RULES OF COURT
LORAIN COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION
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RULES OF COURT
LORAIN COUNTY COURT OF COMMON PLEAS
GENERAL DIVISION

The General Division of the Common Pleas Court for Lorain County, Ohio adopts the following rules for the conduct, government and management of business operations, court proceedings, and other functions and services of the Court. These rules govern the procedure in the Lorain County Common Pleas Court, General Division, and supersede all previous rules promulgated by the General Division. These rules do not govern the procedure in the Probate, Juvenile, and Domestic Relations Divisions.

These rules shall supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Rules of Superintendence for the Courts of Ohio, the Ohio Revised Code and any other applicable authority.

RULE 1

TERMS AND SESSIONS OF THE COURT

I. TERMS OF COURT

The Court shall be in continuous sessions for the transaction of judicial business, but each calendar year shall be divided into four (4) terms, designated as the January, April, July and October terms of Court.

II. RESPONSIBILITY DURING TERM OF COURT

The Judge assigned to each term of Court shall supervise the grand jury. The assignment shall be rotated among the several judges of the General Division in the order of their seniority upon the bench. The grand jury Judge shall handle criminal matters that may arise in individual cases prior to indictment and arraignment, including setting of bonds, extraditions and habeas corpus actions pertaining to extraditions. The grand jury Judge shall be responsible for handling arraignments, judgment lien executions, and miscellaneous docket cases filed during the Judge's term.

III. HOURS OF SESSION

The hours for the regular sessions of the Court shall be from 8:30 a.m. to 12:00 noon and from 1:00 to 4:30 p.m., Monday through Friday of each week, except for those days designated by law as legal holidays. Each Judge may establish earlier opening or later closing times to handle civil pre-trials or motions and may extend the closing hour during trials when deemed necessary.

RULE 2

FILING, REMOVAL, SERVICE OF PROCESS, AND RECORDS RETENTION BY THE CLERK

I. FILING

A. Duties of Clerk

In accordance with these rules the Clerk of Courts shall file and maintain all documents delivered to the Clerk's Office. The Clerk is instructed to refuse to accept for filing any document or case that does not conform to these rules.

B. Filing Requirement in General

All pleadings, motions, brief and other similar documents that are filed with the Clerk shall meet the following requirements:

1. Be typewritten or legibly printed on 8 ½ x 11 paper, securely bound and without backing;
2. Contain a blank space of at least 2 ½ inches at the top of the first page for endorsements;
3. Contain a short title indicating the nature of the document (complaint, answer, motion, brief, etc.);
4. Be signed by the attorney of record or party when not represented by counsel;
5. Include the attorney registration number, if applicable, along with the address, telephone, fax, and email of the individual filing the document.

C. Complaint

Every complaint shall be accompanied by a case designation sheet which may be obtained from the Clerk of Courts. In addition, the complaint shall include the name and address, if known, of each party.

D. Subsequent Documents

All pleadings, motions, briefs, and documents subsequent to the complaint shall include the following:

1. The name of the first party plaintiff and the first party defendant;
2. The name of the Judge to whom the case is assigned;
3. The case number.

E. Discovery Papers

The Clerk of Courts shall not accept for filing depositions, transcripts, interrogatories, requests for documents, requests for admissions, answers and responses thereto unless they are accompanied by a certification that said documents are being filed on order of the Court, or for use as evidence in a motion or proceeding.

II. REMOVAL, EXAMINATION, AND DUPLICATION

A. Removal

No person except a Judge or a member of a Judge's staff shall remove any documents or case files from the custody of the Clerk. Originals of papers or pleadings in this Court shall not be taken from the courthouse, except upon order of the Court.

B. Examination

Upon request, the Clerk of Courts shall allow any person to examine, but not remove, any original document or case file that is maintained by its office. Examination shall be allowed during regular business hours.

C. Duplication

Upon request and the payment of a photocopy fee, the Clerk shall provide copies of any original document, excluding transcripts, maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk of Courts. A reasonable period of time shall be based upon the extent of the request with efforts toward a 24-hour response time.

III. SERVICE OF PROCESS AND ELECTRONIC TRACKING OF CERTIFIED MAIL

The Clerk may utilize service of process methods as outlined in Civil Rule 4.1, which methods shall include "virtual" service of process utilizing advanced postal technology for service by certified mail, including but not limited to, certified electronic return receipt technology. This advanced postal technology does not modify Civil Rule 4.1(1) Service by Certified Mail, but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation utilizing the Court's website to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with the Civil Rules currently in existence.

