Local Rules

of

Practice and Procedure

for the

General Division

of the

Court of Common Pleas

of

Lake County, Ohio

(Eff. 4/1/2006; Rev. 3/13/2009, 1/1/2013, 5/14/2013, 6/14/2013, 10/23/2013, 1/1/2015, 6/29/2015, 11/13/2015, 1/1/2017, 1/13/2017, 8/18/2020 - Currentness)

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CONTENTS

XI. Arbitration

XII. Mediation

XIII. Court Reporters

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(Eff. 4/1/2006; Rev. 3/13/2009, 1/1/2013, 5/14/2013, 6/14/2013, 10/23/2013, 1/1/2015, 6/29/2015, 11/13/2015, 1/1/2017, 1/13/2017 - Currentness)

It is ordered that the following rules are hereby adopted to govern practice and procedures in the General Division, Court of Common Pleas, Lake County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, Rules 16 and 83 of the Ohio Rules of Civil Procedure, and the Rules of Superintendence adopted by the Supreme Court of Ohio. It is further ordered that any future rule changes, with their effective dates, shall be embodied in the published rules of court, posted in the office of the clerk of court and published on the Internet, and copies thereof furnished electronically to counsel on request. Counsel shall maintain, update, and comply with these rules of court. Reasonable accommodation, with or without sanctions, at court discretion, will be considered to enable the disposition of all legal matters in the interests of justice and consistent with the purposes of the Ohio Rules of Civil Procedure.

CHAPTER I - ADMINISTRATION

1.01 APPLICABILITY. These rules shall pertain to the general division of the court of common pleas, including civil and criminal cases.

1.02 TITLE. These rules shall be known as the Local Rules of Practice and Procedure for the General Division of the Lake County Common Pleas Court and may be cited as "Lake Co.C.P.R. ___."

1.03 JUDGES. The administrative judge shall have the general superintendence of the business of the court and shall classify and distribute it among the judges. The judges of the general division shall meet according to the rules of superintendence and the standing resolution of the court governing meetings, or at the call of the administrative judge, to handle matters arising within the general division.

1.04 TERMS OF COURT; HOURS

(A) TERMS. The court shall be in continuous session for the transaction of judicial business, but each calendar year shall be divided into four terms to be designated as January, April, July, and October terms of court. The day of the commencement of each term of court shall be fixed by the judges.

(B) HOURS. The court and the office of the clerk of court shall be open daily Monday through Friday from 8:00 a.m. to 4:30 p.m., except for legal holidays, unless otherwise ordered by the court, in which case all filings shall be preserved to the next day on which the office of the clerk of court is open. The court shall be in session at such other times as the administrative judge or any other judge prescribes to meet special situations or circumstances.

(C) ARRAIGNMENTS. Each judge shall determine the times at which arraignments shall be conducted. When mass arraignments are to be conducted, and in recognition of the need for pre-arraignment consultation, all persons attending such mass arraignments shall arrive one half hour before the scheduled commencement of such mass arraignments so as to avoid delay. This applies to

defense and prosecution attorneys, defendants, sheriff's deputies, and others participating in such mass arraignments.

(D) GRAND JURY

(1) A judge of the general division shall be in charge of the grand jury for all purposes, and shall serve as grand jury judge for a period of three calendar months, consisting of one term of court. The grand jury judge shall also conduct any arraignments in that term. The grand jury judge shall handle all criminal matters, including arraignments, setting of bail, extraditions, and habeas corpus actions that arise in individual cases prior to assignment of the case to a judge.

(2) The grand jury judge who is completing a term of the grand jury shall assist the grand jury judge of the next term by handling arraignments and other duties of the grand jury judge through the period ending the day that the next grand jury judge has empaneled a new grand jury.

(3) The judges will rotate this responsibility in order of the amount of their respective continuous service in the general division of the court.

(4) The grand jury session shall be divided into four terms designated as the January, April, July, and October terms. These terms shall commence on the first Friday of the designated months, unless the first Friday is a federal or state holiday or a day on which the court is closed by order of the court, in which case, the commencement shall be the second Friday of the designated month or such other day as the grand jury judge shall determine.

1.05 ASSIGNMENT OF CASES (Eff. 1/1/2013, V.22, P.0001)

(A) GENERAL

(1) The case categories shall be:

(a) CR for criminal matters
(b) CS for civil stalking protection order petitions
(c) CF for foreclosure actions
(d) CQ for certificate of qualifications for employment petitions
(e) CV for all civil other than foreclosure, petitions for civil stalking protection order, and certificate of qualification for employment)
(f) JL for judgment liens
(g) FJ for foreign judgments
(h) MS for miscellaneous matters.

(2) A new member of the court shall be assigned the cases previously assigned to the judge whom the new judge succeeds.

(3) An additional judge shall be assigned, from the individual docket of the other members of the court, a randomly-selected proportionate share in each category of CR, CF, CQ, and CV of the pending cases, as of November 30 of the year preceding the commencement of the term of the

new judge. Until the new judge takes office, the administrative judge shall handle all matters of urgency and sign all entries on the cases transferred to the new judge.

(4) If a judge is temporarily disqualified from presiding over criminal cases, civil cases shall be substituted for the criminal cases until the temporary disqualification is removed.

(5) A case number shall consist of ten characters, without spaces, as follows: two-digit year of filing, followed by the two-letter case category, followed by the six-digit sequential number (*e.g.* 12CV003456).

(6) The sequential number shall be set to zero on civil cases in the aggregate and criminal cases on January 1 of each year.

(7) Any cases requiring reassignment shall be referred to the administrative judge along with reason for reassignment. When merited, the administrative judge will reassign the case. The judge receiving the reassigned case may transfer a case of similar import to the judge requesting reassignment.

(B) CIVIL. All civil cases shall be assigned to the judges of the court as follows:

(1) All civil cases shall be randomly assigned to the judges of the general division of the court so that each of the judges, over a certain period of time not to exceed the longer of three weeks or 24 cases, shall have been each assigned an equal number of cases in categories CV, CF, CS, and CQ.

(2) Case assignments shall be made through the use of computer software and hardware systems that have been tested to ensure that case assignments are made in a random manner, that is, by chance.

(3) In instances where a previously filed and dismissed case is re-filed, the case shall be reassigned to the originally assigned judge unless, for good cause shown, the judge is precluded from hearing the case.

(4) Civil cases shall be consolidated pursuant to Civ.R. 42, upon motion for consolidation filed with all of the judges assigned to the cases wherein one or more parties desire consolidation. The decision of whether to consolidate cases into a single action or trial initially will be decided by the judge with the lowest case number. The entry, granting or denying consolidation, upon being signed by the judge with the lowest case number then will be presented to the judge(s) with the higher case number(s) for signature(s). If consolidation is appropriate and approved by all of the judges assigned to the cases, the case will be placed on the docket of the judge with the lowest case number unless otherwise ordered by the administrative judge. Any document that relates to any one or all such consolidated cases shall be filed under the lowest case number.

(C) CRIMINAL. All criminal cases shall be assigned to the judges of the court as follows:

(1) Generally, a new indictment or information shall be assigned randomly to a judge.

(2) Case assignments shall be made through the use of computer software and hardware systems that have been tested to ensure that case assignments are made in a random manner, that is, by chance.

(3) ASSIGNMENT OF JUDGE (Rev. 10/25/2016, V.27, P.0940). Subject to subsection (7) of this rule, upon the filing of an indictment or information, the clerk of courts shall attempt to ascertain whether the defendant has had any other criminal case or cases, open or closed, and the judge or judges to whom such case or cases had been assigned. If the defendant has or had any other criminal case or cases in the court, and if any judge to whom any prior case had been assigned still serves as a member of the court, the new case shall be force-selected and assigned to the judge still serving who had been assigned to the most recent of the prior cases, determined by case number. If no judge who had been assigned to any prior case involving the defendant still serves on the court, the new case shall be assigned randomly to any judge of the court.

(4) Any re-indictment or re-filing on a case previously dismissed shall be assigned to the judge who had been assigned the original indictment or information.

(5) When an individual is indicted for offenses that were pending in a case that was previously dismissed, the new case shall be assigned to the judge who was presiding over the original matter.

(6) Co-defendants shall be indicted separately, and each defendant shall be assigned a separate case number. If joinder of cases involving co-defendants is proper, the higher numbered cases shall be re-assigned to the judge with the lowest numbered case. The administrative judge shall transfer the co-defendant's cases to the judge to whom the lowest case number is assigned, by entry. Any document that relates to any one or all such cases shall be filed under the lowest case number. The judge assigned to the case with the lowest case number will be the judge of record for court appearances pertaining to all defendants and all further proceedings on all of the cases so joined. Upon the court's own motion or on motion of a party, the court may reconsider the issue of joinder. If the court finds joinder is not proper, it may sever the case and either keep jurisdiction of the case(s), or transfer the higher numbered case(s) back to the judge(s) to whom the case(s) was originally assigned.

(7) CAPITAL CASE ASSIGNMENT (Rev. 10/25/2016, V.27, P.0940).

(a) Notwithstanding subsection (3) of this rule, and subject to subsection (7)(b) of this rule, all criminal cases which include a count in the indictment charging the defendant with aggravated

murder and containing one or more specifications of aggravating circumstances listed in R.C. 2929.04(A) (*i.e.* a "capital case") shall be assigned randomly through a process where each judge who is qualified to hear capital cases, after receiving an assignment of a capital case, is excluded from the assignment pool until all but one judge have received a capital case, without regard for the calendar year or service on a three-judge panel. When there remains one judge in the pool who has not received an assignment of a capital case, the names of all judges who are qualified to hear capital cases shall be added back into the pool. The clerk of courts may employ a ball or other system of physical or manual counters by which to accomplish the assignment by lot of capital cases.

(b) If a criminal case includes a count in the indictment charging the defendant with aggravated murder and contains one or more specifications of aggravating circumstances listed in R.C. 2929.04(A), and if the defendant has or had any other criminal cases in the court, and if the judge or judges to whom any prior case or cases had been assigned still serves as a member of the court, and that judge remains in the pool of judges then eligible to receive a capital case assignment pursuant to this rule, the new case shall be force-selected and assigned to the judge to whom the most recent prior case, determined by case number, had been assigned. If a judge who previously had been assigned a criminal case involving the defendant is not in the pool of judges then eligible to receive a capital case assignment pursuant to this rule, the capital case shall be randomly assigned to a judge in the pool, pursuant to subsection (7)(a) of this rule.

1.06 TRIAL

(A) DATES. Cases assigned for trial for a specific date may, at the discretion of the court, be tried before or after that date.

(B) CONTINUANCES. No case assigned for trial may be continued at the request of a party except on written motion, and in compliance with Superintendence Rule 41, subject to approval of the court.

(C) NOTICE. Notice of the date and time for trial shall be given to all counsel of record by mail, computer, and/or telephone by the court not less than fourteen days prior to trial, unless good cause requires a lesser time period. The court will make every reasonable effort to notify counsel, but it shall be counsel's responsibility to be aware of the date and time of said trial.

(D) DECORUM

(1) Except when making objections, counsel shall rise when addressing the court or jury, unless otherwise permitted by the trial judge. All statements and communication by counsel shall be made from counsel table or the lectern, if provided. While the court is in session, counsel shall not approach the bench unless upon request and permitted by the judge to

do so. Arguments of counsel shall be addressed to the court and at the proper time to the jury. Arguments between counsel are not permitted.

(2) All counsel shall be properly attired in a professional and dignified manner.

(3) Arguments on rulings or objections shall be at the discretion of the trial judge.

(4) If any party has more than one counsel, only one counsel per party may examine or cross examine a witness. Although any counsel of record for a party may make objections at trial, only one counsel may argue any single objection.

(5) Counsel and parties will be at their places in the courtroom at the time designated. Counsel shall have witnesses available during trial so that the case runs smoothly and without delay. Any anticipated delay in the appearance of a witness or the calling of any witness out of turn will be discussed in advance with the trial judge and opposing counsel.

(6) Counsel must obtain permission of the trial judge to approach any witness on the stand during trial.

(7) Counsel shall be available while the jury is deliberating and shall notify the judge or bailiff where counsel can be reached.

(8) When permission is granted for the jury to visit the scene, only the bailiff may point out the places or objects as agreed to by counsel or ordered by the court. A request for a view of the scene shall be filed within three working days prior to the trial date and the person requesting the view shall be responsible for obtaining and paying for the transportation deemed adequate by the trial judge, except in the case of an indigent defendant in a criminal case.

(9) Food and beverages are prohibited in all courtrooms, unless permitted by the judge, and smoking is prohibited throughout the courthouse.

1.07 CASE MANAGEMENT AND PRETRIAL PROCEDURE

(A) PURPOSE. For the purpose of insuring the readiness of cases for trial, the following procedure shall be in effect.

(B) ORDERS UPON FILING. A judge may adopt and place a standardized order setting forth case management procedures, to be provided by the clerk of court to the plaintiff upon the filing of an action and served upon each defendant with the initial process. Such order shall take precedence over any provision of these rules in conflict with the order.

(C) CASE MANAGEMENT CONFERENCE. The court, through its assignment commissioner, may schedule a case management conference approximately sixty days after service of the complaint on all defendants.

(1) METHOD. The case management conference may be conducted by the court, bailiff, or magistrate appointed by the court, or judicial staff attorney, at the court's option. The case management conference may be conducted in person or telephonically, according to the court's preference. Counsel shall be prepared to discuss all aspects of the case, including settlement.

(2) NOTICE. Notice of the date and time of the case management conference shall be given to all counsel of record by mail, computer and/or telephone by the court not less than fourteen days prior to the conference, unless good cause requires a lesser time period. The court will make every reasonable effort to notify counsel, but it shall be counsel's responsibility to be aware of the date and time of said conference.

(3) AGENDA. The following decisions shall be made at the case management conference and all counsel attending must have full authority to enter into a binding case management order:

(a) COMPLEX LITIGATION. Where the parties have filed a "Suggestion of Complex Litigation," as required by Lake Co.C.P.R. 2.03(B), the court will advise counsel of its determination as to classification as "complex litigation."

(b) SCHEDULE. Definite dates shall be set for:

(i) the exchange of expert witness reports;

(ii) the completion of all discovery;

(iii) the filing of all motions;

(iv) the pretrial conference;

(v) the settlement conference or referral to mediation, if applicable, and the trial if mediation or the settlement conference is unsuccessful in disposing of the entire action;

(vi) the referral to arbitration, if applicable, and the trial if an arbitration award appeal is filed; and,

(vii) the trial.

(4) ORDER. A journal entry shall be filed setting forth said dates and shall be binding on all parties and counsel. Modifications to said judgment entry may be made only upon motion of a party and approval by the court; provided, however, that discovery may continue after the deadline so long as there is no delay of the trial.

(5) ADDITION OF NEW PARTIES. If new parties are added to the case after the case management conference, the court shall conduct another case

management conference with all parties. The new case management order shall supersede any prior case management order.

(D) PRETRIAL CONFERENCE. A pretrial conference shall be conducted, except in the discretion of the court, criminal actions and actions for injunctions, foreclosures, marshaling of liens, partition, receiverships, and appeals from administrative agencies.

(1) SCHEDULING. The court, through its assignment commissioner, may schedule more than one pretrial conference before the court, between counsel for the parties and the parties in the absence of the court, or before a referee or magistrate appointed by the court.

(2) NOTICE. Notice of a pretrial conference shall be given to all counsel of record by mail, computer and/or telephone by the court not less than fourteen days prior to the conference, unless good cause requires a lesser time period. The court will make every reasonable effort to notify counsel, but it shall be counsel's responsibility to be aware of the date and time of said conference.

(3) AGENDA. The purpose of a pretrial conference is to effect an amicable settlement, if possible, and to resolve and/or narrow factual and legal issues by stipulation.

(4) PARTIES PRESENT OR BY TELEPHONE. Each plaintiff must be present or, with permission of the court, be available by telephone with full settlement authority. Each defendant, or a representative of each defendant, including any insurance adjuster, must be present or, with permission of the court, be available by telephone with full settlement authority. If the real party in interest is an insurance company, common carrier, corporation, or other artificial legal entity, then the chosen representative must have full authority to negotiate and settle the claim to the full extent of plaintiff's demand. Plaintiff's demand shall be submitted to counsel for defendant at least fourteen days prior to the pretrial conference.

(5) AUTHORITY OF COUNSEL. Counsel attending the pretrial conference shall have complete authority to settle the case and to stipulate as to items of evidence and admissions.

(6) TRIAL BRIEFS. The court shall determine whether trial briefs should be submitted and shall set a date when they are to be filed.

(7) PRETRIAL STATEMENT. Each party shall submit (without filing) to the court, with a copy to opposing counsel, a pretrial statement at least seven days in advance of the pretrial conference setting forth the following:

(a) statement of facts and legal issues;

(b) statement of real factual and legal issues in dispute;

(c) stipulations;

(d) list of non-expert trial witnesses;

(e) list of expert trial witnesses;

(f) special legal problems anticipated;

(g) estimated length of trial;

(h) pretrial motions contemplated;

(i) special equipment needs for trial;

(j) settlement demand; and,

(k) settlement offer.

(8) REFERRAL TO ARBITRATION OR MEDIATION. If the court determines that the case is suitable for arbitration or mediation, then the court may order the case to arbitration or mediation. The court may set a trial date in the event an appeal is filed from the arbitration award or the mediation is unsuccessful in resolving all remaining issues in the action.

(9) COURT AUTHORITY. The Court shall have authority:

(a) after notice, to dismiss an action without prejudice for want of prosecution upon failure of plaintiff and/or plaintiff's counsel to appear in person at any pretrial conference.

(b) after notice, to order plaintiff to proceed with the case and decide and determine all matters ex parte upon failure of the defendant and/or defendant's counsel to appear in person at any pretrial conference.

(c) to make such other orders as the court deems appropriate under the circumstances.

(10) FAILURE TO COMPLY. The failure of counsel to comply with the provisions of Rule 1.07(D)(5) or Rule 1.07(D)(7) without good cause may subject said counsel to sanctions, including a fine of up to $100.00, to be paid by counsel to cover the costs of opposing counsel's appearance at the pretrial conference.

(11) FAILURE TO APPEAR. The failure of counsel to appear within 30 minutes of a pretrial conference without good cause may subject said counsel to sanctions, including a fine of up to $250.00, to be paid by counsel to cover the costs of opposing counsel's appearance at the pretrial conference. Before imposing sanctions, the court shall make a reasonable attempt to contact said counsel to determine the cause of the nonappearance.

1.08 DOCKET AND CASE STATUS (Eff. 4/1/2010, V.18, P.0270). COUNSEL'S RESPONSIBILITY. It shall be the responsibility of counsel to be aware of, and knowledgeable about, the docket, deadlines, filings, entries, hearing dates and status of

their client's case. Records are maintained at the clerk of court's office and are available by computer for electronic public access for said purpose.

1.09 COURT SECURITY POLICY AND PROTECTION PLAN (Eff. 4/1/2004, V.13, P.1051)

(A) POLICY AND PLAN. Pursuant to Rule 9 of the Rules of Superintendence for the Courts of Ohio, for purposes of ensuring security in the Lake County Common Pleas Court facilities, the court has developed and hereby implements a court security policy and procedures plan, including addressing the provisions of the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994. The plan shall not be a public record. Similarly, any information contained in a court security review conducted by the common pleas court or the Supreme Court that describes the type or level of security in the Lake County Common Pleas Court facilities shall not be a public record.

(B) COURT SECURITY ADVISORY COMMITTEE. The court hereby appoints a Courthouse Security Advisory Committee to implement the Ohio Court Security Standards promulgated by the Supreme Court of Ohio. The following persons (or their designees) are hereby appointed as members of the Lake County Courthouse Security Advisory Committee: A judge of each of the divisions of the Lake County Common Pleas Court (as appointed by the presiding judge, with the chairman of the committee being the judge with most seniority or as otherwise appointed by the presiding judge); Lake County prosecuting attorney; sheriff of Lake County; president of the Lake County board of commissioners; clerk of courts, Lake County Common Pleas Court; director of telecommunications, Lake County; chief of police, Painesville Police Department; bailiff of the Lake County Common Pleas Court (appointed by chairman); and president, Lake County Bar Association.

