

LOCAL RULES

ASHLAND COUNTY COURT OF COMMON PLEAS

General and Domestic Relations Divisions

Adopted February 10, 2011
Effective March 1, 2011
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Hon. Ronald P. Forsthoefel, Judge

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**LOCAL RULES
ASHLAND COUNTY COURT OF COMMON PLEAS
GENERAL AND DOMESTIC RELATIONS DIVISIONS**

**HON. RONALD P. FORSTHOEFEL, JUDGE
Effective: March 1, 2011**

RULE 1. ADMINISTRATIVE MATTERS

1.01 EFFECTIVE DATE: These rules apply to all civil, criminal and domestic relations cases filed in or transferred to the Ashland County Court of Common Pleas on or after **March 1, 2011**. All local rules issued prior to March 1, 2011 are revoked.

1.02 CITATION FORM: These Rules shall be cited as "Ashland County Local Rule _____."

1.03 REFERENCES: All references to any county offices and/or agencies herein, i.e., Clerk of Courts, Sheriff's Office, Common Pleas Court, refer to Ashland County offices and agencies, unless specifically designated otherwise.

1.04 TERM OF COURT: The Court shall be in continuous session for the transaction of judicial business. Each calendar year shall be divided into three (3) terms, for purposes of Chapter 2313 of the Ohio Revised Code.

1.05 HOURS AND DATES OF COURT SESSIONS: The hours for holding the regular sessions of this Court shall be from 8:00 A.M. until 12:00 Noon, and from 1:00 P.M. until 4:00 P.M. on Monday through Friday each week, except for those days designated by law as legal holidays. Said hours and days may be extended or varied by the Court as it deems necessary to maintain the business of the Court.

RULE 2. COURT COSTS

2.01 COST DEPOSIT: Any party filing an action or claim in this court shall deposit court costs at the time the pleadings are filed, unless the filing party is not required by law or Court Order to make such deposit. The Clerk of Courts shall publish a Schedule of court costs, and all deposits shall be made in the amount specified in that Schedule. The Clerk of Courts may refuse to file a party's pleadings if a cost deposit in the proper amount is not tendered with the pleadings.

2.02 ADDITIONAL DEPOSITS: Upon receiving notification from the Clerk of Courts that the deposits for court costs to date are insufficient to pay all anticipated court costs, the Court may require additional deposits toward court costs.

2.03 AFFIDAVIT OF INDIGENCY FOR COURT COSTS: The Clerk of Courts shall accept any pleadings filed without a court cost deposit, if an Affidavit of Indigency for Court Costs (**Form 1.00** in the Appendix of these Rules), which has been approved by the Judge or Magistrate of this Court, is submitted with the pleadings. The filing of an Affidavit of Indigency for Court Costs does not relieve a party from liability for court costs. Nothing herein shall be construed to prevent the Court from requiring any other party to the action to make a sufficient deposit for costs, or from assessing costs to any party.

2.04 COSTS AND FINAL JUDGMENT:

(A) The Clerk shall not accept for filing any final Judgment, Order or Decree unless the issue of payment of court costs is clearly addressed therein.

(B) Upon final judgment, the Clerk of Courts is directed to apply all deposits for costs to outstanding court costs in the case, regardless of which party was ordered to pay court costs. The Clerk shall then assess costs to the proper party and bill that party.

RULE 3. REQUIREMENTS FOR COUNSEL OF RECORD AND PRO SE LITIGANTS

3.01 OHIO ATTORNEYS: All Ohio attorneys practicing before this Court shall be registered with the Ohio Supreme Court and licensed in good standing.

3.02 OUT-OF-STATE ATTORNEYS: Any attorney who is admitted to the practice of law in another state, but not in Ohio, is not permitted to enter an appearance in any case before the Court unless first granted leave to do so by the Court.

3.03 WRITTEN APPEARANCE OF COUNSEL: Any and all attorney(s) retained in any case in this Court shall promptly enter a written appearance in the case, as counsel of record. Although the filing of a notice of appearance immediately upon being retained is encouraged, so that the attorney will receive notices and pleadings, this rule shall not be construed as requiring a notice of appearance separate from the entry of appearance by filing of responsive pleading. No attorney shall appear at a hearing on behalf of a party, unless that attorney has first entered his or her written appearance as counsel of record for that party, unless otherwise authorized by the Court.

3.04 MULTIPLE COUNSEL FOR A PARTY: Each attorney joining in a single pleading shall separately sign the pleading, even when both attorneys practice together in the same firm. If a pleading which constitutes an appearance by counsel contains one signature line, but more than one typewritten name under the signature line, the attorney signing the pleading, or if the signature is illegible, the first name typewritten on the pleading, shall be considered counsel of record for the party.

(A) **DESIGNATION OF TRIAL COUNSEL IN PLEADINGS:** When two (2) or more attorneys join in a single pleading, even when both attorneys practice in the same firm, only one (1) counsel shall be designated as Trial Counsel. One of the attorneys representing a party shall be designated as Trial Counsel in writing. In the absence of a written designation by counsel, the

Court will consider the first attorney listed on the first pleading filed as Trial Counsel in the case. Should there be a change in the Trial Counsel, the Court shall be notified and the new Trial Counsel's name shall be substituted as Trial Counsel.

(B) **RESPONSIBILITY OF TRIAL COUNSEL:** Trial Counsel shall be responsible for the action and shall either attend all hearings, conferences, pre-trials and the trial, or have other counsel knowledgeable in the proceeding and with the same authority attend in his or her place.

(C) **NOTICES AND CORRESPONDENCE:** All notices or communications from the Court and all documents required to be served on parties by law will be sent to the designated Trial Counsel. He or she shall be responsible for notifying the parties, co-counsel and associated counsel of all such matters.

3.05 WITHDRAWAL OF COUNSEL OF RECORD: Any attorney seeking to withdraw as counsel of record from a case shall file a written motion and submit a proposed Judgment Entry to the Court. The Motion and proposed Judgment Entry shall state with particularity the reason(s) for the requested withdrawal of counsel. No attorney will be permitted to withdraw as counsel of record in the case unless one of the following three (3) requirements is met:

(A) **BY MOTION:** The motion contains an acknowledgment signed by the client, that states all of the following:

- (1) the client understands the case will proceed according to the time schedule previously established by the Court, whether or not the client retains a new attorney;
- (2) the client consents to the withdrawal of the attorney; and,
- (3) the address and telephone number where the client may be personally contacted by the Court; OR

(B) **SUBSTITUTION OF NEW COUNSEL OF RECORD:** There is concurrent substitution of new counsel for the client; OR

(C) **HEARING:** The Court conducts a hearing at which the client and the attorney seeking to withdraw are present, unless the client fails to appear following proper notice, and the Court finds that there is good cause for the withdrawal.

3.06 PRO SE LITIGANTS: Nothing in these Rules shall be construed to prevent any party from representing himself or herself in any action before the Court. As used in these rules, "counsel" means the attorney of record for a particular party. Any reference to "counsel" shall fully apply to a party appearing pro se before the Court, unless clearly inapplicable. Any pleading, motion or other filing which is filed by a party appearing pro se shall be signed by that party pursuant to Ohio Civil Rule 11, and shall contain the address and telephone number of the pro se party.

RULE 4. BAIL OR SURETY

4.01 COURT OFFICERS AS SURETY: No attorney at law or other officer of this Court shall be accepted or received as bail or surety on any undertaking of any kind in this Court, nor shall any bond or undertaking be approved having the name of any such person thereon as surety.

4.02 BAIL RECEIPT AND REFUND: Unless otherwise ordered by the Court, all monies deposited for bail shall be deposited in and receipted to the person making the deposit. A refund of same shall be made to the same person. The receipt for the money by the Clerk shall clearly delineate to whom the refund will be made.

RULE 5. GENERAL REQUIREMENTS FOR PLEADINGS

5.01 PAPER SIZE: All documents filed with the Court shall be on letter-size paper (approximately 8 1/2" x 11"), and shall be securely stapled at the top left-hand corner and unfolded.

5.02 PAGE NUMBERING: All pages shall be numbered in the following format: "Page ___ of ___". A page number is not required on the first page of a pleading or on a one (1) page pleading.

5.03 MARGINS: All pleadings shall have a minimum 1.5" margin at the top, a minimum 0.5" margin at all other edges, except as specifically permitted by these Rules.

5.04 CAPTION OF PLEADINGS:

(A) The case caption on all pleadings shall designate the name of the Court, the name of the County and State, the case number of the action, and the title of the pleading.

(B) The current mailing address of all parties to the action shall be included in the caption of any Complaint, Petition or Motion which initiates a new case or which re-activates a previously closed case.

5.05 SPACE FOR TIME-STAMP: A sufficient blank space shall be contained on the top of the right side of the first page of all pleadings for the Clerk's time-stamp. Centering the name of the Court on two or three separate lines at the top of the pleading will generally leave sufficient space for the time-stamp.

5.06 COPIES: The party filing a pleading shall provide the Clerk of Courts with sufficient copies for service on all parties and counsel, if service by the Clerk is requested or required by law. If insufficient copies are provided, the Clerk of Courts may make the additional copies and bill the cost as court costs in the case.

5.07 CONTENTS OF PLEADINGS: The contents of all pleadings shall be typewritten or legibly printed in permanent ink. The Court does not permit the filing of pleadings completed in pencil or other erasable print.

5.08 CASE DESIGNATION SHEET: Any party filing a new or post judgment proceeding in a civil or domestic relations action in this Court shall file a Case Designation Sheet with the initial pleadings (**Forms 2.00** and **2.01** in Appendix). The Clerk of Court shall not accept any new or post judgment pleadings which re-open a closed case unless the pleadings include a Case Designation Sheet.

RULE 6. CASE FILES

6.01 CASE NUMBERING: All cases received by the Clerk of Courts for filing shall be numbered with a prefix designating the year of filing, an alpha designation indicating the type of case, and a consecutive number designating the order in which the case was filed. All case numbers shall be consecutive, in a new series each calendar year.

6.02 PRESERVATION OF FILES: The Clerk of Courts has the responsibility for maintaining case files of official Court actions. The Clerk shall file together and carefully preserve all papers delivered to the Clerk for filing in every action or proceeding.

6.03 REMOVAL OF CASE FILES: No case files, or parts thereof, shall be removed from the Clerk's custody by anyone other than the Judge, a Magistrate of the Court, or an employee of the Court, without the express permission of the Clerk of Courts.

6.04 COPIES OF CASE FILES: Upon request, the Clerk shall make copies of any documents in the case files of the Court, except that sealed documents and transcripts shall not be copied without the express permission of the Judge or the assigned Magistrate. The Clerk shall require a deposit in advance to secure copying costs. No person, other than a public official or employee of the Clerk of Courts or the Court shall make copies of documents in a case file by any means, including but not limited to utilizing a camera of any sort to photograph documents.

RULE 7. COMMUNICATIONS WITH JUDGE OR MAGISTRATE

7.01 WRITTEN COMMUNICATIONS: Copies of all correspondence addressed to the Court by any person concerning a case shall be mailed or furnished, by the writer, to all other counsel or parties in the case, and the correspondence to the Court should disclose to whom it was furnished. The Court may disregard correspondence not in compliance with this Rule, return the correspondence to the person who sent it, or forward copies of the correspondence to all parties or counsel.

7.02 ATTORNEY CONFERENCES: Any attorney who desires to discuss an issue in a pending case with the Judge or Magistrate may, with notice to all opposing counsel and unrepresented parties, request a conference with the Judge or Magistrate.

RULE 8. FACSIMILE FILINGS

The Court does not currently permit filing by facsimile. Copies of pleadings which will be filed in original form with the Clerk of Courts may be transmitted to the assigned Judge or Magistrate by facsimile at **419-281-8315**, but such transmission does not constitute a properly filed pleading and the date of facsimile transmission shall not constitute the date of filing with the Court.

RULE 9. RULE DAY EXTENSION

Rule days for pleadings shall be strictly enforced. However, a party may, with leave of Court, obtain one or more extensions in which to move, plead or answer. No extension shall exceed thirty (30) days, absent good cause shown. Any motion for extension shall be in writing, and shall state the number of prior extensions granted to that party. The motion shall be accompanied by a proposed Judgment Entry granting the extension. Counsel requesting an extension shall contact opposing counsel and shall note opposing counsel's response in the motion or proposed Judgment Entry. This rule shall have no application to Objections to Magistrate's Decisions or Motions to Set Aside Magistrate's Orders.

RULE 10. COURT ROOM PROCEDURE

10.01 WITNESSES: In any trial where the Court has ordered a separation of witnesses, it shall then be the responsibility of counsel to see that such witnesses leave the court room. It shall also be the responsibility of the bailiff and/or counsel to thereafter call to the Court's attention the presence of any witness then remaining or who later enters the court room. Any witness who enters the court room and listens to the testimony of other witnesses after a separation of witnesses is ordered, may not testify if objection is made by the opposing counsel and so ordered by the Court. The Court, in its discretion, may permit the witness to testify if the Court finds that the interests of justice require the testimony of such witness or that the witness heard or observed nothing that would prejudice the opposing party or parties. A general order directing the separation of witnesses only excludes witnesses from the courtroom and/or listening to testimony. It does not prevent communication or contact between witnesses outside the courtroom. The Court will, if requested, make such additional exclusionary orders as permitted by Evid. R. 615 to the extent the Court, in its discretion, determines to be appropriate.

10.02 USE OF LECTERN: In evidentiary proceedings, counsel shall use the lectern when addressing the Court or Jury, or examining a witness unless otherwise permitted by the Court. In non-evidentiary hearings, counsel shall rise at counsel table and address the Court from a standing position, unless otherwise permitted by the Court.

10.03 DRESS CODE: All attorneys, parties and witnesses, when attending Court, shall dress in a manner which reflects respect for the Court and for the decorum of formal legal proceedings. No individual shall appear in the courtroom dressed inappropriately, as determined by the Court. It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court.

10.04 MULTIPLE ATTORNEYS: Except with permission of the Court, only one counsel for each party shall be permitted to be heard on any motion, any question arising during the course of a trial or hearing, or during argument to the Court or Jury, and only one counsel shall be permitted to examine the same witness in any trial or hearing.

10.05 COUNSEL TABLE: Only counsel and the parties shall be seated at counsel table, unless otherwise expressly permitted by the Judge or Magistrate.

10.06 EXHIBITS: Unless impractical or impossible:

(A) Plaintiffs exhibits shall be marked with numbers and Defendant's exhibits shall be marked with letters. However, as long as the exhibit labels *clearly* identify the party offering the proposed exhibits, **all** exhibits may be numbered. To the extent practical, all exhibits should be marked with the Case Number of the action.

(B) All original exhibits shall be marked in advance of the hearing or trial, and to the extent practicable, may be bound in three-ring binders at the time of presentation to a witness.

(C) The parties shall exchange copies of all exhibits in advance of trial or hearing.

(D) Exhibits withdrawn or not offered during trial or hearing shall be returned to the party at the conclusion of the hearing or trial. If original exhibits are presented in a three-ring binder, an exhibit withdrawn or not offered shall be removed from any binder retained by the Court.

(E) Exhibits admitted into evidence and exhibits excluded from evidence on objection shall remain in the custody of the Court. Exhibits, with the exception of exhibits in murder cases, shall be available for return to the offering party upon expiration of the appeal process. Any request for return of exhibits shall be made by written motion.

