THE MARION MUNICIPAL COURT

(Serving all of Marion County, Ohio)

Teresa L. Ballinger, Judge
Megan K. Frericks, Magistrate
Bailey M. Higgins, Magistrate

Amanda Fellows, Clerk
Bill Waterman, Chief Bailiff

LOCAL RULES

(REVISED February 1, 2026)

Marion Municipal Court
233 West Center Street, Marion, Ohio 43302

Criminal/Traffic Division: 740-387-0073
Civil Division: 740-383-6348
Probation Department: 740-382-4031

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www.marionmunicipalcourt.org

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GENERAL RULES

RULE 101: ADOPTION, SCOPE AND CONSTRUCTION OF RULES

(a) The Marion Municipal Court hereby adopts the following Rules for the conduct, government, and management of business, operations, proceedings and other functions and services of the Court. The Court may amend and supplement these Rules from time to time.

(b) These Rules are intended to supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Traffic Rules, the Superintendence Rules of the Supreme Court of Ohio, and other controlling statutes in their application and administration in the proceedings in this Court.

(c) These Rules shall be applied, construed and enforced so as to avoid inconsistency with other Rules of Court and statutes governing proceedings, functions and services of this Court. In their application and administration, they shall be construed and employed so as to provide fairness and simplicity in procedure, to avoid technical and unjustifiable delay, and to secure just, expeditious and inexpensive determination of actions and proceedings.

(d) These Rules shall apply to all parties, counsel of record, and subject matter of all civil, criminal, or traffic actions filed on and after the effective date hereof, and they shall also apply to all parties, counsel of record and subject matter of all actions pending before this Court on the date hereof, except to the extent that in the opinion of the Court their application in a particular action pending when the Rules take effect would not be feasible or would work injustice, in which event the former procedures shall apply.

(e) These Rules shall take effect on the 1st day of February, 2026 and after such Rules are filed with the Supreme Court of Ohio in accordance with Civil Rule 83 and Criminal Rule 57.

(f) All former Rules of this Court are repealed as of the effective date hereof. Amendments and additions hereto may be made from time to time, but such amendments shall not be effective until filed with the Supreme Court of Ohio in accordance with Civil Rule 83 and Criminal Rule 57.

RULE 102: HOURS OF COURT

(a) Except on holidays or as otherwise varied by the Judge, the hours for holding the regular sessions of the Court shall be from 8:30 a.m. to 4:30 p.m. on Monday through Thursday and from 8:30 a.m. to 12:00 noon on Friday. Unless the parties and/or their counsel are otherwise advised, all cases will be set for trial/hearing during these hours.

(b) Except on holidays or as otherwise varied by the Judge, the office of the Clerk of Court shall be open from 8:30 a.m. to 4:30 p.m. on Monday through Thursday and from 8:30 a.m. to 2:00 p.m. on Friday.

RULE 103: FILING AND CONTENTS OF DOCUMENTS

(a) The filing of a document with the Court may be accomplished by presenting the document in the office of the Clerk of Court during regular business hours, by facsimile filing (as discussed below), or by mailing the document to: Marion Municipal Court, Clerk of Court, 233 West Center Street, Marion, Ohio 43302.

(b) A document sent by facsimile, mail, or other delivery service shall not be considered to be filed until such time as it is actually received and date-stamped in the office of the Clerk of Court. The risk of sending a document by facsimile, mail, or other delivery service shall be borne entirely by the sending party. Any party using these forms of filing is welcome to contact the office of the Clerk of Court to verify that the document has actually been received.

(c) Every Complaint presented to the court shall include a caption which states the names and addresses of each party. All subsequent documents presented to the Court shall include a caption which, at a minimum, states the case number and the names of the first party Plaintiff and the first party Defendant on each side.

(d) Every document presented to the Court by a party and/or by an attorney shall include the case name and case number and should also include the party or attorney's name, address, telephone number, fax number, and email address. Every document presented by an attorney shall also include the attorney's registration number and the attorney's firm name.

(e) The original of every document filed with the Court shall be signed in blue ink by the party or an attorney representing the party on whose behalf the document is filed. A party who is not represented by an attorney shall sign any document filed on his or her behalf. Any unsigned document or any document signed by a person other than a party or an attorney of record may be stricken from the record.

(f) 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 the Court.

Upon the filing of an amended pleading or motion, the original or any prior amendment thereof shall not be withdrawn from the file except upon leave of Court.

(g) Filings by facsimile transmission shall be permitted for all documents not requiring a filing fee. Fax filings shall not be longer than 10 pages in length (including any exhibits but not including the cover sheet). Fax filings received after 4:30 p.m. will be file-stamped when actually received and no sooner than the following Court day. A document filed by fax will be accepted as the effective original filing of the document. The person filing by fax should not mail or otherwise deliver the same document to the Clerk a second time, but that person shall maintain the original signed copy of the fax-filed document in his or her records. A party who files a signed document by fax represents that the physically signed document is in his or her possession or control.

RULE 104: MECHANICAL REQUIREMENTS FOR COURT FILINGS

(a) All pleadings and motions shall be legibly typewritten or printed on paper of letter size (8.5" by 11") and shall be no smaller than 12.0 type. The clerk may accept handwritten documents for filing, but the clerk may reject any document that is not clearly legible.

(b) The margin on the top of each page should be at least one inch so that the clerk can punch holes in that margin and place the document into the Court's file without obscuring the document's text.

(c) Every multi-page document filed with the clerk should be paginated and shall be firmly stapled in the upper-left corner of the document.

(d) The contents of all pleadings and motions (with the exception of certain exhibits attached thereto) shall only be on the front side of each page so as to allow for ease of review after the documents have been placed into the Court's file.

RULE 105: PERSONAL IDENTIFYING INFORMATION MAY BE REDACTED

(a) To protect legitimate personal privacy interests, social security numbers and other personal identifying information should be redacted from documents before the documents are filed with the Court. The responsibility for redacting personal identifying information rests solely with the parties and/or attorneys who present the documents for filing. The clerk will not review documents to confirm that personal identifying information has been redacted.

(b) If personal identifying information is redacted or omitted from a document, the information should be provided to the court on a separate form that indicates what information has been redacted or omitted and provides the location of the redacted or omitted information. A

suitable example of that type of form is included in the appendix to the Rules of Practice of the Supreme Court of Ohio.

RULE 106: CERTIFICATE OF SERVICE

With the exception of motions for default judgment in cases in which the opposing party has failed to answer or otherwise appear in the action, every pleading, motion, brief, memorandum, or argument in writing filed with the Court shall be served on opposing counsel or on all parties not represented by counsel, and proof of such service shall be shown in writing on or attached to such pleading, motion, brief, memorandum or argument. Any such document delivered to the Court without such certificate of service will not be considered by the Court.

RULE 107: MOTIONS SHOULD BE ACCOMPANIED BY A PROPOSED ENTRY

Any party filing a motion with the Court should submit, along with the motion, a proposed entry that the party wishes the Judge to sign, with the exception that no proposed entry need be tendered with a motion to suppress in a traffic or criminal case.

RULE 108: CONTINUANCES

(a) Continuances will only be considered upon formal motion and for good cause shown. Any request for the continuance of a scheduled trial or hearing should be made in a written motion that is filed with the clerk, no less than seven (7) days prior to trial, and the motion should document the reason(s) for the request. Irrespective of whether the request is grounded on the prior commitment of an attorney or a party, documentation of the reason for inability to attend the trial or hearing (hearing notice documenting scheduled hearing in another court or doctor's excuse, for example) shall be attached to the motion.

(b) A party seeking a continuance of a scheduled hearing is welcome to suggest alternative dates and times when that party expects to be available, but there is no guarantee that the Court will grant the requested continuance or be able to accommodate any request to reschedule the trial or hearing on or after a suggested date.

(c) Parties should strive to avoid filing motions to continue trials, and any such motions should be filed as soon as the party realizes that a continuance is necessary.

RULE 109: ENTRY OF APPEARANCE AND WITHDRAWAL OF COUNSEL

(a) All entries of appearance as counsel shall be in writing and served on other parties. Entry of appearance by counsel may be effected by the signature of counsel on any pleading, motion, or any other document filed with the Court.

(b) With the exception of Court-appointed counsel in criminal cases, unless written entry of appearance has been filed with the Court, counsel will generally not be allowed to participate in any trial or hearing without prior permission of the Court.

(c) It is contemplated that any attorney who enters an appearance as counsel in a case shall remain in the case until the case is concluded. However, upon written motion for leave to withdraw from the action and for good cause shown, the Court may, under certain circumstances, permit counsel of record to withdraw.

(d) Any attorney who has entered an appearance as counsel shall only be allowed to withdraw as counsel after filing a written motion requesting leave of the court to withdraw. Under no circumstances shall an attorney be removed as counsel of record in any case simply because he or she has submitted "notice" of his or her withdrawal as counsel without having requested permission of the Court to withdraw and upon Order of the Court.

(e) All motions to withdraw shall state with specificity the reason or reasons that counsel is seeking leave to withdraw. If there is an irreconcilable conflict between counsel and his or her client, counsel's motion to withdraw should state, when appropriate, the client's refusal to communicate with counsel and/or any other indicia of a fundamental breakdown of the attorney/ client relationship. The fact that a client has not paid the fee for counsel's services will generally not be deemed to be a valid basis for the withdrawal of counsel in the absence of other factors.

(f) All motions to withdraw shall be filed with the Clerk of Court, and copies thereof shall be served on the client of the attorney who is seeking to withdraw as well as all other parties/ attorneys.

(g) If the client of the attorney who is seeking leave to withdraw is in agreement that counsel of record should be allowed to withdraw, counsel should submit a proposed Entry which includes the signature of said client with an indication that said client has reviewed and approved the proposed Entry granting the motion to withdraw. The submission of such proposed Entry does not, however, guarantee that the Court will grant the motion to withdraw, and the attorney of record shall still be regarded as such until such time as the Court rules on the motion.

(h) The Court will, in most cases, schedule a hearing on any motion to withdraw. If a hearing is scheduled, counsel seeking withdrawal shall be responsible for notifying his or her client of the date and time of the schedule hearing, and the Court shall also notify said party and all other parties.

(i) Except in extremely rare and extraordinary circumstances in which the interest of justice requires it, no motion to withdraw will be considered or granted less than fourteen (14) days before a scheduled trial.

RULE 110: EXTENSION OF TIME WHEN SERVICE MADE AT COURTHOUSE

In addition to the provisions of Rule 6(E) of the Ohio Rules of Civil Procedure, and Rules 4 and 5(E) of the Ohio Rules of Criminal Procedure, whenever a party has a right to or is required to do some act within a prescribed period after the service of a notice or other paper upon him or her and the notice or paper is served upon him or her by the Courthouse mailbox system maintained at the Marion County Courthouse, three (3) days shall be added to the prescribed period. This rule does not apply to responses to service of summons under Rule 4 and Rule 4.6 of the Ohio Rules of Civil Procedure, or to responses to service of summons under Rules 4 and 9 of the Ohio Rules of Criminal Procedure.

RULE 111: ATTENDANCE AT HEARINGS

(a) Unless excused by the Court, parties and their attorneys are expected to personally attend scheduled hearings in their cases. It is extremely rare that "I didn't know" or "I forgot" is accepted as an excuse for missing a hearing. The docket for each case is available on the Court's web page (www.marionmunicipalcourt.org), and notices about court hearings are provided by the Court to attorneys of record and to unrepresented parties. The Court expects attorneys and parties to stay on top of developments in their cases and to attend all scheduled hearings/trials.

(b) Parties and attorneys are welcome to let the court scheduler know about dates when they will not be available to attend hearings/trials because of vacations or other commitments, and the Court will do its best to take that information into account when scheduling.

RULE 112: COURTROOM DECORUM AND ATTIRE

Court proceedings shall be conducted in a manner that respects and protects the dignity and seriousness thereof. Conduct by any person that might interfere with the decorum of the court is prohibited and may result in removal of that person from the courtroom. Persons attending court shall abide by the following rules, which are representative rather than all-inclusive. Failure to comply with this rule could result in a finding of contempt of court.

(a) Courtroom decorum:

(1) Eating and/or drinking (without permission of the Court) and the use of tobacco products are prohibited in the courtrooms, irrespective of whether court is in session.

(2) Verbal conversations and the reading of books, newspapers, or magazines (except with permission of the Court or as necessary for the trial of an issue) are prohibited in the courtrooms at all times when court is in session.

(3) Cellular telephones and any other electronic or communications devices that have the capacity to disrupt the court proceedings should at most times be turned off and shall

at all times be silenced during all sessions of the court. Those in the courtrooms shall not talk or text on telephones or any other electronic communication devices in the courtrooms while court is in session. Failure to comply with this rule may result in confiscation of the subject device.