(C) SECURITY POLICY AND PROCEDURES MANUAL. The court hereby adopts, pursuant to Superintendence Rule 9(D), a Security Policy and Procedures Manual to ensure consistent, appropriate, and adequate security procedures. The manual includes: a physical security plan, routine security operations, a high risk trial plan, and emergency procedures (for instance, for fire, bomb, disaster, and hostage situations). A copy of this manual shall be made available to all persons assigned to the court to ensure understanding and compliance. The security policy and procedures manual for the Lake County Common Pleas Court is on file in the office of the court's security advisory committee chair and in the office of the Lake County sheriff, but is not subject to public disclosure.

(D) PERSONS SUBJECT TO POLICY AND PROCEDURES. All persons shall be subject to the Lake County Common Pleas Court Security Policy and Procedures Plan and Manual, as adopted and as amended by the court, in order that appropriate levels of security prevail in the court: (1) to protect the integrity of court procedures; (2) to protect the rights of individuals before the court; (3) to deter those persons who would take violent action against the court or litigants; (4) to maintain the proper decorum and dignity of the court; and (5) to ensure that court facilities are secure for all persons. All persons entering the courthouse and other court facilities, including elected officials, court personnel, attorneys, law enforcement and security officers, and any bag, case, container, or parcel, shall be subject to security screening. All screening shall occur for each visit to

the court facilities regardless of the purpose or the hour. Discovery of any weapon or illicit substance will subject a person to criminal prosecution.

(E) WEAPONS IN COURT FACILITIES. All persons are hereby prohibited from conveying or attempting to convey a deadly weapon or dangerous ordnance into, or from possessing, or having under one's control a deadly weapon or dangerous ordnance in, the Lake County Court House, the Lake County Court House West Annex, the Lake County Juvenile Court, or the Lake County Administration Center (in which a temporary courtroom is located) (herein, "court facilities").

(F) EXCEPTIONS. This prohibition does not apply to any of the following: (1) a common pleas judge; (2) a peace officer, a probation officer, or an officer of a law enforcement agency of this or another state, a political subdivision of this or another state, or the United States, who is authorized to carry a deadly weapon or dangerous ordnance, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that individual's duties, and who is acting within the scope of that individual's duties at the time of that possession or control; (3) a person who conveys, attempts to convey, possesses, or has under the person's control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceeding; (4) a bailiff or deputy bailiff of the court who is authorized to carry a firearm, or who possesses or has under that individual's control a firearm as a requirement of that individual's duties, and who is acting within the scope of that individual's duties at the time of that possession or control; or (5) a prosecutor, or a secret service officer appointed by a county prosecuting attorney, who is authorized to carry a deadly weapon or dangerous ordnance in the performance of the individual's duties, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that individual's duties, and who is acting within the scope of that individual's duties at the time of that possession or control.

(G) PERMIT HOLDERS. The Lake County Common Pleas Court does not offer any service to any person who, at the time of the carrying or possession of a handgun or weapon, is carrying a valid license or temporary emergency license to carry a concealed handgun or weapon issued to the person under §2923.125 or §2923.1213 of the Revised Code or a license to carry a concealed handgun or weapon that was issued by another state with which the attorney general has entered into a reciprocity agreement under §109.69 of the Revised Code (herein, "licensees"), for the transfer of possession of any handgun or weapon to any court security officer or for the securing of any handgun or weapon until the licensee is prepared to leave the court facilities. A licensee shall not bring any handgun or weapon to the court facilities. A licensee who attempts to convey a handgun or weapon into the court facilities shall be refused admission, and any licensee who conveys or persistently attempts to convey a handgun or weapon into the court facilities violates this order and applicable statutes and is subject to arrest and criminal prosecution.

(H) SIGNAGE. Not later than April 1, 2004, the court and sheriff shall post the following notice at the entrances of the Lake County Court House, the Lake County Court House West Annex, the Lake County Juvenile Court, and, until completion of the current courthouse renovation project and the court's cessation

of the use of the temporary courtroom therein, the Lake County Administration Center:

NOTICE – COURT ORDER: This building houses court facilities. No handguns, deadly weapons, or dangerous ordnances are permitted. Pursuant to court order, the court does not offer any service to concealed carry licensees for the transfer of possession of any handgun or weapon to any court officer or for the securing of any handgun or weapon until the licensee is prepared to leave the premises. All persons, including concealed carry licensees, are subject to arrest and criminal prosecution for conveying or attempting to convey a handgun, deadly weapon, or dangerous ordnance

1.10 RULES FOR CAMERA, CELL PHONES, VIDEO, ETC. (Eff. 11/18/2006, V.15, P.0037). The court, having experienced intimidation of jurors and witnesses by persons using cameras, cellular telephone cameras, and other recording or transmitting devices, in the courthouse and courthouse parking areas, and the judges of the court believing that the use of such devices for such purposes not to be permissible under the policies of this court and in the interest of justice, pending further consideration by the judges of this court, establishes the following rule:

(A) The taking or simulated taking of images, photographing, filming, videotaping, or audio recording and/or broadcasting or transmission of such recordings or images, in a courthouse, whether or not the court is in session, is forbidden, unless permission of a judge is first obtained.

(B) No person may take or simulate the taking of the image of any juror or witness participating in a case that has not been concluded, without their consent, in a courthouse or courthouse parking area without the permission of a judge.

(C) No person may intimidate, influence, or hinder, or attempt to intimidate, influence, or hinder, a juror or witness participating in a case that has not been concluded, through the use of a cellular telephone, camera, or other recording or transmitting device.

(D) Rule 6 of the Media Relations and Public Access Plan for Special Interest / High Profile Proceedings in the General Division of the Court of Common Pleas of Lake County, Ohio, effective April 1, 2005, and as amended or revised from time to time, is adopted and is incorporated herein.

(E) All cellular telephones or pagers will be turned off or have the ringer silenced in any courtroom.

(F) Any violation of this rule may result in confiscation of the camera, cellular telephone, or other device, and contempt of court charges or appropriate criminal sanctions.

1.11 PAID HOLIDAY (Eff. 7/26/2012, V.21, P.0749; Rev. 11/2/2012, V.21, P.0907). On July 26, 2012 the Lake County Board of Commissioners adopted a resolution establishing the Friday after Thanksgiving Day in each year as a day of paid holiday leave. This court has determined that the employees of the Lake County Common Pleas Court, General Division, under the appointing authority of all General Division Judges, and the Lake County Clerk of Courts, should be entitled to the same established holiday.

(A) The Friday after Thanksgiving Day in each year is a paid holiday leave for each employee of the Lake County Common Pleas Court, General Division.

(B) All filings which need to be filed by the Friday after Thanksgiving Day shall be preserved until the Monday following Thanksgiving Day.

1.12 MAGISTRATES (Eff. 11/3/2014, V.0025, P.0004)

(A) APPOINTMENT/POWERS. Civil magistrates may be appointed by the Common Pleas Court, General Division, and shall serve as full-time employees of the court as provided in Civ.R. 53. The civil magistrate shall have those powers as set forth in Civ.R. 53 and Civ.R. 65.1.

(B) MATTERS HEARD. A magistrate appointed pursuant to Civ.R. 53 shall hear: all matters pertaining to foreclosure cases and petitions for civil stalking protection orders, unless otherwise ordered or directed by the assigned judge; and any issue or case which is referred by the assigned judge.

(C) TRIAL/HEARING PROCEDURES. Trials and/or hearings before a magistrate will be conducted in accordance with the Rules of Civil Procedure, those standards in existence and in use by the General Division of the Common Pleas Court, and in accordance with these rules. A record will be made of all trials, oral hearings, and of any other proceeding which the magistrate deems necessary or appropriate.

(D) MAGISTRATE'S CIV.R. 53 DECISIONS AND CIV.R. 65.1 ORDERS. The civil magistrate will issue a decision after the trial or hearing in accordance with Civ.R. 53 and/or Civ.R. 65.1(F). The magistrate may require that briefs, proposed findings, or other memoranda be submitted by counsel prior to the issuance of a decision. The magistrate's decision does not have to include findings of fact. However, specific findings of fact and conclusions of law will be prepared if requested under Civ.R. 53(D)(3)(ii), or if otherwise required by law.

(E) OBJECTIONS CONCERNING MAGISTRATE'S DECISIONS

(1) A transcript of any oral proceeding on the record is necessary to support any objections to findings of fact. The transcript shall be filed with the clerk within thirty (30) days after the filing of the objections.

(2) A party may file a brief in opposition to the objections within fourteen (14) days of the filing of the objections. An extension beyond the fourteen (14) day period may be granted, for good cause shown, upon written motion filed prior to the court’s ruling upon the objections.

(3) A reply brief may be filed with leave of court any time prior to the court’s ruling upon the objections.

(4) Objections, briefs in opposition, and reply briefs shall not exceed ten (10) pages in length without prior leave of court.

(5) All briefs concerning objections ought to cite to the specific page(s) of the transcript of the proceedings. A failure to specifically cite factual objections in this manner may result, at the court’s discretion, in the

adoption of the magistrate's factual findings, and any review may be limited to the magistrate's legal conclusions.

(F) DISQUALIFICATION OF MAGISTRATE. Consistent with Civ.R. 53(D)(3)(b)(6), the assigned judge has discretion to disqualify a magistrate for bias or other cause. Disqualification may be sought only by motion of a party timely filed with the court.

CHAPTER II - CLERK OF COURTS

2.01 CUSTODY OF FILES

(A) REMOVAL FROM OFFICE. The clerk of court shall not permit original files of the office, pertaining to cases entered upon the appearance docket, to be taken from said office, unless the same are to be delivered to a judge, or unless an order authorizing the same is made by the court and entered upon the journal.

(B) DOCUMENTS, TRANSCRIPTS AND EXHIBITS. The court has general custody of and authority over its own records and files. No deposition transcript or other exhibit in a pending case shall be removed from the file except by the court or order of the court. Parties to a cause of action and their counsel shall have access to, and the right to inspect, at all reasonable times records and papers in said cause.

(C) CUSTODY OF FILE WHEN NOTICE OF APPEAL FILED. When a notice of appeal has been filed in a case, the entire file becomes subject to the exclusive direction and control of the court of appeals. Upon filing of the notice, any existing authority to allow removal of the transcript of the evidence from the clerk of court's office is automatically superseded by the authority of the court of appeals. Permission for removal of the transcript may be granted, upon application to the court of appeals, on a form provided and approved by the court of appeals. Any removal shall be conditioned upon the return of the transcript within fourteen days from the date of removal or fourteen days before the date set for hearing of argument, whichever is earlier. Failure to comply with this rule may result in the issuance of a citation for contempt of court.

(D) CUSTODY OF VIDEO OR OTHER MEDIA

(1) When video or other media have been filed in a case, they may be removed from the file only with permission of a judge. The video or other media may be taken to a court room for viewing, after scheduling an appointment with the judge. The video or other media shall not be removed from the courthouse.

(2) After one year from the date of termination of a case and the exhaustion of any appeals, the clerk of court may petition the trial court for the removal and destruction of any video or other media remaining in a file. The trial court shall notify the counsel of record who submitted the video or other media of the intent to remove and destroy such video or other media. If no objection is made within fourteen days, the court may order the clerk of court to remove and destroy the video or other media after including a notation in the file.

2.02 SECURITY FOR COSTS; FEE SCHEDULE

(A) FILING FEES AND DEPOSITS. Excepted as provided herein, no civil action or proceedings shall be accepted by the clerk of courts for filing unless there is deposited with the clerk of courts, as security for costs, the amount set forth in the schedule of filing fees and security deposits adopted by the court**.**

(1) If the party initiating the civil action is an inmate, the party must comply with the provisions of R.C. §2969.25. Failure to comply with R.C. §2969.25 shall be grounds for dismissal of the action pursuant to Civ. R. 41(B)(1).

(2) If the party initiating the civil action is not an inmate and believes that he/she is unable to pay the costs, an affidavit of indigency, listing the party's: (a) employment and salary for the past twelve months; (b) public assistance for the past twelve months; (c) total assets, excluding family furnishings; (d) bank balances; and (e) number of dependents. Attached to the affidavit shall be the party's federal income tax return for the year preceding the filing of the complaint.

(3) If the affidavit set forth in Rule 2.02(A)(2) is complete, the clerk shall accept the complaint for filing without costs. Once the case is assigned, the trial judge may make further inquiry into the party's ability to pay costs, or a part thereof. If the trial judge determined that the party has the ability to pay costs, or a part thereof, such may be assessed and payment shall be made as directed by the trial judge.

(4) Failure to pay costs as ordered by the judge shall be grounds for dismissal of the action pursuant to Civ.R. 41(B)(1).

(5) If a party owes costs to the court from a prior action, all such costs must be paid before the clerk of courts may accept for filing any subsequent civil actions.

(B) DEPOSIT FEE SCHEDULE. The court shall determine and revise from time to time as may be necessary a deposit fee schedule, including any special projects fees or other special or required fees, and shall post such schedule in the clerk of court's office and publish the schedule on the Internet. When the clerk deems a deposit insufficient, a demand for additional sums to be deposited shall be made. If a party fails to deposit on demand, the court shall, in its discretion, dismiss the case sua sponte.

(1) The deposit fee schedule for the general division of this court has been revised and amended, effective January 1, 2005. The clerk of courts shall charge and collect a filing fee and security deposit for court costs according to the schedule adopted by the court. (Eff. 1/1/2005, V.13, Pp.1453, 1488).

(2) The deposit fee schedule for the general division of this court has been revised and amended, effective October 1, 2005. The clerk of courts shall charge and collect a filing fee and security deposit for court costs according to the schedule adopted by the court. Eff. 10/1/2005, V.14, P.0531).

(3) The deposit fee schedule for the general division of this court has been revised and amended, effective June 1, 2009. The clerk of courts shall charge and collect a filing fee and security deposit for court costs according to the schedule adopted by the court. (Eff. 6/1/2009, V.17, P.248).

(4) The deposit fee schedule for the general division of this court has been revised and amended, effective June 1, 2011. The clerk of courts shall charge and collect a filing fee and security deposit for court costs according to the schedule adopted by the court. (Eff. 6/1/2011, V.19, P.1142).

(5) The deposit fee schedule for the general division of this court has been revised and amended, effective July 1, 2013. The clerk of courts shall charge and collect a filing fee and security deposit for court costs according to the schedule adopted by the court. (Eff. 7/1/2013, V.22, P.0657).

(C) VETERANS BONUS APPLICATIONS (Eff. 8/25/2010, V.18, P.1137). In an effort to support the veterans of Ohio who present their application for veteran bonus for certification/notarization by the clerk of court or deputy clerks of court, any fee for said certification/notarization shall be waived.

(D) MULTIPLE PARTIES. In cases with multiple parties, the clerk of court may require the party requesting service to advance an amount estimated by the clerk to be sufficient to cover the costs thereof.

(E) TRANSFERRED CASES. In matters of transfer due to limited jurisdiction of the original proceedings or due to change of forum, it shall be the obligation of the plaintiff to deposit sufficient funds to satisfy the initial deposit requirement of the clerk of court, who shall follow a uniform and nondiscriminatory policy in that regard. The same rule as to required deposits shall apply to a defendant who files a cross or counterclaim in a municipal court case which exceeds the monetary jurisdiction of that court, thus causing the action to be transferred to the court of common pleas for disposition, and shall also apply to a plaintiff who causes a case to be transferred to the court of common pleas because of original improper venue.

(F) SECURITY FOR REOPENING CASES. A party not filing an affidavit of poverty in an action shall be required to deposit a security for costs, in an amount as determined by the court and posted in the clerk's office, for any motion to reopen a case.

(G) REFUNDS. All deposits for costs, unless otherwise ordered by the court, shall be applied by the clerk of court to the payment of costs and shall not be refunded unless costs are awarded against and paid by another party. Judgment entries shall provide for the apportionment of costs or the continuation of determination thereof.

(H) COSTS LESS THAN $3.00 (Eff. 4/1/2006, V.14, P.1028). The Clerk of Courts shall not bill and shall not refund any costs less than $3.00.

(I) RETURN OF BOND IN CRIMINAL CASES (Eff. 5/8/2002, V.12, P.0321). If a defendant has personally posted a bond in a criminal case, prior to releasing such bond, the clerk of court shall first determine whether the defendant has paid the court costs. Unless the defendant is indigent, if the defendant has not paid the court costs, then the clerk shall first deduct the amount of court costs which is due from the amount of the bond and apply the same to the court costs before releasing the remainder of the bond to the defendant.

(J) ATTORNEY AS SURETY. No attorney, or officer or employee of the court or of the sheriff, or any family member of such individuals as defined by the Ohio Ethics Commission, except upon application and approval of the court, shall be received as surety on any bond or recognizance in any action or proceeding, civil or criminal.

(K) RELEASE OF EXISTING DEPOSITS TOWARDS COSTS. If no activity occurs in a case, the court may on its own motion dismiss the case in accordance with Ohio rules and law. Upon dismissal, the court may direct the clerk of court to determine the outstanding costs in the action and apply any monies on deposit to costs as appropriate.

2.03 FILING OF DOCUMENTS (Eff. 7/1/2003, V.13, P.0267)

(A) CASE DESIGNATION FORMS. The initial complaint in a case shall be accompanied by a case designation sheet, setting forth the designation of the case as one of the following:

Administrative Appeal (specify Revised Code §: _____)
Criminal
Professional Tort (specify) Medical _____ Dental _____
Optometric _____ Chiropractic _____
Legal _____ Other _____
Product Liability
Workers' Compensation
Other Tort
Other Civil
Other (specify): _____

The designation "money only" may not be used if one of the above specific categories is applicable. Further, the caption shall note any statutory provision that is unique to the particular cause and controls the time within which the case is to proceed, once filed. E.g.: Miscellaneous - Contest of Election (R.C. §3515.10 - Hearing Within 30 Days).

(B) COMPLEX LITIGATION. Cases shall not be classified by the parties upon filing as "complex litigation." However, counsel shall, within sixty days of the filing of the complaint or any third party complaint, file a separate "Suggestion of Complex Litigation" so as to bring to the court's attention in a timely fashion the potentially complex nature of the litigation. Such suggestion does not, without court order, designate the case as complex litigation as defined in the Rules of Superintendence for the Courts of Common Pleas.

(C) REFILED CASES. Upon the refiling of a case previously dismissed under Civ.R. 41, the plaintiff shall indicate that the case is a refiling on the cover sheet of the new complaint by including the word "REFILING" in capital letters directly beneath the word "COMPLAINT." Directly underneath the word "REFILING," the new complaint shall identify the case number of the dismissed action, clearly distinguishing same from the case number of the refiled version. The refiled case shall be assigned to the docket of the same judge to whom the previously dismissed case was assigned.

(D) MEDICAL MALPRACTICE REPORT FORMS. At the time of filing a judgment entry bringing a medical malpractice case to a conclusion, the attorneys representing all parties shall complete and file a medical malpractice report form with the clerk of courts which sets forth the following information:

The style and number of the case;
The date of filing of the case;
Whether there was a trial and if so, the dates of trial and whether a bench trial or jury trial;
Whether a settlement was agreed upon;
Whether a judgment was rendered; and
The nature of the settlement or judgment, including the amounts of compensatory damages that represent economic loss and non-economic loss and the amounts of punitive damages, if any.

(E) CASE DESIGNATION FORM FOR FORECLOSURE ACTIONS. The initial complaint in a foreclosure case shall be accompanied by a foreclosure case designation sheet, setting forth the designation of the case as one of the following:

Foreclosure (1460)
Tax Foreclosure (1465)
Tax Certificate Foreclosure (1466)
BOR Tax Foreclosure (1467)
Quiet Title (1470)
Partition (1480)
Other (1481) _____
The designation sheet shall also indicate the permanent parcel numbers and the street addresses of the real estate involved in the action.

2.04 RETURN OF EVIDENCE. Upon settlement or exhaustion of all rights of appeal, counsel shall provide the court with a draft judgment entry instructing the clerk of court to return to respective counsel any video exhibits, deposition transcripts, and non-documentary exhibits. The draft judgment entry shall include the proper case name and number, and shall sufficiently identify the items to be returned, either by caption or exhibit number, as well as by date of filing of same, if applicable.

