO  
DOMESTIC RELATIONS DIVISION

\_\_\_\_\_ : Case No. \_\_\_\_\_  
Plaintiff : TEMPORARY MUTUAL  
vs. : RESTRAINING ORDER  
: :  
: :  
\_\_\_\_\_ :  
Defendant :

Pursuant to Local Rule 17.6, **IT IS HEREBY ORDERED** effective on the date of the filing of the Complaint, herein, that each party be and is hereby enjoined from committing any of the following acts during the pendency of this action:

1. Permanently removing, or causing to be removed any child born to or adopted by the parties if any, including any child born to the parties prior to the marriage from the Court's jurisdiction.
2. Causing physical abuse, annoying, inflicting bodily injury, attempting to cause or recklessly cause bodily injury, threatening the use of force or imminent physical harm, stalking, harassing, interfering with or imposing any restraint on the personal liberty of the other spouse, committing any act with respect to a child in violation of the Revised Code of Ohio.
3. Incurring debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and necessary transportation.
4. Selling, removing, transferring, encumbering, pledging, hypothecating, damaging, hiding, concealing, assigning or disposing of any and all property, real or personal, owned by

both or either spouse or a child including household goods, vehicles, financial accounts or any deposits therein and the personal property of each without the prior written consent of both parties or the Court. Excluded from this paragraph are expenditures made for the current necessary living costs of the parties or their children and expenditures from any business account made for current, ordinary and necessary business purposes, and any expenditure required to be made pursuant to this order.

5. Voluntarily changing the term, beneficiary, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling or failure to renew any type of insurance, including health, automobile, life, home, liability, disability, or fire insurance that provides coverage for a party or child born to or adopted by the parties.
6. Voluntarily liquidating, cashing in, changing the beneficiary, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or a child born or adopted by the parties and/or of either or both parties.
7. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court.
8. Filing any income tax return and claiming a child born to or adopted by the parties without the prior written consent of both parties or the approval of the court.

Nothing in the above restraining order precludes a party from using their property to pay necessary and reasonable attorney fees, litigation and courts costs in this action.

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Judge/Magistrate

## APPENDIX F

### STANDARD PARENTING SCHEDULE COMMON PLEAS COURT HIGHLAND COUNTY, OHIO

Liberal parenting is encouraged between both parents and their child(ren). Parents who are unable to agree on a parenting schedule shall follow the schedule and general provisions set forth below. "Residential Parent" refers to the party designated as residential parent under any order allocating parental rights or a shared parenting plan. "Non-Residential Parent" means the party designated as the non-residential parent (or not designated as residential parent) under any order allocating parental rights or a shared parenting plan. If both parties are designated as residential parent in a shared parenting plan, one shall be designated as the non-residential parent for purposes of the parenting schedule. The residential parent shall enjoy parenting time with the minor child(ren) at all times unless stated below:

#### 1. INFANTS NEWBORN UNTIL ONE YEAR:

If the minor child is at least two months of age and has an older sibling at least one year old, parenting shall be pursuant to the appropriate schedule for the older child. Otherwise, the non-residential parent shall enjoy parenting time with the minor child(ren) outside of the home of the residential parent as follows:

- a. Every Wednesday: from 6:00 p.m. until 8:00 p.m.
- b. Every Sunday: from 10:00 p.m. until 6:00 p.m.
- c. Mother's Day\*: (if Non-Residential Parent is the mother) or Father's Day\* (if Non-Residential Parent is the father) from 10:00 p.m. to 6:00 p.m.
- d. Thanksgiving: from 3:00 p.m. until 6:00 p.m.
- e. Christmas Day: from 2:00 p.m. until 8:00 p.m.
- f. Summer: Residential Parent and Non-Residential Parent shall each be entitled to one full week of uninterrupted parenting time. Non-Residential Parent shall notify Residential Parent, in writing, of the time that is desired for this extended summer parenting time as soon as the dates are known to Non-Residential Parent. It is not mandatory that Non-Residential Parent be off work to have this extended parenting time. However, Non-Residential Parent does have to be residing in the home daily and not out of town unless with the children. However, Non-Residential Parent must give at least thirty (30) days written notice prior to said parenting time. If Residential Parent desires a certain week of summer parenting time, Residential Parent must give at least thirty (30)

days written notice to Non-Residential Parent. The first party to request a certain week shall be given preference.

\*If Residential Parent and Non-Residential Parent are the same gender, Residential Parent will have parenting time on Mother's Day in odd years and Father's Day in even years, and Non-Residential Parent will have parenting time on Mother's Day in even years and Father's Day in odd years.

## APPENDIX F-PAGE TWO

### 2. ONE YEAR AND OLDER:

Non-Residential Parent shall enjoy parenting time with the minor child(ren) pursuant to Option 1 or 2 of this schedule which shall be designated by court order. (If an Option has not designated herein, Option One shall apply.) Moreover, if the parties have an infant at least two months old and an older sibling one year or older, the children shall have parenting time with Non-Residential Parent pursuant to the appropriate schedule of the older child.