(F) By express stipulation on the record, a copy may be substituted for any original exhibit introduced into evidence during hearing or trial.

RULE 11. MAGISTRATE

11.01 GENERAL ORDER OF REFERENCE:

(A) Pursuant to the provisions of Rule 53 of the Ohio Rules of Civil Procedure, every Magistrate appointed as a Magistrate of the Ashland County Common Pleas Court, General and Domestic Relations Divisions, shall have full authority to conduct proceedings in all domestic relations proceedings, civil protection order and civil stalking protection order cases, foreclosures, and all other civil actions, as if upon General Order of Reference made by this Court.

(B) Pursuant to Criminal Rule 19, every Magistrate appointed as a Magistrate of the Ashland County Common Pleas Court, General and Domestic Relations Divisions, shall have full

authority to conduct bond settings, initial appearances, arraignments, and preliminary hearings in criminal cases, as if upon General Order of Reference made by this Court.

11.02 SIGNATURE FOR MAGISTRATE: Any interlocutory or temporary order in a case assigned to the Magistrate may be submitted to the Court as a "Magistrate's Order" with a signature solely for the Magistrate. Any final appealable order submitted by counsel in a case assigned to the Magistrate shall be titled as a "Judgment Entry" contain signature lines for both the Magistrate and the Judge. The signature lines shall both be on the right side of the Judgment Entry, with the Magistrate's signature line below the Judge's signature line.

11.03 MOTIONS TO SET ASIDE MAGISTRATE'S ORDER OR OBJECTIONS TO MAGISTRATE'S DECISION:

(A) A party filing a motion to set aside the Magistrate's Order or objection to a Magistrate's Decision shall file said pleading in compliance with Civil Rule 53 or Criminal Rule 19.

(B) The Motion or Objection shall state grounds for the relief requested in specific terms.

(C) A copy of the motion or objection shall be served on opposing counsel. A copy of any objection relating to child or spousal support shall also be served on the Child Support Enforcement Agency by the objecting party.

(D) No extensions of time to file Motions to Set Aside or Objections shall be granted. If the party cannot state particular grounds for relief at the time the motion or objection is filed, the party may request an extension of time to supplement the motion or objection with those particulars.

11.04 FAILURE TO PROVIDE TRANSCRIPT IN SUPPORT OF MOTION OR OBJECTION: Failure to provide a transcript in support of a motion to set aside or objection will result in consideration of the legal grounds of the motion or objection only, and not any disputed factual issue.

11.05 FINDINGS OF FACT AND CONCLUSIONS OF LAW: Any party may request findings of fact and conclusions of law in connection with a Magistrate's Decision. That request does not extend the rule date for filing an objection to the Magistrate's Decision. No requests for findings of fact and conclusions of law will be entertained with regard to a Magistrate's Order since Magistrate's Orders are interlocutory in nature.

RULE 12. THE RECORD AND TRANSCRIPTS

12.01 THE RECORD: The Court does not employ a Court Reporter. The Court does maintain the means for electronically recording the proceedings in both Courtrooms. The Court may

designate an Official Court Reporter, pursuant to R.C. §2301.18, who shall be retained on a contractual basis.

(A) **NON-JURY PROCEEDINGS:** The record in all non jury proceedings before the Magistrate or Judge shall be made by electronic means, unless otherwise ordered by the Court.

(B) **CRIMINAL JURY TRIALS:** The record in jury proceedings in criminal cases shall be made by a Court Reporter. The Court will make the arrangements for a Court Reporter in criminal jury trials if no Official Court Reporter is appointed pursuant to R.C. §2301.18 at the time.

(C) **CIVIL JURY TRIALS:** The record in jury proceedings in civil cases shall be made by electronic means, unless one or both parties requests that the record be made by a Court Reporter. Any request that the record be made by a Court Reporter shall be filed with the Court no less than two (2) weeks prior to the scheduled final pretrial in the case. If no Official Court Reporter is appointed pursuant to R.C. §2301.18 at the time, the request shall include the name and address of a Registered Professional Court Reporter that is available for the duration of the trial. The party requesting a Court Reporter shall be responsible for payment of the Court Reporter. Upon proper motion, the Court may order that any costs advanced by a party for a Court Reporter be taxed as court costs in the case.

12.02 TRANSCRIPTS:

(A) **OFFICIAL COURT REPORTER IN JURY PROCEEDINGS:** If no Official Court Reporter is appointed pursuant to R.C. §2301.18 at the time, then any Court Reporter attending upon a jury trial shall be deemed the "Official Court Reporter" for purposes of that trial and shall be fully responsible for the preparation of any written transcript of the proceedings.

(B) **OFFICIAL COURT REPORTER APPOINTED TO PREPARE WRITTEN TRANSCRIPTS OF ELECTRONICALLY RECORDED PROCEEDINGS:** Upon receipt of a request for written transcript of any electronically recorded proceedings, the Court shall, if not previously designated or appointed pursuant to R.C. §2301.18, appoint a person as the "Official Court Reporter" for purpose of making that written transcript. That person shall thereafter be entitled to such compensation for making transcripts and copies as is set by the Court. The transcription of any hearing, except indigent criminal cases, shall not be commenced until the party requesting the transcript has deposited a sum equal to the estimate of cost prepared by the Official Court Reporter. In the event the deposit is not sufficient, the unpaid balance shall be paid to the Official Court Reporter before the transcript is delivered. Any excess deposit shall be returned to the party requesting the transcript.

(C) **FACE SHEET:** Every transcript filed in this Court shall contain a face sheet bearing the caption of the case, the date(s) of the proceedings, the names of counsel and the name, address and telephone number of the person preparing the transcript.

(D) GRAND JURY: Transcripts of Grand Jury proceedings shall not be prepared except upon order of the Court, after notice to the Prosecuting Attorney.

RULE 13. SUBPOENAS

13.01 TIME: Except for good cause shown, the Clerk shall not be required to issue a subpoena, nor shall the Sheriff be required to serve the same, unless a praecipe for the subpoena is filed with the Clerk at least twenty-four (24) hours prior to the time set for trial.

13.02 DEPOSITS: The Clerk of Court shall not be required to issue subpoenas for service by anyone other than counsel of record, unless the party so requesting the issuance of a subpoena has provided sufficient funds to the Clerk to pay witness fees as required by §2335.06 of the Ohio Revised Code.

RULE 14. NOTARY PUBLIC

14.01 PROCEDURE: Every person desiring to secure from the Judge of the Common Pleas Court a certificate as to his or her qualifications and ability to discharge the duties of a Notary Public, shall secure written forms of application from the Clerk of Courts. Any person (other than an attorney at law) seeking appointment for the first time or seeking renewal after a lapse of prior appointment for more than thirty (30) days, shall submit to and pass an examination to be given by the Clerk of Courts under the direction of a Committee of the Ashland County Bar Association or the appointee of the Association. Upon completion of said application and said examination (if necessary), and upon approval by the Bar Association Committee as to the qualifications of the person to act as a Notary Public, the matter will be submitted to the Common Pleas Court Judge for approval. If the Ashland County Bar Association has informed the Judge that a particular person may be unqualified to be a Notary Public, or has become incapacitated to continue as such, the Judge will conduct a suitable hearing to determine qualifications. The Judge will not approve an application of any person who has been unlawfully practicing law. All such written applications shall be retained by the Court.

14.02 FEES: Any person making application to be a Notary Public shall pay the fee established on the Schedules of Fees maintained by the Clerk of Courts, together with any statutorily required fees.

RULE 15. ORDERS, ENTRIES AND DECREES

15.01 PREPARATION OF ORDERS, ENTRIES AND DECREES:

(A) UPON MOTION NOT REQUIRING ORAL HEARING: Counsel shall submit a proposed Judgment Entry with any motion which does not require an oral hearing. Any proposed Judgment Entry submitted by counsel shall be contained within a separately captioned pleading labeled "Judgment Entry" and the Entry shall not be located on the same page or series of pages containing the motion giving rise to the proposed Judgment Entry.

(B) UPON DIRECTION OF THE COURT OR UPON SETTLEMENT: Upon direction of the Court following oral hearing or following settlement, Counsel for Plaintiff or such attorney as assigned by the Court, shall prepare a proposed Judgment Entry based upon the Court's verbal announcement of decision or the parties' settlement terms. Counsel shall prepare the Judgment Entry and submit the same to opposing counsel for approval **within fourteen (14) days** of the hearing. Opposing Counsel shall thereafter have **fourteen (14) days** to review and approve the proposed Entry. **Counsel shall submit a properly approved Entry to the Court no later than forty-five (45) days following the Court's direction or settlement.** Except upon express permission of the Court, the parties and counsel shall not be excused from attending any mediation or hearing in a case settled prior to mediation or hearing unless the Judgment Entry is submitted to the Court prior to the scheduled mediation or hearing.

(C) COURT PREPARED ORDERS AND DECREES: Provisions of this rule shall not be deemed to preclude the Court at any time from *sua sponte* preparing and filing with the Clerk its own judgment or order.

15.02 FAILURE TO COMPLY WITH THIS RULE:

(A) FAILURE OF COUNSEL TO PREPARE OR SUBMIT an Entry in accordance with these rules may result in sanctions.

(B) UNILATERAL SUBMISSION TO COURT: In the event opposing counsel fails to approve or reject the proposed Judgment Entry in a timely fashion, counsel preparing the Judgment Entry shall unilaterally present the Judgment Entry to the Court with the following certification:

- (1) that submission to opposing counsel was made according to these rules;
- (2) the date on which the proposed Judgment Entry was submitted to opposing counsel;
- (3) that opposing counsel failed to approve or reject the entry in a timely fashion; and
- (4) any other information which would assist the Court.

(C) DISPUTES CONCERNING PROPOSED ENTRIES: In the event counsel cannot agree regarding the substance of a proposed Judgment Entry, each attorney shall submit a proposed version of the Entry to the Court with an explanation of the dispute within **forty-five (45) days** following the hearing/settlement.

RULE 16. CONTINUANCES

Rule 41 of the Ohio Rules of Superintendence for the Courts of Ohio establishes strict guidelines pertaining to continuances of court proceedings. Pursuant to that Rule, no continuances shall be

granted by this Court, except for good cause shown. Any motion or request for continuance shall be made in writing and filed prior to the scheduled hearing, unless otherwise authorized by the Court.

16.01 MOTION FOR CONTINUANCE: The Motion shall contain all of the following:

- (A) The reason for the requested continuance;
- (B) A statement that the moving party (i.e. the attorney's client) is aware that the motion for continuance is being made, and consents to the continuance;
- (C) A copy of the notice of hearing from the conflicting Court, if the request for continuance is based upon a conflict in court appearances; and
- (D) The endorsement of the moving party (i.e., client's approval signature), as well as the signature of counsel for that party, pursuant to Sup. R. 41.

16.02 PROPOSED JUDGMENT ENTRY: Any request for continuance shall be accompanied by a proposed Judgment Entry which contains all of the following:

- (A) Approval signature of opposing counsel or party (if unrepresented), or a statement why the moving party did not obtain such approval of the continuance. Approval by telephone, email or fax may be notated;
- (B) A statement of:
 - (1) the type of hearing continued;
 - (2) the date of the original scheduled hearing; and
 - (3) the day of the week, date, and time of the rescheduled hearing.

RULE 17. MEDIATION

17.01 POLICY OF THE COURT:

(A) **DOMESTIC RELATIONS PROCEEDINGS:** In domestic relations actions, the Court encourages parties to resolve their differences amicably, without resorting to full litigation of a pending matter. The Court encourages parties to keep the family unit intact whenever possible, or if it is not possible to keep the family unit intact, to foster an environment for the child(ren) which best provides for the child(ren)'s welfare and minimizes the child(ren)'s exposure to parental conflict. To that end, the Court encourages the use of mediation. Whenever possible, parents are encouraged to meet their mutual responsibilities to their child(ren) through agreements, rather than by relying upon judicial intervention.

(B) CIVIL ACTIONS: In civil actions, the Court encourages parties to resolve their differences amicably, without resorting to full litigation of a pending matter. To that end, the Court encourages the use of mediation at any stage of the proceeding.

(C) DUTY OF COUNSEL: As officers of the Court, it is the duty of the attorneys of the parties to encourage and prepare their clients to participate in the mediation process in good faith. Counsel shall not interfere with or hinder the mediation process.

(D) OBJECTIVES OF MEDIATION: The objectives of any mediation ordered by the Court shall be to:

- (1) Avoid needless conflict between the parties;
- (2) Encourage productive, cooperative problem-solving between the parties;
- (3) Enhance effective communication between the parties;
- (4) Require the parties to act responsibly; and
- (5) Minimize lasting emotional damage to the parties.

(E) MEDIATION PROCEDURES: The Court shall utilize procedures for all cases that will:

- (1) Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation;
- (2) Screen for domestic violence both before and during mediation;
- (3) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence; and
- (4) Prohibit the use of mediation in any of the following:
 - (i) As an alternative to the prosecution or adjudication of domestic violence;
 - (ii) In determining whether to grant, modify or terminate a protection order;
 - (iii) In determining the terms and conditions of a protection order; and
 - (iv) In determining the penalty for violation of a protection order.

17.02 SCOPE OF MEDIATION:

(A) **DOMESTIC RELATIONS PROCEEDINGS:** In domestic relations actions, issues involving companionship/parenting time and the allocation of parental rights and responsibilities of minor children are to be mediated. Other issues in domestic relations or parentage cases may be mediated, if agreed by the parties and approved by the mediator, or if ordered by the Court.

(B) **CIVIL ACTIONS:** All issues in civil actions, regardless of the amount in controversy, are eligible to be mediated, if the chances of settlement would be improved by mediation.

(C) All court orders in effect at the time of referral to mediation shall remain in effect. No order is stayed or suspended during the mediation process, unless expressly stated in the order of referral to mediation.

(D) The Court, by adoption of this local rule, incorporates by reference the R.C. 2710 “Uniform Mediation Act” (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence, including all definitions found in UMA R.C. 2710.01.

17.03 MEDIATION PROCEDURE:

(A) **DOMESTIC RELATIONS CASES:** A Domestic Relations case may be referred to mediation at any time during the pendency of the action by order of the Court. The Court may issue the order on its own motion, upon the motion of counsel, upon referral by the mediator, or upon agreement of the parties. A case may also be referred to mediation by random selection. By participating in a mediation, a non-party participant, as defined by Ohio Revised Code Section 2710.01(D), agrees to be bound by this rule and submits to the Court’s jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to parties, except as provided by R.C. 2710.(B)(3) and R.C. 2710.004(A)(2). Upon referral, the Mediator shall conduct a screening to determine whether the case is suitable for mediation. If the case is suitable, in the opinion of the Mediator, the parties shall participate in mediation. If the case is not suitable, no mediation shall occur and the Court shall be notified of that determination by Mediation Report.

(B) **CIVIL CASES:** The Court may make orders requiring participation in mediation at any stage of the proceedings in a civil case upon its own motion, upon the motion of counsel, upon referral by the mediator, or upon agreement of the parties. A case may also be referred to mediation by random selection. By participating in a mediation, a non-party participant, as defined by Ohio Revised Code Section 2710.01(D), agrees to be bound by this rule and submits to the Court’s jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to parties, except as provided by R.C. 2710.(B)(3) and R.C. 2710.004(A)(2).