2.05 SERVICE BY PUBLICATION. The clerk of court no longer performs service by publication. It shall be the responsibility of the person filing the complaint to arrange for publication with the newspaper. Upon completion of service by publication, proof of same shall be submitted to the clerk of court for filing.

2.06 PERSONAL AND PRIVATE INFORMATION IN RECORDS (Eff. 5/5/2006, V.14, P.1165)

(A) The following information is deemed "personal and private" and may not be included in a public record:

(1) social security number;

(2) full financial account number (it may be listed as, e.g. "-------1234"); and

(3) any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.

(B) It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the clerk of court's office. The responsibility of the filing party and counsel to remove personal and private information extends to and includes exhibits or addenda attached to filings, such as preliminary and final judicial reports which itemize state tax liens that use social security numbers as case numbers, or medical records.

(C) The clerk of courts and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Lake County clerk of court's office.

(D) Personal and private information must be submitted in a separate filing which will be deemed by the court as a non-public record. The information will be kept in a separate envelope within the case filed marked as follows:

"The enclosed personal and private information has been deemed by the court as non-public. It is for the use of the court, attorneys of record listed in the case, and clerk of court's office only. Any other person must have a court order to view the contents of this envelope."

(E) Journal entries that necessarily include personal and private information must be submitted to the clerk of court's office as follows: a copy that includes the personal and private information for placement in the non-public envelope and a copy with personal and private information redacted for placement in the public file. The copy not containing the personal and private information (for the public file) will have the notation "personal and private information redacted" at all places in the document where such information was removed. The court will sign both journal entries.

(F) The clerk of courts will not remove any personal and private information from a stamp-filed document, including records or transcripts transmitted to this court from another court, without a court order to do so. The clerk of courts may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this order.

(G) Any personal and private information in documents filed prior to the implementation of this rule is considered public. Any personal and private information in records or transcripts transmitted to this court from another court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in a public record of this court may petition the court for the removal of personal and private information, and if the request is granted, the personal and private information will be removed from a

stamp-filed document and placed in a separate envelope and deemed a non-public record.

(H) All public documents filed with the clerk of court's office will be imaged and may be placed on the clerk of court's website for viewing.

2.07 IMAGING OF COURT RECORDS (Eff. 12/16/2005, V.14, P.0844). Any civil, criminal, or court of appeals case files and/or journal books for which there is no storage space in the clerk of courts area in the lower level of the Courthouse Annex may be converted to images pursuant to Rule 26 and 27 of the Rules of Superintendence for the Courts of Ohio and Revised Code §9.01.

2.08 FILING ORDERED STRICKEN (Eff. 3/13/2002, V.12, P.0217)

(A) Upon any order of court that a document, previously accepted for filing by the clerk of courts, shall be stricken, such document shall be physically removed from the court's file and placed in a special bin in the clerk's office.

(B) The clerk shall then notify the person who filed such document, by regular mail, that the document has been stricken and physically removed from the file (a copy of this journal entry may be furnished with the notification), and that the stricken document may be retrieved from the clerk's office within fifteen (15) days.

(C) If such document is not a "pleading or motion," and if it is not timely retrieved, the document may be destroyed by the clerk.

(D) Any stricken pleading or motion (see Civ.R. 7) shall be preserved for meaningful appellate review, if it is not timely retrieved. By retrieving a stricken pleading or motion, a party thereby waives its preservation and inclusion for appellate review. Upon the expiration of the appeal period, any stricken pleading or motion may be destroyed by the clerk, if it is not timely retrieved.

(E) Such action by the clerk shall be docketed on the case.

CHAPTER III - PLEADINGS AND MOTIONS

3.01 FORMAT

(A) SIZE (Eff. 12/22/2003, V.13, P.0809). All pleadings and motions shall be legibly typewritten on white paper, 8½" x 11", bound or stapled at the top or left upper corner and filed in accordance with the provisions and exceptions set forth in Civil Rule 5(D). All pleadings, motions, and documents shall be formatted with 1" margins on all sides, and 1.5 line spacing, except footnotes and quotations, which may be single spaced. Text shall be typed using a 12 point noncondensed type style such as Times New Roman or any type style that has no more than 80 characters to a line of text. The body or text of any document, except complaints, counterclaims, cross-claims, and third party complaints, shall not exceed ten pages in length without leave of court. Copies, if offered as the original will be ordered, sua sponte, stricken from the files. Pursuant to Lake Co.C.P.R. 3.04(C), pleadings, motions, and documents shall not have attached exhibits or appendages which are not absolutely necessary. Extraneous material will be stricken from the file.

(B) PROOF OF SERVICE. Proof of service of interrogatories, requests for documents, notices of depositions, requests for admissions, and any responses thereto, shall be filed in lieu of such original papers.

(C) CAPTION. The caption in every complaint shall state the name and address, if known or reasonably ascertainable, of each party, or shall state that the address is unknown. Subsequent pleadings and motions shall state the case number, the name of the judge to whom the case is assigned, and the name of the first party plaintiff and first party defendant. Every pleading, motion or brief or other paper filed in a cause shall be identified by title, and shall bear clear identification of each person on whose behalf the document is filed and shall bear the name (written, typewritten, or printed) of the individual attorney, if any, who prepared such document, together with his or her attorney registration number, the name of his or her firm, if any, the office address, telephone number, e-mail address, and facsimile number of counsel filing the same, or, if there is no counsel, then of the party filing the same. It is the responsibility of counsel or the party filing any document to configure his or her e-mail filter or program to accept e-mail from the judge and the clerk of courts and the county's e-mail domain (*i.e.* LakeCountyOhio.gov). This requirement to provide addresses, phone numbers, e-mail addresses, and facsimile numbers shall also be applicable to the names of notaries public. Counsel shall be responsible to register as counsel of record, with proof of service indicating notice to all other attorneys.

(D) AMENDMENT. Pleadings and motions may be amended as provided in Civil Rule 15, but no pleading or motion shall be amended by interlineation or obliteration except upon leave of court first obtained. Upon the filing of an amended pleading or motion the original or any prior amendment thereof shall not be withdrawn from the files except upon leave of court.

(E) NON-COMPLIANCE. Any pleading, motion, or leave filed not in compliance with this section may be stricken from the files on the court's own motion.

(F) MOTION FOR LEAVE TO FILE PLEADING OR MOTION (Eff. 2/1/2010, V.17, P.1193)

(1) A motion for leave of court to file any pleading or motion instanter shall have attached as an exhibit a copy of the proposed pleading or motion. No such proposed pleading or motion shall be filed, nor accepted for filing, by the clerk of court, until after leave of court is granted. After leave of court is granted, counsel for the moving party shall be responsible for filing the original of the proposed pleading or motion without delay.

(2) A motion for leave of court to file any other pleading or motion (not instanter) need not have attached as an exhibit a copy of the proposed pleading. No proposed pleading or motion shall be filed, not accepted for filing, by the clerk of court, until after leave of court is granted. After leave of court is granted, counsel for the moving party shall be responsible for filing the original of the proposed pleading or motion within the time permitted by the court.

3.02 SERVICE (Eff. 1/1/2007, V.14, P.1553)

(A) See Civil Rules 4 through 5.

(B) STANDING SPECIAL PROCESS SERVER. An individual, or agent of a legal organization, may apply to be a "Standing Special Process Server" for civil cases by filing an application in accordance with this rule.

(1) The application shall be supported by the following information in affidavit form:

(a) the name, address, telephone number, and e-mail address of the applicant;

(b) a statement that the applicant is 18 years of age or older;

(c) has no felony criminal record;

(d) a statement that the applicant agrees not to act as special process server in any case in which the applicant is a party or counsel for a party;

(e) has no familial relationship to any party in an action for which the special process server shall serve process; and

(f) a statement that applicant agrees to comply with Civ.R. 4 through 4.6, any applicable local court rule and the specific instructions for service of process.

(2) The applicant shall submit a judgment entry to a judge captioned "In re: Appointment of ___ [insert name] ___ As Standing Special Process Server" and stating, "It appearing to the court that ___ [applicant's name] ___ has complied with the provisions of Lake Co.C.P.R. 3.02(B), the court hereby appoints ___ [applicant's name] ___ as a Standing Special Process Server authorized to make service of process in all civil cases filed in the general division of this court for a period of two years after this judgment entry is signed and filed."

(3) A separate application and judgment entry shall be required for each person seeking appointment as a "Standing Special Process Server."

(4) The clerk of court shall record such appointment and retain the original application and judgment entry in a single file.

(5) In any case filed thereafter, the clerk of court shall accept a time stamped copy of the appointing judgment entry as satisfying the requirements of Civ.R. 4.1(B) for designation by this court of a person eligible to make service of process.

(6) All affidavits and orders appointing standing special process servers shall expire two years from the date of filing.

(7) A legal organization whose agent is a standing special process server shall not represent or advertise that it is the court's official process server.

(8) The fee for filing the affidavit and order is twenty-five dollars ($25.00), which shall be paid into and applied to Common Pleas Court General Division Special Project No. 1.

3.03 EXTENSIONS. Parties may obtain an extension of time, not to exceed thirty days, in which to answer, plead, or otherwise move, when no such prior extension has been granted, by filing with the clerk of court a written stipulation approved by all counsel and the court providing for such an extension. Such stipulation shall affirmatively state that no prior extension has been granted and shall be subject to the court's approval. Additional extensions may be requested in accordance with the procedures of the respective judges.

3.04 MOTIONS AND BRIEFS

(A) BRIEFS IN SUPPORT. The moving party shall serve and file with a motion a brief written statement of reasons in support of the motion and refer to any citations of authority relied upon. If the motion requires consideration of facts not appearing of record, the movant shall also serve and file affidavits, photographs or documentary evidence, to the extent practicable, in support of the motion. See rule 3.01 for formatting requirements.

(B) AUTHORITY. All pleadings and briefs containing references to regulations, municipal ordinances, and/or case law not available on LexisNexis or Westlaw, shall have attached thereto a copy of same.

(C) ATTACHMENTS AND EXHIBITS. Attachments and exhibits may be appended where they are absolutely necessary to support the motion or brief. Attachments and exhibits which merely explain or enhance the parties' position shall not be attached but may be forwarded to the judicial staff attorney for the appropriate judge. The court may, on its own motion, strike from the files any documents or material which is not part of the pleadings. The items which may be so stricken include, but are not limited to, the following:

(1) copies of reported cases and cases available on LexisNexis or Westlaw;

(2) copies of statutes, unless not published anywhere;

(3) news clippings;

(4) photographs;

(5) law review articles and similar, non-authoritative publications;

(6) items of evidence more appropriately presented at trial or hearing;

(7) deposition transcripts, or portions thereof, which are of greater length than is required to illustrate the pertinent point; and,

(8) any other frivolous or non-essential material.

(D) BRIEFS IN OPPOSITION. Each party opposing the motion shall serve and file, within fourteen days or advanced rule day, if applicable, a brief written statement of reasons in opposition to the motion which includes proper citations of the authorities on which the party relies. If the motion requires the consideration of

facts not appearing of record, counsel shall also serve and file copies of all affidavits, depositions, photographs, or documentary evidence which counsel desires to submit in opposition to the motion.

(E) REPLY BRIEFS. Reply briefs to motions and submissions may be served and filed within five days after the filing of a brief in opposition.

(F) SPURIOUS MOTIONS. The presentation to the court of unnecessary motions and unwarranted opposition to motions which unduly delay the course of an action through the courts, or unduly burden a court, may subject an offender to appropriate sanctions as authorized by law.

(G) RULE DAY

(1) Except as hereinafter set forth, all motions may be considered upon the motion papers alone twenty days after the filing of same and without oral argument. Oral argument may be permitted upon application and proof of necessity.

(2) In the event that a claimant files a motion for summary judgment under Civ.R. 56, the court hereby fixes the day for non-oral non-appearing hearing on the motion as twenty three days after the day the motion was filed. Any brief, affidavit, or other evidentiary material in opposition to the motion shall be filed on or before the seventeenth day after the filing of the motion. Any brief, affidavit, or other evidentiary material in reply to the opposition shall be filed on or before the fifth day after the filing of the opposition. No brief, affidavit or other evidentiary material shall be considered if not timely filed. The motion for summary judgment shall be deemed submitted for consideration and ruling on the twenty-third day. This rule is the only written notice the parties will receive of the submission deadlines or the day fixed for the hearing.

(3) In the event that a claimant files a motion for default judgment under Civ.R. 55, and the party against whom judgment by default is sought has not appeared in the action, the court may enter judgment at any time after the filing of the motion, with or without a hearing as determined by Civ.R. 55 and the need to determine the amount of damages, the truth of any allegation or the investigation of any other matter. If the party against whom judgment by default is sought has appeared in the action, the court may enter judgment after a hearing, with written notice of the motion for default judgment being served on said party at least seven days prior to said hearing, as provided in Civ.R. 55. A motion for default judgment will not be granted without supporting evidence establishing default, damages or truth of allegations.

(H) ADVANCED RULE DAY. Counsel filing motions which require ruling prior to the normally anticipated rule day shall bring such motions to the attention of the court immediately upon filing same, and shall certify upon the motion, and copies thereof, service upon all adverse parties, and shall specify the advanced rule day requested of the court.

(I) MOTIONS FOR APPROVAL OF PAYMENT OF ASSIGNED COUNSEL FEES. Applications for fees for representation of indigent persons shall be submitted to the court in triplicate together with a copy of the defendant's Affidavit of Indigency. The fees requested shall comply with the fee schedule and plan adopted by the board of Lake County commissioners.

(J) MOTIONS FOR INTERVENTION IN LIEU OF CONVICTION AFTER FILING OF INFORMATION. The prosecutor or defense counsel shall immediately notify the court when an information has been filed and a motion for intervention in lieu of conviction is to be filed. The defendant shall be arraigned prior to the filing of said motion in accordance with the court's arraignment procedure. A "not guilty" plea shall be entered, a bond set, and defendant shall acknowledge and sign the conditions of bond form which shall include the condition that defendant shall not use any illegal drug or substance and that if the defendant tests positive for drugs, the bond shall be revoked. The motion for intervention in lieu of conviction shall not be filed until after the defendant has been arraigned. Upon the filing of said motion, the court shall stay all criminal proceedings and refer defendant to the Lake County adult probation department for an evaluation pursuant to R.C. §2951.041. The stay of all criminal proceedings shall not preclude the court from revoking defendant's bond upon violation of any conditions of bond. At the hearing on said motion, defendant shall waive his right to have the case presented to the Lake County grand jury and shall enter a plea of "guilty" to the charge(s) set forth in the information. Should the defendant choose not to enter a plea of "guilty" to the charge(s) in the information, the state may vacate said information and present the case to the Lake County grand jury for consideration.

3.05 APPEALS TO THE COURT OF COMMON PLEAS; PROCEDURE. Except as may be otherwise provided by specific rule or statute, all cases filed by way of appeal from administrative agencies, shall be heard solely upon briefs and be governed by the same procedure, to wit:

(A) TRANSCRIPT. Along with those documents required by R.C. Chapter 2506, the administrative agency shall file findings of fact and conclusions of law in support of its decision.

(B) BRIEFS. Counsel for appellant, within thirty days after filing a notice of appeal, or filing the transcript of proceedings, if required, whichever is later, shall file with the clerk of court a brief containing a statement of the facts, issues presented for review, arguments in support of position and legal authorities in support of said arguments. Where assignments of error are required by statute, the filing of same does not satisfy the requirement for a brief, but appellant's brief may incorporate the assignments of error if specifically set forth within the caption and body thereof. Copies, with proof of service, shall be served on all other counsel.

(C) RESPONSE BRIEFS. Within fifteen days after service of said brief, counsel for appellee shall file and serve a response brief subject to the same requirements and any brief in reply shall be filed by the appellant within five days thereafter. Copies, with proof of service, shall be served on all other counsel.

(D) EXTENSIONS. Extensions of time in which to file briefs may be granted by written agreement of counsel and with the consent of the court, or upon an approved motion for good cause shown.

(E) ORAL ARGUMENT. Oral argument will be permitted only upon a "Request for Oral Hearing" being granted at the court's discretion, or where required by statute or rule.

(F) SUPERSEDEAS BOND. Where a supersedeas bond is required under the provisions of R.C. Chapter 2505, if all counsel are able to agree on the amount of the bond, then the appellant may submit same to the court with an agreed judgment entry for approval. If all counsel are unable to agree on a satisfactory amount for the supersedeas bond, then appellant shall file a request for a hearing for the determination of the amount of the bond. In such a request, the appellant shall specify what efforts have been made to determine the amount of the bond. Once the amount of the bond has been set, acceptance of same shall occur when the bond is submitted to the court together with a prepared judgment entry approving same, and such judgment entry is signed by the court and filed.

3.06 TRIAL BRIEFS. Where a trial brief is required by the court, counsel for each party shall deliver a copy to the court, in accordance with each court's rules. The briefs shall relate to the issue or issues of the case and contain legal authorities supporting the positions counsel intends to assert during trial.

3.07 ELECTRONIC FILING OF COURT DOCUMENTS (Eff. 6/29/2015, V.26, P.0564)

(A) DEFINITIONS. The following terms used in these rules are defined in this section.

(1) CLERK REVIEW. A review of electronically filed documents by the clerk of courts in accordance with court rules, policies, procedures, and practice. Court clerks may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.

(2) CASE MANAGEMENT SYSTEM (CMS). A court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

(3) COURT ELECTRONIC RECORD. This is any document that a court will (a) receive in electronic form, (b) record in its case management system, and (c) store in its document management system. This may include documents received in paper form and scanned into the court's DMS (see below). This will include notices and orders created by the court as well as pleadings, other documents, and attachments created by practitioners or parties. It will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

(4) COURT INITIATED FILINGS. These are official court documents entered into the docket or register of actions, such as notices or orders. The term "court initiated filings" is a simplification to indicate that documents will be internally created and submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the court so desires.

(5) DESIGNATED EFILE CASE TYPES. Until such time as the court designates all filings on all cases as mandatory eFile case types, the court will designate certain cases or types of filings as mandatory, discretionary, or prohibited.

(a) Mandatory eFile Case Types. These are case types and filings that shall be submitted via the eFiling system.

(b) Discretionary eFile Case Types. These are case types and/or filings that may be submitted via the eFiling system.

(c) Prohibited eFile Case Types. These are case types and filings that may not be filed electronically and shall be presented in paper form via traditional means via U.S. Mail or at the clerk's counter.

(6) DOCUMENT. A filing made with the court or by the court in either electronic format or scanned from paper, thus becoming part of the court's official record.

(7) DOCUMENT MANAGEMENT SYSTEM (DMS). A DMS manages the receipt, indexing, storage, and retrieval of the electronic (and scanned non-electronic) documents associated with a case.

(8) EFFECTIVE DATE AND TIME OF FILING OF A DOCUMENT. The date and time the electronic filing was received and uploaded to the clerk of court as noted by the time stamp on the submitted document.

(9) ELECTRONIC FILING (EFILE / EFILING). The electronic transmission, acceptance, and processing of a filing, referring collectively to the act of submitting documents electronically as well as the procedures and computer systems required to support said filing. A submission consists of data, one or more documents, and/or images. This definition of electronic filing does not apply to facsimile or email.

(10) ELECTRONIC FILING SYSTEM. This is the system composed of software, hardware, transport, handling, storage mechanisms, procedures, and rules to allow for the submission of eFile documents.

(11) ELECTRONIC SERVICE (ESERVICE). The electronic transmission of an original document to all other registered case participants via the electronic filing system or by other electronic means, such as email. Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

(12) ORIGINAL DOCUMENT. The electronic document received by the court from the filer.

(B) ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS

(1) All pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders, or other documents submitted in designated eFile case types shall be filed electronically through the court's electronic filing system. The clerk shall not accept or file any document in paper form in mandatory eFile case types from litigants represented by counsel.

(2) In conformity with the Revised Code, Civil Rule 5(E) and Criminal Rule 12(B) and, as approved (provisionally) by the Ohio Supreme Court Commission on Technology and the Courts, complaints, pleadings and other documents may be filed with the clerk of court electronically via the Internet, subject to the provisions in this rule.