All service of process of complaints or other documents served with virtual service of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process being made available through the Clerk of Court's office.

IV. EVIDENCE AND RECORD RETENTION

The following evidentiary materials which have been proffered and admitted into evidence will be retained by the Court in accordance with the appropriate period of retention:

- papers, documents, photographs, diagrams, blueprints (all must be 8 ½ x 11 in size);
- CDs, DVDs.

Evidence which is not admitted or which has not been specifically identified herein shall be retained and kept by the party, person, agency, office or department offering such evidence pursuant to all applicable rules governing the retention of such evidence.

All exhibits must conform to the standards for retention set forth in this rule. By way of example, oversized demonstrative exhibits, such as presentation boards, shall be substituted with an exact duplicate copy 8 ½ x 11in size.

Additionally, the Court's receipt and admission of other types of evidence shall not be construed as taking possession, custody or control of said evidence. Possession, custody, or control at all times shall remain with the offering party, person, agency, office or department.

Upon the expiration of the appropriate period of retention, evidence or records in the custody of the Clerk and/or Court may be destroyed after notice and in accordance with the relevant rules.

RULE 3

FASCIMILE FILINGS

I. IN GENERAL

This rule has been instituted solely for the convenience of those filing documents with the Clerk of Courts. Neither the Clerk of Courts nor the Court assumes any new or additional responsibilities, obligations, or liabilities by virtue of this rule. This rule pertains only to the method of filing; it does not override, alter, amend, revoke or otherwise change any Local Rule or Ohio Rule of Civil or Criminal Procedure.

II. FILINGS NOT ACCEPTED

Except for the following documents, this rule authorizes the filing of facsimile transmissions of pleadings, motions, and other documents that may otherwise be filed with the Clerk of Courts.

A. Commencement of an Action

Any filing commencing an action (e.g., a complaint, a third party complaint, a post-decree motion, a motion for injunctive relief) for which the Clerk of Courts must collect an initial case deposit against costs or a specific filing fee and/or for which the Clerk of Courts is required to effectuate service or summons;

B. Journal Entry

Any entry which must be signed by a Judge.

III. COVER PAGE

Any faxed document must include a cover page containing the following information:

- Case number;
- Caption of the case;
- Assigned Judge;
- Description of the documents being filed;

- Date of Transmission;
- Transmitting fax and contact number; and
- Number of pages, including cover.

If the cover page does not contain all required information, the faxed documents shall not be entered on the docket and shall be considered a nullity. The Clerk of Courts is not required to send any form of notice to the sender of a failed fax filing.

IV. FACSIMILE MACHINE

The facsimile machine available for receiving fax filing for Common Pleas **Civil** Cases is **(440) 328-2416** and for **Criminal** Cases is **(440) 329-5404**. These lines are available twenty-four hours per day, seven days per week. Fax filings may not be sent directly to the Court for filing but may only be transmitted through the Clerk of Courts. Transmissions sent to any other location are neither covered by nor permitted under this rule. However, copies of filings otherwise properly filed with the Clerk of Courts, such as courtesy copies for the Court, may with Court approval be sent by facsimile directly to the Court. Facsimiles sent direct to the Court shall not be considered as having been filed thereby.

V. DOCUMENT RESTRICTIONS

A fax transmission may contain more than one document but may not apply to more than one case number per transmission. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof shall be considered as part of a single file. If exhibits are impossible or burdensome to send by facsimile the original exhibits may be separately filed if done so within forty-eight hours of the related transmission. If the exhibits are filed separately, then an insert page describing the exhibit must be included in the facsimile transmission. Facsimile transmissions must comply with the filing requirements under Local Rule 2 and may not exceed twenty pages regardless of the number of documents being sent.

VI. DATE AND TIME

Subject to the other provisions of the rule, all documents filed by fax shall be considered filed with the Clerk of Courts as of the date and time that the fax transmission has been received by the Clerk of Courts. For purposes of this provision and for entering such filings into the docket system, a facsimile filing shall be deemed to have been received by the Clerk of Courts as of the date and time printed at the top of each page of the incoming fax as printed out by the Clerk of Courts' facsimile equipment. There shall be no other date and time stamp required for the filing of a fax document with the Clerk of Courts. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sender.