(C) **ATTENDANCE AT MEDIATION:** The parties shall attend mediation in all cases. Legal counsel shall also attend mediation in civil proceedings. Where applicable, insurance representatives with settlement authority shall attend in all civil proceedings. Although not required, the attendance of legal counsel at mediation is permitted in domestic relations case referrals. Parties are further permitted to designate other non-party individuals to accompany them and participate in mediation.

(D) **MEDIATION AGREEMENTS:** In the event the parties reach a verbal agreement during the course of mediation, the Mediator shall reduce that agreement to writing and forward the written agreement to the parties and their attorneys, within seven (7) days of the mediation session where the agreement was reached. The parties' agreement shall not be forwarded to the Court with any mediation report nor docketed in the case by any party, unless the agreement has been reduced to an agreed Judgment Entry or written stipulation expressing the consent of the parties. Counsel shall thereafter be responsible for preparing and submitting any agreed entry, within forty-five (45) days, in accordance with the mediated agreement.

(E) **MEDIATION REPORT:** A Mediation Report, indicating whether or not an agreement had been reached on any of the issues that are the subject of the mediation, shall be filed in every case.

17.04 QUALIFICATION OF MEDIATORS: Any mediator assigned by the Court shall meet the qualifications of mediators set forth in Rule 16 of the Rules of Superintendence for the Courts of Ohio.

17.05 CONFIDENTIALITY: Pursuant to Ohio Revised Code §2317.02(H), §3109.052(C), and Evid. R. 408, and as thereafter amended, any communication made in the course of, and relating to the subject matter of the mediation is confidential, and the mediator cannot be required to give testimony before the Court. However, the mediator may be required to give testimony in a separate criminal, delinquency, child abuse, child neglect, or child dependency proceeding.

17.06 FEES AND COSTS: All costs shall be determined by the Court, if applicable. The Court may require a cost deposit from one or both of the parties as a condition of the referral to mediation. The parties may agree among themselves to apportion the costs of the mediation. Unless otherwise agreed by the parties, the mediation costs shall be shared equally. In the event that the parties cannot agree, the Court shall determine the apportionment of the mediation costs to the parties. The Court may waive costs for parties who are unable to pay. Mediation shall not be ordered where a party is indigent, unless the mediation is available at no cost to the party.

RULE 18. MEDIA RECORDING OF PROCEEDINGS

Broadcasting, televising, recording, and photographing by news media during courtroom sessions, including recesses between sessions, shall be permitted under the following conditions:

18.01 REQUESTS: Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be made in writing to the Court as far in advance as reasonably practical, but in no

event later than one (1) day prior to the courtroom session to be broadcast or photographed, unless otherwise permitted by the Court.

18.02 ORDER OF THE COURT: The Court shall approve or deny the request by Judgment Entry. The Court's Judgment Entry shall address all relevant matters, including but not limited to equipment, personnel, lighting, and sound.

18.03 POOLING: Arrangements shall be made between or among media for "pooling" equipment and personnel authorized by this rule to cover the court sessions, if multiple media representatives are present. Such arrangements are to be made outside the courtroom and without imposing on the Judge, Magistrate, or court personnel to mediate any dispute as to the appropriate media "pool" representative or equipment authorized to cover a particular session.

18.04 REVOCATION OF PERMISSION: Upon the failure of any media representative to comply with the conditions prescribed by the Judge or Magistrate, the Rules of Superintendence of the Supreme Court, or this Rule, the Court may summarily revoke any Judgment Entry granting permission to broadcast, photograph, or record the trial or hearing.

RULE 19. SPECIFIC PROVISIONS FOR CIVIL CASES

19.01 MOTIONS IN CIVIL CASES

(A) **METHOD:** Motions involving issues other than routine or administrative matters shall be in writing, accompanied by a memorandum, and filed in accordance with the Ohio Rules of Civil Procedure. Any motion which does not require an oral hearing shall be accompanied by a proposed Judgment Entry.

(B) **ORAL ARGUMENT:** All motions shall be submitted for determination without oral argument unless otherwise ordered by the Court. Upon the filing of any motion which requires oral hearing pursuant to the Ohio Rules of Civil Procedure or any provision of the law, the movant shall, upon filing the motion, obtain a date for such hearing from the Court and cause notice of such hearing to be served on all parties and/or counsel of record.

(C) **SUMMARY JUDGMENT MOTIONS:** The procedure specified in Civil Rule 56 applies to summary judgment motions. That procedure permits the adverse party to file opposing affidavits with the Court prior to the day of hearing. This Court, however, shall also permit the adverse party may also file a memorandum in opposition to the motion for summary judgment prior to the day set by order of the Court, which for purposes of Civ. R. 56(C), shall be the "date of hearing." In the event the adverse party files a memorandum in opposition, the moving party shall be permitted to file a reply memorandum, not exceeding five pages exclusive of any certification of service, on or before the date established by Court order. Upon receipt of a motion for summary judgment, the Court shall issue a Judgment Entry establishing a deadline for filing by the adverse party, and a deadline for a response to any memorandum filed by the adverse party. Except as otherwise set forth in the Judgment Entry, the summary motion shall be deemed

submitted for non-oral hearing at 4:00 p.m. on the day after the deadline established for filing a reply to the adverse party's memorandum in opposition.

(D) **RESPONSES TO MOTIONS AND MEMORANDA (OTHER THAN ON SUMMARY JUDGMENT):** Within fourteen (14) days after the filing of a motion, the opposing party may file a memorandum in opposition to the motion with the Court. Thereafter, the movant may file a reply memorandum within ten (10) days after the filing of the opposing memorandum. Upon expiration of the time for filing memoranda, the matter shall be deemed submitted to the Court for determination. Failure to file a memorandum at the time specified in this rule is a waiver and consent to submission of the motion forthwith.

19.02 CONFERENCES

(A) **CASE MANAGEMENT CONFERENCE:** A Case Management Conference shall be held within ninety (90) days after the action is filed. These will normally be conducted by telephone or video conferencing. If by telephone, Plaintiff's counsel shall initiate the call pursuant to the notice sent by the Court. If by video conference, the Court shall establish the video meeting via *iVisit* video conferencing software approximately five (5) minutes prior to the scheduled conference time and all counsel shall log in at least two (2) minutes prior to the scheduled conference time. At the time of the Case Management Conference, counsel shall:

- (1) Identify disputed and undisputed issues, including possible stipulations of facts;
- (2) Discuss mediation, arbitration, and any other possible settlement alternatives;
- (3) Discuss discovery issues and the need for appraisals or expert evaluations;
- (4) Discuss the time required for a final hearing in the case; and
- (5) Establish a schedule for mandatory discovery.

Following the conclusion of the case management conference, the Court will issue a scheduling order for the case.

(B) FINAL PRETRIAL OF CIVIL CASES

(1) **ATTENDANCE:** Pretrial of civil cases shall be at the discretion of the Court. The parties, trial counsel and any insurance agent with settlement authority shall attend the final pretrial in a civil case, unless excused by the Court. Pretrials may be conducted by video conferencing via *iVisit* video conferencing software at the discretion of the Court.

(2) **PRETRIAL STATEMENTS:** In the event a Pretrial Conference is held, pretrial statements by all parties shall be filed with the Court at least three (3) days before date of Pretrial. They shall include the following:

- (a) A brief statement that the attorneys previous to Pretrial discussed in depth the issues involved, that offers of settlement were made and refused.
- (b) A brief statement of the facts giving rise to the claim or defense, and/or counterclaim.
- (c) A brief statement of the issues involved.
- (d) A brief statement of the applicable law and the authorities upon which counsel relies.
- (e) List of names and addresses of witnesses who will be appearing on behalf of the party, including a short statement by counsel of what he or she expects their combined evidence to establish.
- (f) A list of demonstrative evidence or exhibits which will be offered on date of trial.
- (g) A demand or offer for settlement.
- (h) Estimate of trial time.

(3) **PREPARATION FOR *FINAL* PRETRIAL:** When the schedule permits, it is the intent of the Court to assign Final Pretrial and Trial within a short period of time of one another. Accordingly, it is suggested to counsel that a preparation for Final Pretrial hearing shall encompass the same type of preparation as would be required for Trial. The attorneys shall be prepared to:

- (a) Freely discuss the theory or theories of their case, both factual and legal.
- (b) Discuss the necessity or desirability of amendments to any pleadings or the filing of additional pleadings.
- (c) Discuss simplification of the issues.
- (d) Make admissions as to the facts and authenticity of documents and other exhibits which are not in dispute.
- (e) Eliminate parties unnecessary to the case.

(f) Give the names and addresses of witnesses whom they intend to call, and state the general nature of their testimony. If the Court so orders, counsel shall not be permitted to call additional witnesses at the trial, except rebuttal witnesses, unless the names and addresses of said witnesses and the general nature of their testimony are furnished in writing to other counsel of record and the Court at least five (5) days before trial, or upon leave of Court at the trial, for good cause shown. Unless for good cause approved by the Court, the refusal or failure of counsel to disclose a witness shall render testimony by that witness inadmissible at trial.

(g) Give the number and nature of exhibits they intend to introduce, and if required by the Court, produce them for examination by the Court or parties.

(h) Submit and consider authorities on unique or controverted issues, or guarantee their submission at least one week prior to trial.

(i) Discuss any other matters that may expedite the trial or disposition of the case.

(4) **SANCTIONS:** Failure of an attorney to be prepared for a Pretrial Conference, and failure of a party or attorney to appear, or to cooperate in good faith in the conduct of a Pretrial Conference, shall subject said attorney or party, in the discretion of the Court, to any sanctions provided by Rule 37 of the Ohio Rules of Civil Procedure, including an award of expenses and/or attorney fees to any party prejudiced by said failure. In addition, the Court shall have the authority to proceed with all or any portion of the case and to decide and determine any or all matters ex-parte upon failure of the Plaintiff or Defendant to appear in person or by counsel at Pretrial Conference. In addition, the Court may transfer the matter to its inactive docket.

19.03 APPEALS TO THE COMMON PLEAS COURT

(A) **PROCEDURE:** All appeals filed from administrative agencies, except Workers' Compensation cases, shall be governed by the same procedure, which is as follows:

(1) Appellant shall order and cause the proper notice, transcripts and information to be filed with the Clerk pursuant to the applicable provisions of the Ohio Revised Code.

(2) Within thirty (30) days after the filing of a complete transcript of the original papers, testimony, and evidence offered at the administrative hearing with the Clerk, appellant shall file his/her assignment of error and brief.

(3) Within thirty (30) days after filing of appellant's brief, appellee shall file his/her brief in opposition, and the assignment of error on his/her own behalf, if any.

(4) Within fifteen (15) days after the filing of appellee's brief, appellant may file a reply brief.

(5) Unless the Civil or Criminal Rules or law otherwise provide, the Court may decide the appeal without a hearing.

(B) **TRANSCRIPTS:** It shall be the responsibility of the administrative agency to initially pay the cost of a complete transcript of the original papers, testimony and evidence offered at the administrative hearing. The administrative agency shall certify the cost incurred in providing the same to the Clerk of this Court who shall tax any such cost as court costs in the case.

19.04 RECEIVERSHIPS: In all cases where receivers are appointed by this Court, the following shall apply:

(A) Unless the Court by entry specifically authorizes the Receiver to continue a business, the Receiver shall expeditiously take control of the assets of the defendant debtor, give notices to all known creditors of his/her appointment and afford them opportunity to present and prove their claims, cause the assets to be inventoried and appraised, determine the validity and priority of creditor's claims, take such steps as may be necessary to reduce the assets to cash, and make distribution of said cash among the various classes of creditors.

(B) Within thirty (30) days after appointment, the Receiver shall report to the Court, submitting an inventory and appraisal, and including an account of receipts and expenditures to date. Such documents shall be submitted to the Court for approval prior to filing with the Clerk. When necessary, the report shall be set for hearing, otherwise same shall be approved by Judgment Entry after approval by the Receiver and his/her counsel.

(C) Quarterly (or at such other times as the Court might direct), after filing the first report with inventory, appraisal and account, the Receiver shall file consecutively numbered reports with accounts, for approval, as to all receipts and expenditures made by the Receiver during the reporting period and a summary of plans for the future conduct of the receivership.

(D) In cases involving Receivers appointed to take charge of property and to collect rents and other income, the Receiver may expend funds, without first having obtained Court approval, to pay for insurance coverage, water and utility bills, and make emergency repairs as are necessary for the proper maintenance of the property. For authority other than that conferred upon the Receiver by virtue of this rule, the Receiver shall make application to the Court for such authority.

(E) In all receiverships in which property appraised in excess of Two Thousand Dollars (\$2,000.00) is to be put up for public or private sale, the Receiver shall file in advance of

such sale an estimate of the cost with the Court showing the amount of expenditures incurred or to be incurred prior to the time the sale is to be conducted.

(F) An application for payment of Receiver's and counsel for Receiver's fees (partial or final) shall be filed with the Clerk for approval by the Court. Written notice of the hearing on application for fees totaling in excess of One Thousand Dollars (\$1,000.00) shall be submitted personally or by mail to all creditors, or to their attorney of record. Unless otherwise provided by Court Order, such application shall show time spent on enumerated items, amounts of money collected, disbursed and on hand, the status of secured and unsecured creditor's claims, including amounts claimed, payments made thereon and balances due, and the estimate of the amount of time necessary to complete work in the receivership and make final distribution.

(G) Failure to file an inventory and appraisalment, accounts, or other reports as contemplated by the rule, will constitute cause for removal of the Receiver and/or his attorney, and for withholding of fees for the Receiver and/or his attorney.

19.05 JURY TRIALS: (The provisions of **Local Rule 22 - Jury Management Plan** separately govern with regard to calling the jury, voir dire, challenges, deliberations, and sequestration).

(A) **PROPOSED JURY INSTRUCTIONS AND JURY INTERROGATORIES:** Any proposed Jury Instructions and Jury Interrogatories shall be filed with the Court not less than three (3) days prior to the start of the jury trial. Proposed instructions based upon Ohio Jury Instructions (O.J.I.) may be listed by reference only in the proposed instructions. Any special instructions shall include legal authority.

(B) **VIDEOTAPED DEPOSITIONS FOR USE AT TRIAL:** Videotaped depositions which a party intends to use at trial shall be filed with the Court not less than one (1) week prior to trial. In the event the deposition contains objections which cannot be resolved by the parties, those objections shall be brought to the Court's attention through a motion requesting ruling on objections filed with the deposition. Any motion requesting ruling on objections shall be accompanied by a written transcript of the videotaped deposition. The party seeking to use a videotaped deposition shall be responsible for providing an edited version of the deposition for trial which excludes any portions for which an objection was sustained.

(C) **TRIAL BRIEFS:** The Court does not require trial briefs in all cases. In the event the Court requires trial briefs, they shall be filed not less than **five (5)** days prior to trial.

19.06 JUDICIAL SALES

(A) **CERTIFICATE OF TITLE:** In any action for the marshaling and foreclosure of liens, and the judicial sale of real estate, or any action involving title to real estate, the party initiating the proceeding shall procure and file with the Clerk of Courts a Judicial Title Report/Attorney's Certificate of Title for the use and benefit of all parties to the proceedings and the purchaser at judicial sales. Such Judicial Title Report/Attorney's Certificate of Title shall be for at least a minimum of twenty-one (21) years and so much longer as is necessary to commence

the search with a Warranty Deed or other conveyance as would disclose a marketable title and ownership, and shall be in accordance with the provisions of the Ohio Marketable Title Act. Such Judicial Title Report/Attorney's Certificate of Title shall be filed with the complaint and the cost of the same shall be prepaid by the party furnishing the Judicial Title Report/Attorney's Certificate of Title. Thereafter, the cost of the report shall be taxed as costs in the case.