(3) APPLICATION OF RULES AND ORDERS. Unless otherwise modified by approved stipulation or court order, all rules of civil, criminal, and appellate procedure, local rules, and orders of the court shall continue to apply to all documents electronically filed.

(4) COURTESY COPIES. Paper courtesy copies of documents filed electronically shall not be delivered to the court.

(C) ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS

(1) For all designated eFile case types, the court shall issue, file, and serve pursuant to Civ.R. 4 all pleadings, notices, orders, and other documents using traditional certified mail service, subject to the provisions of this rule.

(2) For all designated eFile case types, the filer shall file and serve Civ.R. 5 notices, orders, and other documents using courier, mail, or electronic means. Proof of service must be filed with the clerk.

(D) DESIGNATION OF ELECTRONIC FILING CASES

(1) Upon the designation of any particular case type as an eFile case or filing, the parties to that case who are represented by counsel shall promptly take steps to allow their counsel to file, serve, receive, review, and retrieve copies of their pleadings, notices, orders, and other documents filed in the case electronically. By definition, parties filing electronically or receiving electronic service of any documents filed must become participants in the court's electronic filing system.

(2) For designated eFile case types as mandatory, the court shall not accept or file any pleadings or instrument in paper form. Parties represented by counsel shall eFile a document by registering to use the court's electronic filing system.

(E) CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER. The court's electronic filing system shall assign the party's designated representative(s) a confidential and unique electronic identifier that must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other

documents filed in the assigned case. Each person to whom a unique identifier has been approved shall be responsible for the security and use of such identification. All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the satisfaction of the court, by clear and convincing evidence, to the contrary.

(F) PRO SE LITIGANTS. All filings by parties appearing pro se shall be filed and served conventionally in paper form, unless the party petitions the court, and the court allows the party, to file and serve electronically, in which case the party may do so through the court's electronic filing system. The clerk of courts shall scan the paper document and return the paper copy to the pro se litigant.

(G) OFFICIAL COURT RECORD

(1) For case types designated for electronic filing, parties shall file all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, notices, orders, or other documents electronically through the court's electronic filing system.

(2) For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the official court record.

(3) Electronically filed papers have the same force and effect as those filed by traditional means.

(H) FORM OF DOCUMENTS ELECTRONICALLY FILED

(1) FORMAT OF ELECTRONICALLY FILED DOCUMENTS. All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in any other format as the court may require from time to time. A filed pleading shall not be filed as a scanned image document. Such pleadings shall be filed in a PDF format that permits word searches. A filed document shall not contain links to other documents or references in the court's case management system, unless they are incorporated into the filed document. External links are prohibited.

(2) LOCATION OF DATE AND TIME STAMP. Filers must leave a marginal location at the top left of each page for date and time stamps. This blank space must be no less that 2-1/2 inches wide and 3/4 inch high.

(3) PORTABLE DOCUMENT FORMAT. All electronically filed documents, pleadings, and papers shall be filed with the clerk in portable document format (PDF) with the exception of proposed orders. Proposed orders must be submitted in Word [.doc or .docx] or WordPerfect [.wpd] and reference the specific motion to which it applies. The electronic filing system will electronically transmit the proposed order to the assigned judge or judicial hearing officer.

(4) SIZE OF FILING. Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size. The formatting requirements and limitations set forth in section 3.01(A) of these rules apply to electronically filed documents.

(5) RESOLUTION OF FILING. Documents shall be submitted in a resolution not less than 300 dots per inch (DPI).

(6) SIGNATURES

(a) ATTORNEY/FILING PARTY SIGNATURE. Documents filed electronically with the clerk that require an attorney's or filing party's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney signature is as follows:

/s/ Attorney Name
Attorney's Name
Bar Number 00XXXXX
Attorney for (party)
Law Firm Address
Telephone number
Email address
Fax number (if any).

The conformed signature on an electronically filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, and/or any other law, rule of court, or local rule of practice or procedure.

(b) MULTIPLE SIGNATURES. When a stipulation or other document requires two or more signatures:

(i) The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.

(ii) The filing party or attorney then shall file the document electronically, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

(c) THIRD-PARTY SIGNATURES. Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) shall be electronically filed only as a scanned image.

(d) JUDGE/JUDICIAL OFFICER SIGNATURE. Electronic documents may be signed by a judge or judicial officer via a digitized image of

his or her signature. All orders, decrees, judgments, and other documents signed in this manner shall have the same force and effect as if the judge or judicial hearing officer had affixed his or her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

(I) REMOVAL OF METADATA AND PERSONAL AND PRIVATE INFORMATION

(1) Metadata includes information about the document and its contents, such as the author's name, keywords, and copyright information, used by search utilities. Metadata is invisible information retained as a document is being drafted, edited, and refined, including changes made, when, and by whom.

(2) The clerk of courts has no obligation and shall not be responsible for removing metadata or any personal and private or confidential information contained in a document that is electronically filed.

(3) The following warning shall be posted on the court's e-filing portal: "WARNING: Removal of document metadata is the responsibility of the filer. Any document metadata remaining may become part of the public record."

(4) Any person, by utilizing the court's e-filing system, consents to defend, indemnify and hold harmless the Lake County Court of Common Pleas, the Clerk of Courts, the Lake County Board of Commissioners, and all of their judges, deputy clerks, agents, and employees, from any and all damages that may result from the theft or misuse of personal and private or confidential information, whether visible or hidden in or contained within the metadata of a document presented for electronic filing.

(5) Judges and judicial staff should remove metadata from any orders, judgment entries, or other filings where the judge deems it advisable to remove all prior versions of or any other information about that document.

(6) The following information on removing metadata is available from Adobe.com:

Sanitization—Remove hidden data from PDF files with Adobe® Acrobat® XI.
With a single click, find and delete all hidden data in a PDF file, including text, metadata, annotations, form fields, attachments, and bookmarks.

(a) At the top right in Acrobat, click the Tools pane. Open the Protection panel.

(b) The sanitation tools are listed under the heading Hidden Information. To permanently remove items such as metadata, comments, and file attachments, select Sanitize Document. Click OK. To have more control over what is removed, select Remove Hidden Information.

(c) Type a name for your file, and click Save.

To learn more about removing confidential data from PDF files, see Redaction—Remove visible data from PDF files with Acrobat XI. Filers may refer to the many on-line resources, such as:

http://help.adobe.com/en_US/acrobat/X/pro/using/WS4E397D8A-B438-4b93-BB5F-E3161811C9C0.w.html
http://www.prepressure.com/pdf/basics/metadata
https://www.youtube.com/watch?v=YNjugBFhEho
https://www.youtube.com/watch?v=3xPnLhdyuZQ

(J) TIME FOR FILING AND EFFECT OF USE OF EFILE

(1) Any document filed electronically shall be considered as filed with the court when the transmission of the court's electronic filing system is complete ("effective date and time") and payment, if required, has been successfully tendered electronically. An electronic filing may be submitted to the clerk twenty-four hours a day, seven days a week. Nonetheless, the ability to file seven days a week shall not advance the date within which any document must be filed to a date on which the clerk of courts is not open pursuant to section 1.04(B) of these rules (that is, on a weekend, legal holiday, or other closure). Further, on the date on which a document must be filed, the document may be electronically filed up until 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect on that date. Any document filed after 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time shall be deemed to have been filed on the next day. The court's electronic filing system is hereby appointed the agent of the Lake County clerk of courts for the purpose of electronic filing, receipt, service, and retrieval of electronic documents.

(2) Upon receipt of a filing, the court's electronic filing system shall issue a confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing.

(3) A filer will receive subsequent notification from the clerk of courts that the filing has been ACCEPTED, placed in a PENDING status, or REJECTED by the clerk's office for docketing and filing into the general division's case management system. Each document will receive an electronic stamp. When the filing is ACCEPTED by the clerk, this stamp will include the date and time that the filer transmitted the document to the court's electronic filing system as well as the unique confirmation number of the filing.

(4) If a filing is found to have any missing element, the clerk of courts may place the document in a PENDING status and transmit a notice to the filer. The filer will have two business days to complete the filing. If the filing is completed within two business days, it may be ACCEPTED, and

the filing will be deemed effective and completed on the date on which it originally was electronically filed. If the filing is not completed within two business days, it will be moved from PENDING status to REJECTED status.

(5) In the event that the submitted document is REJECTED following review, the document is not filed and shall not become part of the official court record, and the filer will be required to re-submit and file the document to meet any filing requirements or deadlines.

(K) SYSTEM FILING ERRORS

(1) If the electronic filing is not filed with the court because of an error in the receipt of the document by the court's electronic filing system due to circumstances under the court's or clerk of court's control, the court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date it was sent electronically.

(2) In the event of a technical failure which renders the clerk of court's eFiling interface non-functional for more than one hour, the clerk may provide notice on its website indicating the anticipated resolution time and what steps filers should take in the interim. In the discretion of the clerk or by order of a judge of the court, these steps may include a period of time where paper filing is required or permitted.

(L) ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS. Whenever a document is filed electronically through the court's electronic filing system, the system will generate a notification of electronic filing to the filing party or its designated counsel.

(1) COMPLAINT AND RELATED DOCUMENTS. Upon electronically filing the original complaint, third party complaint, or any pleading that adds a new party, the filing party shall also file instructions for service electronically. The clerk shall issue a summons and process in the designated method of service in accordance with the Civil Rules.

(2) SERVICE OF DOCUMENTS AFTER THE COMPLAINT

(a) ESERVICE. The electronic service of a subsequent pleading, filing or other documents in eFile cases shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under former rules. Pro se parties or attorneys who have not registered with the court's electronic filing system shall be served a paper copy by the filing party, not the court or clerk, in accordance with the applicable rules of civil procedure.

(b) CERTIFICATE OF SERVICE. A certificate of service on all parties entitled to service is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled. The certificate of service shall contain the following language: I hereby

certify that I served the documents by process server, regular U.S. mail, commercial carrier, or electronic means (*whichever is applicable*) to the following (*list of parties served*).

(c) SERVICE OF PROPOSED ENTRIES AND ORDERS. It shall be the responsibility of the filing party, not the court or clerk, to serve all proposed entries and orders submitted to the court for signature on all parties. Proposed orders should include a certificate of service as set forth in section (L)(2)(b) of this rule.

(3) SERVICE ON PARTIES–TIME TO RESPOND OR ACT. eService shall be deemed complete at the time a document has been received by the court's electronic filing system as reflected by the effective date and time appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of time to respond to the served document or perform any right, duty, or act shall be strictly governed by the applicable rules of the court. Parties served electronically are entitled to the same three-day extension of time to respond as if they had been served by mail.

(4) FAILURE OF ELECTRONIC SERVICE. If service on a party does not occur, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed or the court may strike the pleading from the record.

(M) CONVENTIONAL FILING OF DOCUMENTS

(1) Notwithstanding the foregoing, the following types of documents may be filed conventionally, unless expressly required to be filed electronically by the court:

(a) CONFIDENTIAL INFORMATION. Personal data identifiers should be filed under separate cover in accordance with section 2.06 of these rules.

(b) DOCUMENTS FILED UNDER SEAL. A motion to file documents under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed in accordance with section 2.06 of these rules.

(c) DOCUMENTS TO BE PRESENTED TO A COURT IN CAMERA. Documents to be presented to a court In Camera, solely for the purpose of obtaining a ruling on the discoverability of such documents shall be filed in accordance with section 2.06 of these rules.

(d) EXHIBITS. Exhibits or other items that may not be comprehensibly viewed in an electronic format may be filed and served conventionally.

(N) COLLECTION OF FILING DEPOSIT AND FEES

(1) The clerk of courts shall assess normal filing fees, and case deposits will be collected via a financial transaction device (electronic means) at the time the filing is processed.

(2) Any document requiring payment of a filing security deposit or a fee to the clerk of courts in order to achieve valid filing status shall be filed and paid electronically in the same manner as any other eFile document.

(3) Pursuant to §301.28(E) and (F) of the Revised Code, a non-refundable surcharge or convenience fee for electronic payment type will be assessed by the clerk of courts. The fee structure will include said surcharge or convenience fee to help defray the costs of accepting payments electronically.

(4) The electronic filing system will establish a means to accept payment of deposits and fees electronically, including the process for filing an affidavit of indigence.

(5) The clerk shall charge for the printing of pleadings, notices, orders, and other copies for service at the page rates as posted in the clerk of courts fee schedule current as of the effective date and time of filing.

(6) The clerk shall post a notice, as required by R.C. §301.28(E), in that office and on the eFile portal, notifying each person making a payment by a financial transaction device about the non-refundable surcharge or fee.

(O) PUBLIC ACCESS TERMINAL. The public can view electronically filed documents in the clerk's office. Users shall be charged for printed copies of documents at the page rates as posted in the clerk of courts fee schedule.

3.08 ELECTRONIC RECORD IS OFFICIAL COURT RECORD (Eff. 7/27/2015, V.26, P.0573)

(A) DEFINITIONS. See Local Rule 3.07 for definitions of terms used in this section.

(B) OFFICIAL COURT RECORD

(1) As of June 29, 2015, the electronic record of the court's case files, stored in the court and clerk's Case Management System and Document Management System will constitute the Official Court Record of the court.

(2) An electronic record is any document that a court will:

(a) receive in electronic form,
(b) record in its case management system, or
(c) store in its document management system.

(3) The Electronic Record may include documents that have been electronically filed as well as documents filed in paper format that have been scanned and uploaded to the electronic filing system.

(4) The Electronic Record will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

(5) Although there may be a physical case file associated with a case, the electronic case record will serve as the Official Court Record.

(6) For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the Official Court Record.

(7) Electronically stored documents have the same force and effect as those traditionally stored in tangible form.

(8) Any records that exist in only paper form will constitute the Official Court Record.

(C) RECORD LONGEVITY

(1) The court and court clerk will establish an Electronic Records Management methodology, including the storage of Metadata, a "Continuum of Care" of the records for preservation over time, and redundant storage mechanisms to ensure the near term preservation of the court record in the event of a localized natural or man-made disaster.

(2) With the introduction of this robust and fault tolerant storage methodology, the need for microfilming of court records has been eliminated.

(3) The retention schedule for each case type shall be considered permanent unless otherwise noted in these rules or in the Rules of Superintendence.

CHAPTER IV - TEMPORARY RESTRAINING ORDERS AND EX PARTE HEARINGS

4.01 MOTIONS. Motions, other than those for temporary restraining orders, may be granted without regard to the time generally allowed adverse parties to respond only if the motion is of a mere ministerial nature, the granting of which will not prejudice the other parties and which may generally be granted by "leave slip" without the necessity of a motion; or, if the motion is one for a temporary restraining order, if the specific provisions of Civ.R. 65 are satisfied.

4.02 SERVICE. Nothing herein shall preclude the requirement that movant serve a copy of such motion upon all adverse parties or notify other parties of leave received. Where leave results in the filing of a pleading or motion to which an adverse party must respond in order to protect his or her interests, the party filing same is required to serve a copy of such pleading or motion, once filed after leave is granted, and apart from any exhibit of same previously served along with request for leave, upon all adverse parties. Nothing in this rule shall be construed so as to abridge the requirements of Civ.R. 65.

CHAPTER V - DISCOVERY

5.01 DOCUMENT DELIVERY. Counsel shall deliver to opposing counsel all written reports of medical, non-expert, and expert witnesses expected to be called to testify at trial by each party. Said reports shall be delivered in accordance with the deadlines set forth in the case management order and prior to the pretrial conference.

(A) PLAINTIFF. The plaintiff, counter-claimant, cross-claimant, or a third party claimant shall deliver to all other parties:

(1) all items of special damages which the party intends to prove, including medical bills, property damage bills (or evidence if there is no bill) and loss of earnings or income. As to loss of earnings or income, the information supplied shall include the name of employers, dates of absences, and rates of pay, and shall further include written verification by the employer of such facts. In the case of a self-employed person, sufficient documentation shall be supplied to support the claim of loss of earnings or impairment of working capacity. The court may order such copies of the claimant's income tax returns as the court deems appropriate to be furnished other parties;

(2) written medical reports, and the substance of any unwritten medical reports, of any doctor rendering medical services to the claimant in connection with the alleged injuries; and,

(3) written reports, and the substance of unwritten reports, of any expert witness other than medical expert witnesses whose opinion is expected to be offered in evidence at the time of trial, whether such reports are formal or informal, written or verbal.

(B) DEFENDANT. The defendant shall deliver to all other parties:

(1) estimates or reports of property damages sustained by the claimant;

(2) written medical reports, and the substance of unwritten medical reports, of any doctor who examined the claimant on behalf of any defendant, and of any other doctor who examined the claimant or was consulted by the first doctor in connection with the alleged injuries; and,

(3) written reports, and the substance of unwritten reports, of any expert witness other than medical expert witnesses whose opinion is expected to be offered in evidence at the time of trial, whether such reports are formal or informal, written or verbal.

(C) EXPERT WITNESSES

(1) BURDEN. The party with the burden of proof to a particular issue shall be required to first submit expert reports as to that issue at least thirty days before any pretrial conference, unless otherwise ordered by the court. Thereafter, the responding party shall submit opposing expert reports.

(2) EXPERT WITNESS TO SUBMIT REPORT. An expert witness shall not testify unless a written report has been procured from the witness and provided to opposing counsel. It is counsel's responsibility to take

reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the expert witness' opinion. The report of an expert witness must reflect his or her opinion as to each issue on which the expert will testify. An expert witness shall not testify or provide opinions on issues not raised in his or her report.

(3) NON-PARTY EXPERT WITNESS MUST SUBMIT REPORT. If a party is unable to obtain a written report from a non-party expert witness, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the court and opposing counsel of the name and address of the expert witness, the subject of the expert witness' expertise together with his or her qualifications and a detailed summary of his or her testimony. In the event the non-party expert witness is a treating physician, the court may determine whether the hospital and/or office records of that physician's treatment which have been produced satisfy the requirements of a written report. The court may exclude testimony of the expert witness if good cause is not shown.

(4) NON-PRODUCTION OF NON-PARTY EXPERT WITNESS REPORT. If the court finds that good cause exists for the non-production of a non-party expert witness' report, the court shall assess costs of the discovery deposition of the non-complying expert witness against the party offering the testimony of the expert witness unless, upon motion, the court determines such payment would result in a manifest injustice. These costs may include the expert witness' fee, the court reporter's charges and travel costs.

(5) NON-PRODUCTION OF NON-PARTY TREATING PHYSICIAN. If the court finds that good cause exists for the non-production of a non-party treating physician's report, the court shall assess costs of the discovery deposition of the physician equally between the plaintiff and the party or parties seeking discovery of the expert witness. These costs may include the physician's fee, the court reporter's charges and travel costs.

(6) MUTUAL EXCHANGE REQUIRED FOR DEPOSITION. A party may take a discovery deposition of their opponent's non-party medical expert witness or other expert witness only after the mutual exchange of written reports has occurred. Upon good cause shown, additional time after submission of both sides expert witness reports will be provided for these discovery depositions if requested by a party. If a party chooses not to hire an expert witness in opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert witness. Except upon good cause, the taking of a discovery deposition of the proponent's non-party expert witness prior to the opponent's submission of an expert witness report constitutes a waiver of the right on the part of the opponent to call an expert witness at trial on the issues raised in the proponent's expert witness' report.

(7) OBJECTIONS. Any objections to an expert witness' anticipated testimony shall be made prior to the pretrial conference. The court will not consider any such objections at trial.

5.02 INTERROGATORIES. Requests for and answers to interrogatories shall be in conformance with Ohio Rules of Civil Procedure and shall not be filed with the court except as necessary exhibits and attachments to appropriate motions, and in accordance with Lake Co.C.P.R. 3.04(C). Interrogatories or answers thereto which are filed in violation of this rule shall be stricken sua sponte.