#### OPTION ONE:

Non-Residential Parent shall enjoy parenting time with the minor child(ren) as follows:

- a. Every other weekend: from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
- b. Every Wednesday: evening from 5:00 until 8:00 p.m. Non-Residential Parent shall assist the child(ren) with homework if any.
- c. Summer: Non-Residential Parent shall be entitled to summer parenting time as follows: children ages one year through three years, Non-Residential Parent shall enjoy two weeks of parenting time; children ages four through eighteen years of age, Non-Residential Parent shall enjoy four weeks of summer parenting time. Consecutive parenting time shall not exceed two weeks in duration. Residential Parent shall still parent the child(ren) every other weekend and shall be entitled to Wednesday evenings from 5:00 p.m. until 8:00 p.m. unless Non-Residential Parent is on vacation and away from home during this time period. Residential Parent shall be entitled to keep the child(ren) for a period of up to two weeks beginning at age two so long as Residential Parent is away from home during this time. Summer parenting time shall be exercised during the summer months when the child(ren) are out of school. Non-Residential Parent does not have to be off work during this period but shall be residing in the home daily and not out of town unless with the children.

Non-Residential Parent shall notify Residential Parent, in writing, of the time that is desired for this extended summer parenting time as soon as the dates are known to Non-Residential Parent. However, Non-Residential Parent must give at least thirty (30) days written notice prior to said parenting time. If Residential Parent desires a certain week(s) summer parenting time, Residential Parent must give at least thirty (30) days written notice to Non-Residential Parent. The first party to request a certain date shall be given preference.

## APPENDIX F-PAGE THREE

### OPTION TWO:

Non-Residential Parent shall enjoy parenting time with the minor child(ren) as follows:

- a. Every other weekend: from Friday at 6:00 p.m. until Monday at 6:00 p.m. or if the child(ren) are school age and school is in session parenting time shall end at the start of the school day on Monday.
- b. Every Wednesday: evening from 5:00 until 8:00 p.m. Non-Residential Parent shall assist the child(ren) with homework if any.
- c. Summer: Non-Residential Parent shall be entitled to summer parenting time as follows: children ages one through three, Non-Residential Parent shall enjoy two weeks of summer parenting time; children ages four through eighteen years of age, Non-Residential Parent shall enjoy six weeks summer parenting time. Consecutive parenting time shall not exceed three weeks in duration. Residential Parent shall still parent the child(ren) every other weekend from Friday at until Monday as stated in paragraph (a), and shall be entitled to Wednesday evenings from 5:00 p.m. until 8:00 p.m. unless Non-Residential Parent is on vacation and away from home during this time period. Residential Parent shall be entitled to keep the child(ren) for a period of up to two weeks beginning at age two so long as Residential Parent is away from home during this time. Summer parenting time shall be exercised during the summer months when the child(ren) are out of school; however, Non-Residential Parent does not have to be off work.

Non-Residential Parent shall notify Residential Parent, in writing, of the time that is desired for this extended summer parenting time as soon as the dates are known to Non-Residential Parent. However, Non-Residential Parent must give at least thirty (30) days written notice prior to said time. If Residential Parent desires a certain week(s) summer parenting time, Residential Parent must give at least thirty (30) days written notice to Non-Residential Parent. The first party to request a certain date shall be given preference.

### **3. Holiday and Special Day parenting time for children ages one and Older:**

**Child(ren)'s Birthday** –if the child(ren)'s birthday falls on Residential Parent's parenting time, then Non-Residential Parent shall celebrate the child(ren)'s birthday with the child(ren) from 5:00 until 8:00 the evening before the child(ren)'s birthday.



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**ODD NUMBERED YEARS**

**RESIDENTIAL PARENT**

**Easter**

From Friday before Easter at 6:00 p.m. until Easter Sunday at 6:00 p.m.

**Mother's Day/Father's Day\***

Mother shall have parenting time each Mother's Day from 9:00 a.m. until 6:00 p.m. and Father shall have parenting time each Father's Day from 9:00 a.m. until 6:00 p.m.

\*If Residential Parent and Non-Residential Parent are the same gender, Residential Parent will have parenting time on Mother's Day in odd years and Father's Day in even years, and Non-Residential Parent will have parenting time on Mother's Day in even years and Father's Day in odd years.

**July 4<sup>th</sup>**

From 9:00 a.m. until 10:30 p.m.

**Halloween**

On Beggar's night from 5:00 p.m. until 9:00 p.m.

**Thanksgiving**

From Wednesday prior to Thanksgiving at 6:00 p.m. until Sunday after Thanksgiving at 6:00 p.m.

**Christmas**

From December 20<sup>th</sup> (or if the Child(ren) are school age, then the last day of school before Christmas) at 6:00 p.m. until

**NON-RESIDENTIAL PARENT**

**President's Day**

From Friday before the holiday at 6:00 p.m. until Monday at 6:00 p.m. unless the child has school on that day then the parenting time ends upon commencement of the school day.