(B) SHERIFF'S SALE - EXECUTIONS:

(1) All public sales of real estate on order of the Court shall be conducted by personnel of the Ashland County Sheriffs Office, unless prior to the sale, on written application for good cause, an order is obtained hiring the services of an auctioneer. The Court may enter general orders appointing an auctioneer for specific sale dates.

(2) On all sales of real estate, the Sheriff shall require from the purchaser as soon as the bid is accepted, a deposit of a certified check payable to the Sheriff, or cash tendered, of ten percent (10%) of the amount of the bid, unless the purchaser is entitled to at least ten percent (10%) of the proceeds of sale.

(3) In all Sheriffs sales, the Sheriff shall prepare all newspaper publications required, secure payment of the cost of publication from the party requesting the same, and if not otherwise included in the deposit for costs, cause the same to be published and paid for and to file an affidavit of publication with the Clerk of Courts prior to sale.

(4) All dates and times of judicial sales shall first be approved by the Sheriff so as to avoid conflict.

(5) Praecipes for execution must contain a specific description of the property to be levied upon. This description shall be a part of the writ issued to the Sheriff pursuant to §2327.01 and §2327.02 of the Ohio Revised Code. The Sheriff is authorized to return a writ of execution to the Clerk for failure to comply with this Rule. The location of such property shall be described by street number, County Road number, Township Road number, State Road number or such other description as shall aid the Sheriff to find the same.

(6) Copies of all pleadings, commencing with the Judgment of Foreclosure, shall be served upon the Sheriff by the Clerk of Courts. The party preparing the pleading shall be responsible for providing a copy for service on the Sheriff. In the event a copy is not provided, the Clerk of Courts shall make the copy and tax the cost of the copy to court costs in the case.

19.07 ARBITRATION: The Court has considered mandatory arbitration for civil cases pursuant to Superintendence Rule 15 and the Court DOES NOT adopt a plan for mandatory arbitration. This shall not preclude the Court from ordering arbitration in any appropriate case.

RULE 20. SPECIFIC PROCEDURES IN DOMESTIC RELATIONS CASES

20.01 GENERAL PLEADING REQUIREMENTS

(A) **COMPLETE PLEADINGS:** When these Rules specify that certain pleadings or forms are to be simultaneously filed, all of those pleadings or forms must be filed together, or the Court may refuse to permit the documents to be filed. All documents must be accurately and fully completed, in typewritten or computer-generated form, or the Court may refuse to permit the documents to be filed. Financial affidavits must be accurate and fully completed, have all required documentation attached, and be checked for mathematical accuracy prior to filing. The duty of counsel to update all affidavits filed with the Court, when the information contained in those affidavits is no longer accurate, is ongoing throughout the pendency of the action. All pleadings which require a notarized signature shall be notarized prior to filing. Documents which do not comply with this Rule may be held by the Court, in which case the Court will notify counsel that the papers can be retrieved for correction.

(B) DELIVERY OF PLEADINGS FOR FILING:

(1) **New Cases and Motions Reactivating Closed Cases:** The initial pleadings in all new cases and reactivated cases shall be filed with the Clerk of Courts. Should any of the documents accompanying the initial pleadings require court approval (temporary orders, order of injunctions, etc...), the Clerk of Courts shall provide the pleadings and case file to the court, after the initial pleadings have been docketed, but prior to service upon named defendants, for approval of the accompanying orders, etc...

(2) All other pleadings in any pending case shall also be filed directly with the Clerk of Courts.

(C) COPIES OF PLEADINGS:

(1) **Number of Copies:** The party responsible for providing pleadings or documents to the Court shall make sufficient copies of all pleadings, which shall (at a minimum) include sufficient copies for service of process and a copy for CSEA in any support-related proceeding.

(2) **Grouping Copies:** When multiple pleadings or documents are transmitted to the Court at the same time, the original and all copies of each pleading shall be grouped together. For example, when transmitting a Motion and Judgment Entry together, the original and all copies of the Motion shall be grouped together, and the original and all copies of the Judgment Entry shall be grouped together.

20.02 DIVORCE, ANNULMENT, AND LEGAL SEPARATION ACTIONS

(A) INITIAL PLEADINGS: A divorce, annulment or legal separation case shall be commenced by filing the following mandatory documents with the Court:

- (1) Complaint;
- (2) Affidavit of Plaintiff to the Complaint;
- (3) Instructions for service of the Complaint and other pleadings;
- (4) Case Designation Sheet (**Form 2.00** in Appendix);
- (5) DRH Form (**Form 3.00** in Appendix);
- (6) Uniform Domestic Relations Form (UDRF) Income and Expense Affidavit (**Affidavit 1** in Appendix) with proof of income (pay stubs and/or tax returns);
- (7) UDRF Affidavit of Property (**Affidavit 2** in Appendix);
- (8) UDRF Health Insurance Affidavit (**Affidavit 4** in Appendix);
- (9) Personal Identifier Information (**Form 18.00** in Appendix);
- (10) UDRF Parenting Proceeding Affidavit (**Affidavit 3** in Appendix), if the parties have children;
- (11) Child Support Computation Worksheet + ODJFS IV-D Form 7076;
- (12) Judgment Entry of Injunctions (**Form 4.00** in Appendix); and
- (13) UDRF Motion and Affidavit for Temporary Orders (**Affidavit 5** in Appendix), if the Plaintiff desires Temporary Orders.
- (14) Mediation Order (**Form 15.00** in Appendix), if the action involves a parenting issue (including parenting time/companionship/visitation issues), unless good cause is alleged in the motion as to why a mediation referral should not be made.

(B) DEFENDANT'S PROPOSAL FOR TEMPORARY ORDERS: Unless a time extension for responding is granted by the Court, the Defendant shall have fourteen (14) days after the date of service of the Plaintiffs Request for Temporary Orders, to file Defendant's Request for Temporary Orders. Any response by Defendant shall include the following:

- (1) Defendant's UDRF Affidavit for Temporary Orders (**Affidavit 5** in Appendix);
- (2) UDRF Income and Expense Affidavit (**Affidavit 1** in Appendix) with proof of income (pay stubs and/or tax returns);
- (3) UDRF Affidavit of Property (**Affidavit 2** in Appendix);
- (4) UDRF Health Insurance Affidavit (**Affidavit 4** in Appendix);
- (5) Personal Identifier Information (**Form 18.00** in Appendix);
- (7) UDRF Parenting Proceeding Affidavit (**Affidavit 3** in Appendix), if the parties have children; and
- (8) Child Support Computation Worksheet + ODJFS IV-D Form 7076. Failure to submit a Worksheet will be deemed acquiescence with Plaintiffs submitted Worksheet.

(C) DEFENDANT'S ANSWER AND/OR COUNTERCLAIM: Within twenty-eight (28) days after the date of service of the Complaint upon the Defendant, the Defendant may file an Answer and/or Counterclaim.

(D) TEMPORARY ORDERS: After fourteen (14) days from the date of service of the Plaintiff's Request for Temporary Orders upon the Defendant, **or 21 days after the date of filing the Complaint, whichever is later**, the Court will hold a **non-oral hearing** to review all documents filed and thereupon issue a Temporary Order. **Counsel for Plaintiff shall complete the non-oral hearing date Notice contained on Plaintiff's UDRF Affidavit 5 with a date that is 21 days following the date of filing, and designate the time for review as 8:00 a.m.** The Court will not enter any Shared Parenting Order on a temporary basis unless one of the parties has filed a proposed Shared Parenting Plan with the Court.

(E) ORAL HEARING ON TEMPORARY ORDERS: If a party contests a Temporary Order, or desires the Court to take evidence with regard to Temporary Orders, that party may file a written "Request for Temporary Order Hearing." The Request must be filed within fourteen (14) days after the date the Temporary Order is journalized. The Request must specify what issue(s) the party desires the Court to hear. It is not necessary for a party to file an objection, exception or any similarly titled pleading in order to obtain a temporary order hearing pursuant to Civil Rule 75. Any untimely request for a temporary order hearing shall be treated as a motion to modify temporary orders, absent good cause shown.

(F) MOTIONS TO MODIFY TEMPORARY ORDERS: The Court shall not grant any Motion to Modify Temporary Orders, except upon a showing of a change of circumstances or for other good cause.

(G) **CASE MANAGEMENT/PRETRIAL CONFERENCES:** The Court and parties shall follow the Case Management/Pretrial Conference procedures set forth in Local Rule 20.10, except as otherwise set forth herein.

(H) **UNCONTESTED FINAL HEARINGS:** Counsel for the Plaintiff shall notify the Court if a divorce, annulment, or legal separation is proceeding as an uncontested case. Counsel for the Plaintiff shall secure a final uncontested hearing date from the Court, and shall prepare an appropriate hearing notice and file the same with the Clerk of Courts more than seven (7) days prior to the final hearing date. The Clerk of Courts shall thereafter mail the notice to the Defendant at least seven (7) days prior to the commencement of the final hearing date.

(I) **CONTESTED FINAL HEARINGS:** Contested cases shall be set for final hearing by the Court, and notice of the hearing shall be served by the Court.

(J) **DIVORCE FOLLOWING DECREE OF LEGAL SEPARATION:** A divorce action following a Decree of Legal Separation shall be initiated by filing a new divorce action.

20.03 DISSOLUTION OF MARRIAGE ACTIONS

(A) **REQUIRED DOCUMENTS:** A dissolution of marriage action shall be commenced by the filing of a Petition for Dissolution of Marriage, with a Separation Agreement attached thereto, and the following documents:

- (1) Separate UDRF Income and Expense Affidavits (**Affidavit 1** in Appendix) and UDRF Property Affidavits (**Affidavit 2** in Appendix) for both parties.
- (2) Personal Identifier Information (**Form 18.00** in Appendix);
- (2) Case Designation Sheet (**Form 2.00** in Appendix)
- (3) DRH Form (**Form 3.00** in Appendix)
- (4) Waiver of Service of Summons/Process by both parties;
- (5) Waiver of Attorney by the unrepresented party (if only one attorney);
- (6) Separate UDRF Parenting Proceeding Affidavits (**Affidavit 3** in Appendix) executed by each parties, if applicable; and
- (7) A Child Support Computation Worksheet executed by both parties, if applicable + ODJFS IV-D Form 7076.

(B) **FINAL DISSOLUTION HEARING:** Upon the filing of the dissolution of marriage action, the attorney filing the case (or the First Petitioner if neither party is represented by counsel) shall obtain a date for final hearing from the Court. The final hearing will be scheduled on a date

following the 30-day waiting period required by statute. The attorney (or First Petitioner) shall then be responsible for notifying both parties of the date and time of the final dissolution hearing. A Decree of Dissolution signed by husband and wife, together with any other applicable orders (i.e. Shared Parenting Decree, Dependent Health Care Order) and a Waiver of Magistrate's Decision, shall be submitted to the Court at the final dissolution hearing.

(C) **CONVERSION TO DIVORCE:** Any motion to convert a dissolution action to a divorce action must be filed within ninety (90) days after the date the petition for dissolution was filed. Any motion filed after the ninety (90) day time period has expired will be summarily dismissed. Conversion of a dissolution to a divorce shall be accomplished by journal entry.

20.04 CIVIL PROTECTION ORDER PROCEEDINGS

(A) **REQUIRED PLEADINGS:** A civil protection order action shall be commenced by filing a Civil Protection Order Petition on the form mandated by the Ohio Supreme Court, or by filing a pleading in substantial compliance with that form. Forms for civil protection actions are available upon request from the Court. The Petition shall be accompanied by instructions for service on the Respondent. If the petitioner requests parenting orders, the Petition shall also be accompanied by a Parenting Proceeding Affidavit (**Affidavit 3** or similar form), UDRF Income and Expense Affidavit (**Affidavit 1**) and a Child Support Computation Worksheet.

(B) **NO FILING FEE:** The Clerk of Courts shall not charge a filing fee deposit to file a Civil Domestic Violence Petition. The Court reserves the right to order one or both parties to pay court costs at the conclusion of the civil domestic violence case if permitted by statute.

(C) **MODIFICATION OF CIVIL PROTECTION ORDER:** The Court reserves jurisdiction to modify a final Civil Protection Order, upon written motion of either party. A form motion to modify a final Civil Protection Order is available upon request from the Court.

(D) **ISSUANCE OF SERVICE OF ORDERS:** All civil protection orders shall be issued for service by the Clerk of Courts on the same day they are journalized.

20.05 CONTEMPT MOTIONS

(A) **REQUIRED PLEADINGS:** A Motion for Contempt shall be commenced by the moving party filing the following documents:

- (1) Motion;
- (2) Memorandum/Brief in Support;
- (3) Supporting affidavit of movant;
- (4) Other affidavits in support, if applicable;

(5) An Order to Show Cause and Contempt Summons, requiring the alleged contemner to appear for a hearing on a specified date and time (see **Form 9.00** in the Appendix to these Rules), which includes instructions to the Clerk for service of process upon the alleged contemner (service of the motion upon opposing counsel is insufficient in a contempt action); and

(6) Case Designation Sheet (**Form 2.00** in Appendix), if the contempt motion opens a previously closed case.

(7) Mediation Order (**Form 15.00** in Appendix), if the motion involves a parenting issue (including parenting time/companionship/visitation issues), unless good cause is alleged in the motion as to why a mediation referral should not be made;

(B) HEARING: The moving party shall also secure a hearing date from the Court before filing the contempt documents with the Court, and such hearing date shall be contained in the Order to Show Cause.

(C) APPEARANCE OF COUNSEL: Any attorney retained to defend a contempt motion shall promptly enter an appearance in the case, whether or not his or her client is filing a responsive pleading.

(D) OPPOSING RESPONSE/BRIEF: Any party may file a written response/brief opposing the motion, together with supporting affidavits. Any such response/brief shall be filed with the Court at least seven (7) days prior to the first scheduled Case Management/Pretrial Conference or hearing on the motion, except for good cause shown.

20.06 CONTESTED POST-DECREE MOTIONS

(A) REQUIRED PLEADINGS: Any post-decree proceeding shall be commenced by the filing of the following pleadings:

- (1) Motion;
- (2) Memorandum/Brief in support;
- (3) Supporting affidavit of movant;
- (4) Other affidavits in support, if applicable;

(5) UDRF Income and Expense Affidavit (**Affidavit 1** in Appendix), if financial issues or child support are in question;

(6) UDRF Health Insurance Affidavit (**Affidavit 4** in Appendix) + ODJFS IV-D Form 7076, if child support is in question;

(7) Personal Identifier Information (**Form 18.00**);

(8) UDRF Parenting Proceeding Affidavit (**Affidavit 3** in Appendix), required in all parenting proceedings (i.e. cases involving parental rights and responsibilities; parenting time; companionship or visitation);

(9) Mediation Order (**Form 15.00** in Appendix), if the motion involves a parenting issue (including parenting time/companionship/visitation issues), unless good cause is alleged in the motion as to why a mediation referral should not be made;

(10) Notice of Hearing or Order to Appear;

(11) Instructions for Service;

(12) A blank Parenting Proceeding Affidavit (**Affidavit 3** in Appendix), blank Income and Expense Affidavit (**Affidavit 1** in Appendix), and blank Health Insurance Affidavit (**Affidavit 4** in Appendix) for service on opposing party, if applicable; and

(13) Case Designation Sheet (**Form 2.00** in Appendix).