5.03 RELEASE AND REPRODUCTION OF MEDICAL RECORDS

(A) ORDER. Upon motion of any party showing good cause and upon notice to all other parties, and prior to the pretrial hearing, the court may order any hospital, physician, or medical provider in the state, by any agent thereof competent to act in its behalf, to reproduce by copying or other recognized method of facsimile reproduction, all or any portion of designated hospital records, physician records, medical records or x-rays, which constitute or contain discoverable evidence pertinent to an action pending in this court. Such order shall direct the hospital, physician, or medical provider to describe by cover letter the portion or portions of the records reproduced and any omissions therefrom and to specify the usual and reasonable charges therefor, and such order shall designate the person or persons to whom such reproductions shall be delivered or made available, the date by which they shall be delivered or made available, and the potential penalty for failure to comply with the court order.

(B) OBJECTIONS. Objections to the admissibility of such hospital, physician, or medical records on the grounds of materiality or competency shall be deemed reserved for ruling at the time of trial without specific reservation in the order to reproduce. Reproductions made pursuant to this procedure may be admitted in evidence without further identification or authentication, but subject to rulings on objections impliedly or specifically reserved, unless the order otherwise expressly provides.

(C) COSTS. Charges for reproductions of its records shall be paid directly to the hospital, physician, or medical provider concerned by the movant or the movants.

(D) RETURN. Where original records are produced in court and reproductions subsequently substituted by agreement of the parties or by order of the court, the movant or movants shall be responsible for the cost thereof. Unless otherwise ordered by the court, all original records shall be returned by the moving party to the hospital, physician, or medical provider upon entry of judgment in this court.

5.04 MOTIONS TO COMPEL. Counsel shall participate in both formal and informal discovery conferences and correspondence to reduce, in every way possible, the filing of unnecessary discovery motions. To curtail undue delay in the administration of justice, no discovery procedure filed under Rule 26 through 37 of the Rules of Civil Procedure to which objection or opposition is made by the responding party, shall be taken under consideration by the court, unless the party seeking discovery shall have first attempted personal consultation and correspondence to resolve differences and the parties are unable to reach an accord. The motion to the court shall make such representations. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.

5.05 DEPOSITIONS; PROCEDURE. Depositions shall be taken in accordance with the Rules of Civil Procedure and the following:

(A) SCHEDULING. Counsel shall make a timely and good faith effort to mutually agree to schedules for the taking of depositions. Except for good cause, counsel for the deponent shall not cancel a deposition or limit the length of a deposition without agreement of the examining counsel or order of the court.

(B) DECORUM. Witnesses, parties, and counsel shall conduct themselves in a professional, temperate, dignified, and responsible manner. Opposing counsel and the deponent shall be treated with civility and respect, and the examining counsel shall not engage in repetitive, harassing, or badgering questioning. Ordinarily, the deponent shall be permitted to complete a responsive answer without interruption by counsel.

(C) OBJECTIONS. Objections shall be limited to (i) those which would be waived if not made pursuant to Civ.R. 32(D), and (ii) those necessary to assert a privilege, enforce a limitation on evidence directed by the court, present a motion under Civ.R. 30(D), or assert that the questioning is repetitive, harassing, or badgering. No other objections shall be raised during the course of the deposition.

(D) SPEAKING OBJECTIONS. Counsel may interpose an objection by stating "objection" and the legal grounds for the objection. Speaking objections which refer to the facts of the case or suggest an answer to the deponent are improper and shall not be made in the presence of the deponent.

(E) INSTRUCTION NOT TO ANSWER. Counsel may instruct a deponent not to answer a question only when necessary to preserve a privilege, enforce a limitation on evidence directed by the court, present a motion under Civ.R. 30(D), or terminate repetitive, harassing, or badgering questioning. In the event privilege is claimed, examining counsel may make appropriate inquiry about the basis for asserting the privilege. In the event that the ground for the instruction not to answer is that the questioning has become repetitive, harassing, or badgering, and the examining counsel believes that further questioning on the subject is necessary and proper, the examining counsel may apply to the court for the right to pursue such questioning at a later date.

(F) IRRELEVANT AND EMBARRASSING QUESTIONS. If an attorney objects to a particular line of questioning on the ground that the questioning is being conducted in bad faith, or in such a manner as unreasonably to annoy, embarrass, or degrade the deponent, the questioning attorney shall move on to other areas of inquiry, reserving the right to pursue the objected-to questions at a later time, or if the objecting attorney agrees to withdraw the objection or if, as a result of a conference call by the attorneys to the appropriate court, a motion to compel or a motion filed under Civ.R. 30(D), the court determines that the objected-to questions are proper.

(G) CONFERRING DURING QUESTIONING. While a question is pending, counsel for the deponent and the deponent shall not confer, except for the purpose of deciding whether to assert a privilege.

(H) DOCUMENTS. During the deposition, examining counsel shall provide opposing counsel and counsel for the deponent with copies of all documents shown to the deponent.

(I) SANCTIONS. Where a witness, party, or counsel violates any of these rules at a deposition, the court may order sanctions or remedies, including those sanctions and remedies available under Civ.R. 37.

(J) METHOD OF OBJECTIONS. Where video depositions or written depositions are to be used at trial, objections to any testimony must be brought to the attention of the court by motion, within such time as each court's trial order shall specify, listing the specific objections upon which ruling is required, as well as transcribing those portions pertinent to the objections.

(K) TRIAL OBJECTIONS. No objections to depositions shall be entertained at trial.

CHAPTER VI - JUDGMENT

6.01 DEFAULT JUDGMENT

(A) MOTION. Motions for default judgment, with proof of service on all parties who have appeared, shall be in writing and shall be accompanied by a proposed judgment entry and all necessary documentation, including an affidavit, in support of the requested judgment.

(B) HEARING. If the court sets the matter for hearing, then at the hearing moving counsel shall be prepared to offer testimonial and documentary evidence in support of the claim, and if the claim is for damages, counsel shall present evidence in support of damages. The court may continue the hearing until satisfied that the evidence supports a judgment.

6.02 COGNOVIT NOTE ACTIONS (Eff. 2/1/2010, V.17, P.1193). In all actions on cognovit notes, the personal appearance in court of counsel for the plaintiff(s) shall be required. Said counsel shall have full knowledge about the case. The personal appearance in court of counsel for the defendant(s) is not necessary.

6.03 JOURNAL ENTRIES, FINDINGS AND CONCLUSIONS

(A) RESPONSIBILITY. The prevailing party shall forthwith provide the court with a judgment entry.

(B) TIME. When a request for findings of fact and conclusions of law is made, the court may direct the party making the written request to prepare, within five days of such request or longer time as the court may order, proposed findings of fact and conclusions of law and submit them to opposing counsel. Within ten days after service upon opposing counsel or parties, the proposed findings shall be submitted to the court with written objections and counter-proposals, if any. However, only those findings of fact and conclusions of law made by the court shall form part of the record. The court may require the proposed judgment entry or findings of fact and conclusions of law to be submitted electronically, by e-mail, or by computer disk.

(C) AMENDMENT. Upon motion of a party, made within ten days after the filing of such findings and conclusions, the court may amend the findings and conclusions, make additional findings and conclusions and may amend the judgment accordingly. Such motion may be made with a motion for a new trial.

(D) VACATING JUDGMENT AND LIEN RELEASE. Every proposed judgment entry which is submitted to the court and which would, if adopted, vacate a prior judgment, and/or release and/or satisfy any lien, shall identify the judgment lien docket and page number or numbers of any such liens which are to be released and/or satisfied, and, in the case of the vacation of a prior judgment, shall identify the date on which the judgment to be vacated was filed.

CHAPTER VII - SPECIAL FORMS OF ACTION

7.01 REAL PROPERTY ACTIONS

(A) PRELIMINARY STATE OF TITLE (Rev. 1/13/2017, V.28, P.0141). Except for foreclosure of liens filed pursuant to R.C. §5721.18(C), in actions to quiet title, partition, and for the marshaling and foreclosure of liens on real property, the plaintiff's attorney shall procure and file with clerk of the court, at the time of the filing of the complaint, evidence of the state of the record title to the premises in question, including the names of the owners of the property to be sold and a reference to the volume and page of the recording of the next preceding recorded instrument by or through which the owners claim title as the same shall have been prepared and extended by a responsible title or abstract company to a date not over thirty days prior to the filing of the complaint. A true copy certified by the attorney or a copy of the original evidence of title may be filed with the clerk of court in lieu of such original. Upon failure of the attorney for the plaintiff to comply with the foregoing requirement, any cross-complainant or other interested party, upon notice to plaintiff's attorney, may procure leave to furnish and file such evidence of the state of title within thirty days after filing the complaint. Such evidence of title or copy thereof shall become and remain a part of the file in the case. Where the evidence of title indicates that necessary parties have not been made defendants, the attorney for the party filing the same shall proceed without delay to cause such new parties to be added and served. Failure to file the required evidence of title or failure to add and serve necessary parties may result in dismissal of the action after written notice by the court to counsel.

(B) FINAL STATE OF TITLE. At the time of entry of judgment in any such case, a final certificate of extension of the evidence of title shall be prepared and filed in accordance with the foregoing requirements showing the address or location of the property and the record state of title dated within thirty days of the final decree evidencing changes pertaining to the interest of all necessary parties after filing of the preliminary evidence of title. Such extension shall also become and remain a part of the file in the case.

(C) COSTS. The expense of the title work required under this rule may be taxed as part of the costs against the losing party unless otherwise ordered by the court.

(D) FORECLOSURE ACTIONS – COUNTY TREASURER (Eff. 7/1/2011, V.19, P.1431; Rev. 1/13/2017, V.28, P.0141)

(1) In all real property foreclosure actions, where the Lake County Treasurer is named as a party defendant, the treasurer need not file an answer to the complaint or any cross-claim, nor does the treasurer need to be served with any answer or other pleading after the complaint, unless any

party challenges the real estate taxes and/or assessments claimed by the treasurer on the tax records either as to the amount or validity, or as to the priority as a first and best lien. In all foreclosure cases where the Lake County Treasurer need not answer, the treasurer will also not be required to attend any hearings unless specifically directed to do so by the court.

(2) In real property foreclosure actions where the treasurer need not file an answer, the Lake County Treasurer's appearance will be presumed for purposes of jurisdiction and the court shall take judicial notice that the treasurer has the first and best lien for taxes due.

(3) After real property is foreclosed, all motions requesting a confirmation of sale that include a request for a distribution of the proceeds, shall be accompanied by a statement from the Lake County Treasurer, on a court approved form, stating the amount of the delinquent taxes, unpaid current year taxes, current year penalty and interest, pro-rated taxes, future assessments, and the total taxes due and to be paid out of the proceeds from the sale of the real property.

(E) APPRAISER FEES. Upon the appointment of any appraiser by the court, the court shall require a deposit by a party or parties as the court prescribes to pay any fees of the appraiser. Further deposits may be required of the party or parties. In the final order or judgment on the case, the court may allocate responsibility for payment of the fees of any appraiser.

7.02 FORECLOSURE MEDIATION STANDING ORDER (Eff. 3/31/2010, V.18, P.0272)

(A) AUTHORITY AND SCOPE. Pursuant to its inherent power to control its docket, the court hereby issues this standing order, which is in compliance with the Ohio Revised Code Chapter 2710, Uniform Medication Act, and applies to mediation of all foreclosure cases arising out of an alleged default in a residential mortgage.

(B) PURPOSE. The purpose of this standing order is to authorize and systematize the mediation of foreclosure cases in a timely and cost efficient manner in order to minimize case processing time, save costs and expense for the parties, assist the parties in working out new mortgage terms where possible or other agreements acceptable to the lender and borrower, and prevent the adverse social consequences of vacant and abandoned houses.

(C) INFORMATION. The lender and borrower shall submit all information to the Mediation Service as determined by the Mediation Service or the judges of the court, including, but not limited to, a payment history of the loan to the mediator and if requested by the mediator, to opposing counsel or the opposing party. The information provided to the Mediation Service will include information for determining appropriate cases for mediation, and to increase the likelihood of settlement at the mediation session.

(D) PREPARATION. Counsel and the parties shall be prepared to negotiate on each case noticed and on all issues in the case, including, but not limited to, qualifications for loan modifications, in a mutual effort to reach a fair and reasonable settlement. The lender representative shall have reviewed the

lender's case file prior to the mediation. The failure of the lender's representative to be fully prepared will likely result in being ordered to appear, in person, at all follow up discussions and mediation sessions.

(E) NOTICE AND LOCATIONS. Notice of a mediation session will be sent to the lender and borrower and/or any counsel of record by the court in the same manner as a trial notice. Such notices shall be official and shall be the only notice sent. Notice of subsequent mediation sessions may be scheduled by e-mail by the mediator. Mediation sessions will be held in the Lake County Court House, or, at the mediator's discretion, by telephone conference. Under no circumstances shall the official case file leave the court buildings.

(F) CONFIDENTIALITY. All settlement discussions shall be subject to Ohio Evidence Rule 408 and the statutory mediation privilege in R.C. §2710.01 *et seq.*, the Uniform Mediation Act as adopted in Ohio.

(G) ATTENDANCE. Borrower and borrower's counsel, if any, and the lender, by representative(s) with settlement authority on all pending issues in the case, and lender's counsel, shall be physically present at any scheduled in-person mediation. If the mediator decides to caucus, counsel may attend as appropriate. For all telephone mediations, borrower and/or borrower's counsel, if any, and the lender, by representative(s) with settlement authority on all pending issues in the case, and lender's counsel, shall be in attendance. Representatives of the holders of tax liens (i.e. the prosecuting attorney), and any other lien holders, except the plaintiff, are excused from attendance, but may attend if they are willing to negotiate their lien.

(H) SCHEDULE CHANGES. As foreclosure mediation is a joint bench bar effort, counsel and parties must share in the responsibility for proper scheduling. Counsel or an unrepresented party shall inform the Mediation Service promptly of any early settlements, or requested schedule changes. Counsel or such party requesting a schedule change or cancellation shall inform all other parties participating in the mediation by confirming letter, fax, or e mail of any change approved by the Mediation Service. Failure to timely advise all other participating parties will subject the offending party to sanctions if the other side appears at the original mediation date and time.

(I) FOLLOW UP. As follow up discussions are an integral part of the mediation process, the mediators are authorized to schedule additional sessions, if necessary. Such sessions may be conducted in the same manner as the original session at the discretion of the mediator. The mediator shall report the results of any follow up mediation session to the Mediation Service and the court's magistrate.

(J) SANCTIONS. Violation of this standing order, including but not limited to failure to attend, may result in imposition of sanctions, including but not limited to monetary penalties, assessment of costs, preclusion of evidence, dismissal, or default. Lack of settlement authority is not a defense to the imposition of sanctions for failure to negotiate.

7.03 SHERIFF'S SALES (Rev. 1/13/2017, V.28, P.0141)

(A) PAYMENT METHOD. On all sales of goods and chattels, the purchase price shall be paid in cash or equivalent unless otherwise ordered by the court.

(B) PAYMENT FAILURE

(1) ABANDONED LAND. Abandoned land is defined at R.C. §323.65. Abandoned land that is to be disposed of pursuant to R.C. §323.73 shall be disposed of in the manner set forth in R.C. §323.73. The court retains its contempt powers with regard to successful bidders who fail to pay the balance of the purchase price of abandoned land within thirty days.

(2) RESIDENTIAL OR COMMERCIAL PROPERTY. In actions demanding the judicial or execution sale of residential or commercial property, not disposed of as abandoned land, disposal of said property shall be in the manner set forth in R.C. §2329.211. Commercial property is defined at R.C. §2329.01. Failure to pay the balance within the prescribed period is punishable as set forth in R.C. §2329.30.

(3) FIRST LIEN HOLDERS AS PURCHASER. In the event the purchaser is the holder of the first lien, except the lien of costs, taxes, and assessments, the purchaser shall pay, within thirty days after confirmation of sale is approved by the court, a sufficient amount to cover the court costs and said taxes and assessments and shall deliver to the sheriff a receipt for the balance of the purchase price, not to exceed the amount of their lien, and if their bid exceeds the amount due them, plus the amount of said costs, taxes, and assessments, the purchaser shall also pay to the sheriff the amount of such excess.

(C) NOTICE OF TERMS OF SALE. The sheriff shall keep a copy of this rule conspicuously posted at the place where the sheriff conducts sales and shall call attention thereto before receiving bids. In each advertisement of sale unless otherwise ordered by the court, the sheriff shall state the terms of sale to be in substance as follows: “Terms of Sale. Purchase price is to be paid in accordance with the rule of Court of Common Pleas, Lake County, Ohio, governing sheriff’s sales.”

7.04 CONFIRMATION OF SALE

(A) MOTIONS AND JUDGMENT ENTRY (Rev. 1/13/2017, V.28, P.0141). The plaintiff shall file with the court, together with a prepared judgment entry, a motion to confirm the sale.

(B) SERVICE. A copy of the motion, together with a copy of the proposed confirmation order, shall be served in accordance with the provisions of Civ.R. 5 on the debtor, creditors, purchaser, and all other interested parties, unless the entry is approved by all parties.

(C) ENCUMBRANCE RELEASE. The entry of confirmation shall release all liens and mortgages by enumerating the name(s) of the mortgagor(s)/mortgagee(s) and debtor(s)/creditor(s) accompanied by the volume and page, or other appropriate reference, of the lien, encumbrance or cloud on title being canceled, affected or removed by virtue of the sale, with appropriate orders as to each.

(D) HEARING. No motion for confirmation of sale shall be heard earlier than the fifteenth day after the filing of the motion.

7.05 RECEIVERSHIP

(A) INVENTORY. As soon as practicable after appointment, a receiver shall file an inventory of all property and assets in such receiver's possession unless otherwise ordered by the court.

(B) REPORTS. A receiver shall file reports of receipts and of all monies disbursed (with receipts for same and only after prior court approval) and of his or her acts and transactions as receiver within three months after the date of the appointment and at regular intervals every three months thereafter until discharged or at such other times as the court may direct.

(C) COMPENSATION. Applications for allowance of compensation to receivers or attorneys for receivers shall be made only upon prior notice to creditors, the debtor and other persons in interest as the court may direct. Such applications shall be heard at the convenience of the court.

(D) ACCOUNTING. A detailed final accounting shall be filed and a copy sent to all creditors, the debtor and other persons in interest as the court may direct. Objections to the final accounting shall be heard at the time set for court approval of the final accounting; however, such objections shall be in writing accompanied by a short brief and filed with the clerk of the court prior to the hearing on the final accounting.

7.06 FIDUCIARIES. In any matter pending in this court in which a trustee, receiver, or other fiduciary has been appointed by this court, and such fiduciary desires to secure from the court an allowance of compensation for their services and/or for attorney's fees for services rendered, such fiduciary shall file in this court a written application for such allowance containing notice of the time and place for hearing, which shall not be less than five days from the filing of such application. The foregoing requirement for hearing and notice may be waived by the court.

7.07 NOTARIES PUBLIC. Every person desiring to secure from a judge of the court of common pleas a certificate as to his or her qualifications and ability to discharge the duties of the office of notary public shall take an examination to be conducted by a committee of six members of the bar appointed by the presiding judge, unless otherwise examined by a judge of the court of common pleas in his or her discretion. The members of such committee shall be appointed to serve a period of one year or until a successor is appointed. Said examination may be oral or written as said committee shall determine, and be conducted on the first Saturday of each month and such other time as the committee may determine. One or more of the committee may act on behalf of the committee, as it shall determine and subject to court approval. Within ten days after the examination, the committee shall report in writing, to the court as to whether or not the applicant possesses the qualifications to discharge the duties of the office of notary public. Said committee may make a reasonable charge to defray costs and expenses of giving examination, subject to approval of the court.

7.08 CIVIL STALKING PROTECTION ORDER (CSPO)

(A) CSPO COUNTERCLAIMS; REFILINGS (Eff. 10/3/2003, V.13, P.0633)

(1) If a respondent to a petition for civil stalking protection order files a petition against the same petitioner that filed the original petition, the respondent's petition shall be treated as a counterclaim to the original petition, and shall be docketed under the same case and assigned to the same judge as the original petition. The counterclaimant's petition shall be afforded the same ex parte hearing rights as if it was an original petition.

(2) If a petitioner for civil stalking protection order has previously filed any petition(s) for civil stalking protection order in the general division of the court of common pleas for Lake County, Ohio, regardless of whether against the same respondent, the new petition shall be assigned to the same judge to whom any prior petition(s) was assigned.