VII. ORIGINAL FILING

A document filed by fax shall be accepted as the original filing provided all the requirements set forth in this rule are satisfied. The source document shall not be filed with the Clerk of Courts. However, until the case is closed and all opportunities for post-judgment relief are exhausted, any source documents filed via facsimile shall be retained and available for

production at the Court's request.

VII. SIGNATURES

Facsimile filings shall contain a signature or a /s/ notation followed by the name of the person signing the source document.

VIII. ACCEPTANCE OR REJECTION

The Clerk of Courts is hereby authorized to reject and will not docket any facsimile transmission which fails to comply with these rules.

RULE 4

ELECTRONIC/INTERNET FILINGS

(To Be Established)

RULE 5

SECURITY FOR COSTS

I. IN GENERAL

No civil action or proceeding shall be accepted by the Clerk of Courts for filing unless the party or parties offering same for filing shall have first deposited a sum to secure the payment of costs that may accrue in such action or proceedings, except as otherwise provided by law. Such advance deposit shall be in accordance with the schedule approved by the Court and prepared and published by the Clerk of Courts. The Court may also order the deposit of additional funds depending on the nature of the case. All costs associated with the case may be deducted from the security deposit regardless of which party is ordered to pay the costs.

II. CASES TRANSFERRED FROM MUNICIPAL COURT

On cases transferred to the Common Pleas Court in which the demand of the cross-claim or counter-claim exceeds the monetary jurisdiction of the Municipal Court, the cross-claimant and counter-claimant shall post security for costs in a sum equal to the amount required if the case were originally filed in this Court.

III. MULTIPLE PARTIES

In cases with multiple parties, the Clerk of Courts may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the costs thereof.

IV. BOND IN LIEU OF CASH

In lieu of case deposit, costs may be secured by bond with surety approved by the Clerk, provided, however, that no member of the Bar shall be accepted as such surety.

V. POVERTY AFFIDAVITS

A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to prepay costs and is subject to Court review at any stage of the proceedings.

RULE 6

PRESIDING AND ADMINISTRATIVE JUDGE

Judicial administration of the General Division shall be in accordance with the Rules of Superintendence for the Courts of Ohio.

RULE 7

THE ASSIGNMENT SYSTEM

I. IN GENERAL

Except as otherwise provided, all cases shall be assigned to a Judge by a random computer selection process. Civil cases shall be assigned at the time and in the order of filing or transfer from another Court. Criminal cases shall be assigned following preparation of the arraignment list by the Clerk of Courts. Secret indictments shall be assigned following service upon the Defendant.

II. CIVIL REFILING AND CONSOLIDATION

A. Refiling – Civil Rule 41

When a previously dismissed case is refiled, the attorney or party shall so indicate on the case designation sheet, whereupon the Clerk of Courts shall assign the refiled case to the Judge assigned at the time of the original dismissal. Any case filed beyond the guidelines established by Civil Rule 41 is a new action not subject to this rule.

B. Consolidation

When actions involving a common question of law or fact have been filed as separate cases, a motion for consolidation shall be filed with the Court to whom the lowest case number has been assigned. If the motion is granted, the cases shall be consolidated and go forward under the lowest case number.

C. Civil Forfeiture

Civil forfeiture cases shall be assigned or transferred to the Judge presiding over any related criminal case. The party seeking forfeiture shall inform the Court and file a motion to transfer whenever the underlying civil matter relates to any pending criminal case.

III. CRIMINAL COMPANION AND CAPITAL CASES

A. Pending Case

When a Defendant has a pending case, any new case shall be assigned to the judge with the pending case.

B. Multiple Defendants

When cases involving multiple Defendants are related, all cases shall be assigned to the Judge with the lowest pending case number.

C. Dismissal and Re-indictment

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

D. Capital Case

All capital cases shall be assigned randomly through a process where each Judge, after receiving an assignment, is excluded from the assignment pool until all Judges have received a capital case. With respect to capital cases, the assignment process specified herein shall supersede all other local criminal assignment rules. The other assignment provisions of Local Rule 7(III) shall apply when not in conflict with this rule.