(B) **CONTENTS OF NOTICE OF HEARING OR ORDER TO APPEAR:** Before filing any pleadings, the moving party shall obtain a date and time for a Case Management/Pretrial Conference, and/or for a hearing on the post-decree motion from the Court. The moving party shall include that date and time in the Notice of Hearing or Order to Appear. Any Notice of Hearing or Order to Appear on a motion concerning parenting or support issues shall also contain the following language:

"TO THE PERSON SERVED WITH THIS DOCUMENT: You are required to file an Income and Expense Affidavit, Health Insurance Affidavit and Parenting Proceeding Affidavit with the Court at least seven (7) days prior to the hearing/conference scheduled herein. A blank copy of each of those forms has been served upon you with the Motion."

(C) **SERVICE OF PROCESS:** The moving party shall serve the opposing party with process as provided in the Ohio Rules of Civil Procedure. Civil Rule 75 requires that all post-decree motions be served in accordance with Civil Rules 4 to 4.6. This means that all post-decree motions must be served on the opposing party, unless that party waives service. Additionally, when accomplishing service of process by publication, the movant must comply with the provisions of Civil Rule 4.4 and Local Rule 20.09.

(D) **APPEARANCE OF COUNSEL:** Any attorney retained in a post-decree proceeding shall promptly enter his or her appearance as counsel of record in the case, whether or not his or her client is filing a responsive pleading.

(E) **OPPOSING RESPONSE/BRIEF:** Any party may file a written response/brief opposing the motion, together with supporting affidavits. Any such response/brief shall be filed with the Court at least seven (7) days prior to the first scheduled Case Management/Pretrial Conference or hearing on the motion, except for good cause shown.

20.07 AGREED POST-DECREE PROCEEDINGS

(A) **MOTION REQUIREMENTS:** A written motion shall be required in any agreed post-decree proceeding. The reason for this requirement is to effectuate the case management procedures of the Court, to comply with the requirements of the Ohio Supreme Court with regard to reporting of cases for statistical purpose, and to properly invoke the Court's continuing subject matter jurisdiction.

(B) **OTHER PLEADING REQUIREMENTS:**

(1) **Financial Matters involved:** If financial matters are involved, the parties shall each execute and file an updated UDRF Income and Expense Affidavit (**Affidavit 1 Appendix**) with the Court. If the agreed modification involves child support, a child support worksheet signed by both parties + ODJFS IV-D Form 7076.

(2) **Waivers:** All agreed post-decree modifications shall include a waiver of notice of hearing; waiver of service of process; and waiver of counsel (if applicable), for all parties, either in a separate document or within the proposed Judgment Entry submitted to the Court.

(3) A proposed Judgment Entry (signed/approved by both parties/counsel).

(C) **HEARING ON AGREED POST-DECREE MATTERS:** Generally, the Court will **not** require a hearing upon any agreed post-decree matter, **when both parties have signed the proposed Judgment Entry and both parties are represented by counsel.** However, if only one party, or neither party, is represented by counsel, the Court will schedule a hearing prior to approving any proposed Judgment Entry submitted with the Motion. The Court may also, at its discretion, schedule a hearing even if both parties are represented. In the event the Court schedules a hearing, both parties shall appear at the hearing, unless specifically excused by the Court. The failure of either party to appear at the scheduled hearing may result in dismissal of any pending Motion or the rejection of the proposed Judgment Entry.

20.08 REQUIREMENTS FOR PARENTING ORDERS

(A) **GENERAL REQUIREMENTS:** Whether resulting from agreed or contested proceedings, all parenting orders shall meet the following requirements:

(1) **Parenting Time:** All parenting orders shall specifically address parenting time of each parent by either including a specific parenting time schedule within the order of the Court or by attaching a specific parenting time schedule to the order of the

Court. No orders lacking a specific parenting time schedule shall be approved by the Court absent good cause shown. In the event a party is submitting a proposed Judgment Entry which lacks a specific parenting time order, the good cause for the lack of specific provisions for parenting time shall be set forth in the proposed Entry.

(2) **Statutory Findings/Mandatory Provisions:** All parenting orders shall contain the required statutory findings with regard to the best interests of the child(ren); any applicable findings with regard to a modification of a prior parenting time order; and all mandatory child support and cash medical/dependent health care language (**See Forms 13, 14 and 16** in Appendix).

(B) **SHARED PARENTING PLANS:** All Shared Parenting Plans (including Amended Shared Parenting Plans) shall contain all of the following provisions:

(1) A statement indicating the names of the parents and the children and the child(ren)'s date(s) of birth;

(2) A statement that: (1) each parent believes the other parent to be a fit parent, and that each recognizes the unique contributions that each has to offer the child(ren); (2) the parents wish to share legal responsibility for the child(ren), as set forth in the Shared Parenting Plan; (3) the parents' primary concern is the best interests of the minor child(ren); and (4) shared parenting is in the best interest of the minor child(ren);

(3) Provisions covering all required statutory factors relevant to the care of the child(ren), including physical living arrangements, child support obligations, cash medical support, dependent health care, income tax exemptions for the child(ren), and school placement. The plan may also include optional provisions concerning the child(ren)'s education, religious upbringing, child care, removal of the child from the state, the child's name, the specific authority of each parent, dispute resolution procedure, and any other matter related to the best interests of the child(ren);

(4) A designation that both parents are "residential parents and legal custodians" of the child(ren), although one parent may be designated the "residential parent for school purposes;"

(5) A statement immediately preceding each party's signature on the Shared Parenting Plan, which provides that each party has thoroughly reviewed and understands the Plan; that he or she has voluntarily signed the Plan, and that each party requests that the Court adopt the Plan as the Judgment and Order of the Court.

(C) **AMENDMENT OF SHARED PARENTING:** Since Shared Parenting Plans are adopted by the Court and become an order of the Court, any proposed Amendment of a Shared Parenting Plan shall be accomplished by submission of a motion, an Amended Shared Parenting Plan, and a proposed Amended Shared Parenting Decree adopting the Amended Shared Parenting

Plan. Shared Parenting Plans may not be amended by Judgment Entry alone, except with regard to support matters.

20.09 POSTING OF NOTICES FOR SERVICE BY PUBLICATION

Whenever a Plaintiff proceeding in forma pauperis in a divorce, annulment or legal separation action requests service by publication, via posting and mailing as provided in Ohio Civil Rule 4.4(A)(2), the Plaintiff shall file an affidavit regarding lack of knowledge of the Defendant's current address as provided in that rule. Pursuant to Ohio Civil Rule 4.4(A)(2), the Court has designated the Clerk of Courts as the person responsible for accomplishing posting of notices for service by publication. Notices shall be posted at the following locations:

- On the bulletin board outside the Common Pleas Courtroom on the top floor of the Ashland County Courthouse, Ashland, Ohio;
- On the bulletin board as you enter the Ashland County Office Building from Cottage Street, Ashland, Ohio; and,
- On the bulletin board on the main floor of the City of Ashland Municipal Building, 206 Claremont Avenue, Ashland, Ohio.

The notice that is posted shall contain the same information required in a newspaper publication pursuant to Division (A)(1) of Ohio Civil Rule 4.4. The Notice shall be posted in the required locations for six (6) consecutive weeks. The Clerk of Courts shall comply with all other requirements of Civil Rule 4.4(A)(2) with regard to mailing the complaint and summons to the Defendant's last known address, and shall properly note service of process upon the docket of this Court.

20.10 CASE MANAGEMENT AND PRETRIAL CONFERENCES

(A) **WHEN HELD:** Pretrial Conference(s) shall be held in all contested divorce, annulment, and legal separation cases, prior to any final hearing. Pretrial Conference(s) may also be held in any other type of action, at the discretion of the Court.

(B) **PURPOSE:** The purpose of Pretrial Conferences is to achieve an amicable settlement of the case and, in the event settlement is not achieved, to expedite trial of the action.

(C) **PRETRIAL CONFERENCE:** A Pretrial Conference shall be held within twenty-six (26) weeks after the action is filed. These will normally be conducted in the Courtroom with both parties and all legal counsel present. They may also be conducted, at the discretion of the Court, by *iVISIT* video conferencing.

(D) Both parties shall prepare, file and exchange a Pretrial Statement and Settlement Proposal no later than **three (3) days prior** to the scheduled Pretrial Conference. That document shall be supplemented as necessary prior to trial. The document shall substantially comport with

the Pretrial Statement and Settlement Proposal Form (**Form 10.00** in Appendix) contained in the Appendix of these Rules. ALL MANDATORY DISCOVERY SHOULD BE COMPLETED PRIOR TO THE FINAL PRETRIAL CONFERENCE IN THE CASE.

At the Pretrial Conference, counsel shall:

- (1) Discuss and narrow the issues in controversy;
- (2) Attempt to stipulate as to the authenticity of documents to be introduced at trial, so as to eliminate the need for testimony from a records custodian;
- (3) Exchange any medical reports, psychological reports, hospital records or other health related documents;
- (4) Exchange any reports of expert witnesses expected to be called at trial, and discuss the potential stipulation of any such reports, without the need for expert testimony;
- (5) Address issues of asset valuation and liability amounts, and attempt to stipulate valuation and liability amounts;
- (6) Identify any issues relating to the division of household goods and furnishings, and attempt to limit the trial to only the items which are disputed; and
- (7) Discuss and narrow any parenting issues.

(E) **ATTENDANCE AT PRETRIAL:** Counsel of record and the parties shall attend Pretrial Conferences. Parties shall be present to assist counsel with information and/or settlement negotiations. If counsel or a party cannot be present for some reason, counsel or the party (if unrepresented) may seek approval from the Court to participate by telephone or via *iVisit* video conference.

(F) **STATUS CONFERENCES:** The Court, at its discretion, may schedule periodic status conferences with counsel, which may be conducted by telephone, by means of *iVisit* video conferencing, or in court.

(G) **SANCTIONS:** **Failure to comply with the mandatory discovery provision set forth above, failure of counsel to be prepared for a Pretrial Conference, or failure of a party or counsel to appear or cooperate in good faith in the conduct of any Pretrial Conference, may subject the attorney or party to an award of reasonable expenses, including attorney fees or costs to any party prejudiced by such conduct.**

20.11 EX PARTE ORDERS

(A) **JUDGMENT ENTRY OF INJUNCTIONS:** The Court grants an ex parte restraining order entitled "JUDGMENT ENTRY OF INJUNCTIONS" in every divorce, annulment or legal separation case.

(1) It is not necessary for a party to file a separate motion for issuance of the Judgment Entry of Injunctions.

(2) The standard ex parte Judgment Entry of Injunctions granted shall be on **Form 4.00** contained in the Appendix of these Rules of Court.

(3) No signatures of parties or counsel are necessary.

(4) The Judge or Magistrate shall sign such standard ex parte order, and the standard order shall be served on the opposing party with the Summons and Complaint.

(B) **EX PARTE ORDER FOR EXCLUSIVE USE OF MARITAL RESIDENCE:**

(1) **Grounds for Motion:** The Court will not consider granting an ex parte order for exclusive use of the marital residence, unless the moving party files one or more affidavits establishing good cause, or that the opposing party engaged in any of the following:

(a) Attempted to cause or recklessly caused bodily injury by acts of physical violence;

(b) Placed a party, by threat of force, in fear of imminent serious physical harm;

(c) Committed any act with respect to a child that would result in the child being an abused child as defined in Ohio Revised Code §2151.031;

(d) Engaged in conduct which causes or is likely to cause emotional and/or mental stress to the spouse and/or minor child(ren) of the parties;

(e) Engaged in conduct which creates or is likely to create an environment which significantly endangers the spouse's and/or minor child(ren)'s physical health or mental, moral or emotional development;

(f) Engaged in conduct abusive to the spouse and/or minor child(ren), whether by physical acts or verbally; **OR**

(g) Has been continuously absent from the marital residence for a significant period of time.

(2) Required Information in Motion: Requests for exclusive use of the marital residence during the pendency of a divorce or legal separation case shall include ALL of the following:

(a) Independent supporting affidavits (which comply with Division (D)(4) below) or documentation verifying the reason(s) exclusive use should be granted;

(b) A statement of alternate living arrangements available to each of the parties, including those available through social agencies; and

(c) Information identifying who is the owner and/or lessee of the residence.

(C) EX PARTE ORDER FOR PARENTAL RIGHTS AND RESPONSIBILITIES:

An ex parte order allocating or reallocating parental rights and responsibilities will be granted **only** upon affidavit(s) which comply with Division (D)(4) below and which establish that exigent circumstances exist for such an order. The affidavit(s) shall also establish that an ex parte order is in the best interests of the child(ren). In the event the Court overrules the motion on an ex parte basis (i.e., without notice), the Court may consider granting or reallocating parental rights and responsibilities on a temporary basis, after the opposing party has been given notice and an opportunity to respond to the motion.

(D) GENERAL REQUIREMENTS FOR ALL EX PARTE MOTIONS:

(1) Statement Regarding Counsel: All ex parte motions shall include a statement as to whether the nonmoving party is presently represented by counsel, regardless of whether that attorney has entered an appearance in the case. If the nonmoving party is represented, the motion shall state the name of the nonmoving party's attorney.

(2) Disclosure of Other Orders: All ex parte motions shall disclose any other orders issued by this Court, or by any other Court, which are currently in effect and relevant to the relief requested in the motion. A time-stamped copy of any relevant and current order shall be attached to the ex parte motion.

(3) Efforts to Give Notice: All ex parte motions/affidavits shall disclose the efforts, if any, which have been made by the movant or counsel to give notice of the issue(s) raised in the motion, and the reasons supporting any claim that notice should not be given. The motion/affidavit(s) shall state whether or not the movant knows the present residence of the nonmoving party and, if not, what efforts the movant has made to discover the present address of the nonmoving party.

(4) Affidavits: All ex parte motions shall be supported by affidavit(s). Supporting affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible as evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. Affidavits must contain specific facts and information to support the claim for relief and clearly establish that exigent circumstances exist.

(5) Notice of Right to Hearing: Any proposed Order granting ex parte relief shall contain the following language in bold notifying the nonmoving party of his or her right to request a hearing on the motion:

"NOTICE; Any party to this action may request that the Court set a hearing on the ex parte motion and order. All requests for hearing shall be made in writing and shall be filed with the Court within fourteen (14) days after service of this Order."

(6) Hearings on Ex Parte Motions: In the event a party requests a hearing on an ex parte motion, the Court shall set a hearing on an expedited basis, as soon as the Court's docket may permit. The moving party shall bear the burden of proof at an ex parte hearing, and shall present sufficient, competent evidence to establish that continuation of the ex parte order is warranted. Evidence at the hearing shall be confined and limited to the issues raised in the ex parte motion, except as otherwise permitted by the Court.

20.12 SUPPORT ORDERS

(A) MANDATORY SUPPORT LANGUAGE IN JUDGMENT ENTRIES: Any Judgment Entry which contains a child support or spousal support order shall contain language which comports with Ohio Revised Code Chapters 3119, 3121, 3123 and 3125 (or as subsequently amended). The Court strongly suggests use of the language stated on **Form 13.00** (contained in the Appendix to these Rules), which shall be modified as appropriate, depending upon whether the Judgment Entry includes a child support and/or spousal support order.