(3) If a judge denies and dismisses a petition for civil stalking protection order on ex parte hearing, the clerk of courts shall not serve a copy of the order denying and dismissing the petition upon the respondent.

(B) CSPO MULTIPLE PETITIONERS OR RESPONDANTS (Eff. 10/3/2003, V.13, P.0628). If more than one petitioner files a petition for civil stalking protection order against the same respondent or respondents, or if one petitioner files a petition for civil stalking protection order against more than one respondent, arising out of related patterns of conduct, there shall be only one case docketed and it shall be assigned to only one judge, and the clerk of courts and the general division judges of this court shall use modified forms 10.03-D (Multiple), 10.03-E (Multiple), and 10.03-F (Multiple), which are substantially similar to the standard civil stalking protection order forms promulgated by the Supreme Court of Ohio, pursuant to Rule 10.03 of the Rules of Superintendence for the Courts of Ohio. Standard Form 10-A (NCIC Notice) shall continue to be used for each respondent/subject against whom a civil stalking protection order is issued. The modified forms (front page only) for use with multiple parties are attached hereto.

(C) SERVICE (Eff. 10/27/2005, V.14, P.0668). Pursuant to R.C. §2903.214, the court finds that service shall be made in the following manner:

(1) Upon the granting of an ex parte protection order, the party filing the petition, unless directed otherwise by the judge or magistrate issuing the order, shall remain at the clerk's counter and be hand-served a time-stamped copy of the order by the clerk.

(2) Initial service, and service of any ex parte protection order that is entered, shall be made in accordance with the provisions for personal service of process within the state under Civ.R. 4.1(B) or outside the state under Civ.R. 4.3(B)(2). Upon failure of such personal service, or in addition to such personal service, service may be made in accordance with any applicable provision of Civ.R. 4 through Civ.R. 4.6.

(3) After initial service has been made in accordance with this rule, any additional service required to be made during the course of the proceedings shall be made in accordance with the provisions of Civ.R. 5(B).

(4) The clerk of courts shall acknowledge that service has been perfected by signing in the appropriate box on the last page of the full hearing civil stalking protection order form (Form 10.03-F) and indicating which method of service was used.

(5) The clerk of court shall notify the magistrate if service has not been perfected.

7.09 COURT-ORDERED TITLE TO MOTOR VEHICLE (Eff. 12/19/2014, V.0025, P.0183). The clerk of courts shall direct any person seeking a court order for the issuance of a title to a motor vehicle to obtain an inspection to be completed by the Ohio State Highway Patrol prior to filing with the court for an order to issue title. The filing fee for such miscellaneous case shall be $50.00.

CHAPTER VIII - CRIMINAL

8.01 SUPERVISION FEES, ADULT PROBATION DEPARTMENT (Eff. 1/4/2010; Rev. 1/3/2012, V.20, P.0550)

(A) Pursuant to R.C. §2951.021, offenders placed under a community control sanction(s) shall be required to pay a minimum supervision fee of $25.00 per month through the Lake County adult probation department.

(B) Any payments collected by the Lake County adult probation department shall be applied first towards the payment of supervision fees, then towards court costs and/or fines, and then towards the satisfaction of any restitution order.

(C) This rule shall take effect upon the filing of this judgment entry and shall apply prospectively to all offenders placed under a community control sanction(s) on or after January 3, 2012. All offenders placed under a community control sanction(s) prior to January 3, 2012, will continue to pay a supervision fee in the amount of $15.00 per month. In the event of an extension of a period of community control sanctions, the offender shall be charged and pay a supervision fee at the rate in existence at the time that the period of community control sanction is extended.

8.02 NORTHEAST OHIO COMMUNITY ALTERNATIVE PROGRAM – NEOCAP (Eff. 10/24/2006, V.14, P.1565)

(A) Pursuant to R.C. §2301.51 through §2301.58; and to implement House Bill 162, R.C. §2301.51(A)(3)(a), there is established the Judicial Advisory Board for the Northeast Ohio Community Alternative Program and that all members of the previous Judicial Corrections Board shall continue to be members of the new Judicial Advisory Board.

(B) The Judicial Advisory Board shall continue with the present operation of Northeast Ohio Community Alternative Program and shall be empowered with all the duties and responsibilities in the operation of the above community based correctional facility pursuant to law.

8.03 PROMULGATION OF RULES, ADULT PROBATION DEPT. (Eff. 5/26/2006, V.14, P.1205). The Lake County Court of Common Pleas hereby establishes, and may amend or revise from time to time, certain conditions and rules of adult probation. These

conditions and rules shall take effect upon adoption and shall apply prospectively to all probationers.

8.04 BONDS; PRETRIAL CONFERENCES (Eff. 6/23/2004, V.13, P.1293)

(A) BOND PROCEDURE

(1) Each defendant in a criminal case, before he or she is let to have bail/bond, shall execute a Conditions of Bail/Bond form which shall state the conditions under which the court is granting the bail/bond.

(2) The Conditions of Bail/Bond shall be explained to the defendant and that fact attested on the bond form by the defendant's attorney. The attorney shall also indicate whether he or she will be trial counsel.

(B) ATTORNEY PRE-TRIAL CONFERENCE

(1) In criminal cases, unless the court provides otherwise, the attorney for the defendant and the prosecutor shall, thirty (30) days before the trial date, conduct a pretrial conference between themselves. The defendant must appear for the conference and cooperate with his or her attorney. The defendant need not be privy to the attorney conference. The attorney for the defendant and the prosecutor shall fill out and execute the Report of Attorney Pre-Trial Conference Form with all the information requested.

(2) The Report of Attorney Pre-Trial Conference must be signed by counsel and the defendant attesting his or her presence. If the defendant fails to appear, that fact must be reported to the court immediately. In the event the defendant is incarcerated in the Lake County Jail, he or she is also required to sign the report but his or her incarceration must be noted on the form.

(3) The Report of the Attorney Pre-Trial Conference Form shall be delivered to the court forthwith.

(4) The court shall be notified of any change of plea at least two weeks before the trial date.

8.05 SPEEDY TRIAL TIME WAIVERS (Eff. 1/1/2013, V.22, P.0001). All waivers of time within which the defendant must be brought to trial shall be signed by the defendant and counsel, waive all constitutional and statutory provisions for speedy trial, and, unless an explicit expiration date for the waiver is otherwise set forth within the time waiver, extend time from the expiration of the existing speedy trial time limit.

8.06 INSPECTION OF PRESENTENCE REPORT BY DEFENDANT (Eff. 5/14/2013, V.22, P.0659; Rev. 6/14/2013, V.22, P.0763). Presentence reports, drug and alcohol evaluations, sexual offender evaluations, psychological or psychiatric examinations and evaluations, and any other report or report of examinations for purposes of sentencing, expungement, intervention in lieu of conviction, first offender's program, certificate of qualification for employment, competency, sanity, or civil commitment, may be viewed and read by a defendant and his or her counsel of record, or an attorney-designee of counsel of record, in preparation for a hearing involving that defendant. These documents are not public records. No copies, photocopies, images, or other

reproduction may be made of any portion of the documents. A Victim Impact Statement and Adult Probation Department recommendation shall not be exhibited to, or viewed or read by, the defendant or counsel. For any violation of this rule, the court will be notified and the court will take appropriate disciplinary action.

8.07 NGRI EVALUATION REPORTS (Eff. 10/23/2013, V.23, P.0357; Rev. 12/19/2014, V.0025, P.0180). In the case of a plea of not guilty by reason of insanity when the court has ordered one or more evaluations of the defendant's mental condition at the time of the offense charged, the examiner conducting the evaluation shall file a written report with the court pursuant to law. The court shall promptly provide a copy of the report to defense counsel. If the plea of not guilty by reason of insanity remains pending seven (7) business days after the court provided a copy of the report to defense counsel, or if the defendant has not requested a second evaluation within seven (7) business days after the court provided a copy of the report to defense counsel, the court shall provide a copy of the report to the prosecutor. In the event that a second evaluation is requested by the defendant and ordered by the court, the court shall not provide the report to the prosecutor at that time. The examiner conducting the second evaluation shall file a written report with the court pursuant to law and the court shall promptly provide a copy of the second report to defense counsel. If the plea of not guilty by reason of insanity remains pending seven (7) business days after the court provided a copy of the second report to defense counsel, the court shall provide a copy of all reports to the prosecutor. The court can continue the seven (7) business day deadline for disbursement to the prosecution if it can be shown for good cause that it should be delayed.

8.08 RETENTION/DESTRUCTION OF PROBATION RECORDS (Eff. 10/11/2013, V.23, P.0291). All Lake County Adult Probation Department inactive case records, except for capital cases, shall be retained for the longer of twelve years or any period of time for which a part of the sentence and/or condition of the sentence is still pending and has not been completed. All records for any capital case shall permanently be retained and never destroyed. All case records that are no longer required to be retained may be destroyed.

8.09 CREDITING COMMUNITY SERVICE FOR COSTS (Eff. 12/19/2014, V.0025, P.0182). Pursuant to R.C. 2947.23(B), if the judge determines that the defendant has failed to pay the judgment for costs of prosecution or to timely make payments under an approved payment schedule and that imposition of community service for the failure is appropriate, and orders the offender to perform community service, the defendant shall receive credit upon the judgment at a uniform credit rate of $10.00 per hour of community service performed, and each hour of community service performed shall reduce the judgment by that amount. The Adult Probation Department shall send a memo to the judge detailing the number of hours of community service performed. If the judge approves the service credit, the judge will forward the memo, with the judge's signature of approval, to the clerk of courts so that the clerk can adjust the records to reflect the credit. The clerk shall have discretion as to the allocation of the credit.

8.10 TELEPHONIC SEARCH WARRANTS (Eff. 12/19/2014, V.0025, P.0181)

(A) Pursuant to Criminal Rule 41(C), affidavits for search warrants may be communicated to a judge of this court by reliable electronic means. This court recognizes electronic mail, facsimile, and delivery through a secure internet portal as reliable electronic means.

(B) The applicant for the search warrant shall promptly contact the judge to whom the affidavit was electronically transmitted via telephone, to be placed under oath and swear to or affirm the affidavit communicated. The judge will confirm the identity of the applicant, and in doing so may consider the origin of the electronic transmission of the affidavit.

(C) Electronic signatures on the affidavit and the warrant shall be considered valid if they evidence an intent to represent the signature of the signer. Signatures may be accomplished by a PIN secured image, a touch-pad signature, or a typed signature preceded by "/s/."

(D) Warrants may be issued to the applicant through the same means of delivery through electronic mail, facsimile, and delivery through a secure internet portal.

CHAPTER IX - MEDIA

9.01 MEDIA PLAN (Eff. 4/1/2005, V.13, P.1824; Rev. 4/1/2011 V.19, P.1143). In accordance with Rule 12 of the Rules of Superintendence for the Courts of Ohio, the court has adopted a media relations and public access plan for special interest and high profile cases in the general division of the court of common pleas of Lake County, Ohio. The plan, with all attachments, shall be posted on the court's web site.

(A) The policy of the plan is to provide a just, fair, equitable, and impartial adjudication of the rights of the litigants and allow an opportunity for media coverage of public civil court proceedings to facilitate the free flow of information to the public concerning the judicial system and to foster better public understanding about the administration of justice. This plan and the rules promulgated thereunder are to be construed as requiring the court to balance all interests involved to maintain the dignity, decorum, and impartiality of the court proceeding, while at the same time providing the greatest access possible.

(B) The media and the public have a general right of access to all public judicial proceedings in the Lake County Court of Common Pleas. This plan contains policies and procedures that address public access and media coverage of special interest or high profile proceedings as well as non-high profile cases. Its aim is to ensure that: (1) the media and general public are accommodated to the best of the court's abilities, (2) an appropriately dignified atmosphere prevails in the courthouse so that other trials and proceedings are not adversely impacted, (3) all security measures have been taken to ensure the safety and well-being of court staff, parties, attorneys, media representatives, and the public, and (4) all activities associated with these cases be in conformance with all applicable laws.

CHAPTER X - JURIES

10.01 SELECTION OF PETIT AND GRAND JURORS (Eff. 10/14/2009, V.17, P.0657; Rev. 11/16/2012, V.21, P.0928). Pursuant to R.C. §2313.09, the selection of names of prospective jurors for grand and petit juries will be drawn by automated data processing in accordance with the following rule of the court:

(A) The Lake County Jury Commission shall conduct one annual drawing of jurors for all divisions of the court of common pleas and each municipal court in Lake County, Ohio, in accordance with this rule. Supplemental drawings of jurors, as

needed, shall be determined by the presiding judge in accordance with law and this rule.

(B) The jury year in Lake County, Ohio shall begin on the first day of each year, with a new and complete jury list being made up annually by the commissioners of jurors and certified and filed by them before the beginning of each jury year. In his or her discretion, a judge of the common pleas court may continue to use prospective jurors selected in the previous year's drawing, if for technical or other reasons, a new jury list is not timely made up or the use of the new jury list is impracticable during the month of January.

(C) The annual drawing of jurors shall be public on a day designated by the commissioners of jurors not less than fourteen days or more than fifty days before the beginning of the jury year; provided further, that the board of elections has sufficient time to certify the names of all the electors of the county shown on the registration lists for the most recent general election.

(D) The court will use the jury management system developed and supported by Courthouse Technologies Ltd., which includes its equal, random probability of selection algorithm for the selection of names of prospective jurors from the database. The commissioners of jurors may substitute any other competent automated data processing technology possessing the requisite features set forth in R.C. §2313.09.

(E) The database for selection of names of prospective jurors shall be the certified, current list containing the names, addresses, dates of birth, and social security numbers, if the numbers are available, of all the electors of the county shown on the registration lists for the most recent general election, and the names of jurors selected therefrom shall be by random selection according to the algorithm utilized by the jury management system of Courthouse Technologies Ltd. or other competent automated data processing technology that can render an equal, random probability of selection of jurors from the jury source list.

(F) The board of elections shall certify by electronic means the names of all eligible voters in the county who are registered in the previous November election to the IT Department, which shall use the automated data processing means authorized by this rule to draw all juror names required on computer equipment of the court.

(G) The drawing of jurors shall take place in a room which is equipped with a computer and visual display apparatus for public viewing by jury commissioners or their representatives and other designated officers of the selection process; the automated data processing system shall return names of persons selected but not used as jurors; and the venires containing the names and respective residences of the persons drawn and specifying for what court or judge and for what term they were drawn shall be printed in duplicate and filed with the jury commission and the clerk of the court of common pleas.

(H) The court shall employ safeguards against unlawful tampering with the encoding devices, information storage devices, and random number generator device, or unlawful activation of the automated information retrieval system.

(I) The commissioners of jurors shall publish notice of the drawing of jurors at least six days before the drawing of jurors in at least one newspaper of general circulation in Lake County, and serve written notice of the drawing upon the judges of the court of common pleas, the clerk of the court of common pleas, the

judges of the municipal courts of the county, the board of elections, the sheriff, and the prosecuting attorney.

(J) The jury commissioners shall appear at the annual drawing and participate as required by law. The commissioners (who are not employees of the general division of this court) shall be compensated the sum of $100.00 for attendance and participation at the annual drawing, and at any other supplementary drawing of jurors required by the court.

(K) The judges of the several divisions of the common pleas court and of the municipal courts shall make requests for jurors and the number and type to be utilized throughout the year, and any special request for the format of the list of names, to the presiding judge who shall certify to the jury commission by general order of the court the number of prospective juror names to be drawn.

(L) Any additional requests for supplementary drawings of prospective juror names must be submitted and approved by the presiding judge.

10.02 RETENTION OF JURY RECORDS (Eff. 1/1/2013, V.22, P.0001). Any juror questionnaires that have been completed by jurors shall be submitted to the jury commission, to be held in the custody of the jury commissioner or bailiff or court reporter employed in each court. The jury commission shall retain completed juror questionnaires for a period of three years, except for capital cases, for which the questionnaires shall be retained until judgment of execution has been carried out.

CHAPTER XI - ARBITRATION

11.01 RULES FOR ARBITRATION FOR LAKE COUNTY (Adopted August 1, 1977; Rev. 2/1/1995, 1/1/2000, 10/1/2002; V.12, P.0635). In order to facilitate and expedite the administration of justice in Lake County, Ohio, the following procedures shall be in effect from and after October 1, 2002.

PART I

11.02 CASES FOR SUBMISSION TO ARBITRATION

(A) A case shall be submitted to arbitration if so ordered by a judge after a case management conference, pretrial conference, or settlement conference has been conducted, and the court has determined that all parties to the case have made an appearance by filing a responsive pleading or otherwise. The judge should determine that the case is appropriate for arbitration. Cases submitted to arbitration shall be heard and decided by a board of arbitration, consisting of three members of the bar of Lake County, Ohio, to be selected as provided in Part II.

(B) All discovery must be completed before a case is submitted to arbitration. Timely motions must be ruled upon. The issues must be joined and the case be ready for trial. No further pleadings, motions, discovery or delays will be permitted after the case has been submitted to arbitration.

(C) Whenever agreed upon by all of the parties, in writing, the parties can agree to voluntary binding arbitration.

(D) The parties in any action which is at issue and has been on file at least six months may stipulate, in writing, before or after pretrial conference, that it may be

submitted for arbitration in accordance with this rule. Upon the filing of such stipulation, the action shall be submitted to arbitration if so ordered by the judge assigned to the case.

(E) Any party to an action which is at issue and has been on file at least six months, may file a motion, executed by that party or the representative of that party, requesting that the case be submitted to arbitration in accordance with this rule. Any judge of this court may, after a hearing, grant such motion and order the case submitted to arbitration.

(F) If the arbitration hearing is anticipated to last more than two (2) hours, the parties shall advise the arbitration commissioner at least 48 hours prior to said hearing so that proper arrangements can be made. (Eff. 7/1/2003, V.13, P.0266)

(G) A case is submitted to arbitration on the date when the judge assigned to the case places an order on the case docket submitting the case to arbitration.

11.03 EXCEPTION TO ORDER. Exceptions to an order submitting a case to arbitration shall be made by a motion filed within ten days of such order.

PART II

11.04 SELECTION OF ARBITRATORS

(A) In all cases subject to arbitration, the members of the board of arbitration shall be appointed by the arbitration commissioner from the list of members of the bar of Lake County. The members of the bar qualified to act shall include only those who have filed with the arbitration commissioner their consent to so act, and all acting members of the practicing bar of Lake County shall participate.

(B) If any appointed arbitrator cannot participate in any given hearing, said arbitrator shall submit a declaration, in writing, as to why he or she cannot participate in that particular case and/or on the given date when the case has been set for arbitration, within fourteen days of notice of appointment as an arbitrator or notification of the date set for the arbitration hearing.

(C) In case of unavailability of an arbitrator, said arbitrator shall immediately call the arbitration commissioner, who, in turn, may appoint a new arbitrator to hear the case.

11.05 MANNER OF APPOINTMENT. The list of arbitrators shall be divided into three groups, designated as arbitration groups (a), (b), and (c). Group (a) shall consist of lawyers, listed alphabetically, who, as of January 1 of the current year, have been a civil trial practitioner for at least ten years. Group (b) shall consist of lawyers, listed alphabetically, who, as of January 1 of the current year, have been a civil trial practitioner for at least five years. The balance of the lawyers, that is, those who have not been a civil trial practitioner for at least five years, shall be placed, alphabetically, in group (c). The judges shall certify the lists at the first meeting of the general division each year, and such certification shall be conclusive as to the composition of the lists. Appointments to each board shall be made in alphabetical order, where feasible, one from each group, if possible; however, there shall not be more than one member from group (c) appointed to any board of arbitration.

11.06 COMPOSITION OF THE BOARD; DISQUALIFICATION FROM APPOINTMENT. A lawyer named from group (a), or if there is no lawyer from group (a) then a lawyer from group (b), shall be the chair of the board. Not more than one member of a law partnership or an association of attorneys shall be appointed to the same board, nor shall an attorney be appointed to a board who is related by blood or marriage to any party to the case or to any attorney of record in the case, or who is a law partner or an associate of any arbitrator of record in the case.