E. Probation, Intervention in Lieu, Diversion, Good Behavior and Community Control Violation

When a Defendant has a criminal case pending and is alleged to be in violation of probation, intervention in lieu, diversion, good behavior or community control, the case with the violation shall be assigned to the Judge with the pending case. This rule shall not apply to criminal nonsupport cases transferred to a different division of the Common Pleas Court.

IV. REASSIGNMENT

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

V. APPLICATION FOR SEARCH WARRANTS

In any application to obtain a warrant to search, pursuant to Ohio Crim. R. 41, the applicant must swear or affirm in his/her supporting affidavit that an application seeking to conduct the same search has not been previously presented to, and been denied by, a Judge authorized by law to issue a warrant to search.

If an application for a warrant to search has been previously presented to a Judge authorized by law to issue the warrant and has been denied, then unless the previous Judge is unavailable, an amended application, with any additional factual allegations supporting probable cause to issue the warrant, shall be presented to the same judge.

RULE 8

NOTICE

In general notification of the assignment of a case for any purpose shall be by ordinary mail. In the event mail delivery would be untimely because of a scheduling adjustment, telephone, fax or electronic communication may be utilized.

RULE 9

MOTIONS/BRIEFS IN CIVIL CASES

I. MOTIONS FOR SUMMARY JUDGMENT

Unless otherwise ordered by the Court, any motion for summary judgment will be decided without an oral hearing. The Judge shall consider the matter submitted for ruling 21 days after the filing of the motion.

As provided in Ohio Civ. R. 56, any brief in opposition shall be filed prior to the expiration of the 21 days. Any response not filed by that date will not be considered. Reply briefs shall be filed only with leave of Court.

Original evidentiary materials as permitted by Civ. R. 56(C) shall be filed with the Clerk of Courts with the original motion.

II. MOTIONS OTHER THAN SUMMARY JUDGMENT

All motions shall be accompanied by a brief stating the grounds thereof and citing the authorities relied upon. The opposing party may file a Brief in Opposition within 14 days after the day on which the motion was filed. Thereafter, the motion shall be deemed submitted for ruling. Unless otherwise ordered by the Court, motions will be decided without an oral hearing.

This rule does not apply to court-discretionary motions which include, but are not limited to, Motions for Leave to Plead, Motions for Extensions of Time and Motions to Continue.

III. EXTENSIONS OF TIME

The time periods set forth herein may be modified by the Court, for good cause shown, upon written application by either party or upon the Court's own motion.

IV. ORAL HEARINGS

No motions in civil cases will be set for oral argument unless a written request is made thereof by the moving party, or any other party, which request shall be noted conspicuously in the pleading. Upon receipt of such request from counsel, or upon the Court's own motion, the trial judge may set any motion for oral argument.

RULE 10

CIVIL CASE MANAGEMENT PROCEDURE

The purpose of this rule is to ensure the efficient and comprehensive management of civil cases.

I. CASE MANAGEMENT CONFERENCE

A. Timing

Within ninety days of the filing of responsive pleadings, the case shall be set by the Court for a case management conference. Except as otherwise ordered by the Court, the parties' attendance is not required.

B. Notice

Notice of the case management conference shall be mailed to all counsel of record at least fourteen days prior to the conference.

C. Procedure

1. The case management conference shall be conducted in person, or by telephone with prior Court approval. All counsel attending shall have full authority to enter into a binding case management order. Failure of counsel to appear will result in counsel's forfeiting the right to have any input into the scheduling order.
2. Counsel shall consult with their client(s) and opposing counsel in advance of the case management conference and be prepared to confer practically and earnestly on all matters as may aid in the disposition of the action. The following matters will be considered at the case management conference:

   a. The possibility of settlement of the action or referral to ADR;
   b. The necessity of amendments to the pleadings;
   c. Itemization of expenses and special damages;

d. Deadlines for the exchange of expert reports, completion of discovery, and filing of motions;
e. Dates for further pretrial conference and trial.

Failure of counsel to be fully prepared for the case management conference may result in sanctions.

II. FINAL PRE-TRIAL

A. Purpose

The purpose of this Conference is to effect an amicable settlement, if possible, and to narrow factual and legal issues by stipulation or motions.

B. Final Pre-trial Statement

All counsel shall cooperate with Plaintiff's counsel who shall file a **joint** statement at least one day before the final pre-trial, setting forth the following:

1. Statement of agreed facts and issues, with disputed facts and issues of law noted;
2. Jury instructions including a list of non-OJI contemplated by any party;
3. Plaintiff's demand and Defendant's offer;
4. List of expert and non-expert witnesses;
5. Legal or evidentiary problems anticipated;
6. Estimated length of trial;
7. Each party's anticipated pre-trial motions;
8. Equipment needs for trial.