(B) CHILD SUPPORT COMPUTATION WORKSHEET: Any child support order shall have a copy of the Child Support Computation Worksheet which was used to calculate the child support obligation, attached to the Judgment Entry as an Exhibit. The attached Computation Worksheet shall be fully completed, accurately calculated, and signed and properly notarized when appropriate. The worksheet shall substantially comply with the statutory form, and no "short" worksheets shall be attached to any pleadings.

(C) DEVIATIONS FROM GUIDELINES COMPUTATION WORKSHEETS: Any proposed Judgment Entry containing a deviation from the attached Computation Worksheet shall

contain the deviation language (or substantially similar language) stated on **Form 14.00** (contained in the Appendix to these Rules).

(D) **SUPPORT OBLIGATIONS FOR SHARED PARENTING PLANS AND DECREES:** Any proposed Shared Parenting Plan and Decree in which the parents agree to deviation from the Child Support Computation Worksheet amount shall contain a provision which addresses how the expenses of the minor child(ren), beyond food and shelter, will be paid.

(E) **UNINSURED HEALTH CARE EXPENSES OF CHILDREN:** All Judgment Entries establishing or modifying child support shall contain provisions addressing payment of the uninsured health care expenses of the child(ren). The Judgment Entry shall also specify which party or parties have health insurance available at a reasonable cost and the party or parties responsible for said insurance, utilizing the suggested language stated on **Form 16.00** (contained in the Appendix to these Rules).

(F) **COMPUTATION OF HEALTH CARE BILLS:** A form for computation of each parent's portion of an uninsured health care expense is contained in the appendix to these rules (**Form 8.00**). This form is not filed with the Court, but may be used by the parents when transmitting bills to each other for payment.

20.13 IN CAMERA INTERVIEWS OF MINOR CHILDREN

(A) **REQUEST FOR INTERVIEW:** Any party may request that the Court conduct an in camera interview of a minor child in any action concerning allocation of parental rights and responsibilities or parenting time, by filing a written request prior to hearing. **UNDER NO CIRCUMSTANCES SHALL THE PARTIES BRING A MINOR CHILD TO THE COURT FOR AN IN CAMERA INTERVIEW, OTHER THAN AT THE TIME SCHEDULED BY THE COURT FOR THE INTERVIEW.**

(B) **PERSONS PRESENT DURING INTERVIEW:** No person, other than the Judge or Magistrate conducting the interview, the child, and any other person specified by the Judge or Magistrate, shall be present during the in camera interview of a minor child, pursuant to Ohio Revised Code §3109.04.

(C) **RECORD OF THE INTERVIEW:** A record of all in camera interviews shall be made by stenographic or electronic means. Upon completion, the record of the interview shall be deemed sealed and shall not be disclosed, except upon specific Court order. This Rule is in furtherance of the legislative purpose and intent of Ohio Revised Code §3109.04.

20.14 PATERNITY TESTING AND ACKNOWLEDGMENT

(A) **WHEN TESTING IS REQUIRED:** In the event Wife is pregnant during the pendency of a divorce, dissolution, legal separation or annulment case, and one or both parties allege that Husband is not the biological father of the child, paternity testing shall be completed for

that child before any final decree will be entered by the Court. Since testing cannot be completed until the child is born, the case shall be placed on inactive status until the birth of the child. In all other cases, paternity testing may be ordered on a case-by-case basis.

(B) **ACKNOWLEDGMENT OF PATERNITY:** In all divorce, dissolution, legal separation, or annulment cases involving any child born during or prior to the date of the marriage, and when paternity is not disputed, both parties **shall** expressly acknowledge paternity and waive all rights to paternity testing in writing (**Form 5.00** contained in the Appendix to these Rules). Such waiver **shall** be filed with each party's initial pleadings. In deference to the provisions of R.C. 3119.96, in the absence of waivers from both parties, the Court may order paternity testing for any child born prior to or during the marriage, except that the Court will not require testing if there is a legal acknowledgment of paternity.

(C) **ORDER FOR TESTING:** Any order for paternity testing shall substantially comport with **Form 7.00** contained in the Appendix to these Rules.

(D) **IV-D APPLICATION:** Whenever paternity testing will be completed by CSEA, the residential parent shall complete a "IV-D Application" (available from the Court or CSEA), and provide that application to CSEA on or before the date upon which testing is scheduled. The IV-D Application shall **not** be filed with the Court.

20.15 HOME INVESTIGATIONS

(A) **POLICY OF THE COURT:** Either party may request, or the Court may order, a home investigation concerning the best interests of any child(ren) in contested parenting proceedings. The home investigation shall be completed by a person appointed by the Court.

(B) **REQUEST FOR HOME INVESTIGATION:** A home investigation shall be initiated by the filing of a written motion.

(C) **COSTS OF AND PAYMENT FOR HOME INVESTIGATION:** Each party shall deposit his or her portion of the cost of the home investigation, including travel expenses, with his or her attorney, or such other person designated by the Court, within fourteen (14) days of the Home Investigation Judgment Entry. Unless otherwise ordered by the Court, the deposit for the home investigation and travel expenses shall be divided as follows:

(1) In a contested divorce, annulment or legal separation action, each party shall deposit one-half of the cost of the home investigation.

(2) In a post-decree case, the party filing the motion shall deposit the full amount of the cost of the home investigation.

(3) Any travel expenses of the home investigator shall be deposited by the party living outside Ashland County.

Travel expenses may be billed by the home investigator in advance of the investigation, and if so billed, the party's attorney shall immediately disburse requested travel expenses. Upon completion of the home investigation report, the home investigator shall bill the appropriate party's attorney for the home investigation cost and any unpaid travel expenses. The party's attorney shall pay that sum directly to the home investigator immediately upon receipt of the billing, but no later than thirty (30) days of receipt of the billing. A current schedule of costs for home investigations and travel expenses shall be approved by the Judge and kept on file with the Court.

(D) **REPORT OF HOME INVESTIGATOR:** No later than seven (7) days prior to the Pretrial Conference, or fourteen (14) days prior to the hearing if no Pretrial Conference has been scheduled in a disputed parenting time proceeding, the Home Investigator shall submit a written report to the Court which contains his or her recommendations regarding any disputed parenting time issue. Upon receipt of the report, the Court shall contact the attorneys for both parties and advise them that the report is available for their review. Confidential copies of the report shall be available, upon request, to the attorneys for the parties. However, upon receipt of the same, the attorneys are expressly prohibited from making or disseminating any copies of the confidential home investigation to any other person, including the client.

(E) **TESTIMONY OF HOME INVESTIGATOR:** In the event either party desires the home investigator to testify at any hearing in the case, that party shall contact the Court no later than fourteen (14) days prior to trial. Failure to timely secure the appearance of the home investigator by contacting the Court may result in the unavailability of the home investigator at trial, except through issuance of a subpoena.

20.16 GUARDIANS AD LITEM

(A) **POLICY OF THE COURT:** In order to determine the best interest of minor children in any domestic relations or parentage actions, the Court may appoint a Guardian Ad Litem upon its own motion or upon the motion of either party. The appointment shall be made by Judgment Entry/Magistrate's Order which substantially comports with **Form 6.00** contained in the Appendix to these Rules. The Court will appoint a qualified individual to serve as Guardian Ad Litem in accordance with the guidelines of **Sup. R. 48**.

(B) **NOTICES TO GUARDIAN AD LITEM:** Upon appointment, counsel for both parties and the Court shall notify the Guardian Ad Litem of all proceedings. It shall be the responsibility of counsel to serve the Guardian Ad Litem with copies of all pleadings filed after the appointment, including notices of hearings for which counsel has obtained a date and time from the Court in advance. The Court shall be responsible for serving the Guardian Ad Litem with notices of hearings otherwise scheduled by the Court. Any additional expense incurred by the Guardian Ad Litem due to counsel's failure to notify the Guardian Ad Litem, including the cost of transcripts, may be charged to the party responsible for the failure.

(C) DEPOSIT FOR AND PAYMENT OF FEES: The Judgment Entry/Magistrate's Order Appointing the Guardian Ad Litem shall specify any deposit which must be made in advance for fees and who shall pay said deposit. The customary initial deposit shall be a total of **\$1,000.00**. All payments for the services of the Guardian Ad Litem shall be payable through the IOLTA account of the Guardian Ad Litem as specified in the Judgment Entry/Magistrate's Order.

(D) STATEMENT OF FEES: The Guardian Ad Litem shall provide statement(s) to the Court and counsel for both parties showing the number of hours spent performing duties, a general description of the duties performed, the cost of services billed to date, any payments for services received and any balance due for services. Upon the filing of such statement(s), the Court will authorize disbursement of the deposit(s) for the payment of reasonable Guardian Ad Litem fees. Guardian Ad Litem fees shall be deemed **reasonable** by the Court **without a hearing** if billed at rate of **\$90.00 per hour or less**, and **totaling \$2,000.00** for the duration of the pending proceeding. Any Guardian Ad Litem fees billed at a rate in excess of \$90.00 per hour, or exceeding \$2,000.00 per proceeding shall require the Guardian Ad Litem to submit an application for extraordinary fees and a hearing by the Court prior to any authorization to disburse is granted. The Court may require additional deposits for Guardian Ad Litem fees from time to time, and the final order on the matter shall contain a provision regarding payment of any outstanding Guardian Ad Litem fees. Guardian Ad Litem fees are in the nature of child support and are considered non-dischargeable in any bankruptcy proceeding.

(E) REPORTS OF GUARDIAN AD LITEM: No later than seven (7) days before a final hearing on the matter regarding which the Guardian Ad Litem has been appointed, the Guardian Ad Litem shall submit a written report to the Court which contains his or her recommendations regarding any disputed custody or parenting time matter. The Court may grant exceptions to this requirement upon written request-and for good cause shown. In the event the child's wishes or concerns are in opposition to the Guardian Ad Litem's recommendation, the Guardian Ad Litem shall specifically notify the Court of that fact in the report. Upon receipt of the report, the Court will contact the attorneys for all parties and advise them that the report is available for their review. Confidential copies of the report shall be available, upon request, to the attorneys for the parties. However, upon receipt of the same, the attorneys are expressly prohibited from making or disseminating any copies of the confidential report to any other person, including the client. A Guardian Ad Litem is authorized by the Court to provide confidential copies of his/her report directly to the attorneys for all parties, but shall first advise the Court when doing so.

(F) DUTIES OF THE GUARDIAN AD LITEM: Upon appointment, the Guardian Ad Litem in every case shall perform the basic duties outlined in **Sup. R. 48**. The Guardian Ad Litem shall **not** act as counsel for the child unless specifically appointed in that capacity by the Court. The feasibility of some of the duties will depend upon the age(s) of the child(ren) and the specific circumstances of the case. Therefore, it is within the discretion of the Guardian Ad Litem to tailor the duties to the facts of the individual case.

(G) **CONFIDENTIALITY:** The Guardian Ad Litem shall maintain all information received from any confidential source as confidential, and shall not disclose the same except as the law permits.

20.17 ATTORNEY FEES

(A) CHILD SUPPORT AND PARENTING TIME CONTEMPT ACTIONS:

(1) **Ordinary Fees:** An award of attorney fees is mandatory in child support, spousal support, and parenting time contempt actions pursuant to Ohio Revised Code §3109.05, §3109.051 and §3105.18. Counsel need **not** make a written motion requesting an award of attorney fees in those types of actions. Generally, the Court considers attorney fees not in excess of **\$500.00** to be a reasonable attorney fee award in these types of contempt actions. The Court generally will not require evidence to support an award of attorney fees not in excess of **\$500.00** in those cases. The Court may require evidence, however, if it deems such evidence necessary in the case.

(2) **Extraordinary Fees:** The Court shall retain discretion to consider and award attorney fees in excess of \$500.00 in these types of contempt actions. In order to obtain an award of fees in excess of \$500.00, counsel must present evidence and testimony as described in Division (B)(2) of this rule.

(B) AWARD OF ATTORNEY FEES PURSUANT TO OHIO REVISED CODE §3105.73:

(1) **How made:** Requests for attorney fees pursuant to Ohio Revised Code §3105.73 shall be made in the following manner:

(a) **Upon final hearing:** In the event either party seeks an award of attorney fees upon final hearing in a divorce, annulment or legal separation case, counsel shall provide an attorney fee statement to the other party prior to the final hearing. The statement shall be itemized and shall describe the services rendered, the time expended for such services, and the hourly rate charged by the attorney (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).

(b) **Interim Fee Awards and Fee Awards in Post-Decree Actions:** A request for attorney fees to prosecute or defend an action shall be made by specific motion. The motion shall state with specificity the legal authority for an award of attorney fees, the reason why fees are being requested, and the amount of attorney fees being sought. The party from whom attorney fees are being sought may file a memorandum in opposition to the motion for attorney fees, no later than seven (7) days before the motion is scheduled for hearing.

(2) Evidence Supporting the Motion: The following evidence shall be presented at any hearing regarding attorney fees:

(a) An itemized state from counsel verifying the method by which the fees requested were calculated, including the services rendered, the time expended for such services and the hourly rates for in-court and out-of-court time (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).

(b) Testimony from the client as to whether the services billed were actually rendered;

(c) If the fees are sought because of any complex legal or factual issues, testimony concerning the existence of those issues; and

(d) Evidence of the parties' respective incomes and expenses, if such evidence is not otherwise disclosed during the course of the hearing.

(3) Expert testimony: Unless specifically required by the Court, expert testimony shall not be required to prove the reasonableness of the fees, although it may be required to prove other aspects of the motion for fees. Either party may elect to present expert evidence in support of or in opposition to a motion for attorney fees.

(4) Failure to Comply: Failure to comply with the provisions of this Rule may result in a denial of the motion for attorney fees.

20.18 PREPARATION AND EXECUTION OF AGREED ENTRIES

(A) CASES SETTLED PRIOR TO HEARING: If a matter that is set for hearing or trial is settled by the parties before the hearing, counsel shall reduce the agreement to a Judgment Entry. The Judgment Entry shall reflect that the terms set forth in said Entry are by agreement of the parties and approval of the Court. Except for good cause shown, the parties and counsel shall be required to appear for the scheduled hearing or trial, unless the Judgment Entry is filed prior to the hearing or trial.

(B) CASES SETTLED AT HEARING: If a case is settled during the course of a hearing, counsel shall reduce the settlement agreement to writing on an Agreement Form approved by the Court. The parties' in-court agreement may be handwritten, but any handwritten agreement shall be detailed and legible. The agreement shall be submitted to the Court. Counsel shall prepare a Judgment Entry which fully comports with the parties' handwritten agreement, and shall file the same with the Court pursuant to Local Rule 15.

(C) SIGNATURES REQUIRED: All agreed Judgment Entries shall be signed by the parties unless:

- (1) The party waived signature in writing or on the record;
- (2) The party previously signed a written agreement reflecting the terms contained in the Judgment Entry; or
- (3) The Judgment Entry affects only procedural aspects (except continuances) of the case;

20.19 STANDARD PARENTING TIME ORDER

Pursuant to ORC §3109.051, the Court adopts the Standard Parenting Time Order contained in **Form 20.00** of the Appendix to these Rules. This Standard Parenting Time Order may generally be referred to as the “Rule 20 Parenting Time Order” or “Rule 20”. This Order is not necessarily in the best interests of all children, and the Court therefore retains jurisdiction to enter orders which vary from the Standard Order on a case-by-case basis.