11.07 ASSIGNMENT OF CASES

(A) The arbitration commissioner shall assign up to three cases to each board appointed by the commissioner at the time of their appointment. The cases shall be taken in order from those cases submitted to arbitration by the judges. No cases shall be assigned by the arbitration commissioner to a board within thirty days from the time such case is submitted to arbitration unless a judge directs that the case be assigned specially within the thirty-day period or in the event that a companion case may be subject to assignment within the thirty-day period. Notwithstanding any provision of these rules to the contrary, a judge may submit a case for arbitration to be held between two specific dates.

(B) No disclosure shall be made to the arbitrators prior to the filing of a report and award referred to in Part IV, of any offers of settlement made by either party. Prior to the delivery of the court file to the chair of the board of arbitrators, the arbitration commissioner shall remove from the file and retain all papers or any notations referring to demands or offers of settlement.

PART III

11.08 HEARINGS; WHEN AND WHERE HELD; NOTICE

(A) Hearings shall be held at a place provided by the chair of the board of arbitration. Unless counsel for all parties and the entire board agree, the place shall be Painesville, Ohio. Should the chair be unable to provide a place for the hearing, the chair shall request another member of the board to make such a provision. The chair shall fix a time for hearing not less than fifteen days and not more than thirty days after the appointment of the board of arbitration and shall notify the arbitrators and the parties, or their counsel, in writing, at least ten days before the hearing, of the time and place of the hearing. The thirty-day period may be extended by the arbitration commissioner. No hearing shall be fixed for Saturdays, legal holidays or evenings, except upon agreement by counsel for all parties and the arbitrators.

(B) Since sufficient time is available to the parties prior to the hearing date to settle or compromise their disputes, once a hearing date is set, the hearing shall proceed forthwith at the scheduled time. There shall be no communications by counsel or the parties with the arbitrators concerning the merits of the controversy prior to the commencement of this hearing.

(C) The arbitration shall be held and concluded within ninety days from the date of submission.

11.09 INABILITY OF PARTY TO PROCEED

(A) In the event that counsel for any party is unable to proceed within thirty days from the appointment of the board of arbitration, the chair shall notify the arbitration commissioner who may mark the case "continued" and shall assign another case to the board.

(B) If, for any reason, the plaintiff(s) and/or defendant(s) wish to seek a continuation of the arbitration of the case, the party seeking same shall make all necessary arrangements for the continuance, including written permission from the opposing counsel, the arbitrators, and also establishment of a new date convenient to the arbitrator and all counsel in the pending case.

11.10 CASE CONTINUED TWICE CERTIFIED TO COURT

(A) Whenever any case has been continued two times after assignment to arbitration, the case shall be certified by the arbitration commissioner to the judge to whose docket the case has been assigned, who shall summon the parties or their counsel. The judge shall have the power to make any appropriate order, including an order of dismissal for want of prosecution, or an order that the case be again assigned to a board of arbitration and be heard and that an award be made regardless of whether the defending party appears and defends.

(B) Requests for continuance beyond the ninety days from the date of submission by the judge must be made by written motion to the judge assigned to the case.

11.11 OATH OF ARBITRATORS. When all the arbitrators are assembled, they shall be sworn or affirmed justly and equitably to try all matters properly at issue submitted to them, which oath or affirmation may be administered to them by any person having authority to administer oaths, or in the absence of such person, by one of their number.

11.12 DEFAULT OF A PARTY. The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment or continuance. An award shall not be made solely on the default of a party; the board of arbitration shall require the other party to submit such evidence as they may require for the making of an award. The failure of a party to appear either in person or by counsel and participate in an arbitration proceeding shall be considered as a waiver the right to file an appeal de novo (Part VI hereof) and a consent to the entry by the court of judgment on the report and award of the panel. The court to whom a case is assigned may, upon motion filed with the arbitration commissioner acting for the clerk of courts within thirty days of filing of the report and award and for good cause shown, grant leave to party who has failed to appear and participate in a hearing, to file an appeal de novo as hereinafter provided in Part VI.

11.13 CONDUCT OF HEARING; GENERAL POWERS

(A) Three members of the board, unless the parties agree upon a lesser number, shall be the judges of the relevancy and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrators and of all the parties except where any of the parties is absent, in default, or any of the parties has waived the right to be present. The board may receive the evidence of witnesses by affidavit or written report and shall give it such weight as they deem it is entitled to after consideration of any objections made to its admission.

(B) Counsel shall, upon request, whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

11.14 CONDUCT OF HEARING; SPECIFIC POWERS. The board of arbitration shall have the general powers of a court, including, but not limited to, the following powers:

(A) SUBPOENAS. To cause the issuance of subpoenas to witnesses to appear before the board and to request the issuance of an attachment according to the practice of the courts for failure to comply therewith:

(B) PRODUCTION OF DOCUMENTS. To compel the production of all books, papers, and documents which they shall deem material to the case;

(C) ADMINISTERING OATHS; ADMISSIBILITY OF EVIDENCE. To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to them.

11.15 MEDICAL BILLS, OTHER MEDICAL SPECIALS, PROPERTY DAMAGE BILLS OR ESTIMATES, LOST WAGES

(A) In actions involving personal injury and/or damage to property, the following bills or estimates may be offered in evidence for the purpose of proving the value and reasonableness of the charges for services, labor, and materials, or items contained therein and, where applicable, the necessity for furnishing same, namely:

(1) hospital bills, bills of doctors, dentists, chiropractors, registered nurses, licensed practical nurses, physical therapists, or other medical providers;

(2) bills for medicine, eye glasses, prosthetic devices, medical belts or similar items;

(3) property repair bills or estimates; and

(4) lost wages supported by properly verified amounts of lost time, hourly rate, wage statements or similar items.

(B) The respective dollar amounts for each such category may be expressed as one sum; all dates for treatment, services rendered, medical attentions, prescriptions, and property repair bills and all lost wages supported by properly verified amounts of lost time, hourly rate, wage statements or similar items, must be listed and served upon the opposing party within fourteen days prior to the hearing; and any notice to an insurance adjuster prior to filing the action or during the pendency of the action shall be sufficient notice to opposing party in cases where insurance may be involved.

(C) PROCEDURE IN CASE OF ESTIMATE. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party, together with the copy of the estimate, a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy of the receipted bill showing the items of repair made and the amount paid.

(D) SUPERVISORY POWERS OF COURT. The judge to whose docket the case has been assigned shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in the application of these rules.

11.16 WITNESS FEES. Witness fees in any case referred to the board of arbitration shall be in the same amount as now or hereafter provided for witnesses in trials in the common pleas court of Lake County, Ohio, and may be ordered taxed as costs in the case. Costs in the case shall be paid by the same party or parties by whom they would have been paid had the case been tried in the common pleas court of Lake County, Ohio.

11.17 TRANSCRIPT OF TESTIMONY. The arbitrators shall not be required to make a transcript of the proceedings before them. If any party desires a transcript, he shall provide a reporter and cause a record to be made. The requesting party shall pay the cost, which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided with it by the reporter upon payment, based upon the usual charges made for a copy of a transcript.

11.18 MISCELLANEOUS

(A) Any motion that inadvertently has not been ruled on prior to the submission of the action to arbitration or that has been filed subsequent to the submission shall be disregarded by the board of arbitration and, for the purposes of arbitration, treated as a nullity.

(B) The board of arbitration shall not consider collateral source benefits a claimant has received or may be entitled to receive. Although a stipulation between the parties as to the amount of set-off is encouraged, a party seeking an adjustment for collateral benefits pursuant to R.C. §2744.05(B) and R.C. §2305.27 must file a motion with the assigned judge within ten days of the filing of the report and award of arbitration and file a copy with the arbitration commissioner. A brief in opposition shall be filed within seven days of the filing of the motion and a copy filed with the arbitration commissioner. The arbitration commissioner shall forward the motion and brief in opposition to the judge for ruling, and the filing of the motion shall stay the entering of judgment on the report and award. However, in no event shall filing the motion extend the time for filing an appeal de novo. After the judge renders a ruling on the motion and informs the arbitration commissioner, the report and award will be reduced to judgment in accordance with that ruling.

PART IV

11.19 REPORT AND AWARD. Within seven (7) days after the hearing, the board of arbitration shall file a report and award with the arbitration commissioner and on the same day shall mail or otherwise forward copies thereof to all parties or their counsel. There is no monetary limit on an award. The report and award shall be signed by all of the members of the board. In the event all three members do not agree on the finding and award, the dissenting member shall write the word “Dissents” before his or her signature. A minority report shall not be required unless the arbitrator elects to submit the same due to unusual circumstances. The arbitration commissioner shall make a note of the report and award on the docket and file the original report with the clerk of courts forthwith.

11.20 LEGAL EFFECTS OF REPORT AND AWARD; ENTRY OF JUDGMENT. The report and award, unless appealed from as herein provided, shall be final and shall have the attributes and legal effect of a verdict. If no appeal is taken within the time and in the manner specified therefor, the court shall enter judgment in accordance therewith. After entry of such judgment, execution process may be issued as in the case of other judgments.

PART V

11.21 COMPENSATION OF ARBITRATORS

(A) Each member of a board of arbitration, who has signed an award or files a minority report, shall receive as compensation, for services in each case, a fee of $150.00 for lawyers in group (a), a fee of $125.00 for lawyers in group (b), a fee of $100.00 for lawyers in group (c). When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the arbitrators is concerned. In cases requiring a hearing of unusual duration, or involving questions of unusual complexity, the judge to whose docket said case has been assigned, on petition of the members of the board and for cause shown, may allow additional compensation. The members of a board shall not be entitled to receive their fees until after filing the report and award with the arbitration commissioner. Fees paid to arbitrators shall not be taxed as costs, or ~~nor~~ follow the award as other costs.

(B) All compensation for arbitrators shall be paid, upon proper warrant, from funds of Lake County, Ohio, which have been allocated for the operation of the common pleas courts of Lake County, Ohio.

(C) If a case shall be settled or dismissed sooner than two days prior to the date scheduled for hearing, the board members shall not be entitled to the fee. If a case has been settled or dismissed within the two-day period, the board members shall be entitled to receive the fee. Upon receiving notice that the case has been settled or dismissed more than two days before the date set for hearing, the arbitration commissioner shall assign another case to the same board.

(D) If a hearing takes more than four hours but less than eight hours, the arbitrators may be entitled to additional compensation upon application submitted by the panel chair and agreement by the assigned judge. If a hearing lasts more than eight hours, the arbitrators shall receive additional compensation after application is submitted by the panel chair to the assigned judge to determine the amount of additional fees.

PART VI

11.22 RIGHT OF APPEAL. Any party may appeal from the action of the board of arbitration to the common pleas court of Lake County. The rights of appeal shall be subject to the following conditions, all of which shall be complied with within thirty days after the entry of the award of the board on the docket in the office of the clerk of courts.

(A) NOTICE OF APPEAL AND COST. The appellant shall pay an appeal fee of Five Hundred Dollars ($500.00) to the clerk of courts and shall file with the clerk and

the arbitration commissioner a notice of appeal together with an affidavit that the appeal is not taken for delay, but because the appellant believes an injustice has been done. The appellant shall serve a copy of the notice and affidavit upon opposing parties or their counsel. The appeal fee includes repayment of the fees received by members of the board of arbitration in the case in which the appeal is taken. The appeal fee paid to the clerk shall not be taxed as costs in the case and shall not be recoverable by the appellant in any proceeding. (Eff. 6/1/2003, V.13, P.0265)

(B) POVERTY AFFIDAVIT AND NOTICE. A party desiring to appeal an award may apply by a written motion and affidavit to the court, averring that by reason of poverty the party is unable to make payments required for an appeal. If, after due notice to the opposing parties, the judge is satisfied of the truth of the statements in the affidavit, the judge may order that the appeal of such party be allowed without repayment of the fees.

(C) RETURN TO ACTIVE LIST. The case shall thereupon be returned to the assigned judge.

11.23 APPEAL DE NOVO. All cases which have been duly appealed shall be tried de novo.

11.24 TESTIMONY OF ARBITRATORS ON APPEAL. If a party appeals from the award or decision of the board of arbitration, the arbitrators shall not be called as witnesses as to what took place before them in their official capacity as arbitrators upon any hearing de novo.

11.25 EXCEPTIONS AND REASONS THEREFOR

(A) Any party may file exceptions with the clerk of courts from the decision of the board of arbitration within twenty days from the filing of the report and award for either or both of the following reasons, and no other:

(1) that the arbitrators misbehaved themselves in conduct of the case; and/or

(2) that the action of the board was procured by corruption or other ~~undo~~ undue means.

(B) Copies of the exceptions shall be served upon each arbitrator and the arbitration commissioner within 48 hours after filing and shall be forthwith assigned for hearing before the judge to whose docket the case has been assigned or before a judge assigned by that judge to conduct a hearing thereon. If such exceptions are sustained, the report of the board shall be vacated by the court, and the case shall be placed upon the civil active list.

CHAPTER XII - MEDIATION

12.01 RULES FOR MEDIATION (Eff. 1/1/2007, V.15, P.0170; Rev. 4/6/2007; Rev. 8/18/2020, V.0036, P.0272). The court incorporates by reference the R.C. Ch. 2710, “Uniform Mediation Act” (UMA), and Rule 16 of the Supreme Court of Ohio Rules of Superintendence. Unless the court orders otherwise, these mediation rules shall govern all mediations in the court. To the extent that an order referring a matter or case to mediation is silent or is ambiguous on a particular term or

terms, these mediation rules shall supply, or clarify, the missing or ambiguous term or terms.

PART I

12.02 CASES FOR SUBMISSION TO MEDIATION

(A) A case shall be submitted to mediation if so ordered by a judge after a case management conference, status conference, or pretrial conference has been conducted, and the court has determined that all parties to the case have made an appearance by filing a responsive pleading or otherwise. The judge should determine that the case is appropriate for mediation and would be helpful to resolving some or all of the issues in the case. Judges should exercise caution in ordering cases to mediation where one or more parties are strongly opposed to the concept. Cases submitted to mediation in accordance with this rule shall be conducted by a mediator who is a member of the bar, to be selected as provided in Part II.

(B) The parties in any action which is at issue may stipulate, in writing, before or after pretrial conference, that it may be submitted for mediation in accordance with this rule. Upon the filing of such stipulation, the action shall be submitted to mediation if so ordered by the judge assigned to the case.

(C) Any party to an action which is at issue and has been on file at least six months, may file a motion, executed by that party or the representative of that party, requesting that the case be submitted to mediation in accordance with this rule. The judge assigned to the case may grant such motion and order the case submitted to mediation if the motion for submission is unopposed.

(D) All discovery should be substantially completed before a case is submitted to mediation. All timely filed dispositive motions should be ruled upon. All court orders shall continue in effect. Motions filed after the filing of the order of submission may not be ruled upon prior to the mediation. The issues should be joined and the case be significantly ready for trial.

(E) A case is submitted to mediation on the date when the judge assigned to the case places an order on the case docket submitting the case to mediation. Submission of a case to mediation shall not operate as a stay of proceedings, and is not justification for discontinuing any remaining discovery and preparation, which may continue through the mediation process in accordance with applicable rules, unless otherwise agreed upon by the parties and ordered by the court. No order is stayed or suspended during the mediation process except by written court order.

(F) If the mediation is anticipated to last more than four hours, the parties shall advise the court within 10 days after submission to mediation so that proper arrangements can be made.

(G) These rules do not affect the ability of the parties to any litigation in this court by agreement to mediate any dispute at any time and with any mediator at the parties' sole expense, provided that such mediation does not interfere with any hearing date(s) and any case management deadline(s) set by the court.

(H) Notwithstanding any provision in these rules to the contrary, mediation is prohibited in any of the following circumstances: a) as an alternative to the prosecution or adjudication of domestic violence; b) in determining whether to grant, modify or terminate a protection order; c) in determining the terms and conditions of a protection order; and d) in determining the penalty for violation of a protection order.

12.03 EXCEPTION TO ORDER. Exceptions to an order submitting a case to mediation shall be made by a motion filed within ten days of such order.

PART II

12.04 SELECTION OF MEDIATOR

(A) Members of the bar who consent to appointment as mediator shall be qualified by training and experience, commitment to continuing education, membership in a mediation association, and minimum number of years mediating a specific type of case(s), in the sole opinion of the judge assigned to the case or the judges of the court.

(B) In all cases subject to mediation, the mediator shall be appointed by the court from the members of the bar. The members of the bar eligible to act shall include only those: a) who have filed with the court their consent to so act, indicating any substantive areas of law the mediator prefers to mediate, and b) who have been deemed qualified by the judge or judges of the court. All those to be considered for appointment as a mediator may submit to the court a regularly updated curriculum vitae (including a list of training related to the field of dispute resolution and professional or association memberships) which CV shall be provided by the court to those requesting information on an assigned mediator's qualifications to mediate a dispute. The court will review applications of persons seeking to be considered for appointment as a mediator in accordance with the procedures adopted by the judge assigned to the case or the judges of the court.

(C) Alternatively, the parties jointly may select a particular mediator.

(D) If any appointed mediator cannot participate in any given hearing, said mediator shall immediately call the court which, in turn, shall appoint a new mediator to mediate the case.

(E) Any party may object to the mediator selected and appointed by the court. Any objection shall be filed as a motion for removal and appointment of another mediator and must be filed in the case within seven days of the notice of selection of the mediator. The opposing party may file a brief in support or in opposition to the objection within seven days, and the court may rule on the objection without oral hearing.

(F) In case of unavailability of a mediator, said mediator shall immediately call the court, which, in turn, shall appoint a new mediator to mediate the case.

(G) The mediator assigned by the court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the mediator's impartiality as soon as such conflict(s) become known to the mediator. If counsel or a mediation party requests that the assigned mediator withdraw because of the facts so disclosed, the assigned mediator should withdraw and request that the assigned judge appoint another mediator from the list of qualified mediators that is maintained by the court. The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest(s).

12.05 MANNER OF APPOINTMENT. Members of the bar who desire an appointment as mediator shall be categorized into substantive specialty areas of litigation as follows: administrative appeal, corporate and business, employment, motor vehicle accident, products liability, professional negligence, real estate, workers' compensation, and other.

12.06 ASSIGNMENT OF CASES. The court shall assign a case to a mediator at the time of submission to mediation, and notify the mediator and the parties that the mediation shall occur and be concluded within sixty days of the date on the notice. The mediator shall confer with the attorneys and select a date, time, and place for the mediation. Notwithstanding any provision of these rules to the contrary, a judge may submit a case for mediation to be held between two specific dates.

PART III

12.07 MEDIATIONS; WHEN AND WHERE HELD; NOTICE

(A) Mediations shall be held at a place provided by the mediator. Unless counsel for all parties and the mediator agree, the place shall be in Lake County, Ohio. Should the mediator be unable to provide a place for the hearing, the mediator shall request one of the parties to make such a provision. In the absence of another place for the mediation set in accordance with these rules, the mediation shall be held in the Lake

County Court House. Unless otherwise ordered by the judge assigned to the case, the mediator shall fix a time for the mediation to occur not more than sixty days after the submission to mediation and shall notify the parties, or their counsel, in writing, at least ten days before the mediation, of the time and place of the mediation. The sixty-day period may be extended once by the court for up to 15 days. No mediation shall be fixed for Saturdays, Sundays, legal holidays or evenings, except upon agreement by counsel for all parties and the mediator.

(B) Notwithstanding any continuances, the mediation shall be held and concluded within seventy-five days from the date of submission, unless the judge assigned to the case permits otherwise.

(C) Counsel, or the parties if unrepresented, shall promptly notify the court in the event of a case settlement or dismissal occurring prior to the mediation.

(D) Any follow-up session agreed upon by all of the parties and the mediator need not be in writing but shall be conducted within the time limits for mediation in the case.

(E) The efforts of the mediator shall not be construed as giving legal advice. The court may have materials for legal or other support services available in the community. The mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

12.08 INABILITY OF PARTY TO PROCEED

(A) If, for any reason, the plaintiff(s) and/or defendant(s) wish to seek a continuation of the mediation of the case, the party seeking same shall make all necessary arrangements for the continuance, including written permission from the opposing counsel and the mediator, and also the selection of a new date convenient to the mediator, all counsel, and all parties required to attend in the pending case, to occur within the time limits established in these rules.