(b) Attire:

(1) All attorneys appearing before the Court shall be attired in a manner that is consistent with the current, generally prevailing and accepted business attire for professional men and women. Male attorneys shall wear either a suit and tie, dress pants with a jacket and tie, or dress pants with a dress shirt and tie. Female attorneys shall wear dresses, skirts, pant suits, or slacks.

(2) Counsel should inform litigants and witnesses that they should wear appropriate clothing when appearing in the courtroom.

(3) Jurors, parties, witnesses, observers, and employees of the Court shall wear proper attire while attending court, unless excused from doing so by the Court. Clothing such as short shorts, halter tops, sweat suits, swimwear, exercise garb, pajamas, and revealing garments shall not be permitted in the courtrooms.

(4) Men shall not wear hats, caps, or hoods at any time while in the courtrooms.

The bailiffs and clerks employed by the Court shall assist the Court in ensuring compliance with these rules. It shall be within the Judge or Magistrate's discretion to have an individual removed from the courtroom if the individual's conduct or dress does not comport with these rules.

RULE 113: CUSTODY OF FILES

(a) The Clerk of this Court shall be responsible for all records belonging to his or her office and all papers filed therein.

(b) The original files of the Court shall remain within the physical confines of the office of the Clerk of Court, the courtrooms, or the chambers of the Judge or the Magistrate.

(c) Neither the original files of the Court nor any part thereof shall be removed from one of the above locations without permission of the Court.

RULE 114: DISPOSITION OF OLD CASE FILES

The Ohio Revised Code and the Rules of Superintendence for the Courts of Ohio list time periods during which court records and other documents must be maintained. Once the minimum

time period for the maintenance of a record or other document has passed, the Clerk of the Court may destroy that record or document either with or without further order from the Court.

RULE 115: LOCAL COURT SECURITY ADVISORY COMMITTEE

(a) Pursuant to the Rules of Superintendence for the Courts of Ohio, the Court shall have a Local Security Advisory Committee consisting of one representative of each of the following groups: Judge, law enforcement responsible for court security, Marion City Council, and other bar and community groups as deemed appropriate by the Court.

(b) The Court shall maintain a Security Policy and Procedure Plan which plan shall address the Ohio Court Security Standards adopted by the Supreme Court of Ohio. The Local Court Security Advisory Committee shall adopt a Security Operations Manual, which manual shall establish written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

RULE 116: MAGISTRATES

The court may employ one or more magistrates, who shall be authorized to perform any duties permitted by the Ohio Rules of Civil Procedure and the Ohio Rules of Criminal Procedure.

RULE 117: PROSPECTIVE JURORS

(a) The names of prospective jurors shall be drawn from a jury source list by the Jury Commissioners of Marion County as provided in Chapter 2313 of the Ohio Revised Code. Prospective jurors drawn shall be available to be called for duty as jurors over a four-month period.

(b) The opportunity to serve on a jury will not be limited or denied on the basis of race, national origin, gender, age, religious belief, income, occupation, or disability.

(c) Persons summoned for jury service will be paid the daily rate that is set by the Marion County commissioners. Persons summoned for jury service will not be compensated for their travel expenses.

(d) Prospective jurors are required to call the court's jury line at (740-387-2014 x 2582) and/or check the court's website (www.marionmunicipalcourt.org) on the evening before a scheduled trial to learn whether they are needed for jury service on the date for which they have been summoned to serve.

(e) For a one-day Jury Trial, all Jurors excused are given a $10 voucher for appearing. All Jurors who are seated are given a $15 voucher per each day served. This is paid by the Marion County Auditor.

(f) When a juror has performed his or her duties after being sworn as a juror or as an alternate juror in a trial, said juror shall, upon request, be removed from the prospective juror list for the remainder of his or her four-month period of jury availability.

(g) Prospective jurors who wish to have their service deferred (delayed) and those who wish to be excused from jury service must make a formal request by contacting the Court. Unless exempt from jury service in accordance with the provisions of the Ohio Revised Code, a prospective juror who has been summoned for service in a jury trial will be excused from jury service only if his or her ability to receive and evaluate information is so impaired that he or she is unable to perform his or her duties as a juror and is excused for this reason or if the prospective juror is excused by the Judge or by an authorized official of the Court for good cause shown.

(h) The Court shall prepare and deliver notices summoning prospective jurors for jury service, and said notices shall also contain questionnaires to be filled out by the prospective jurors and returned to the Court.

(i) The Court shall summons 30 jurors for a one-day jury trial. For a 2-day jury trial the Court will summons 40 jurors. Any case requiring an interpreter will require 50 jurors being summoned.

(j) The Court will deliver copies of the jury questionnaires to counsel scheduled for jury trial at the same time as the list of prospective jurors is provided. These copies of the questionnaires shall not be further copied or otherwise transcribed by trial counsel, and they shall be returned to the Court on or before the day of the scheduled trial. The jury questionnaires shall be shredded after prospective jurors have completed their service.

RULE 118: RECORDING OF COURT PROCEEDINGS

(a) The proceedings at the Court are recorded using the Court's equipment. These recordings are kept for three years. Upon request and payment of the required costs, copies of those recordings can be made by the Court for the parties or for the public.

(b) No person shall use a cell phone or any other recording device to either videotape or make an audio recording of any court proceedings of the Court without permission of the Court.

(c) Parties or others who wish to have a typewritten transcript of any proceedings at the Court may retain the services of a court reporter. Court reporters are permitted to transcribe trials or hearings as they occur in the courtroom, or they may do so while listening to the recordings of trials or hearings after they have taken place. All costs associated with the court reporter's services shall be borne by the party employing the court reporter.

RULE 119: MEDIA COVERAGE OF COURT PROCEEDINGS

(a) The Court hereby recognizes that Rule 12 of the Rules of Superintendence for the Courts documents the rules for media coverage of court proceedings, and the Court hereby adopts the rules contained therein. The Court hereby supplements those rules as follows:

(b) The Judge or Magistrate assigned to preside over a trial or hearing shall permit the broadcasting or recording by electronic means and/or the taking of photographs in court proceedings that are open to the public as provided by Ohio law. The Court recognizes that it has a responsibility to provide just, fair, and impartial adjudication of the cases that come before it and to allow for media coverage of public court proceedings in order to facilitate the flow of information to the public concerning the judicial system and to foster better public understanding about the administration of justice. The Court will balance these interests in order to maintain the dignity, decorum, and impartiality of the court proceedings while at the same time providing the greatest access which is reasonably possible.

(c) Requests for permission to broadcast, televise, record, or take photographs in the courtroom shall made be in writing and as far in advance as is reasonably possible but in no event less than thirty (30) minutes prior to the applicable courtroom session. The Judge may waive this advance notice requirement for good cause shown. Applications shall contain all of the information found in Appendix B which is attached to these Rules. All applications and the written orders of the Judge shall become part of the record of the proceedings.

(d) The limits on the numbers of camera operators, photographers, and audio systems noted in Rule 12 of the Rules of Superintendence for the Courts shall be observed by the Court. Any microphones and/or other equipment necessary for audio pickup shall be visible but shall be as inconspicuous as possible. Audio recording equipment may be used only with prior permission of the Court. The Court will not permit the use of any camera or equipment that produces distracting sound or light.

(e) After consultation with the media personnel, the Judge or Magistrate shall specify the place or places in the courtroom where the operators of any equipment are to be positioned.

(f) There shall be no audio pickup or broadcast of conferences between attorneys and clients or of conferences conducted at the bench between attorneys and the Judge or Magistrate.

(g) The Judge or Magistrate presiding over the trial or hearing shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.

(h) This rule shall not be construed to grant media representatives any greater rights than those permitted by law.

(i) Upon the failure of any media representative to comply with the conditions prescribed by this rule or by the Judge, the Judge may revoke the permission to broadcast or photograph the trial or hearing.

RULE 120: WEAPONS IN THE COURT BUILDING

No person shall convey, attempt to convey, or possess a deadly weapon or dangerous ordnance in the court building except those exempted by Ohio Revised Code Section 2923.123(C).

RULE 121: ELECTRONIC FILING

(A) The clerk shall provide electronic filing service to all court users for all documents in any category of cases or any particular case as designated by an administrative order of the presiding judge. Documents related to civil, criminal or traffic cases may be electronically filed.

(B) In matters where electronic filing is authorized by administrative order, the electronically filed document will be part of the official court record. Paper records, if maintained, will be considered a copy of the official court record.

(C) The following definitions shall apply herein, unless the context requires otherwise:

(1) "Electronic filing" means the transmission of a digitized source document electronically via the Internet to the clerk for the purpose of filing the document and refers to the means of transmission or to a document so transmitted.

(2) "Electronic mail" means messages sent by a user and received by another through an electronic service system utilizing the Internet. Any communication sent to the court by electronic mail is not considered a legal communication of any form and will not be received or ruled upon by a judge or entered into the court record.

(3) "Document" means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper or photographic exhibit, order, notice, and any other filing by or to the court, except trial exhibits that have not yet been admitted into evidence by the court.

(D) All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or party not represented by such an attorney. Attorney's may use /s/ in lieu of a signature.

(1) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the document stricken from the record.

(2) No attorney shall authorize anyone to electronically file on that attorney's behalf, other than his/her employee or a service provider retained to assist in electronic filing.

(3) The electronic filing of a document by an attorney, or by another under the authorization of said attorney, or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule 11.

(4) No person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.

(E) The electronic filing service shall be available twenty-four hours per day, seven days a week. All electronic filing of documents must be completed by 4:00 pm Monday through Thursday and 1:30 pm Friday to be considered timely filed that day. Documents transmitted outside of regular court hours shall be deemed filed on the next normal business day of the clerk.

(F) A document electronically filed shall be accepted as the original filing if the filer complies with all the requirements set forth in this rule. The filer shall not be required to file the source document with the clerk but must maintain the same in the filer's records and have the same available for production on request of the court, the clerk or other counsel. The filer shall maintain the source document until the subject case is closed and all appeals and opportunities for appeal have been exhausted.

(G) Once a document is electronically submitted and becomes part of the case docket, corrections to the docket are to be made only by the Clerk of Courts. The filing party is not permitted to make changes to a document or docket entry once the transaction has been accepted. If a document has been filed in error, the filing party should not attempt to re-file the document. The filing party should immediately contact the Clerk of Courts with the case number and document for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error and the filing party will be advised if the document needs to be refiled. If a document is filed in error such as on the wrong case or the electronic file is unreadable, upon motion, the Court may order the document stricken from the record. The Clerk shall notify the filer of the error and inform the filer if the document needs to be refiled. The Clerk will not delete the relevant docket text, but will annotate the docket to show the deletion, the reason for the deletion and that the filer has been so notified.

(H) All Appeals must be filed in person with the appropriate number of copies or may be filed electronically.

(I) Upon the successful registration for an electronic filer user account at https://efile.henschen.com/ you will be given a username and password to be used for electronically filed documents. Filing fees will be collected via filer credit card at the time of the filing if

applicable. Currently, only the Application for Sealing of the Record or Expungement and ALS Appeal require a filing fee. Therefore, all other documents do not require a fee.

(J) A transaction number will be assigned to each document when it is received in its entirety by the receiving device of the clerk. Upon successful transmission of the document, the transaction number and the date and time of filing will be displayed on the screen of the filer's computer, with an image of the document filed. Filers will be notified via electronic mail if the filing is rejected for any reason. A corrective filing may be sent at a later time if the filer elects to do so, but such a filing will be considered a new filing and will not relate back to the date and time of the original attempt to file the document. If a document is rejected due to technical errors and the filer wishes to have the corrective filing relate back as to date and time, the filer must file a motion with the court seeking such relief.

(K) Any attorney, party or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the clerk as a result.

(L) Normal filing fees, deposits, and copy costs will be collected via filer credit card or deposit at the time the filing is processed by the clerk. Any document filed electronically that requires a filing fee may be rejected by the clerk unless the filer has complied with the payment rules established by the court for the payment of filing fees.

(M) Documents submitted must be in a digitized format specified by an administrative order of the presiding judge. (PDF)

(N) Documents filed with the court shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49 unless an attorney or a party not represented by an attorney has filed an electronic mail address with the court. Where an electronic mail address has been filed with the court by affixing the same to any document or by the filing of a separate notice of electronic mail address, service on the attorney or party by electronic mail shall constitute service pursuant to Ohio Civil Rule 5 and Ohio Criminal Rule 49 but shall not entitle the attorney or party to the additional three days provided by Ohio Civil Rule 6(E). Documents served electronically shall contain proof of service setting forth the electronic mail address at which the attorney or party was served.