**Mother's Day/Father's Day\***

Mother shall have parenting time each Mother's Day from 9:00 a.m. until 6:00 p.m. and Father shall have parenting time each Father's Day from 9:00 a.m. until 6:00 p.m.

**Memorial Day**

From Friday before the holiday at 6:00 p.m. until Monday at 6:00 p.m.

**Labor Day**

From Friday before the holiday at 6:00 p.m. until Monday at 6:00 p.m.

**Christmas**

From December 24<sup>th</sup> at 9:00 p.m. until January 1<sup>st</sup> at 6:00 p.m.

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December 24<sup>th</sup> at 9:00 p.m.

### EVEN NUMBERED YEARS

In the Even numbered years the above holiday/special day scheduled shall be alternated so that Residential Parent shall exercise parenting time on President's Day, Mother's Day/Father's Day, Memorial Day, Labor Day, and

Christmas the same as Non-Residential Parent did in odd years and Non-Residential Parent shall receive Easter, Mother's Day/Father's Day, July 4<sup>th</sup>, Halloween, Thanksgiving, and Christmas the same as Residential Parent did in even years.

#### 4. GENERAL PROVISIONS:

**A. Transportation:** The parent receiving the child(ren) shall provide transportation unless the other parent has moved more than thirty miles from the other parent. The transporting parent for parenting time shall have a grace period of fifteen (15) minutes for pick-up if both parties live within thirty (30) miles from each other. If one way traveling distance is in excess of thirty (30) miles, the grace period shall be thirty (30) minutes. If Non-Residential Parent is more than thirty (30) minutes late, Non-Residential Parent forfeits that parenting time. If a car seat is required, Non-Residential Parent must provide their own car seat. A responsible, licensed adult known to both parents may provide transportation if the parent is unavailable.

**B. Extracurricular Activities:** Regardless of where the child(ren) are, their continued participation in extracurricular activities shall continue uninterrupted. It shall be the responsibility of the parent with whom they are staying at the time of the activity to provide the transportation to these activities. Residential Parent shall provide Non-Residential Parent with notice of all activities in which the child(ren) participate including all schedules.

**C. Clothing for Parenting time:** Residential Parent is responsible for providing sufficient appropriate clean clothing for all parenting time with Non-Residential Parent. All clothing sent by Residential Parent must be returned with the children to Residential Parent's home.

**D. Conflicting Schedules:** In the event of a conflict in parenting time as stated above, the following is the order of preference: (1) holidays, (2) extended periods, (3) weekends, and (4) midweek days.

Therefore, one parent cannot schedule their extended summer parenting time to include July 4<sup>th</sup> if July 4<sup>th</sup> is the other parent's holiday that year. Further, Residential Parent may be entitled to have the child(ren) on Easter even though it falls on Non-Residential Parent's weekend. In this case, Non-Residential Parent would not receive their normal weekend parenting time.

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**E. Illness of the child:** If a child is too ill to visit with Non-Residential Parent, Residential Parent shall provide Non-Residential Parent with a doctor's excuse stating that the child is too ill for visitation. Moreover, this parenting time shall be made up on the weekend following the illness.

**F. Miscellaneous Guidelines for Parents:** The following guidelines apply to all orders allocating parental rights:

8. Residential Parent shall give Non-Residential Parent's name, address, home and work telephone numbers to the administration and teachers of the school that the children attend, coaches of sports teams, medical providers and the adult supervisors of other extracurricular activities.
9. Residential Parent shall immediately provide copies of notices of any activities of the children to Non-Residential Parent if that parent is not receiving them immediately upon receipt by Residential Parent. This includes without limitation parent-teacher meetings, meetings of school or other clubs, sports schedules, school programs and other extracurricular activities.
10. Residential Parent shall provide copies of the grade reports of the children to Non-Residential Parent immediately upon receipt by Residential Parent unless copies are being sent to Non-Residential Parent by the school.
11. Residential Parent shall whenever possible, arrange appointments for parent-teacher meetings, other school meetings and medical examinations or treatments at a time that Non-Residential Parent may attend. Both parents should attend all such meetings when possible.
12. Residential Parent shall promptly inform Non-Residential Parent of any illness, injury or condition of the children that requires medical treatment. Elective surgery for a child should not be performed until Residential Parent consults with Non-Residential Parent. Emergency surgery or treatment necessary to preserve the life or prevent further harm to a child may be done without consultation when time does not permit consultation with Non-Residential Parent. If the parents do not agree, Residential Parent has the authority to consent to any examinations, tests, treatment, surgery or other procedures.
13. Residential Parent shall encourage frequent communication between the children and Non-Residential Parent and shall not impede or restrict reasonable communication by telephone or email. Such communications should be confidential between the children and Non-Residential Parent and not monitored or read by Residential Parent unless the children voluntarily permit it. This applies to Non-Residential Parent when the children are with them.
14. Both parents shall refrain from criticizing the other in the presence of their children.