(B) Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial or more than thirty days before trial, whichever is earlier. Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the court that the extension will not interrupt the scheduled movement of the case.

12.09 CASE CONTINUED TWICE CERTIFIED TO COURT

(A) Whenever any case has been continued two times after assignment to mediation, the case shall be certified by the mediator to the judge to whose docket the case has been assigned, who shall summon the parties or their counsel. The judge shall have the power to make any appropriate order, including an order of dismissal for want of prosecution, or an order for other sanctions as the court deems appropriate.

(B) Requests for continuance beyond seventy-five days from the date of submission by the judge must be made by written motion to the judge assigned to the case.

12.10 PARTICIPATION

(A) Parties so ordered shall participate in good faith in the mediation process and cooperate in all matters pertaining to the mediation, including payment of the deposit to the clerk of courts for the compensation of the mediator as provided in Part IV of these rules. Along with face to face sessions, the mediation process shall provide an opportunity for parties and their attorneys to engage in whatever other appropriate steps may be helpful in settling the matters in dispute.

(B) The court may order parties to return to mediation at any time.

(C) If counsel for any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge.

(D) If the opposing parties to any case are: a) related by blood, adoption, or marriage; b) have resided in a common residence, or c) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have a duty to participate in any screening required by the court.

(E) By participating in mediation, a nonparty participant, (as defined by R.C. §2710.01(D)), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. §2710.03(B)(3) and §2710.04(A)(2).

(F) Attorneys shall submit, at least three days before the mediation, a "Mediation Case Summary" to the mediator which shall contain the following: a) summary of material facts; b) summary of legal issues; c) status of discovery; d) listing of special damages and summary of injuries or damages; and e) settlement attempts to date, including demands and offers.

12.11 ATTENDANCE OF INTERESTED PARTIES. The following persons are considered interested parties to the mediation and shall physically attend the mediation session:

(A) All individual parties; or an officer, director, or employee having full authority to settle the claim for a corporate party; or in the case of a governmental entity or agency, a representative with full authority to negotiate on behalf of the entity or agency and to recommend settlement to the appropriate decision making body; and

(B) The party's counsel primarily responsible for handling of the matter, if any; and

(C) A representative of the insurance carrier for any insured party who has full authority to settle without further consultation.

12.12 SANCTIONS FOR FAILURE TO PARTICIPATE OR ATTEND. If any party fails to participate as defined in Section 12.10 above, or if any interested party as identified in Section 12.11 above fails to attend a duly ordered mediation without good cause, the court may impose sanctions, including an award of attorney's fees and other costs, contempt, or other appropriate sanctions.

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

12.14 CONCLUDING MEDIATION

(A) Immediately upon conclusion of the mediation, the mediator shall submit a report to the court indicating only the status of mediation, i.e., whether the mediation occurred or was terminated; whether a settlement was reached on some, all, or none of the issues; attendance of the parties; and future mediation session(s), including date and time. In cases in which parties, interested parties, or party representatives having full authority to settle were not present, this shall also be noted in the mediation report.

(B) If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court in his or her mediation report.

(C) The assigned mediator, parties, or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing an agreement reached by the parties. The "Mediation Memorandum" may be signed by the parties and counsel (if the "Mediation Memorandum" is signed it will not be privileged pursuant to R.C. §2710.05(A)(1)). The written "Mediation Memorandum of Understanding" may become an order of the court after review and approval by the parties and their attorneys, if applicable. No oral agreement by counsel or with parties or an officer of

the court will be regarded unless made in open court. No agreements developed in mediation shall be legally binding until reviewed and approved by the parties and their attorneys. In cases in which an agreement is reached, the parties or their attorneys shall submit final judgment entries to the court within fourteen days of the conclusion of the mediation, or earlier if ordered by the court. If an agreement is not reached, the case shall be returned to the assigned judge.

(D) If the parties fail to dismiss a settled case within the later of thirty days or the time noted in the entry that gave the court notice of the settlement, then the court may dismiss the case administratively. Upon such administrative dismissal, court costs shall be paid from the funds deposited. If court costs exceed the funds deposited, each party shall bear their own costs.

PART IV

12.15 COMPENSATION OF MEDIATOR; DEPOSIT OF FEES; POVERTY

(A) Upon submission of a case to mediation, the court shall order the parties to deposit with the clerk of courts, within seven days of the order of submission, the sum of $500.00 to be used for compensation of the mediator. For purposes of these rules, the parties shall split the fee and pay equal amounts towards the deposit of the mediator's fee; if the interests of multiple litigants are essentially the same, "each party" shall mean "each side."

(B) A mediator shall receive as compensation, for services in each case, a fee of $500.00. If the mediation requires more than eight hours, the mediator may apply for extraordinary compensation, which, in its sole discretion, the court may award. Unless otherwise agreed to by the parties or ordered by the court, the parties shall share equally the payment of the entire compensation of the mediator (including the amount, if any, that exceeds the initial deposit of the parties), and any settlement shall include a provision for the compensation of the mediator.

(C) The mediator shall consult with the clerk of courts or check the court's docket and verify that any deposit to be used for compensation of the mediator has been made with the clerk of courts before proceeding with the mediation. If the deposit has not been made as ordered by the court, the mediator shall not conduct the mediation and will report this to the court within three days.

(D) The mediator shall not be entitled to receive fees until after filing the report of mediation with the court. Compensation paid to mediators may be taxed as costs or allocated as agreed upon by the parties in any settlement.

(E) All compensation for mediators shall be paid: (a) from the deposit made by the parties for such purpose with the clerk of courts, or, (b) from funds of

Lake County, Ohio, which have been allocated for the operation of the Common Pleas Courts of Lake County, Ohio, or, (c) any combination of (a) and (b) as the court deems appropriate.

(F) If a case is settled or dismissed more than two days prior to the date scheduled for mediation, the mediator will not be entitled to the fee. If a case has been settled or dismissed within the two-day period, the mediator will be entitled to receive the ~~minimum~~ fee.

(G) A party desiring to mediate the case or a party in a case ordered to mediation may apply by written motion and affidavit to the court, averring that by reason of poverty the party is unable to make the deposit or payment for compensation of the mediator required by these rules. The motion shall be filed within seven days after the order of submission to mediation. If the judge is satisfied of the truth of the statements in the affidavit, the judge may order that the mediation by such party be allowed without payment of the fees by that party. The mediator's entitlement to fees shall not be affected or diminished by the poverty of a party.

CHAPTER XIII - COURT REPORTERS

13.01 COMPENSATION OF OFFICIAL COURT REPORTERS (Eff. 1/1/2007, V.15, P.0221, Rev. 11/16/2012, V.21, P.0932; 11/13/2015, V.26, P.0769)

(A) The court hereby fixes the compensation of court reporters (employees and independent contractors) for making transcripts from indigent and non-indigent criminal cases or proceedings, civil cases or proceedings, audio recordings of court proceedings, and grand jury proceedings, and for all other court ordered transcripts.

(B) The court reporter shall be paid for transcripts (per page) according to the court's Indigent Rate Schedule (set forth below) in the following types of cases or proceedings:

(1) In indigent criminal cases where the court hires, engages, or appoints the court reporter as an independent contractor or as an employee, and the court reporter had the benefit of computer aided transcription equipment or attended the hearing or proceeding;

(2) In any case or proceeding where the court orders a transcript from an independent contractor for the use of the court or for the use of the parties.

(3) For transcripts on indigent criminal cases or ordered by the court for the use of the court or the parties (Indigent Rate Schedule):

Regular Delivery: $3.75;
Intermediate Delivery: $4.00;
Expedited Delivery: $4.25;
Daily Delivery: $5.00.

(C) The court reporter shall be paid for transcripts (per page) according to the court's Civil and Non-indigent Criminal Rate Schedule (set forth below) in the following types of cases or proceedings:

(1) In civil and non-indigent criminal cases where the court hires, engages, or appoints the court reporter as an independent contractor or as an employee, and the court reporter had the benefit of computer aided transcription equipment or attended the hearing or proceeding;

(2) In any case where the court orders a transcript from an independent contractor for the use of the court or for the use of the parties.

(3) For transcripts on civil and non-indigent criminal cases or ordered by and for the use of the court (Civil and Non-indigent Criminal Rate Schedule):

Regular Delivery: $4.00;
Intermediate Delivery: $4.25;
Expedited Delivery: $4.50;
Daily Delivery: $5.25.

(D) The court reporter shall be paid for transcripts (per page) according to the court's Audio Recording Rate Schedule (set forth below) in the following types of cases or proceedings:

(1) Notwithstanding the Indigent Rate Schedule set forth in subdivision B of this rule and the Civil and Non-indigent Criminal Rate Schedule set forth in subdivision C of this rule, in cases or proceedings where the court hires, engages, or appoints the court reporter as an independent contractor or as an employee, and the court reporter did not have the benefit of computer aided transcription equipment or did not attend the hearing or proceeding, and the court reporter therefore transcribes the record directly from an audio recording made by the court;

(2) In cases where the court reporter transcribes directly from an audio recording made by the court, the court reporter shall be deemed, by conduct in accepting the undertaking, to have waived any claim of copyright in the transcripts produced from the court's audio recordings.

(3) For original transcripts from audio recording of proceeding, including grand jury proceedings (Audio Recording Rate Schedule):

Regular Delivery: $4.25;
Intermediate Delivery: $4.50;
Expedited Delivery: $4.75;
Daily Delivery: $5.50.

(E) Instead of using the Indigent Rate Schedule set forth in subdivision B of this rule, or the Civil and Non-indigent Criminal Rate Schedule set forth in subdivision C of this rule, or the Audio Recording Rate Schedule set forth in subdivision D of this rule, the court may, at its option, hire, engage, or appoint individuals as independent contractors, or through temporary employment agencies, or as part-time county employees, to transcribe at an hourly rate not to exceed $25.00 per

hour (measured in increments not greater than one-quarter hour), and the rates set forth in subdivisions B and C of this rule shall not apply, and court equipment may be used by such transcribers to produce transcripts and copies. Such transcribers shall be deemed – by conduct in accepting the undertaking – to have waived any claim of copyright in the transcripts produced from the court's audio recordings.

(F) All transcripts shall conform to the following specifications: be on an 8.5 x 11 inch page; 25 numbered lines per page excluding a line devoted to the title and page number; with indentations of 1-3/4 inches from the left-hand edge of the page and the right-hand margin 3/4 inch from the right-hand edge; with 10-type characters per inch, or 12 point courier font; bound in volumes of up to 250 pages of approximately equal size.

(G) Regardless of whether the transcript is produced pursuant to subdivisions B, C, or D of this rule, the title page, certification page, and any half page (12 typed lines) or less shall be charged at $2.00 for the original.

(H) Pursuant to R.C. 2301.24, paper copies of transcripts shall be provided at cost as provided in R.C. 149.43(B)(1); electronic copies shall be provided free of charge.

(I) Notwithstanding any other provision in this rule, there shall be no charge by a court reporter employed by the court for any transcript requested by a judge of this court; however, the judge, in the exercise of discretion, may order that the expense of preparation of the transcript at the regular delivery rate set forth in subdivision B of this rule be taxed and collected as costs.

(J) When the compensation for transcripts, copies of decisions, or charges is taxed as a part of the costs, the transcripts, copies of decisions, and charges shall remain on file with the papers of the case.

(K) Definitions of delivery periods set forth in subdivisions B, C, and D of this rule:

(1) "Daily" delivery means produced and delivered within 24 hours after it is requested or by 9:00 a.m. the morning of the next court workday after it is requested, whichever is later; provided, further, that the requestor has obtained approval of daily delivery by the judge to whom the case is assigned.

(2) "Expedited" delivery means produced and delivered more than 24 hours but less than eight court workdays after it is requested.

(3) "Intermediate" delivery means produced and delivered more than seven court workdays but less than 15 calendar days after it is requested.

(4) "Regular" delivery means produced and delivered more than 14 calendar days after it is requested and within the period allowed by law or rule or any extensions thereof, or otherwise at the reporter's earliest convenience, usually within 30 calendar days for non-appeal and 60 calendar days for appeal.

(L) The party or person requesting a transcript should serve on the court reporter or the office of the judge to whom the case is assigned a written request for the preparation of an original of the transcript or portions thereof required. Except where the transcript is ordered by the state or any of its political subdivisions, the prosecuting attorney, or by an indigent criminal defendant, the court reporter or judge's office may require a deposit up to the estimated total fee for the transcript. The party or person ordering the transcript shall deposit a sum sufficient to pay the fee for the transcript when required.

(M) The compensation for transcripts requested by the prosecuting attorney or an indigent defendant in criminal cases or by the trial judge in either civil or criminal cases, and for copies of decisions and charges furnished by direction of the court, shall be paid from the county treasury and taxed and collected as costs. Where the court employs a transcriber as a part-time county employee who is paid hourly to make the written transcript, pursuant to subdivision E of this rule, the compensation of the transcriber shall not be taxed and collected as costs, unless ordered by the judge to whom the case is assigned, in which case it shall be taxed and collected at the regular delivery rate.

13.02 ELECTRONIC RECORDING BY GRAND JURY AND USERS OF MULTI-PURPOSE COURTROOM (Eff. 1/5/2006, V.14, P.0848; Rev. 11/16/2012, V.21, P.0931). Pursuant to Rule 11(A) of the Rules of Superintendence for the Courts of Ohio, it is hereby ordered that the Lake County Grand Jury and other users of the multi-purpose courtroom will record proceedings by audio electronic recording device in the manner and pursuant to such rules and procedures as the judges of the General Division may determine, all in accordance with law.

(A) The grand jurors designated by the court shall be instructed in the operation of the recording equipment and shall operate, monitor, and make notes on the recording media, and preserve all recordings of proceedings before the grand jury. The prosecuting attorney shall have no responsibility for the recording of proceedings before the grand jury.

(B) Transcripts of grand jury proceedings shall be produced only upon the specific order of a judge of the common pleas court.

(C) Unless otherwise ordered by the administrative judge, recordings older than three years may be destroyed, with the exception of aggravated murder and murder testimony which shall be kept indefinitely.

CHAPTER XIV – CERTIFICATION OF QUALIFICATION FOR EMPLOYMENT

14.01 CERTIFICATION OF QUALIFICATION FOR EMPLOYMENT (Eff. 1/1/2013, V.22, P.0001; Rev. 2/18/2014, V.0023, P.0774). Pursuant to R.C. §2953.25, the court hereby adopts this local rule of court pertaining to certification of qualification for employment (CQE).

(A) The court shall establish an account with the division of parole and community services ("electronic account") of the Ohio Department of Rehabilitation and Correction (ODRC) to access the CQE system, review completed electronic petitions filed with the court, receive notices

regarding electronic petitions filed with the court, provide the individual filing the petition with information regarding the petition, and provide the department of rehabilitation and correction with information regarding petitions that are granted and denied by the court.

(B) Eligible individuals who seek to petition the Lake County Common Pleas Court for a certificate of qualification for employment shall establish an electronic account with the division of parole and community services of the ODRC, and shall follow the administrative rules and regulations adopted pursuant to R.C. §2935.25 and the rules and procedures adopted by the court.

(C) All petitions for a certificate of qualification for employment shall be completed electronically online, through the ODRC website, on the form prescribed by the division of parole and community services. The court will not accept the paper filing of a petition for CQE.

(D) It is the responsibility of the individual filing the petition for CQE to remove personal and private information, such as the individual's social security number, from the petition and any exhibits or addenda attached to the petition or from documents later filed in the proceeding. If feasible, the ODRC should provide the petition for CQE to the court with personal and private identifying information redacted. The clerk of courts and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Lake County clerk of court's office. Personal and private information must be submitted in a separate filing which will be deemed by the court as a non-public record. The information will be kept in a separate envelope within the case file and appropriately marked as containing personal and private information, and opened only upon an order of the court.

(E) After the petition for a certificate of qualification for employment has been submitted electronically online and is determined to be complete, the individual who filed the petition shall appear at the office of the clerk of courts, within 28 days of electronic submission, to complete filing and pay a filing fee of $100.00, of which $25.00 shall be paid into and applied to the computerization fund of the clerk of courts, and of which $75.00 shall be paid into and applied to Common Pleas Court General Division Special Project No. 1. If the individual who filed the petition fails to appear at the office of the clerk of courts within 28 days of electronic submission to complete filing and pay the filing fee, the court may dismiss the petition for want of prosecution.

(F) The petition for CQE shall be deemed filed as of the day on which the individual filing the petition has personally appeared in the office of the clerk of courts, signed the petition under penalty of perjury, and paid the filing fee.

(G) Upon the filing of a petition for CQE, the clerk of courts shall notify, by electronic means if feasible, the Lake County adult probation department and the Lake County prosecuting attorney of the filing and provide a copy of the petition. The adult probation department shall determine, to the extent possible, all other courts, within and without the state of Ohio, which hold felony or misdemeanor convictions (other than minor traffic

offenses) on the individual filing the petition for CQE, and attempt to notify all such courts holding the convictions and the prosecuting authorities which obtained such convictions, in writing, of the filing of the petition, and solicit comments, in writing, regarding the granting of relief.

(H) The adult probation department shall attempt to contact the petitioner's references, and attempt to obtain all pre-sentence investigations and reports, drug and alcohol evaluations, and psychological evaluations on the individual filing the petition for CQE, and any law enforcement agency's report or reports on the crime or crimes of conviction.

(I) The adult probation department shall notify the judge assigned to hearing the petition for CQE of all of the information it has requested, and the results of its notifications and solicitations for comments, and may suggest to the judge any other investigation or information which may assist the court in deciding whether to grant or deny the petition.

(J) All documents and information assembled by the court in its consideration of the petition for CQE shall be deemed confidential and not a public record. Such documents and information shall be treated with the same level of confidentiality as a pre-sentence report and shall be kept sealed and transmitted in a sealed condition to the court of appeals in the event of appellate review, and shall not be opened except upon an order of the court. The prosecuting attorney may view the contents of the documents and information obtained and assembled by the adult probation department and the court.

(K) The court will determine whether a hearing is necessary or desired for action on a petition for CQE. When the court has completed its investigation and received and assembled all of the documents and information it requires to consider the petition for CQE, and the court determines to conduct a hearing on the petition, the court will attempt to set the hearing to occur within 60 days. Should the court's docket prevent a hearing on the petition within time requirements set forth by statute or administrative regulation, the court will notify the individual filing the petition that scheduling the hearing within the time requirements set forth by statute or administrative regulation is not feasible and the court will request that the individual filing the petition file a motion to extend that time period, and the individual filing the petition shall file a motion to extend the period, in increments of 60 days. If the individual filing the petition does not file a motion to extend the period of time within which the court should, by statute or administrative regulation, decide whether to grant or deny the CQE, after the court has notified the individual of the necessity for an extension, the court may deny the petition without a hearing.

(L) The Lake County prosecuting attorney shall be an interested party to the proceedings on the petition, shall receive notice of any hearing, shall attend all hearings on the petition, shall contact (if practical and desirable) the victim in the applicant's case, and shall represent the interests of the people of the state of Ohio on all pertinent issues, and, in particular, whether the individual filing the petition for CQE poses an unreasonable

risk to safety of the public or any individual. An officer of the adult probation department shall also attend the hearing on the petition.

(M) The court shall notify the individual filing the petition for CQE and the ODRC of its decision to grant or deny the petition for CQE through the court's electronic account. If the petition is granted, the ODRC is responsible for issuing the certificate.

(N) In determining whether to grant a petition for CQE, the court may require the petitioner to undergo psychological testing or risk assessment or other investigation, and incur extraordinary expenses in relation thereto, and may require the individual filing the petition to pay, or reimburse the county or court, for the actual cost of such testing, investigation, or evaluation.

(O) Individuals who have been granted a CQE by the court shall have a continuing duty to report in writing to the judge issuing the CQE, or to the administrative judge if the issuing judge is no longer an active member of the court, any arrest wherein a felony is charged in a complaint, information, or indictment, or any conviction of, or plea of guilty or no contest to, a felony offense committed subsequent to the order granting the issuance of the CQE, within seven days of the arrest or the conviction of, or plea of guilty or no contest to, the felony offense.