(O) No filer shall electronically file any document containing the following information:

(a) Social security numbers, except for the last four digits;

(b) Financial account numbers, including but not limited to, bank account, debit card, charge card, or credit card numbers.

(c) A juvenile's name, date of birth, age, telephone number, or address. The juvenile's initials will be allowed.

(d) Driver's License number.

(P) The Clerk of Court may deem the Internet website to be subject to a technical failure on any given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour. A filer who cannot file a document electronically because of technical failure must file a hard copy of the document with the Clerk of Court. A filing party whose filing is made untimely as a result of a technical failure of the court's system or website may seek appropriate relief from the court. Known system outages will be posted on the Court's website as soon as possible.

RULE 122: TECHNOLOGY PLAN

(A) Purpose. The purpose of this rule is to promote uniformity in the procedures for telephone and video appearances in cases when permitted by these rules, court order, statute, or other rules of court. Notwithstanding any other provisions of this rule, a judge or magistrate may order a party's personal appearance for any court proceeding.

(B) Procedures. The Court on its own motion, or upon the request of any party, may conduct court proceedings (when permitted by, and in accordance with, any applicable Rules and Law) in which the Court is an active participant via telephone or video conferencing with attorneys and unrepresented parties.

1. The Court shall provide written instructions as to the use of the technology on its website (www.municipalcourt.org).
2. All such proceedings involving telephone or video appearances shall be recorded when required and reported to the same extent as if the participants had appeared in person.
3. The Court shall specify:
    a. The time, method, and person who will initiate the telephone or video conference; and
    b. Any other requirements necessary to accomplish or facilitate the telephone or video conference.
4. Upon convening a proceeding involving telephone or video appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of hearing.
5. If at any time during a court proceeding conducted by telephone or video conferencing the Court determines that an in-person proceeding is necessary, the Court may continue the matter and require the parties to attend in person.

(C) Confidential Attorney-Client Communication. The Court's telephonic and/or video proceedings shall permit the parties to engage in confidential attorney-client communications as needed.

(D) Witnesses. Parties who wish to provide witness testimony telephonically or by video conferencing shall submit a written request to the Court no fewer than five (5) days before the Court proceeding in which they intend to present the witness' testimony. Remote testimony of a witness in a criminal/traffic proceeding requires written consent of the defendant.

(E) Technical Standards and Equipment. The equipment and platform used in any hearing or proceeding conducted under this rule must conform to the following minimum requirements:

1. All participants must be able to see and/or hear and communicate with each other simultaneously.
2. All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other method.
3. The telephonic or audiovisual technology must generate a verbatim record of the proceeding.
4. The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.

RULE 123: VIDEO HEARINGS

(a) Court officers have a duty to maintain a professional demeanor in order to preserve the dignity, integrity, and respect of the court. During Video Hearings, court officers must maintain the same decorum, formality, and respect for the court and with all other participants in the virtual courtroom as if in the actual courtroom. The same rules regarding dress, language, and respect apply to virtual hearings.

(b) To maintain a professional image, Attorneys and court participants should appear with their video and audio connected. Participants and the Court must be able to visually see and speak with all participants. Participants must speak and act in the same professional and respectful manner as you would in an actual courtroom. Mute your microphone when you are not speaking to avoid creating any extraneous and distracting noises. Avoid interacting with children, pets, third parties, and other distractions during proceedings. Be conscious of your location, as some hearings are private and not open to the public.

(c) Attorneys and court participants should appear dressed in the same professional manner they would dress and appear in-person in a courtroom. Just as court participants would not wear T-shirts, jeans, hats, and similar clothing in a courtroom, they should also not dress in that manner while they are participating in a remote virtual hearing.

(d) Attorneys and participants may sometimes appear in their cars during the hearing. However, driving while the hearing is in progress is not permitted. The Court will not proceed with the hearing if a participant appears to be driving. Attorneys should not be in multiple hearings at the same time. This is distracting to the Attorney and the Courts. Video hearings are meant to be a convenience, while still respecting the Court and all the participants involved.

(e) Defendants subject to fingerprints in accordance with Ohio Revised Code Section 109.60, may be denied the option of attending video hearings until fingerprints have been obtained.

RULE 124: INTERPRETER SERVICES

Individuals with the need for an interpreter should make a request for interpreter services to the Bailiff at Marion Municipal Court at least 7 days prior to any scheduled hearing so that arrangements can be made. If the interpreter service is no longer required or if the parties continue the hearing, the parties must immediately notify the Court in order to cancel or reschedule the service. Failure to notify the Court of a cancelled or re-set hearing, or failure to appear at a hearing with a required interpreter may result in an assessment of the cancellation fee for the interpreter service.

RULE 125: RECORDS REQUEST

(a)A formal request for records must be completed and provided to the Municipal Court clerks office. This form is provided in the clerk's office or can be found on the court website at marionmunicipalcourt.org. It must be filled out by the requestor in its entirety.

(b)There will be a .10 charge per page and $5 charge per certified copy.

(c)The Municipal Court must be given a reasonable time to fulfill the request.

(d)The requestor must clearly identify the records requested to allow the Court to retrieve the correct records.

(e)The requestor should clearly provide their identity and contact information.

RULE 126: REPORTING TO LAW ENFORCEMENT AND COMPLIANCE PLAN

(a)The Court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.

(b) The Court, in collaboration with the clerk of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to Law Enforcement & Compliance Plan.

(c) The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:

1. Obtaining and reporting fingerprints as prescribed by the Revised Code and Supreme Court of Ohio rules, including R.C. 109.57(A)(2), 109.60(A), 2151.311, 2151.313, and 2152.71(A)(2);

2. Reporting information regarding protection orders as prescribed by the Revised Code and Supreme Court rules, including R.C. 2151.34 and 3113.31 and Sup.R. 10(A);

3. Reporting information to the Ohio Department of Public Safety's Bureau of Motor Vehicles as prescribed by R.C. 4510.03, 4513.37, and 5502.10 and Supreme Court rules;

4. Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Revised Code, including R.C. 2923.13, and Supreme Court rules in the event of an audit by the Federal Bureau of Investigation, the Bureau of Criminal Investigation, or state or local auditors; and

5. Reporting sealed and expunged records to BCI, LEADS, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2151 and R.C. 2930.171and 3113.31.

(d) The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date

RULES UNIQUE TO CIVIL CASES

RULE 201: FILING OF JUDGMENT ENTRY IS ENTRY OF JUDGMENT

The filing of a judgment entry by the Court with the clerk for journalization constitutes entry of the judgment. No judgment shall be final until it has been date-stamped by the clerk.

RULE 202: RESPONSES TO PLEADINGS AND MOTIONS

In all cases in which the time for the filing of a pleading is not fixed by law or an applicable Rule, unless the court sets a different deadline, any response to a motion for summary judgment must be filed within fourteen (14) days after the filing of the motion. Any response to any other type of motion shall be filed within seven (7) days after the filing of the motion, unless a longer time period is granted by the Court or is permitted by the Ohio Rules of Civil Procedure.

RULE 203: APPLICATION FOR DEFAULT JUDGMENT

(a) Judgment by Default shall be taken in accordance with Civil Rule 55. If the party against whom judgment by default is sought has appeared in the action, he or she shall be served with written notice of the application for judgment at least seven days prior to the hearing on such application.

(b) A party shall be deemed to have "appeared in the action" as those words are used in Civil Rule 55(A) when he or she has done some overt action expressing an intention and purpose to defend the suit. Writing a letter to the Court does not necessarily constitute an “appearance” in an action. No notice of application or motion for default judgment shall be required to be made on any party who has not answered, pled, or otherwise previously appeared in the action.

(c) In accordance with Civil Rule 55, no judgment by default shall be entered against a minor or an incompetent person unless represented in the action by a guardian or other such

representative who has appeared therein. The Court will generally not grant default judgment against any party unless a motion for default judgment is accompanied by an affidavit in which the affiant states that, to the best of affiant's knowledge, the party against whom judgment by default is sought in neither a minor nor incompetent nor actively serving in the military.

(d) If, in order to enable the Court to enter judgment or to carry it into effect, it is necessary to determine the amount of damages or to make an investigation of any other matter, the Court may schedule the matter for a hearing on liability and/or damages before ruling on a motion for default judgment. All parties and all counsel of record shall attend said hearing. Attorneys who are not counsel of record will generally not be allowed to attend or participate in said hearings. When a hearing is scheduled, the Court will generally allow the moving party to submit supplemental pleadings/affidavits in advance of the hearing, and if default judgment is granted in advance of the hearing, the hearing will be canceled. If the moving party fails to submit sufficient supplemental pleadings/affidavits allowing for the granting of default judgment and fails to appear for the hearing on liability and/or damages, the moving party's Complaint may be dismissed for failure to prosecute in accordance with Civil Rule 41(B).

RULE 204: SUBMISSION OF MOTIONS

(a) Written motions filed with the Court in civil cases will generally be determined after the Court's review thereof. The Court will only schedule oral arguments pertaining to written motions on application and the demonstration of a legitimate need for oral argument.

(b) The moving party should generally file and serve along with the motion a brief written memorandum in support of the motion and shall include appropriate citation to any legal authorities relied upon. If the motion requires consideration of facts not appearing in the record, the movant shall serve and file copies of all appropriate affidavits, depositions, photographs or documentary evidence which the movant desires to submit in support of the motion.

(c) Each party opposing a motion shall serve and file a written memorandum in response stating his or her reasons for opposing the motion and shall include appropriate citation to any legal authorities relied upon. If the motion requires the consideration of facts not appearing in the record, the respondent shall serve and file copies of all appropriate affidavits, depositions, photographs or documentary evidence which the respondent desires to submit in opposition to the motion.

(d) Reply or additional briefs upon motions and submissions should be filed only with leave of the Court and upon a showing of good cause.

(e) The Court will generally not consider any motions for "reconsideration" or the like after the Court has considered and ruled on any motion, issue, or claim. The Court's lack of ruling on any such motion should be considered to be a denial of said motion.

RULE 205: CASE MANAGEMENT HEARING

(a) If a Defendant timely files an Answer in a civil case, the case shall be set for a Case Management Hearing with the Judge or the Magistrate. Notice of the Hearing shall be given to all parties and/or counsel of record no less than fourteen (14) days prior to the Hearing.

(b) All unrepresented parties shall personally attend the Case Management Hearing. Attorneys of record may attend the Hearing in person or, with prior written notice to the Court, they may attend and participate by phone. Attorneys who are not counsel of record will generally not be allowed to attend or participate in Case Management Hearings on behalf of counsel of record except with prior permission of the Court.

(c) The purpose of the Case Management Hearing shall be to schedule deadlines for the completion of discovery and for the filing of dispositive motions and to advise the parties of an approximate date on which a Final Pretrial Hearing will be conducted if such should become necessary. The Judge or Magistrate presiding may also address other issues or take other actions which may be warranted.

(d) The Court will issue an Order documenting the deadlines and dates set at the Case Management Hearing which will be served on all parties after the Case Management Hearing.

RULE 206: FINAL PRETRIAL HEARING

(a) Cases not resolved by settlement or by ruling on a dispositive motion shall be set for a Final Pretrial Hearing with the Judge or the Magistrate. Notice of the Hearing shall be given to all parties and/or counsel of record no less than fourteen (14) days prior to the Hearing.

(b) All unrepresented parties and all attorneys of record shall personally attend the Final Pretrial Hearing. Parties represented by counsel shall either be present or be available by telephone with full settlement authority. All attorneys attending the Final Pretrial Hearing must have full settlement authority and the authority to make admissions and/or stipulations on items of evidence so as to shorten the time and expense of Trial.

(c) The purpose of the Final Pretrial Hearing shall be to effect an amicable settlement of the case, if possible, or to narrow the factual and legal issues in dispute by stipulation.

(d) If the case cannot be amicably settled, each party shall be prepared to discuss the following issues: (1) whether the case should be referred to Mediation; (2) the factual and legal issues that are still in dispute; (3) stipulations; (4) special legal problems anticipated; and (5) estimated length of trial.

RULE 207: ASSIGNMENT OF CIVIL CASES FOR TRIAL

(a) Trials of criminal cases shall take precedence**.**

(b) The prior commitments of attorneys of record to be present in other courts will generally be honored by the Court when scheduling trials in civil cases.

(c) Written notice of the date and time of scheduled trials will be sent by the Court to all unrepresented parties and to all attorneys of record.

(d) When a jury has been demanded in a civil case, the required $20.00 jury demand deposit shall be made when the demand is filed, and the required $500.00 jury trial deposit shall be made within fourteen (14) days after the Final Pretrial Hearing. Absent such deposits at such times, the jury will not be called, and the jury demand will be deemed to have been waived.