20.20 TRANSFERS OF PROPERTY BY JUDGMENT ENTRY

Situations arise in domestic relations cases where, for whatever reason, a party fails to execute the proper instruments to effectuate a transfer of title to property allocated under a decree of divorce, dissolution, or legal separation. The following language is acceptable to the Court to effectuate transfers of such property under Civil Rule 70:

WHEREFORE, PURSUANT TO OHIO CIVIL RULE 70, IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. _____ is hereby divested of all right, title, and interest in the following described motor vehicles, and the same are hereby vested in _____, free and clear of any/all claims of _____: (state year, make, model, and VIN number of each vehicle). The Ashland County Clerk of Courts is hereby authorized and directed to accept a certified copy of the within Judgment Entry as effectuating conveyance of said property in due form of law.
2. _____ is hereby divested of all right, title, and interest in the following-described real estate, and the same is hereby vested in _____, free and clear of all claims of _____: (state full and accurate legal description of property; including permanent parcel number, property street address, and prior instrument recording reference). The Ashland County Recorder is hereby authorized and directed, for recording purposes, to accept a certified copy of the within Judgment Entry as effectuating conveyance of said property in due form of law.
3. Any and all costs associated with the foregoing transfers of property and/or recording of the same shall be paid by _____.

4. The Clerk of Courts is hereby directed to forward by regular U.S. mail a copy of this Judgment Entry to _____ (opposing party) at _____. A copy of the same shall also be provided to (last attorney of record, if any). The purpose of the within Judgment Entry is to effectuate transfer of title to the above property, in accordance with the decree of [divorce, dissolution of marriage, legal separation] entered by this Court on _____.

The proposed Judgment Entry should include historical prefatory language explaining why the Order is needed. The Judgment Entry shall be submitted to any opposing counsel for approval, prior to submission to the Court, absent good cause shown.

20.21 APPRAISERS AND VALUATION OF PROPERTY

(A) APPRAISERS

(1) Real Estate Appraisers: Real estate appraisals shall be made by licensed real estate agents, brokers, auctioneers, credentialed real estate appraisers, or such other persons who by experience and training are qualified to make real estate appraisals.

(2) Personal Property Appraisers: Personal property appraisals shall be made an auctioneer or by persons who by experience and training are qualified to make personal property appraisals.

(B) VALUATION OF ASSETS AND DETERMINATION OF LIABILITIES

(1) Required evidence: Under Ohio law, the Court is required to make findings of fact concerning the value of assets and the balance due on liabilities when making a decision dividing property in a domestic relations action. Accordingly, whenever property issues are contested in a divorce, annulment or legal separation action, the parties shall present sufficient evidence to enable the Court to make the required findings in its decision. In the event the parties fail to present sufficient evidence, the Court may order the presentation of additional evidence in the case.

(2) Readily Ascertainable Values: Either party may present the following types of evidence concerning valuation in any domestic relations case. The Court will not consider the evidence to be conclusive or presumptive evidence of valuation and the other party may present any other relevant evidence concerning valuation to the Court.

(a) Real Estate: In lieu of an appraisal of real estate, either party may submit a certified copy of the County Auditor's appraisal card showing the market value of the real estate. Such evidence is generally admissible as an exception to the hearsay rule under Evid. R. 803(8) and as a self-authenticating document under Evid. R. 902(4).

(b) Motor Vehicles: In lieu of an appraisal of a motor vehicle, either party may submit a current accurate copy of the page of the N.A.D.A. Official Used Car Guide (Regional Edition for this area) showing the "Avg. Retail" value of a certain model of a motor vehicle. Such evidence is generally admissible under Evid. R. 803(17) as an exception to the hearsay rule.

20.22 DIVORCING PARENT EDUCATION PROGRAM

(A) WHEN REQUIRED: Attendance of parents at the court-sponsored Divorcing Parent Education Program is mandatory in divorce, dissolution, legal separation and annulment cases involving children. The Court may require the parents to attend the program during post-decree proceedings.

(B) EXEMPTION FROM ATTENDANCE: Any parent who has attended the Court-sponsored Divorcing Parents Program within one (1) year prior to the filing of any action specified above shall be exempt from the attendance requirements set forth above. A parent may also be excused from attendance by the Court, upon a showing of good cause.

(C) PROCEDURE FOR SEMINAR REGISTRATION: Following issuance of the Court's Order to attend the Divorcing Parent Education Program, each parent shall make arrangements directly with the program administrator to schedule his or her attendance at the program.

(D) FAILURE TO ATTEND: At the discretion of the Court, a final Order or Judgment may not be entered in the case until both parties have attended the Court-sponsored Divorcing Parents Program, or the Court has excused the attendance of one or both parties, for good cause shown. Any party who fails to attend the Divorcing Parent Education Program as ordered by the Court will further be subject to proceedings in contempt.

(E) PROOF OF ATTENDANCE: Upon completion of the seminar, each parent shall receive a certificate evidencing attendance at the seminar. Each parent shall provide the original or a copy of that certificate to the Court for filing in the case.

RULE 21. PERSONAL IDENTIFIERS

21.01 GENERAL PLEADING REQUIREMENTS

(A) DEFINITION: "Personal Identifiers," as defined by Sup. R. 44(H), are social security numbers, except for the **last four digits**; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim."

(B) **PERSONAL IDENTIFIERS TO BE OMITTED:** When submitting a case document to a court, or filing a case document with the Clerk of Courts, a party to a proceeding shall omit or redact all “personal identifiers,” as defined above, from the document.

(C) **SEPARATE SUBMISSION OF PERSONAL IDENTIFIERS:** When personal identifiers have been omitted or redacted pursuant to Sup. R. 45(D)(1) and this Rule, the party submitting or filing the document shall submit or file the omitted or redacted information with the Clerk of Courts on a separate form or forms in substantial conformity with **Form 18.00** (contained in the Appendix to these Rules). The form containing the personal identifier information shall be placed in a **sealed envelope** bearing **the identify of the parties and the case number**, and shall be clearly marked “PERSONAL IDENTIFIER INFORMATION PROVIDED BY _____ (Plaintiff/Defendant/First Petitioner/Second Petitioner/Petitioner/ Respondent).”

(D) **RELEASE OR DISCLOSURE OF PERSONAL IDENTIFIERS:** When **Form 18.00** or a substantially similar document has been submitted or filed with the Clerk of Courts, the envelope containing the information shall remain sealed unless otherwise ordered by the Court, and the information contained on Form 18.00 or a substantially similar document shall not be published or released except upon order of the Court.

(E) **RESPONSIBILITY FOR OMITTING/REDACTING IDENTIFIERS:** The responsibility for omitting or redacting personal identifiers from a case document or pleading submitted to the Court or to the Clerk of Courts shall rest solely with the party and their legal counsel. The Court or Clerk of Courts is *not* required to review a case document to confirm that the party has omitted or redacted personal identifiers, and the Court of Clerk of Courts shall *not* refuse to accept or file any document on such basis.

LOCAL RULE 22
ASHLAND COUNTY COMMON PLEAS COURT JURY MANAGEMENT PLAN

I. JURY SOURCE LIST

- A. The selection of jurors for Ashland County Common Pleas Court, General Division, shall be from a jury source list. The jury source list shall be obtained from the Board of Elections' list of registered voters, and a list of licensed drivers in Ashland County provided by the State Bureau of Motor Vehicles.
- B. The Jury source list shall be representative of the adult population of Ashland County as is feasible. The court shall annually review the jury source list for its representativeness and inclusiveness of the adult population in Ashland County.
- C. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

II. RANDOM SELECTION PROCEDURES

- A. By use of Magnetic Tapes, Magnetic Discs, and Related Devices, the Court shall randomly assemble the Annual Jurors' List by identifying the names of prospective Jurors from the Master List of all registered voters and licensed drivers in the County pursuant to Revised Code Section 2313.06. Computers shall be used to provide each eligible and available citizen with an equal probability of selection.
- B. The Jury Commissioners appointed by the Court, pursuant to Revised Code Section 2313.01, on or before the first day of August of each year, shall select such number of electors, residents of the county, as the Court may order, whose names shall be placed in the jury wheel for the succeeding court year.
- C. The Sheriff shall serve a summons by mail, or shall make personal service of summons, if ordered by the Court, in the manner provided by law, on persons whose names have been randomly selected from the wheel.

III. ELIGIBILITY FOR JURY SERVICE

- A. All persons shall be eligible for jury service except those who:
 - 1. Are less than eighteen years of age (except persons age seventeen who are certified by the Board of Elections as eligible to vote);
 - 2. Are not citizens of the United States and are not residents of Ashland County;
 - 3. Are not able to communicate in the English language; or
 - 4. Have been convicted of a felony and have not had their civil rights restored.

IV. TERM OF AND AVAILABILITY FOR JURY SERVICE

- A. Persons called upon to perform jury service are to be available for a term of service of two (2) days or completion of one (1) trial, whichever is longer.
- B. The jurors will be provided with a local number to call to hear a recorded message which informs them about the obligation for jury service for a particular trial. In addition, information will be posted on the Court's website.
- C. Persons will not be required to be available for jury services for longer than three weeks except when deemed necessary due to the length of a particular trial.

V. EXEMPTION, EXCUSE, AND DEFERRAL

- A. Except as provided by section 2313.13 of the Revised Code, the court of common pleas shall not excuse a person who is liable to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the judge by either the juror or another person acquainted with the facts that one or more of the following applies:
 - 1. The interests of the public will be materially injured by the juror's attendance.
 - 2. The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill.
 - 3. The juror is a cloistered member of a religious organization.
 - 4. The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The prospective juror, or the prospective juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for a period of up to twenty-four months.
 - 5. Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to an appropriate court employee appointed by the court.
 - 6. The juror is over seventy-five years of age, and the juror requests to be excused.

7. The prospective juror is an active member of a recognized Amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter.
- B. When a person who is liable to serve is excused, the juror can be excused only by the judge presiding in the case or a representative of the judge. The Jury Commissioners of the Court of Common Pleas of Ashland County have been designated by journal entry as representatives of the judges. Any judicially approved excuse per this section (O.R.C.2313.13) shall be duly recorded by the Jury Commissioners.
- C. Postponements of jury service for reasonably short periods of time may be permitted by the judge presiding in the case or a representative of the judge pursuant to O.R.C. Section 2313.13..
- D. Requests for excuse and postponement shall be in writing, unless otherwise permitted by the judge.

VI. VOIR DIRE

- A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause, and to determining the juror's fairness and impartiality.
- B. To reduce the time required for voir dire, basic background information regarding panel members will be made available to counsel for each party prior to trial.
- C. The Trial Judge may conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- D. The Trial 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.
- E. In all criminal proceedings, the voir dire process shall be held on the record. In all civil proceedings, the voir dire shall be conducted on the record unless the parties unanimously waive a record of voir dire.
- F. Voir dire questions should be asked collectively of the entire panel whenever possible.

VII. REMOVAL FROM THE JURY PANEL FOR CAUSE

- A. If the Judge determines that a prospective juror is unable or unwilling to judge the particular case fairly and impartially, that individual shall be excused.

VIII. ADMINISTRATION OF THE JURY SYSTEM

- A. The responsibility for administration of the jury system will be vested in the Chief Deputy Jury Commissioner under the supervision of the Judge of the Common Pleas Court, General Division.

IX. NOTIFICATION AND SUMMONING PROCEDURES

- A. The summons calling a person to jury service may be:
 - 1. Combined in a single document;
 - 2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - 3. Mailed by ordinary first class mail not more than three weeks prior to appearance.
- B. The summons will clearly explain when the recipient must respond and the consequences of a failure to respond.
- C. Policies and procedures will be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service. Sanctions may be imposed as warranted.

X. MONITORING THE JURY SYSTEM

- A. The Court will collect and analyze information regarding the performance of the jury system annually in order to evaluate:
 - 1. The representativeness and inclusiveness of the jury source list;
 - 2. The effectiveness of summoning and qualification procedures;
 - 3. The responsiveness of individual citizens to jury duty summonses;
 - 4. The efficient use of jurors; and
 - 5. The cost-effectiveness of the jury management system.

- B. The Jury Commissioners are under the general supervision of the Court Administrator who may require the Jury Commissioners to maintain such records as necessary to assist in this assessment.

XI. JUROR USE

- A. The Court shall employ the services of prospective jurors to achieve optimum use with a minimum of inconvenience to jurors.
- B. The court may use a "juror answering machine" to coordinate the services of prospective jurors.

XII. JURY FACILITIES

- A. The Court shall provide an adequate and suitable environment for jurors and comply with all American Disabilities Act regulations.
- B. Facilities shall be easily identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
- C. The jury deliberation room shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.
- D. To the extent feasible, juror facilities will be arranged to minimize contact of jurors with parties, counsel, and the public.
- E. Jurors shall comply with all building regulations including, but not limited to security and the no smoking policy in the building.

XIII. JUROR COMPENSATION

- A. Persons called for jury service will receive a reasonable fee for their service to the extent authorized by statute.
- B. Such fees shall be paid promptly following the jurors time of service.

XIV. JUROR ORIENTATION AND INSTRUCTION

- A. The Court shall provide some type of juror orientation designed to increase the prospective jurors' understanding of the judicial system. It shall be presented using a combination of written, oral, and/or audiovisual materials.

- B. The trial judge may:
1. Give preliminary instructions to all prospective jurors.
 2. Give instructions directly following impanelment of the jury to explain the jury's role and trial procedures; nature of evidence and its evaluation; and issues to be addressed and basic, relevant legal principles.
 3. Instruct the jury on the law prior to the commencement of deliberations, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations.
 4. Make the Court's instructions available in the jury room during deliberations in a form which is readily understandable by individuals unfamiliar with the legal system.
 5. Advise jurors before dismissing the jury at the conclusion of a case concerning:
 - a. Release of the jurors from their duty of confidentiality;
 - b. Their rights regarding inquiries from counsel or the press;
 - c. Whether they are discharged from service or specify where they must report; and
 - d. The Court's appreciation to the jurors for their service, but without approval or disapproval of the result of the deliberation.
- E. All communications between the Judge and members of the jury panel from the time of reporting to the courtroom for voir dire until discharged shall be in writing or on the record in open court. Counsel for each party shall be informed immediately of such communication and given the opportunity to be heard.

XV. JURY DELIBERATIONS

- A. Jury deliberations will take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law.
- B. A jury will not be required to deliberate after a reasonable hour unless the Trial Judge determines that evening, weekend or holiday deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- C. Training will be provided if necessary to personnel who escort and assist jurors during deliberation.

XVI. SEQUESTRATION OF JURORS

- A. A jury will be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- B. The jury will be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law.
- C. The Trial Judge shall have the discretion to sequester a jury on the motion of counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- D. Procedures will be promulgated to:
 - 1. Achieve the purpose of sequestration; and
 - 2. Minimize the inconvenience and discomfort of the sequestered jurors.
- E. Training will be provided to personnel who escort and assist jurors during sequestration as needed.

XV. CELL PHONE USE, TEXTING AND SOCIAL MEDIA

- A. The use of cell phones, texting, instant messaging and communication over electronic social media sites such as Facebook, Twitter or Myspace are prohibited of all jurors during trial.
- B. Sitting jurors are strongly discouraged not discuss nor make comments regarding the case being tried before them until after a verdict has been rendered, by verbal communication, electronic texting, instant messaging, or by communication over electronic social media sites such as Facebook, Twitter or Myspace.
- C. Failure to comply with these prohibitions may subject a juror to contempt proceedings.