(e) When a case which has been assigned for trial is settled, counsel for the parties seeking affirmative relief shall immediately notify the Court and shall submit any Judgment Entry or other documentation required to close the case prior to the scheduled trial date.

(f) If a party seeking affirmative relief, either in person or by counsel, fails to appear for a scheduled trial, the Court may enter an order dismissing the party's claim for lack of prosecution. If a Defendant fails to appear for trial and the party seeking affirmative relief does appear, the Court may order that the party seeking relief proceed with the case, and the Court shall then decide and determine all matters ex parte.

RULE 208: SMALL CLAIMS

(a) Small Claims actions may be commenced by filing an appropriate Complaint in accordance with Section 1925.04 of the Ohio Revised Code. Small Claims Complaint forms are available in the Office of the Clerk of Court and on the Court's web page. Neither the clerk nor any of the deputy clerks can provide legal advice.

(b) Small Claims actions may be filed for the recovery of money. The amount claimed may not exceed $6,000.00. Pursuant to Section 1925.02 of the Ohio Revised Code, the Small Claims Division does not have jurisdiction in any of the following: libel, slander, replevin, malicious prosecution, or abuse of process actions; actions on claims brought by an assignee or agent; actions for the recovery of punitive or exemplary damages.

(c) Small Claims actions may be filed by a real party in interest or by his/her/its attorney. If the Plaintiff is a corporation, the claim may be filed by an attorney or by a bona fide officer or salaried employee of the corporation, but if filed by an officer or employee, the corporation must comply with Section 1925.17 of the Ohio Revised Code. An officer/salaried employee appearing on behalf of a corporation may offer evidence but may not, in the absence of representation by an attorney, engage in cross-examination, argument, or other acts of advocacy.

(d) Small Claims actions will be set for trial not less than fifteen (15) nor more than forty (40) days after commencement of the action. For good cause, the Court may grant a continuance of a trial for not more than thirty (30) days. Requests for continuance must be filed in writing at least seven (7) days prior to the scheduled trial and must include the specific reason(s) for the request. If the Court grants the continuance, the Court shall notify all parties affected by phone and/or by mail. If the continuance is not granted, the Court will notify the requesting party.

(e) When all parties appear for a scheduled trial in the Small Claims Court, the parties will be encouraged to participate in Mediation instead of proceeding to trial. If the parties agree to participate in Mediation and the dispute cannot be resolved by mutual agreement of the parties, the case will be rescheduled for trial at a later date.

(f) Except for those cases in which the Magistrate has a conflict of interest, Small Claims cases will generally be set for trial before the Magistrate. If the Magistrate is unable to hear a Small Claims case, or if the Judge deems it advisable to hear a certain case for any other reason, the matter may be heard by the Judge or by an Acting Judge.

(g) Trials in Small Claims actions will be conducted in an informal manner. The Rules of Evidence which apply in other court proceedings do not apply in Small Claims actions. The Court will consider estimates, bills, or other documents which purport to show monetary damages. Parties are encouraged to bring thorough written summaries of their claims and any other documents which might be offered as exhibits in support of their claims or defenses.

(h) If the Plaintiff does not appear at the time set for trial, the Court will, most likely, dismiss the Plaintiff's Complaint. If a Defendant fails to appear at the time set for trial, the Court will, most likely, grant a default judgment in favor of the Plaintiff and against the Defendant.

RULE 209: FORCIBLE ENTRY AND DETAINER (EVICTIONS)

(a) Actions in Forcible Entry and Detainer (Evictions) shall be filed and all proceedings conducted in accordance with the provisions of Ohio Revised Code Sections 1923.01 through 1923.14 and any amendments thereto. Proper service of the notice to leave premises which is required by Section 1923.04 of the Ohio Revised Code is a condition precedent to the commencement of any eviction action. A copy of said notice to leave premises must be attached to any Complaint seeking eviction. Failure to attach a copy of said notice and/or failure to include the exact language required by Section 1923.04 of the Ohio Revised Code in said notice will result in the dismissal of Plaintiff's Complaint for lack of subject matter jurisdiction. No employee of the Court will review or inspect a Plaintiff's Complaint and/or the notice to leave premises prior to accepting Complaints for filing.

(b) Pursuant to Section 1923.05 of the Ohio Revised Code, any Complaint seeking the eviction of a tenant or resident must particularly describe the premises and must set forth an unlawful and forcible detention. The Complaint should contain the specific reason for the requested eviction. If the eviction claim is founded upon the alleged breach of the terms of a

written lease/rental agreement, a copy of the lease/rental agreement should be attached as an exhibit to the complaint.

(c) Upon the filing of a Complaint in Forcible Entry and Detainer, the matter shall be scheduled for a trial. The summons shall advise the Defendant that such an action has been brought against him or her and shall state the time and place of trial as required by Ohio Revised Code Section 1923.06. The summons shall be served at least seven (7) days before the date set for trial if service is accomplished by ordinary mail service with certificate of mailing in conjunction with personal service, residence service, or service by posting on the premises.

(d) If the Plaintiff/Plaintiff's attorney does not appear for the trial on the Plaintiff's claim for forcible entry and detainer, the Plaintiff's Complaint will be dismissed without prejudice for failure to prosecute. If the Defendant does not appear for the trial, the matter shall proceed to trial. The Plaintiff will still be required to produce sufficient evidence proving that he or she is a proper party to bring the claim, that the Defendant did an act/failed to do an act which entitles the Plaintiff to judgment for restitution of the subject property, that the Plaintiff delivered the statutorily-required notice to vacate the premises at the time and in the manner required by law, and that the Defendant failed to timely vacate the subject property after delivery of said notice.

(e) In cases in which the Complaint joins an action for Forcible Entry and Detainer with an action for unpaid rent or other money damages, only the Complaint for Forcible Entry and Detainer shall be assigned for trial on the date set forth in the summons, and the other claims shall be continued. If the Plaintiff seeks both restitution of premises and money damages, the Plaintiff's Complaint should clearly communicate the maximum potential liability to which the Defendant might be subjected. Pursuant to Ohio Civil Rule 54(C), no judgment by default shall be different in kind from or exceed in amount that which was prayed for in the demand for judgment. This Court will not grant a money judgment which exceeds the maximum potential liability that was clearly communicated in the demand for judgment in the Complaint.

(f) Except for those times at which the Magistrate is unavailable or in those cases in which the Magistrate has a conflict of interest, Forcible Entry and Detainer cases will generally be scheduled for trial before the Magistrate. If the Magistrate is unavailable or unable to hear a Forcible Entry and Detainer case, or if the Judge deems it advisable to hear a particular case for any other reason, the matter shall be heard by the Judge or by an Acting Judge.

(g) Should actual, physical eviction from property be required following the granting of judgment for restitution of premises, the Plaintiff may request that the Court issue a Writ of Execution in accordance with Section 1923.13 of the Ohio Revised Code. The Plaintiff shall request the issuance of the Writ of Execution within thirty (30) days of the granting of judgment for restitution of premises. When executing the set-out, the Plaintiff shall be responsible for arranging for sufficient workers to be present to accomplish the set-out under the supervision of the Bailiff, who will stand by to ensure that there is no breach of the peace. If a Plaintiff fails to

request or execute a Writ of Execution within the prescribed time or in accordance with the terms of this rule, then the judgment for restitution of the subject premises shall lapse.

209.1 SEALING OF EVICTION RECORD

(a) The Court may order the Clerk of Court to seal an eviction record when the interests of justice in sealing the record outweigh the interests of the government and the public in maintaining a public record of the case, under the following circumstances:

1. The Court dismissed or entered judgment for the tenant on the claim for eviction; or
2. The landlord dismissed the claim for eviction before the adjudication of the claim; or
3. The landlord stipulates, in writing, to sealing the record; or
4. The landlord prevailed on the merits of the claim for eviction, and all of the following occurred:
    a. Extenuating circumstances led to the eviction;
    b. At least five years have passed since judgment was entered for the landlord;
    c. At least five years have passed since the tenant has had an adverse judgment granting an eviction in any jurisdiction.

(b) An eviction record may be ordered sealed by the Court on its own motion under Section (a)(1) and (a)(2) of this Rule. All other orders to seal an eviction record shall be made by application, and the following conditions must apply:

1. The party seeking to have the record sealed must file a written motion, even if the landlord agrees to the sealing in a settlement agreement or agreed judgment entry. The motion must be accompanied by an affidavit attesting to all relevant facts supporting sealing.
2. The moving party must serve the motion upon the opposing party at last known address, pursuant to Civ. R. 4.1
3. The opposing party may file a response within the time specified by Civ. R. 6(C).
4. Either party may request a hearing on the motion. If a hearing is not requested by either party, the motion will be decided based on the filings with the Court.

(c) The Court may consider all relevant factors when examining a motion to seal an eviction record, which may include, but are not limited to:

1. The disposition of the eviction claim;
2. Whether the sealing of the record is agreed to or disputed by the opposing party;
3. If the landlord received judgment on the eviction, and the grounds upon which the judgment was granted;
4. Whether the movant has satisfied any money judgment issued in favor of the opposing party in the eviction case; and
5. Any other information relevant to the determination of whether justice requires the sealing of the record.

(d) If the court grants a motion to seal eviction record, the Clerk of Court shall cause the tenant's name to be redacted from all public records it maintains, including the electronic case index system, to the same extent it would for a criminal sealing of the records. The Clerk of Court shall retain both the electronic record of the action, and the physical file in accordance with its record retention policy. The Clerk of Court shall ensure that the record of the case can be retrieved and unsealed if ordered.

(e) Sealing the record of eviction does not authorize a tenant or former tenant to make a false statement regarding the filing or granting of the eviction.

(f) Sealing of the record restricts access to the case record, it does not remove the record from the Court's electronic or physical docket. Access to the sealed record shall be limited to the Clerk of Court, the Clerk's designee, and any Marion Municipal Court Judge or his/her designee. A party of the original action may file a motion requesting access to the record or case file. The Court may provide access to the record as required by law enforcement officials, or for other official government business.

(g) A party to the original action may file a motion seeking to unseal the eviction record, setting forth in the motion and attached affidavit, good cause as to why the record should be unsealed. Such good cause may include, for example, that the original movant was not truthful in the motion to seal or that the sealing was procured through fraud. For good cause, the Court may unseal a record on its own motion, after notice to the parties of the case.

RULE 210: COGNOVIT JUDGMENTS

(a) On all Complaints for Cognovit Judgment, a true copy of the original note (with all its endorsements) shall be attached and marked as an exhibit. The Complaint must state that the

note did not arise from a consumer transaction. If the Plaintiff is an attorney, the Complaint must state that the note did not arise out of an attorney/client relationship to secure fees.

(b) Upon judgment, interest shall be awarded in the least amount requested by the Plaintiff.

(c) Upon the entering of any judgment, the attorney who represents the judgment creditor shall furnish a copy of the Judgment Entry to the Clerk of Court. The Clerk shall notify the Defendant(s) by mailing a copy of the Judgment Entry by registered or certified mail to the address set forth in the Complaint.

RULE 211: GARNISHMENTS

(a) A person who obtains a judgment against another person may garnish the personal earnings of the person against whom judgment was obtained only through a proceeding in garnishment of personal earnings and only in accordance with the provisions of Chapter 2716 of the Ohio Revised Code.

(b) A person who obtains a judgment against another person may garnish the property, other than personal earnings, of the person against whom judgment was obtained, if the property is in the possession of a person other than the person against whom judgment was obtained, only through a proceeding in garnishment and only in accordance with the provisions of Chapter 2716 of the Ohio Revised Code.

RULE 212: JUDGMENT DEBTOR EXAMINATIONS

(a) Upon proper motion, Judgment Debtor Examinations will be scheduled by the Clerk of Court during the Court's regularly scheduled hours of operation. If both parties appear for the scheduled Judgment Debtor Examination, the examination will be conducted according to law.

(b) If the judgment debtor fails to appear at the scheduled Judgment Debtor Examination after having been properly served with notice thereof, then the creditor may thereafter make an appropriate motion asking that a Show Cause Hearing be scheduled at which the judgment debtor may be asked to show cause why said debtor should not be held in contempt of court for failure to attend the Judgment Debtor Examination.

(c) If the debtor appears for the Show Cause Hearing and still refuses to participate in a Judgment Debtor Examination, then the Judge may be called upon to conduct the Show Cause Hearing.

(d) If the debtor fails to appear for the Show Cause Hearing after having been properly served with notice thereof, then the creditor may thereafter request that a bench warrant be issued for the arrest of the debtor.

(e) Judgment Debtor Examinations shall not be conducted more than once every six (6) months in any case unless the party requesting an examination files an affidavit setting forth that he or she has good and sufficient cause to believe that the status of the judgment debtor has changed since the previous Judgment Debtor Examination was conducted.

RULE 213: ASSIGNMENT OF JUDGMENTS

No assignment of a judgment shall be recognized by the Clerk of Court unless such assignment is pursuant to a written agreement and bears the acknowledgment of the assignor.

RULE 214: SATISFACTION OF JUDGMENTS

It shall be the duty of the Plaintiff or Plaintiff's counsel to immediately have an entry of satisfaction of judgment made upon the docket within thirty (30) days after final payment or upon written demand after final payment. If the judgment, interest, and costs were paid to the Clerk of Court, the Court may docket the judgment as satisfied. Failure to so satisfy may result in the assessment of costs against the offending party or counsel.

RULE 215: DISMISSAL OF CASES

The Clerk of Court shall quarterly review all civil cases pending on the Court's civil docket. Cases which have been on the docket for six (6) months without any action or proceedings taken, shall, after notice, be dismissed for lack of prosecution unless good cause be shown to the contrary.

RULE 216: EXECUTION ON GOODS OR CHATTELS

(a) In every execution issued by this Court upon goods or chattels, the Judgment Creditor or the attorney for the Judgment Creditor shall procure and file with the Clerk a form with all the information found in Appendix "C" attached to these Rules, as well as a bond to cover the costs and fees required by this Court in levying upon and selling the goods and chattels. The bond shall be in the form of a cash deposit or by bond with surety approved by the Court.

LIGHT CATEGORY - $150.00 ADVANCED DEPOSIT

-Automobiles
-Motorcycles
-Utility Trailers up to 18 feet in length
-Boat Trailers up to 18 feet in length
-Motorcycle Trailers up to 18 feet in length
-Camper Trailers up to 26 feet in length

-Travel Trailers up to 18 feet in length
-Motor Homes (self-propelled) up to 26 feet in length
-Garden/Mowing Tractors
-Garden/Mowing Type Equipment not of commercial use
-Boats up to 18 feet in length
-Farm Type Tractors under 99 horsepower
-Portable Construction Equipment
-Portable Shop Equipment
-Portable Farm Equipment

HEAVY CATEGORY - $400.00 ADVANCED DEPOSIT

-Large Trucks rated over 3/4 ton
-Buses
-Semi-Tractors (Trucks)
-Mobile Homes other than Travel Trailers
-Utility Trailers over 18 feet
-Motorcycle Trailers over 18 feet
-Camper Trailers over 26 feet
-Motor Homes (self-propelled) over 26 feet
-Semi-Trailers (low boy, flatbed, closed box type, stake body)
-Boats over 18 feet
-Farm Type Tractors over 99 horsepower
-Large Construction Equipment
-Road and Grading Equipment
-Earth Moving Equipment
-Large Farm Equipment
-All other equipment not covered by this category and all vehicles able to be self-propelled upon the roads of the county or cannot be driven upon said roads

(b) Any goods and chattels in a retail or wholesale business operation, household, manufacturing plant, or storage facility which must be moved and stored by a professional mover acting under authority of the Bailiff of this Court after the Bailiff has seized such goods and chattels shall require an advanced deposit of $150.00 plus the estimate of moving and 20 days storage provided by the mover from the description given the Bailiff by the Plaintiff or his attorney in the action. Said deposit must be deposited with the Clerk of Courts prior to the seizure of any goods and chattels.

(c) If goods and chattels in a retail or wholesale business operation, manufacturing plant, or storage facility are to be secured upon the site of the business, plant or storage facility, an order of the Court shall be obtained requiring the padlocking and securing of the premises wherein the goods and chattels are found and a bond with sufficient surety shall be given to secure the Bailiff for such action, posting of guards, if necessary, and for loss which may occur

through theft when no guard is posted, fire, natural calamity or similar causes in an amount not less than $2,000.00.

RULE 217: REQUIREMENTS FOR SERVICE BY PUBLICATION

In cases in which a party to a civil action makes a request for service by publication pursuant to Civil Rule 4.4, the Clerk shall cause service of Notice to be made by publication in a newspaper of general circulation pursuant to Rule 4.4. The Clerk shall notify the publisher that the payment of the costs of the publication shall be the responsibility of the plaintiff. Payment arrangements shall be made directly by the plaintiff with the publisher without the Court assessing the publication costs as costs of suit or without the requirement of an advanced deposit by the plaintiff to the Court for payment of the publication costs.

RULE 218: REQUIREMENTS FOR USE OF O.R.C. 2703.20

In cases in which a party to a civil action involving a motor vehicle accident, pursuant to Ohio Revised Code Section 2703.20, seeks to serve the Secretary of State of Ohio with service of process for the reason that the opposing party in the lawsuit has become a nonresident or is concealing his or her whereabouts, the party or counsel for said party shall file an Affidavit with this Court documenting the efforts made to locate the address of the opposing party, including a statement that the affiant has checked the records of this Court to find a more current address of the opposing party. The record check shall include civil, traffic, and criminal case filings in this Court for the time period beginning with the date of six months after the date of incident sued upon through the date that the Affidavit is executed. The Affidavit shall also document all attempts to serve the opposing party with process which have been unsuccessful.

RULE 219: CIVIL COURT COSTS

COMPLAINT (REGULAR CASES OR REPLEVINS) $120.00

(Fee includes filing of Complaint and issuance of Summons for either personal, residence, or certified mail service for up to 3 Defendants. Additional cost per Defendant thereafter is $5.00.)

COMPLAINT (EVICTION) $120.00

(Fee includes filing of Complaint and issuance of Summons for up to 3 Defendants; additional cost per Defendant thereafter is $5.00 with respect to a single cause for restitution of the premises)

If Complaint for Eviction contains a cause of action seeking monetary damages, there will be an additional fee of $15.00 per named Defendant for personal or certified mail service and processing with respect to the

claim for monetary damages.

ALIAS SUMMONS	$20.00
(Fee includes personal, residence, or certified mail service for up to 3 Defendants. Additional cost per Defendant thereafter is $5.00.)	
THIRD PARTY COMPLAINT, ANSWER & COUNTERCLAIM, or ANSWER & CROSSCLAIM	$30.00
(Fee includes filing of Complaint and issuance of Summons for either personal, residence or certified mail service)	
AMENDED COMPLAINT	$65.00
(Fee includes filing of Complaint and issuance of Summons for either personal, residence, or certified mail service for up to 3 Defendants. Additional cost per Defendant thereafter is $5.00.)	
SMALL CLAIMS COMPLAINT	$70.00
(Fee includes filing of Complaint and issuance of Summons for either personal, residence, or certified mail service for up to 3 Defendants. Additional cost per Defendant thereafter is $5.00.)	
AMENDED SMALL CLAIMS COMPLAINT	$30.00
(Fee includes filing of Complaint and issuance of Summons for either personal, residence, or certified mail service for up to 3 Defendants. Additional cost per Defendant thereafter is $5.00.)	
SMALL CLAIM ANSWER & COUNTERCLAIM	$10.00
SMALL CLAIMS TRIAL	$20.00
MOTION TO TRANSFER SMALL CLAIMS TO CIVIL DOCKET	$35.00
SMALL CLAIMS FINANCIAL STATEMENT	$20.00
CERTIFIED COPY OF JUDGMENT OR OTHER COURT DOCUMENTS	$5.00
AUTHENTICATED JUDGMENT	$10.00

CERTIFY JUDGMENT TO BMV	$5.00
JUDGMENT DEBTOR'S EXAM	$40.00
CONTEMPT - SHOW CAUSE - BENCH WARRANT	$40.00
OBJECTION TO MAGISTRATE'S DECISION	$10.00
JURY DEMAND DEPOSIT	$20.00
COURT REPORTER	$20.00
CALLING JURY	$20.00
SWEARING JURORS ($1.00 EACH)	$8.00
NOTIFYING 30 JURORS	$60.00
9 JURORS @ $15.00	$135.00
VERDICT OF JURORS	$2.00
CIVIL JURY TRIAL DEPOSIT (SEE LOCAL RULE 207)	$500.00
WRIT OF RESTITUTION	$50.00
TRIAL	$20.00
EXPUNGEMENT OF EVICTION RECORD	$100.00
REVIVOR OF JUDGMENT	$50.00
COGNOVIT NOTE (plus separate $5.00 check to Attorney for Answer)	$100.00
(Fee includes all notices)	
CERTIFICATE OF JUDGMENT FOR TRANSFER OR LIEN	$30.00
FILING CERTIFICATE OF JUDGMENT TRANSFERRED FROM FOREIGN COUNTY TO MARION COUNTY	$10.00
GARNISHMENT - WAGE	$75.00

RECEIPT OF GARNISHMENT PAYMENT FROM GARNISHEE	$5.00
GARNISHMENT - THIRD PARTY (NON-WAGE GARNISHMENT)	$75.00
ALL MOTIONS, INCLUDING MOTION FOR DEFAULT (No additional cost for Entry)	$20.00
CASE MANAGEMENT HEARING/PRETRIAL/HEARING ON MOTION	$10.00
NOTICE OF HEARING, TRIAL, ETC.	$2.00
SUBPOENA (ISSUANCE FEE)	$10.00
PLUS, SEPARATE CHECK FOR WITNESS FEE: $20.00 for Full Day (plus mileage) or $10.00 for Half Day (plus mileage)	
BAILIFF SERVICE OF 15-DAY DEMAND NOTICE	$5.00
SERVICE BY PUBLICATION	$5.00
SECRETARY OF STATE SERVICE (Individual or Corporation)	$25.00
PLUS SEPARATE CHECK FOR FEE REQUIRED FOR SERVICE ON CORPORATION PAYABLE TO SECRETARY OF STATE: $5.00	
VACATE JUDGMENT	$20.00
GUARDIAN AD LITEM	$20.00
APPEAL	$200.00
EXECUTION	$40.00
PLUS DEPOSIT REQUIRED IN LOCAL RULE 2.33	
SALE BILLS	$15.00
(Fee includes issuance of sale bills and posting of bills in 4 places)	
APPRAISER FEES	$10.00
(Fee includes administering oath)	

CERTIFIED MAIL FEE $10.00

Additional mailing fees will apply with out of *Country* service.

MILEAGE: $0.60 first mile plus $0.30 per mile

Big Island (10 miles):	$3.60
Caledonia (20 miles):	$6.60
Claridon (15 miles):	$5.10
Green Camp (10 miles):	$3.60
Kirkpatrick (20 miles):	$6.60
LaRue (28 miles):	$9.00
Martel (30 miles):	$9.60
Meeker (24 miles):	$7.80
Morral (24 miles):	$7.80
New Bloomington (20 miles):	$6.60
Owens Station (10 miles):	$3.60
Prospect (20 miles):	$6.60
Waldo (20 miles):	$6.60

POVERTY AFFIDAVITS: Poverty affidavits filed in lieu of cash deposits must state the reasons for the inability to prepay costs and are subject to Court review at any stage of the proceedings.

RULES UNIQUE TO TRAFFIC AND CRIMINAL CASES

RULE 301: COMPLAINTS BY PRIVATE INDIVIDUALS

The Court will not accept or file complaints signed by private individuals, as contrasted with law enforcement personnel, unless such complaints have been reviewed and approved by one of the following: a prosecuting attorney employed by the Law Director's Office for the City of Marion, a prosecuting attorney employed by the Marion County Prosecutor's Office, or a law enforcement officer employed by the Ohio State Highway Patrol, the Marion City Police Department, or the Marion County Sheriff's Office.

RULE 302: METHOD OF SERVICE OF COMPLAINTS SHALL BE SPECIFIED

The prosecutor or the law enforcement agency filing a traffic or criminal complaint shall clearly indicate on the complaint or on accompanying documents either that the complaint has been served on the Defendant or that a warrant or summons is requested. The clerk may refuse to file any complaint if it has not been served on the Defendant and if no request for the issuance of a warrant or summons is provided to the clerk.

RULE 303: ELECTRONIC TICKETS

(a) Authorization: The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in The Marion County Municipal Court. The electronically produced ticket shall conform in all substantive respects to the "Ohio Uniform Traffic Ticket" set forth in the Ohio Traffic Rules' Appendix of Forms. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall serve the Defendant with the Defendant's paper copy of the ticket as required by Rule 3(E) of the Ohio Traffic Rules.

(b) Form of Affidavit: In every case in which an electronically produced ticket is used and filed, the ticket shall use forms that are substantially similar to Form 3.27-A (Court Record) and Form 3.27-B (Abstract)

(c) Applicability: The purpose and scope of this rule is limited to the use and filing of e-ticket.