**LOCAL RULE 23
CIVIL CASE MANAGEMENT PLAN**

I. Cases to which Plan Applies:

This plan applies to all new civil cases filed in the Court, with the exception of foreclosures and administrative appeals.

II. Initiation of Case Management:

Counsel for Plaintiff shall file a Case Designation Sheet (**Form 2.10** in the Appendix) with each new Complaint. After the Complaint is filed, the Clerk's Office provides the case file to Judge's Judicial Assistant for administrative processing and recording for Supreme Court report purposes. A Case Management Designation Sheet shall be prepared by the Judge's Judicial Assistant, a copy of which shall be stapled to the inside left side of the case file and the Judge's Judicial Assistant shall monitor service. A Case Management Designation Sheet is maintained in the Court's shared computer directory on the server for future modification by court staff.

III. Service/Default Judgment Monitoring:

At 21 days (three (3) weeks) after filing, the Judge's Judicial Assistant does the first service check by checking the Clerk's docket and/or referencing the case file, if needed.

- A. If all parties have answered or been granted leave to plead, the Judge's Judicial schedules a Telephone/Video Status Conference or monitors the case for Summary Judgment. Prior to scheduling in the Telephone Status Conference, the Judicial Assistant updates the Case Designation Sheet.
- B. If all parties have been served, but there are parties who have not answered and who have not gotten leave to plead, the Judicial Assistant schedules a second follow-up date on the case approximately one month later. At the 2nd follow-up date, the Judicial Assistant checks to see if a Motion for Default Judgment has been filed in the case. If no motion has been filed, the Judicial Assistant will check every 30 days thereafter for the filing of the motion. If no motion is filed within ninety (90) days of service of process, the Bailiff shall notify the Judge of that fact.
- C. If there is a party who still has not been served, the Bailiff will continue to check service every 30 days. When service occurs, Bailiff will follow the appropriate procedure in Paragraph A or B above. If, at six (6) months after filing, service on all parties has still not been perfected, Bailiff notifies the Judge of that fact.

IV. Scheduling of Telephone/Video Status Conference:

A telephone status conference/video status conference (TSC/VSC) will be set by the Judge's Judicial Assistant approximately forty-five (45) days after the case is filed. The TSC/VSC is scheduled without checking counsel's schedule. The Judicial Assistant prepares a Notice of Telephone Status Conference/Video Conference and files it with the Clerk with copies for service. If a Video Status Conference is scheduled, the Judicial Assistant will also provide the Clerk of Courts with an appropriate number of copies of the Court's instructions for accessing and logging into the video conference, which instructions shall be served by the Clerk of Courts with the Notice.

V. Telephone/Video Status Conference:

On the scheduled date of the TSC/VSC, the Judge will discuss the case with counsel and determine a time line for the case administration. The Judge will schedule a discovery cut-off, dispositive motion deadline, mediation date, final pretrial hearing and trial date, as appropriate in the case. A scheduling order is issued at the conclusion of the conference.

VI. General Schedule for Civil Case Processing:

- A. TSC/VSC at forty-five (45) days after filing.
- B. Mediation at approximately **28** weeks after filing, or earlier if requested by counsel.
- C. Discovery cut-off at approximately 39 weeks after filing.
- D. Dispositive Motion Deadline at approximately 40 weeks after filing.
- E. Final Pretrial (counsel and parties present) at approximately **45** weeks after filing.
- F. Trial at approximately **50** weeks after filing.

This schedule may be shortened or lengthened depending upon the complexity of the case.

LOCAL RULE 23(A)
CIVIL CASE MANAGEMENT PLAN
FORECLOSURE CASE SPECIAL DOCKET

I. Cases to which Plan Applies:

This plan applies to all new civil foreclosure cases filed in the Court.

II. Initiation of Case Management:

Counsel for Plaintiff shall file a Case Designation Sheet (**Form 2.10** in the Appendix) with each new Complaint. After the Complaint is filed, the Clerk's Office provides the case file to Judge's Judicial Assistant for administrative processing and recording for Supreme Court report purposes. A Case Management Designation Sheet shall be prepared by the Judge's Judicial Assistant, a copy of which shall be stapled to the inside left side of the case file and the Judge's Judicial Assistant shall monitor service. A Case Management Designation Sheet is maintained in the Court's shared computer directory on the server for future modification by court staff.

III. Service/Default Judgment Monitoring/Summary Judgment:

- A. Service of summons shall be checked 21 days after the action is filed.
- B. If service of summons is incomplete, plaintiff's counsel shall be advised to investigate alternative methods to obtain service. **Failure to proceed with service within 14 days after advise to plaintiff's counsel shall be cause for dismissal.** A status/dismissal hearing shall be scheduled before the Judge.
- C. If service is complete, the judicial assistant shall re-examine the case file and docket for the action **28** days after service to see if an answer has been filed by the property owner(s)/borrower(s).
- D. If ***no*** answer has been filed, then the judicial assistant shall send counsel for plaintiff notice to either proceed with default judgment or inform the Court why this cannot be done. **Failure to proceed within 14 days after advise to plaintiff's counsel shall be cause for dismissal.**
- E. If an answer ***is*** filed by the property owner(s)/borrower(s), the case shall be reviewed for mediation referral.
 - 1. If the case is ***not*** referred to mediation, ***or*** if mediation is unsuccessful, then a dispositive motion or summary judgment deadline shall be set within **28** days following the answer filing date or the date the Court is advised that mediation has been unsuccessful.

- F. If a summary judgment or dispositive motion is filed, the motion shall be set for non-oral hearing in accordance with Local Rule 19.01.

IV. Scheduling of Telephone/Video Status Conference:

If the case is not settled, if a dispositive motion or summary judgment motion is ***not*** filed, or if the motion is filed but ***denied***, the case shall be scheduled for an initial pretrial conference after 14 days. The pretrial conference may be conducted by telephone or ***iVisit*** video conference.

V. Settlement:

If the case is settled, resolved or to be dismissed, a dispositive entry shall be filed by plaintiff's counsel within 14 days or the Court will file a dispositive entry.

VI. Stay of Proceedings:

If the case is stayed by reason of bankruptcy, or in the event of extended or prolonged mediation, the case shall be placed on inactive status. The case may be reactivated upon motion of the attorneys of record, or by the Court upon receiving a notice of release of stay or a negative mediation report.

VII. Forebearance Plan:

If the parties enter into a forbearance plan, counsel shall submit an entry placing the case on inactive status for 90 days. At the end of said time period, counsel shall either reactive or dismiss the case. ***Failure by plaintiff's counsel to proceed within 30 days after the expiration of said time period shall be cause for dismissal.***

VIII. Trial:

If the case is not resolved within 28 days from the initial pretrial, a trial date shall be scheduled.

**LOCAL RULE 24
CRIMINAL CASE MANAGEMENT PLAN**

I. Cases to which Plan Applies:

This plan applies to all new criminal cases filed in the Court, with the exception of extraditions and 4-E-1 Complaints.

II. Bond Settings:

- A. The Clerk of Courts shall notify the Court of the filing of Complaints, Indictment and Bills of Information on the day of filing, by telephone or e-mail.
- B. Upon the filing of a new criminal case, a bond setting hearing shall be scheduled within 24-hours of the filing of the case, unless extended for good cause by the Court. Bond setting hearings may be conducted by video conferencing utilizing *iVisit*.
- C. At the Bond Setting hearing, or immediately thereafter, the Court will schedule an arraignment or initial appearance hearing.

III. Initial Appearance Hearing:

The initial appearance hearing shall be held within five (5) days of the bond setting hearing. The initial appearance may be conducted by video conferencing utilizing *iVisit*. At the initial appearance hearing, the case shall be set for:

- A. Further appearance hearing following the next grand jury session, if the Defendant waived preliminary hearing; or
- B. Preliminary Hearing within the time limits specified by the Ohio Rules of Criminal Procedure, if the Defendant does not waive preliminary hearing.

IV. Arraignment:

An arraignment hearing shall be held on the further appearance hearing date, if the Defendant was previously charged by Complaint, unless extended for good cause shown. If the Defendant was charged by Indictment, the arraignment hearing shall be held within five (5) days of the bond setting hearing. At the arraignment hearing or immediately thereafter, the case shall be set for jury trial. Arraignments may be conducted by video conferencing utilizing *iVisit*.

V. Pretrial Motions:

Pretrial motions shall be filed within the time limits set forth in Criminal Rule 12. Examples of pretrial motions include motions for intervention in lieu of conviction, motions in limine, and motions to suppress evidence. Upon filing, pretrial motions shall be immediately set by the Court for oral hearing or scheduled for other appropriate proceedings in the Court.

VI. Discovery:

In order to facilitate the timely filing of pretrial motions, it is necessary that discovery be exchanged expeditiously. Generally speaking, defense counsel should request discovery within three (3) business days of arraignment and the prosecution should provide discovery within ten (10) business days of the request.

VII. Guilty Pleas:

Upon notification that the Defendant intends to change his or her plea, the Court will schedule a change of plea hearing. The hearing shall be scheduled in advance of the scheduled trial date, whenever possible.

VIII. Sentencing:

Sentencing hearings shall generally be scheduled six (6) weeks from the change of plea or trial date, to permit the preparation of a pre-sentence investigation report. In the event only an updated pre-sentence investigation report is required, the Court may set the sentencing hearing less than six (6) weeks from the change of plea or trial date.

LOCAL RULE 25
DOMESTIC RELATIONS CASE MANAGEMENT PLAN

- I. Initial Case Procedures:** After the initial filing is docketed, the Clerk of Courts shall deliver the case file to the Domestic Relations Judicial Assistant or other person designated by the Judge for preparation of a Case Designation Sheet and record keeping for Supreme Court reporting purposes. Thereafter, the procedures below shall apply depending on the type of case.
- II. Dissolutions with children:**
- A. Divorcing Parents' Program:** After preparing the Case Designation Sheet, the Domestic Relations Judicial Assistant shall prepare a Parent Education Order for the signature of the assigned Judge or Magistrate, directing each parent to attend a Parent Education class prior to the scheduled dissolution hearing date. The Domestic Relations Bailiff then monitors the parties' attendance and informs the Judge or Magistrate of nonattendance.
- B. Scheduling of Dissolution Hearing:** The Domestic Relations Judicial Assistant schedules the final dissolution hearing for a date approximately 45 days after the filing of the dissolution, but no later than 90 days of the filing of the dissolution.
- C. Conduct of Dissolution Hearing:** Unless otherwise directed by the Magistrate or Judge, all dissolution hearings shall be conducted by the Magistrate. A proposed Decree of Dissolution shall be submitted to the Court at the final dissolution hearing, or as otherwise permitted by the Judge or Magistrate. If the hearing is conducted by the Magistrate, a Magistrate's Decision shall either be waived or prepared following the hearing.
- III. Dissolutions without children:**
- A. Scheduling of Dissolution Hearing:** The Domestic Relations Judicial Assistant schedules the final dissolution hearing for a date approximately 45 days after the filing of the dissolution, but no later than 90 days of the filing of the dissolution.
- B. Conduct of Dissolution Hearing:** Unless otherwise directed by the Magistrate or Judge, all dissolution hearings shall be conducted by the Magistrate. A proposed Decree of Dissolution shall be submitted to the Court at the final dissolution hearing, or as otherwise permitted by the Judge or Magistrate. If the hearing is conducted by the Magistrate, a Magistrate's Decision shall either be waived or prepared following the hearing.

IV. Divorces:

- A. Service:** The Domestic Relations Judicial Assistant shall monitor service of process in divorce cases. At 15 days after filing, the Judicial Assistant does the first service check by checking the Clerk's docket and/or referencing the case file, if needed.
1. If the Defendant has been served, the Judicial Assistant shall obtain the case file from the Clerk of Court's and, if the divorce proceeding involves minor children, shall prepare and issue a Parent Education Order for the signature of the assigned Judge or Magistrate, directing each parent to attend a Parent Education class prior to the scheduled final hearing date. The Domestic Relations Bailiff then monitors the parties' attendance and informs the Judge or Magistrate of nonattendance.
 2. If the Defendant has not been served, the Judicial Assistant will continue to check service every seven (7) days. When service occurs, Judicial Assistant will follow the appropriate procedure in the preceding Paragraph. If, at 4 months after filing, service on the Defendant has still not been perfected, Judicial Assistant notifies the assigned Magistrate or Judge of that fact and the assigned Magistrate or Judge will then assign additional follow-up to staff or follow-up personally.
- B. Temporary Orders:** 21 days after the initial complaint has been filed, or 15 days after service upon the Defendant, whichever is later, the assigned Magistrate shall complete a temporary order worksheet and provide it to the Domestic Relations Judicial Assistant for preparation. If a temporary order hearing is requested in the case, the temporary order hearing shall be scheduled by the Judicial Assistant within the 28 days of the date of the request for hearing.
- C. Mediation:** To the extent feasible, all cases involving the allocation of parental rights of minor children shall be scheduled for mediation by the Judicial Assistant at the time the Pretrial Conference and Final Hearing are scheduled. Generally, the case shall be scheduled for early mediation, approximately two to three months following the issuance of temporary orders. In cases that do not involve the allocation of parental rights, legal counsel for the parties may request the scheduling of mediation at any time prior to the Pretrial Conference date.
- D. Scheduling of Pretrial Conference and Final Hearing:** If the Defendant files a responsive pleading within 14 days following service of the complaint, the Domestic Relations Judicial Assistant shall schedule both a Pretrial Conference and a Final Hearing date at the time Temporary Orders are prepared. If the Defendant does not file a responsive pleading within 14 days following service in the case, the Domestic Relations Judicial Assistant shall, 30 days after serviced is perfected on Defendant, proceed to schedule both a Pretrial and Final Hearing date. If an extension of time to file a responsive pleading is granted to the Defendant, the

Domestic Relations Judicial Assistant shall, upon the expiration of the additional time authorized for the filing of a responsive pleading, proceed to schedule both a Pretrial and Final Hearing date. The Pretrial shall be scheduled approximately 26 weeks following the filing of the Complaint. The Final Hearing shall be scheduled approximately nine months following the filing of the Complaint. Unless otherwise directed by the Magistrate or Judge, no Pretrial shall be scheduled in cases where the Defendant did not file a responsive pleading, and the matter will just be scheduled for Final Hearing. Upon scheduling, a Scheduling Order shall be issued by the assigned Judge or Magistrate, identifying the dates and times of the Pretrial Conference and Final Hearing, and setting deadline dates for pretrial motions, including the appointment of a Guardian ad litem, and the conclusion of discovery. All Discovery shall generally be required to be completed 45 days prior to the Final Hearing date.

- E. Conduct of Pretrial Conference:** The assigned Judge or Magistrate presiding at the Pretrial Conference shall discuss the case with counsel, address any outstanding discovery issues, ascertain what, if any stipulations can be agreed to, and confirm the time required to conduct a Final Hearing. Following the Pretrial Conference, the assigned Magistrate or Judge shall issue a Pretrial Hearing Order confirming the date and duration of the Final Hearing, identifying the parties' stipulations, and addressing any remaining discovery issues.

- F. Uncontested Divorce:** If no responsive pleading is filed by the Defendant, the Domestic Relations Judicial Assistant shall schedule an uncontested final divorce hearing, but no Pretrial Conference. The uncontested hearing shall not be scheduled less than 42 days after service was completed on all defendants and shall generally be scheduled within 4 months of the filing of the Complaint.