RULE 304: BAIL BOND SCHEDULE AND INITIAL APPEARANCE

(a) The Court, as required by Ohio Criminal Rule 46(G), has established a bail bond schedule for certain criminal and traffic offenses. The clerk and local law enforcement agencies are authorized to release from custody those persons who are charged with one or more criminal or traffic offenses and who post bail in accordance with that schedule. Bail may be made using a credit card. The latest bail bond schedule is available at the clerk's office and on the Court's web page.

(b) In accordance with Ohio Criminal Rule 46 (H), defense counsel shall be present for all initial bail hearings and appearances pursuant to an arrest warrant in which an individual is in custody. Further, the State of Ohio shall be present at said bail hearings, or in lieu of appearing, shall submit a written recommendation of bond accompanied by a memorandum in support based upon the factors set forth in Ohio Criminal Rule 46.

RULE 305: WAIVER OF COURT APPEARANCE

The Court, as permitted by Ohio Criminal Rule 4.1 and Ohio Traffic Rule 13, has established a waiver schedule which applies in some traffic cases and some minor misdemeanor criminal cases. Defendants charged with these "waiverable" offenses may waive their right to appear before the court and enter a plea of "Guilty" by paying a fixed amount of money to the clerk. The latest list of "waiverable" offenses and the waiver amounts corresponding to each offense is available in the clerk's office and on the Court's web page.

RULE 306: TRAFFIC SAFETY PROGRAM

(a) Most Defendants charged with waiverable traffic offenses (offenses for which a fine may be paid in lieu of personal appearance as described in Rule 305 above) may participate in the Court's Traffic Safety Program (TSP) if they have not previously participated in the TSP or if at least two years have passed since they last participated in the TSP.

(b) The application to participate in the TSP is typically provided by the charging law enforcement officer at the time of the issuance of the subject traffic ticket, and it is also available in the office of the clerk and on the Court's web page.

(c) A Defendant in a traffic case who is eligible to participate in the TSP should file the application required for participation prior to the arraignment date listed on the traffic ticket. The Court may, in some circumstances, allow a Defendant to submit the application on or after the original arraignment date, but applications to participate in the TSP will in most cases be denied if submitted more than three (3) weeks after the scheduled arraignment date.

(d) The Defendant's application to participate in the program must be accompanied by the appropriate fine and cost payment in full, and the Defendant must enter a plea of either "Guilty" or "No Contest" to the subject traffic charge by signing the appropriate form. Also, if proof of insurance was not shown at the time that the traffic ticket was issued, the Defendant must provide proof of insurance to the clerk of the court when submitting his or her application to participate in the program. The application, payment, and proof of insurance must be received and approved by the clerk prior to the Defendant's completion of the online course.

(e) Once the clerk has received the completed application and the waiver payment, proceedings in the case will be stayed for sixty (60) days while the Defendant completes the TSP.

If, during that 60 day period, the Defendant successfully completes the TSP, then the case will be dismissed, and no conviction will be reported to the Ohio Bureau of Motor Vehicles (BMV). If the Defendant fails to complete the program with the sixty (60) day period, then the court will report the Defendant's conviction on the traffic charge to the BMV. In either case, the Defendant's waiver payment will not be refunded.

(f) Upon a Defendant's completion of the online course, the course provider will generally electronically notify the Court. To ensure that the Court has received notice of completion, Defendants may either contact the Court to so confirm or may provide the Court with the certificate of completion that is provided to those who complete the course.

RULE 307: FORFEITURE OF DRIVER'S LICENSE FOR FAILURE TO APPEAR

Pursuant to Ohio Revised Code Sections 2935.27 and 4507.168, and Ohio Traffic Rule 8(C), any person who has a valid Ohio driver's or commercial driver's license and fails to appear in Court at the required time or fails to either pay the fine imposed by this Court within the time allowed or fails to get put on a payment plan to pay this fine will have his Ohio driver's or commercial driver's license immediately forfeited through operation of this Rule.

RULE 308: FORFEITURE OF BAIL

Notice of bail forfeiture shall be sent by the Clerk to the Defendant and to the surety in such form as may be approved by the Court. The Defendant and surety shall, on or before the date set forth, show good cause why judgment should not be entered against them. After judgment is entered against the Defendant and surety, no surety shall be released nor shall any penalty be released or remitted, except upon the filing of a written verified application filed with the Clerk in the case in question, setting forth in detail the reasons why a release or reduction should be granted. The Clerk shall bring the application to the attention of the Court, which will consider the matter without oral hearing unless the Court otherwise directs.

RULE 309: WRITTEN PLEAS OF "NOT GUILTY"

(a) Except when charged with "Domestic Violence," defendants in misdemeanor traffic or criminal cases will be permitted to file pleas of "Not Guilty" in writing with the clerk rather than appearing in person for purposes of entering an initial plea. After a plea of "Not Guilty" is filed with the clerk, the Defendant must personally appear at any subsequent pretrial conferences, hearings, and trial as scheduled by the Court.

(b) Defendants named in multiple criminal and/or traffic cases should make sure that all relevant case numbers are listed on any written pleas of "Not Guilty" and on any other filings in the cases.

RULE 310: WAIVER OF RIGHT TO SPEEDY TRIAL

(a) Defendants in traffic and criminal cases who are willing to waive their constitutional and statutory rights to a speedy trial are encouraged to do so by filing a written waiver of that right. The Court will always honor the wishes of any Defendant who wants to exercise his or her right to a speedy trial, and the exercise or waiver of that right is a matter of choice for each Defendant to make. The waiver of that right does give the court more flexibility in the scheduling of hearings and trials, so the waiver of the right, provided it is knowingly and voluntarily executed, is always appreciated.

(b) Unless and until a Defendant waives his or her right to a speedy trial, the court will presume that said right has not been waived, and the Defendant's case will be scheduled for trial within the time provided by law.

RULE 311: NOTICE OF APPEARANCE AS COUNSEL

The attorney who is to try the case, upon being retained or appointed, shall immediately notify the Court that he or she is the trial attorney by filing a written notice of appearance with the Clerk of the Court and/or by signature and filing of any pleading in the case.

RULE 312: COURT-APPOINTED COUNSEL

(a) When it appears to the Court that a Defendant in a traffic or criminal case is indigent, and if the offense with which the Defendant is charged includes the possibility of incarceration, the Court shall utilize a list of attorneys available for appointment to represent the Defendant. A $25.00 application fee will be assessed to the Defendant unless waived by the Court.

(b) Attorneys in private practice who wish to be appointed by the Court to represent indigent Defendants must first have their names added to the list of court-appointed counsel that is maintained by the Court. Any eligible attorney whose name does not appear on the list may have his or her name added thereto upon approval by the Court. In order to be approved by the Court, an attorney must be licensed in Ohio and in good standing and must maintain professional liability (malpractice) insurance in the amount required by the Ohio Rules of Professional Conduct. Attorneys appointed by the Court shall diligently perform their duties as warranted by the facts of the cases in which they are appointed, they shall appear as scheduled at all hearings, and they shall act in a professional manner at all times. Failure to comply with any of these duties will result in removal from the list of court-appointed counsel.

(c) If an attorney who was appointed by the Court to represent an indigent Defendant receives information clearly establishing that the Defendant has perpetrated a fraud upon the Court by misrepresenting to the Court that he or she lacks sufficient income or other means to employ counsel, the attorney shall promptly call upon the Defendant to rectify the fraud, and if the Defendant fails or refuses to do so, the attorney shall reveal the fraud to the Court. If the

Court cancels the appointment, the Defendant shall be advised by the Court that he or she is free to employ counsel of his or her choice.

(d) The attorneys who serve as court-appointed counsel shall be compensated pursuant to the Resolution of the Marion County Commissioners relating to the compensation of attorneys for indigent Defendants that was in effect on the date that the attorney was appointed.

(e) In order to assist Marion County in obtaining reimbursement from the State Public Defender's Office, all attorney fee applications from assigned counsel shall be filed with the Court within thirty (30) days from the date on which the case is finally disposed by the Court. Any application for attorney fees received more than thirty (30) days from the date on which the case is finally disposed of in this Court shall not be paid.

(f) The Court will review the list of court-appointed counsel that is maintained by the Court at least once a year and will attempt to ensure an equitable distribution of appointments for the attorneys on said list.

RULE 313: PRETRIAL CONFERENCES

(a) If a Defendant enters a plea of "Not Guilty" to a traffic or criminal charge that is punishable by possible incarceration upon conviction, the Clerk shall schedule a date and time for a Pretrial Conference.

(b) The prosecutor assigned to the case, the Defendant, and the Defendant's counsel (if the Defendant is represented by counsel) shall all be present at any Pretrial Conference scheduled by the Court. If the Defendant fails to appear for a scheduled Pretrial Conference, the Court may issue a bench warrant for the Defendant's arrest.

(c) Except when the complaining witness is a law enforcement officer, the complaining witness shall be notified of the date and time of the initial Pretrial Conference. If the complaining witness fails to appear at the initial Pretrial Conference, the Court may, in its discretion, authorize the scheduling of a second Pretrial Conference if the prosecutor assigned to the case indicates that he or she intends to seek to compel the appearance of the complaining witness by requesting the issuance of a subpoena.

(d) With the exception of those cases in which the complaining witness fails to appear for the initial Pretrial Conference and is then subpoenaed to appear at a second Pretrial Conference, no traffic or criminal case shall be scheduled for additional Pretrial Conference(s) after the initial Pretrial Conference unless the Court decides to schedule a Final Pretrial Conference in advance of trial, except with permission of the Court and for good cause shown.

(e) At the conclusion of each Pretrial Conference and prior to the commencement of the next Pretrial Conference, the prosecutor assigned to the case and/or the Defendant's counsel shall

provide the Court with a completed and signed Journal Entry: Traffic/Criminal Pretrial Conference Memorandum. Said Memorandum shall contain all of the information found in Appendix "A" which is attached to these Rules. The Memorandum shall become part of the record in the case.

RULE 313.1 FINAL PRETRIAL STATEMENT

(a) If the case is not resolved by one week before the jury trial, each party shall file with the court a pretrial statement setting forth (1) a summary of their case, (2) the names of the attorneys who will participate in the jury trial, (3) a list of witnesses called at trial, and (4) estimated length of the trial. See Appendix D which is attached to these Rules.

(b) Parties will be limited to the following time constraints:
Ten (10) minutes for opening statements
Twenty (20) minutes for closing arguments
Five (5) minutes for prosecution's rebuttal argument
Twenty (20) minutes for Voir Dire

(c) Any motion for the trial, including motion in limine, stipulations, caselaw, trial briefs or other matters to be presented for the trial shall be submitted to the Corut by the Friday before Trial.

(d) Exhibits should be pre-marked and submitted to the Court on the morning of trial.

(e) The Court must be notified in writing if the Jury Trial is not going forward by the Friday before Trial.

RULE 314: PRETRIAL MOTIONS IN TRAFFIC AND CRIMINAL CASES

(a) Motions and other written requests in criminal or traffic cases shall be filed within thirty-five (35) days after arraignment or seven (7) days before trial, whichever is earlier, unless otherwise allowed by the Court. Motions not filed in such time may be subject to being overruled pursuant to the Ohio Rules of Criminal Procedure and/or the Ohio Traffic Rules.

(b) Failure by the Defendant to raise defenses or objections or to make motions and requests which must be made prior to trial or prior to any extension granted by the Court, shall constitute waiver thereof, but the Court, for good cause shown, may grant relief from the waiver.

(c) The Court, in the interest of justice, may extend the time for making pretrial motions, but the decision as to whether to extend the time will be left to the sound discretion of the Court. The parties may not agree to extend the deadline by which pretrial motions must be made without the approval of the Court.

RULE 315: SEARCH WARRANTS

The Clerk of Courts shall make search warrants available for inspection by the public in accordance with Ohio's Public Record Law, Ohio Revised Code Section 149.43. Search warrant documents which are not required to be made available to the public shall be kept by the Clerk in non-public files and shall not be available for public inspection. The following guidelines shall be observed by the Clerk to assist him or her in determining which records are public records:

1. Search warrant documents are not public records before any suspect identified in the search warrant documents is charged with a crime.

2. Generally, after the suspect has been charged with a crime, the records relating to the search warrant are a matter of public record. However, some information contained in the records relating to the search warrant may need to be redacted if said records might reveal the identity of an additional suspect who has not been charged; where the records might identify an information source or witness to whom confidentiality has been reasonably promised; or where the release of information in the warrant could endanger the life or physical safety of an individual.

3. Where no charges are ever filed and the person who is the target of the investigation has been cleared as a suspect, then the search warrant records will generally become a matter of public record, subject to the restrictions set forth in Paragraph 2 above.

RULE 316: PROPERTY SEIZED UNDER SEARCH WARRANTS

If property is seized under a search warrant issued by this Court, it shall be held by the officers or arresting authorities who seized the property for safekeeping unless the Court directs otherwise. This Rule shall be applicable only during the time that this Court has jurisdiction over the underlying traffic or criminal case.

RULE 317: DISMISSALS AND AMENDMENT OF CHARGES

(a) Criminal Complaints may not be dismissed or amended without leave of the Court.

(b) In any case in which the prosecutor desires to dismiss a traffic or criminal case, he or she shall either prepare and file a written Motion to Dismiss or else prepare and submit to the Court a proposed Judgment Entry which clearly states with specificity the reason or reasons that the prosecutor wishes to dismiss the Complaint.

(c) In any case in which the prosecutor and the Defendant come to an agreement which contemplates the potential amendment of a pending charge, the proposed amendment must be reviewed and approved by the Court. In those cases in which a trial has been scheduled, neither the witnesses nor the prospective jurors shall be excused until such time as the Court has

reviewed and approved the contemplated amendment. The Court may not approve the proposed amendment of any charge scheduled for Jury Trial unless the proposed amendment has been reviewed and approved by the Court prior 12:00 noon on the Friday before the scheduled Trial.

RULE 318: INACTIVE CRIMINAL AND TRAFFIC CASES

(a) Criminal and traffic cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes either upon motion of the prosecutor or the Court's own motion and shall not be subject to dismissal for want of prosecution. A case shall be removed from such list if or when the Defendant is available, and proceedings resumed or when such case is dismissed.

(b) Cases to which this rule is applicable shall include those in which the Defendant is not competent to stand trial, is confined in a penal institution in another state, or has not been served or cannot be found. No case in which the Defendant has absconded shall be placed on such suspended list until any bail has been forfeited and judgment entered thereon.

RULE 319: CRIMINAL AND TRAFFIC CASE COURT COSTS

(a) When any traffic or criminal case has been completed, the following state costs and court costs shall be paid to the Clerk of Court:

STATE COSTS:		
State Victims Reparations Fund		$9.00
Indigent Defense Support Fund		
Felony		$30.00
Criminal Misdemeanor & Traffic Moving		$20.00
Traffic Non-Moving		$10.00
COURT COSTS:		
Traffic	$41.00	
Criminal		$41.00
Criminal with certified mail		$51.00
Court Assistance Fund:		
Criminal & Non-Moving Violations		$20.00
Moving Violations		$10.00
Court Computer Fund		$20.00

License Suspension Appeal or Request for Limited Driving Privileges	$40.00
Appeal to the Court of Appeals	$200.00
Bench Warrant	$50.00
Warrant on Complaint	$10.00
Cancellation of Operator's License w/BMV/NRVC	$20.00
Commitment	$10.00
Turnkey	$2.00
Change of Commitment Fee	$50.00
Motion filed	$10.00
Hearing on Motion	$10.00
Pretrial/Plea	$10.00
Trial to the Court (Judge or Magistrate)	$20.00
Notice of Hearing	$1.00
Subpoena (filing, issuance & service)	$10.00
Witness Fee – full day plus mileage	$20.00
Witness Fee – half day plus mileage	$10.00
Witness Fee - out of the city	$0.505 per mile
Expungement Filing	$100.00
Certified Copy	$5.00
Probation Supervision Fee:	
Limited	$50.00
Reporting	$360.00
Diversion	$300.00
Disposition Hearing	$6.00

Marion City Police Department Service Fee	$27.00
Marion County Sheriff Department Service Fee	$27.00

Jury Trial:

Eight (8) Jurors plus alternate @ $15.00 each	$135.00
Calling Jurors	$20.00
Swearing Jurors @ $1.00 each	$9.00
Notifying Thirty (30) Jurors	$60.00
Court Reporter	$20.00
Jury Service Fee	$10.00

(b) In any traffic or criminal case in which a jury trial is demanded, if the Defendant enters a plea (whether to the original charge or to an amended charge) on the day scheduled for trial and the trial is not actually held, the Defendant shall pay a jury cancellation fee of not more than $600.00, which will cover the costs to pay the court reporter and the other costs of jury trial.

(c) Upon determination that a Defendant who has requested appointed counsel is indigent, the Court shall inform the Defendant that he or she shall be assessed a $25.00 application fee unless waived or reduced by the Court. If assessed, the fee shall be paid to the Clerk within seven (7) days of submission of the Affidavit of Indigency to the Court.

MEDIATION

RULE 401: DEFINITIONS

(a) "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.

(b) "Mediator" means any neutral and impartial individual who conducts the mediation or dispute resolution.

(c) "Marion Citizen's Settlement Program" is the dispute resolution program at Marion Municipal Court.

(d) “Check Resolution” is a service of the Marion Citizen’s Settlement Program whereby businesses and/or individuals who receive bad checks can request a hearing to attempt to resolve the bad check complaint.

RULE 402: PURPOSE

The “Ohio Uniform Mediation Act” under Revised Code Chapter 2710 and Rule 16 of the Supreme Court of Ohio Rules of Superintendence is incorporated herein.

The purpose of the Marion Citizen’s Settlement Program is to promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution of Marion Municipal Court cases and/or disputes between individuals.

RULE 403: CASE SELECTION

(a)Referral: All small claims cases may be referred to mediation. All other civil cases shall be reviewed by the assigned judge or designee for referral to mediation. Mediation services may be provided in small claims cases at no cost to the parties.

Disputes of a criminal nature are referred to the Marion Citizen’s Settlement Program by private attorneys, prosecutors, police officers, court clerks, and the Court. Any private individual may also contact the program directly. In civil matters, the complaining party may file with the Citizen’s Settlement Program prior to taking court action. The Court, on its own motion, or the motion of any of the parties, may refer disputed issues to mediation in whole or in part to the Citizen’s Settlement Program.

(b) Eligibility: The Marion Citizen’s Settlement Program will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate. The Marion Citizen’s Settlement Program shall not be used as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant, modify or terminate a protection order; in determining the terms and conditions of a protection order; and in determining the penalty for violation of a protection order.

(c). Mediator Selection and Assignment: The following methods may be used to determine the mediator for the case: the Court mediator may facilitate the mediation; the Court may randomly assign a mediator to the case from the Court’s roster of approved mediators; or specific appointments may be made by the Court after taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case.

RULE 404: PROCEDURES

If, in accordance with all applicable provisions of this rule, a case is deemed appropriate by the Marion Citizens Settlement Program, mediation will be scheduled.

(a) Pre-screening: A mediator may meet with the parties individually prior to bringing the parties together for any reason including but not limited to further screening.

(b) Referral to outside resources: The efforts of the mediator shall not be construed as 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, but such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of the information is charged with the duty to evaluate those resources independently.

(c) Participation, Duties of Attorneys/Parties: Parties to informal cases may voluntarily attend mediation sessions. Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time in formal cases. A Judge, Magistrate and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate. If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute who has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned Judge or Magistrate. If the opposing parties to any cases are related by blood, adoption, or marriage or if they have resided in a common residence or have 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 Supreme Court of Ohio's Rules of Superintendence both prior to, and, in the mediator's discretion, during the mediation session(s). All parties named are allowed to participate in the mediation, and if the parties wish, their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.

(d) Confidentiality/Privilege: All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (Ohio Revised Code Chapter 2710), the Rules of Evidence, and any other pertinent rules. Mediation communications are confidential, and no on shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator. By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded. All mediation communications are confidential with the following exceptions: i) parties may share all mediation communications with their attorneys; ii) certain threats of abuse or neglect of a child or an adult; iii) statements made during the mediation process to plan or hide an ongoing crime; and iv) statements made during the mediation process that reveal a felony.

(e) Mediator Conflicts of Interest: The mediator shall disclose any conflicts that may affect the mediator's impartiality as soon as they become known to the mediator.

(f) Termination: If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties that the mediation is terminated.

(g) Stay of Proceedings: All court orders shall remain in effect. No order is stayed or suspended during the mediation process unless ordered by the Court.

(h) Continuances: Check resolution matters will not be continued from original hearing date. In all other mediations, continuances shall be granted for good cause shown and after a mutually acceptable future date has been determined.

(i) Mediation Case Summary: Attorneys may at their option, or must if required on a specific case by the Judge or Magistrate, submit a "Mediation Case Summary" to the mediator which shall contain the following: summary of material facts; summary of legal issues; status of discovery; list of special damages which summarize injuries or damages; and settlement attempts to date, including demands and offers.

(j) Mediation Memorandum of Understanding: The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The "Mediation Memorandum" may be signed by the parties and counsel. Pursuant to R.C. 2710.05(A)(1), if the "Mediation Memorandum" is signed, it will not be privileged. 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 by the parties or an officer of the Court will be regarded unless made in open Court.

(k) Mediator Report: At the conclusion of the mediation (and in compliance with R.C. 2710.06), the Court shall be informed by the mediator of the status of the mediation, including all of the following: 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 the date and time.

RULE 405: FEES AND COSTS

(a) Check resolution fees: $3.00 per case. (For businesses, this fee shall be charged per resolution session, not per check.)

(b) All other mediations: All costs shall be determined by the court, if applicable. The parties may agree between themselves as to how they apportion the costs of the mediation. Unless otherwise agreed by the parties, the mediation costs shall be shared equally. In the event that the parties cannot agree, the Court shall determine the apportionment of the mediation costs to the parties. The court may waive costs for the parties who are unable to pay. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

RULE 406: SANCTIONS

If any individual ordered by the Court to attend mediation fails to attend mediation without good cause, the Court may impose sanctions which may include, but not be limited to, the award of attorney's fees and other costs. Contempt or other appropriate sanctions may also be considered at the discretion of the assigned Judge or Magistrate.

RULE 407: REFERRAL TO RESOURCES

The court administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, and encourage appropriate referrals to legal counsel and other support services, such as children's services, domestic violence prevention, counseling, substance abuse and mental health services.

SPECIAL DOCKETS AND PROGRAMS

RULE 501: MARION COUNTY MUNICIPAL VETERANS' TREATMENT COURT

Establishment of Marion County Veterans' Treatment Court Docket: The Court established a veteran offender specialized docket known as the Marion County Veterans' Treatment Court Docket effective October 1, 2011, which is now governed under Superintendence Rule 36.20 for Specialized Dockets. It is the goal of the Marion County Veterans' Treatment Court to reduce recidivism among individuals who have served in our armed forces and find themselves in the criminal justice system; to reduce periods of incarceration for veterans; and to successfully graduate participants from the Marion County Veterans' Treatment Court.

Placement into the Marion County Veterans' Treatment Court Docket: In order to have his/her criminal case placed on the Marion County Veterans' Treatment Court docket, a criminal defendant must qualify for admission. To qualify for admission, a criminal defendant must meet the following legal criteria: to have served in the U.S. armed forces; be a resident of Marion County; be charged with a misdemeanor of the fourth, third, second, and/or first degree; have a persistent mental illness and/or addiction which would benefit from court monitored treatment; and voluntarily enter the Marion County Veterans' Treatment Court Docket. In some instances, a criminal defendant convicted of a third, fourth or fifth degree felony may qualify for admission. Application for placement in the Marion County Veterans' Treatment Court shall be subject to initial assessment by VJO, defense counsel, prosecutor, and probation officer subject to approval by the Judge, according to the criteria adopted by the Court. Persons charged with sex crimes (excluding public indecency), crimes involving the use of any weapon, crimes involving children as victims, and minor misdemeanors, or first and second degree felonies are ineligible for the Marion County Veterans' Treatment Court. Upon initial acceptance into the program, the criminal defendant is referred for diagnostic evaluation to confirm that he/she meets clinical and legal criteria. The VJO, defense counsel, prosecutor, and probation officer, subject to approval by the Judge assigned to the case, will determine if the defendant qualifies for the Marion County Veterans' Treatment Court Docket.

Case Assignment: Upon acceptance into the Marion County Veterans' Treatment Court, the case is transferred to the Marion County Veterans' Treatment Court Docket. The criminal defendant must have entered a guilty or no contest plea and be sentenced in order to be accepted into the Marion County Veterans' Treatment Court. Sentence will be suspended subject to terms of probation that will include the Veterans' treatment plan. The judge and the probation department shall have the primary responsibility for case management. In the event the criminal defendant is unsuccessfully terminated from Marion County Veterans' Court for any reason, the case shall be returned to the regular docket.

RULE 502: THE MENTAL HEALTH DOCKET- "WIN" COURT (WELLNESS INTERVENTION)

Establishment of Mental Health Docket: The Court established a mental health specialized docket known as the Wellness Intervention Court [**WIN**] Docket effective October 1, 2011, which is now governed under Superintendence Rule 36.20 for Specialized Dockets. It is the goal of the WIN Court to reduce recidivism among individuals with behavioral and/or mental health issues in the criminal justice system; to reduce periods of incarceration for individuals with behavioral and/or mental health issues; and to successfully graduate participants from the WIN Court.

Placement in the WIN Court Docket: In order to have his/her criminal case placed on the WIN Court docket, a criminal defendant must make an Application for Admission. To qualify for admission, a criminal defendant must meet the following legal criteria: be a resident of Marion County; be charged with a misdemeanor of the fourth, third, second, and/or first degree; have a persistent mental illness and/or addiction which would benefit from court monitored treatment; and voluntarily enter the WIN Court Docket. Application for placement in the WIN Court shall be subject to initial assessment by defense counsel, prosecutor, and probation officer ("Assessment Team") subject to approval by the Judge, according to the criteria adopted by the Court. Persons charged with sex crimes (excluding public indecency), crimes involving the use of any weapon, crimes involving children as victims, and minor misdemeanors are ineligible for the WIN Court. The WIN Court is not available if felony charges are pending. Upon initial acceptance into the program, the criminal defendant is referred for diagnostic evaluation to confirm that he/she meets clinical and legal criteria. Clinical criteria includes: an "Axis One" diagnosis that is consistent with a severe and persistent mental illness; sufficient stability to understand and comply with program requirements; and the criminal defendant must not pose an unacceptable risk to program staff, family or community. The Assessment Team, subject to approval by the Judge assigned to the case, will determine if the defendant qualifies for the WIN Court Docket.

Case Assignment: Upon Application to Admission for WIN Court, the case is transferred to the WIN Court Docket. The criminal defendant must have entered a guilty or no contest plea and be sentenced in order to be accepted into the WIN Court Docket. Sentence will be suspended subject to terms of probation that will include the WIN treatment plan. The judge and the Probation Department shall have the primary responsibility for case management. In the event the criminal defendant is unsuccessfully terminated from WIN Court for any reason, the case shall be returned to the regular docket.

WIN Court Docket Case Management: Criminal defendants accepted into WIN Court will participate in counseling for mental health (individual and/or group sessions) and for substance

abuse. The treatment plan may also include obtaining stable housing and reliable transportation, completing high school or obtaining a GED, participating in vocational assessment and entering appropriate training, obtaining and maintaining employment (either part or full time), and completing Getting Ahead in a Just Getting By World ("Getting Ahead") and/or Thinking for Change. A mentor may be available throughout the participant's time in WIN Court. The Program Description, Participant Handbook, and Participation Agreement (as amended from time to time) are incorporated by reference.

Termination from WIN Court: Upon successful completion of the Treatment Plan, the criminal defendant is graduated from the WIN Court and terminated from probation. If the criminal defendant unsuccessfully completes the WIN Court, a Motion for Probation Violation may be filed. In the event the Court finds the probation terms have been violated, the remaining sentence will be imposed. A criminal defendant may also be neutrally discharged if they are no longer capable of completing the WIN Court.

RULE 503: MAKING ACCOUNTABLITY AND RECOVERY CONNECT DOCKET

Establishment of Making Accountability and Recovery Connect Docket: The Court has established a medication assisted specialized docket known as the Making Accountability and Recovery Connect (MARC) Docket effective January 1, 2015, which is now governed under Superintendence rule 36.20 for Specialized Dockets. It is the goal of the MARC docket to reduce recidivism among individuals with substance use and addiction issues in the criminal justice system; to reduce periods of incarceration for individuals with substance use and addiction issued; and to successfully graduate participants from the MARC Docket.

Placement in the MARC Docket: In order to have his/her criminal case placed on the MARC docket, a criminal defendant must be admitted in the docket. To qualify for admission, a criminal defendant must meet the following criteria: be a resident of Marion County; be charged with a misdemeanor of the fourth, third, second, and /or first degree; have a substance use and/or addiction issue which would benefit from medication assisted treatment, court monitored treatment; and voluntarily enter the MARC docket. Placement in the MARC docket shall be subject to initial assessment by defense counsel, prosecutor, assessment/treatment professional and probation officer ("Assessment Team") subject to approval by the Judge, according to the criteria adopted by the Court. Persons charged with sex crimes (excluding public indecency), crimes involving children as victims, and minor misdemeanors are ineligible for the MARC docket. Upon initial acceptance into the program following the administration of the ORAS, the criminal defendant is referred for diagnostic evaluation to confirm that he/she meets clinical and legal criteria. The Assessment Team, subject to approval by the Judge assigned to the case, will determine if the defendant qualifies for the MARC docket.

Case Assignment: Upon acceptance, the case is transferred to the MARC docket. The criminal defendant must have entered a guilty or no contest plea and be sentenced in order to be accepted into the MARC docket. Sentence will be suspended subject to terms of probation that will include the MARC treatment plan. The judge and the probation department shall have the primary responsibility for case management along with the assistance of case managers from the various treatment providers. In the event the criminal defendant is unsuccessfully terminated from the MARC docket for any reason, the case shall be returned to the regular docket.

MARC Docket Case Management: Criminal defendants accepted into the MARC docket will participate in counseling for substance use, addiction, recovery and relapse prevention. The treatment plan may also include obtaining stable housing and reliable transportation, completing high school or obtaining a GED, participating in vocational assessment and entering appropriate training, obtaining and maintaining employment (either part or full time), and completing Getting Ahead in a Just Getting By World ("Getting Ahead") and/or Thinking for Change. The program Description, Participant Handbook, and Participation Agreement (as amended from time to time) are incorporated by reference.

APPENDIX A

IN THE MUNICIPAL COURT FOR MARION COUNTY, OHIO

THE STATE OF OHIO/CITY OF MAR	:	**Case No. _____**
Plaintiff	:	**Case No. _____**
vs.	:	**Case No. _____**
_____	:	**Judge Teresa L. Ballinger**
		Magistrate
Defendant	:	

JOURNAL ENTRY: PRETRIAL CONFERENCE MEMORANDUM AND ASSIGNMENT ORDER

Date: _____

Appearance by Defendant: [ ] Yes [ ] No/Failed to Appear [ ] No/Excused [ ] Incarcerated

Appearance by Subpoenaed Witnesses:
Complaining Witness: [ ] Yes [ ] No [ ] N/A Other Witnesses: [ ] Yes [ ] No [ ] N/A

Prosecutor/Defense requests a Subpoena to be issued to _____. to attend next Pretrial Conference.

Pretrial Discovery: [ ] Complete [ ] Incomplete & remaining items: _____.

Pretrial Motions: Defendant [ ] does intend/may file [ ] does not intend to file a pretrial motion

The parties agree that any and all motions shall be filed by _____.

Speedy Trial: The right to a speedy trial is [ ] Waived [ ] Not Waived & Deadline ____.

Court-Appointed Attorney: The right to counsel is [ ] Waived [ ] Invoked/Requested [ ] Appointed

Trial Prep: [ ] Audio/Video [ ] Discovery Link (Watchguard) [ ] Expert Needed [_____] No. of Witnesses

Notes: _____.

The above is a true and accurate representation of the status of this case after Pretrial Conference.

The State requests:_____ **Defense requests:**_____

_____ _____

Prosecutor Defendant/Counsel for Defendant

ASSIGNMENT ORDER: This case shall next be scheduled for:

[ ] Pretrial Hearing [ ] Plea Hearing [ ] Motion Hearing [ ] Court Trial
[ ] Jury Trial
* Schedule Pretrial/Final Pretrial Hearing on ( ) Part-time calendar ( ) Full-time Calendar
[ ] Bench warrant to be issued as result of Defendant's failure to appear for Pretrial Conference.

_____
Judge/Magistrate

cc: File; Prosecutor; Defendant/Counsel for Defendant

APPENDIX B

IN THE MUNICIPAL COURT FOR MARION COUNTY, OHIO

THE STATE OF OHIO/CITY OF MARION	:	**Case No._____**
Plaintiff	:	
VS.	:	
_____	:	
Defendant	:	

APPLICATION TO PHOTOGRAPH, TELEVISE, RECORD OR BROADCAST PROCEEDINGS

Now comes _____ (Name & News Organization) and requests the Court, pursuant to Rule 119 of the Local Rules of the Marion Municipal Court and the applicable Rules of Superintendence for Municipal and County Courts, for permission to photograph, televise, record, or broadcast the trial/hearing in the within case which is scheduled to be held on_____(date).

Applicant states that the granting of this application would not result in the distraction of participants, impair the dignity of the proceedings, or otherwise materially interfere with the achievement of a fair trial or hearing.

Applicant agrees not to film, videotape, record, or take photographs of any victim or witness who objects to being filmed, videotaped, recorded or photographed.

Applicant agrees not to videotape, record or photograph any juror.

_____
Signature

ORDER

Upon consideration, the Court hereby finds the Application (well-taken) (not well taken), and it is (sustained) (overruled).

_____
JUDGE

APPENDIX C

MARION COUNTY MUNICIPAL COURT
POST JUDGMENT EXECUTION

NAME: _____ CASE NO: _____

ADDRESS: _____

A judgment was issued against you on the _____day of _____, 2_____, in favor of the Plaintiff in the amount of $_____. As a result, the Plaintiff has asked this Court to order that the following described property of yours be sold and the proceeds applied against the amount of judgment and costs:

_____
_____
_____
_____
_____
_____.

This is known as an execution. Unless your property listed above is exempt from execution, it will

be sold to pay this debt.

Judgment Amount: $_____ Interest: $_____ Costs: $_____

Total: $_____ Balance Due $_____

NOTICE REGARDING EXEMPTIONS

By law, under Ohio Revised Code 2329.66(A), certain property is exempt from execution. A partial list of such exemptions appears below. If any of your property listed above falls into any one of the following categories, you may be able to claim it as exempt and keep it.

1. Your interest, not to exceed $3,225.00, in one motor vehicle;

2. Your interest, not to exceed $525.00 in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, which are primarily for personal, family or household use;

3. Your aggregate interest in one or more items of jewelry, not to exceed $1,350.00, held primarily for the personal, family or household us of the person or any of the person's dependent;

4. Your interest not to exceed an aggregate of $2,025.00 in all implements, professional books, or tools of your profession, trade or business, including agriculture.

The actual value of any item of your personal property is determined by the estimate and appraisal of two disinterested householders of the county pursuant to ORC 2329.68.

IF YOU WANT TO CLAIM THIS PROPERTY AS EXEMPT, you must request a hearing as set forth within the attached Notice to the Judgment Debtor.

APPENDIX D

IN THE MARION MUNICIPAL COURT FOR MARION COUNTY, OHIO
TRAFFIC & CRIMINAL DIVISION

STATE OF OHIO,	:	
Plaintiff,	:	CASE NO. _____
vs	:	JUDGE TERESA BALLINGER
_____,	:	JUDGMENT ENTRY
Defendant.	:	

: : : : : : : : : :

This matter came on for a PRE-TRIAL on _____. The parties indicated that there is no resolution of the case.

A JURY TRIAL is scheduled for _____at 8:30 am. If other JURY TRIALS are scheduled for the same date, the oldest criminal case based on the date of the initial apperance shall be heard on that date, unless the limits set forth in the Ohio Revised Code Section 2945.71 require a different pending criminal/traffic case to be advanced. Civil cases shall have the next right to go forward on that date, the oldest civil case based on the date the COMPLAINT was filed shall be heard on that date.

By one (1) weeks before trial, _____, the parties **shall** file with the Court the following:

1. A PRE-TRIAL STATEMENT setting forth a summary of their case.
2. The names of the attorneys who will participate in the JURY TRIAL.

3. A list of their witnesses that will be called at the trial. Witnesses not disclosed by that date will be excluded, except for good cause shown.
4. An estimation of the length of the JURY TRIAL.

Each party will be allotted ten (10) minutes for opening statements and twenty (20) minutes for closing arguments. The Prosecutor will be allotted an additional five (5) minutes for rebuttal closing arguments. Each party will be allotted twenty (20) minutes for Voir Dire Questioning.

Any Motions for the TRIAL, including Motions in Limine Stipulations or other matters to be presented for Trial shall be submitted to the Court by the Friday before Trial.

Any caselaw or trial briefs shall be submitted to the Court and to opposing counsel by the Friday before Trial.

Exhibits should be pre-marked before the trial date and submitted to the Court on the morning of trial.

The Court must be notified in writing if the JURY TRIAL is not going forward by the Friday before Trial.

IT IS SO ORDERED.

_____

Judge Teresa L. Ballinger