Failure of any party to cooperate in the joint statement may result in sanctions.

C. Attendance

All parties and chosen representatives must be present, or in exceptional circumstances with prior Court approval, be available by telephone, with full settlement authority. If the real party in interest is an insurance company, corporation, or other artificial entity, then the chosen representative must have full authority to negotiate the claim to the full extent of Plaintiff's demand.

RULE 11

TRIAL WITNESSES

I. EXPERT WITNESSES

A. Reports

Each counsel shall exchange with all other counsel written reports of medical and expert witnesses expected to testify in advance of the trial. The parties shall submit

expert reports in accord with the time schedule established at the case management conference. The party with the burden of proof as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter, the responding party shall submit opposing expert reports within the schedule established by the Court. Upon good cause shown, the Court may grant the parties additional time within which to submit expert reports. All experts must submit reports, including any party who will testify as an expert.

B. Testifying

A party may not call an expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel in accordance the schedule established by the Court. It is counsel's responsibility to ensure that each report adequately sets forth the expert's opinion, including if necessary the procurement of supplemental reports. The report of an expert must reflect his opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his expert report.

C. Discovery Depositions

A party may take a discovery deposition of their opponent's medical or expert witness only after the mutual exchange of reports has occurred. Upon good cause shown, additional time after submission of both sides' expert reports will be provided for these discovery depositions. If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert. In this situation, the taking of a discovery deposition of the proponent's expert constitutes a waiver of the right on the part of the opponent to call an expert at trial on the issues raised in the proponent's expert's report.

II. NON-EXPERT WITNESSES

All parties are required to submit a trial witness list, including the full name and address of all witnesses expected to testify at the trial on their behalf, no later than fourteen days prior to the final pre-trial. Thereafter, upon a showing of good cause, the opposing party may take the discovery deposition of any witness contained on the opposing trial witness list who has not been previously deposed during the normal discovery period. This extension of discovery cutoff is specifically restricted to depositions not previously taken of individuals listed on the opponent's trial witness list.

RULE 12

TRIAL CONTINUANCES

Continuances of civil and criminal cases shall be in accordance with Rule 41 of Superintendence for the Courts of Ohio.

I. FAILURE TO PROCEED WITH TRIAL

If a party or counsel seeking affirmative relief fails to appear or is not ready to proceed with trial, the Court may in its discretion dismiss the claim for want of prosecution. With respect to the Defendant or their counsel, the Court may proceed with the case and determine all matters ex parte.

II. SETTLEMENT OR DISMISSAL PRIOR TO TRIAL

If a case set for trial is settled or dismissed, the trial counsel shall immediately notify the Court. Failure to timely provide notice may result in the imposition of additional costs.

RULE 13

ALTERNATIVE DISPUTE RESOLUTION (ADR)

I. ADR METHODS

The Court recognizes these ADR methods: mediation, arbitration. The Court may approve any other ADR method the parties suggest or the Court believes is suited to the litigation. All ADR methods are important. Parties and counsel are expected to meaningfully participate. Failure to comply with the rules will result in appropriate sanctions, including the possibility of dismissal, default or waiver of the right to file an appeal de novo. Mediation is a non-binding process involving a neutral mediator who acts as a facilitator to assist the parties to craft a mutually acceptable resolution for themselves. Arbitration is an adjudicative process by which a neutral person or persons decide the rights and obligations of the parties. It may be consensual, mandatory, non-binding, or binding.

II. TIMING OF ADR DECISION

Before the initial pre-trial conference in a case, counsel shall discuss the appropriateness of ADR in the litigation with their clients and with opposing counsel. At the initial pre-trial conference the parties and counsel shall advise the Court of the results of their discussions concerning ADR. At that time and at subsequent conferences, if necessary, the Court may explore with the parties and counsel the possibility of using ADR.

III. OPPOSITION TO ADR REFERRAL

A party opposing either the ADR referral or the appointed mediator/arbitrator must file a written objection with the Court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

IV. ATTENDANCE AND AUTHORITY TO SETTLE

Unless otherwise provided by the Court, party representatives with authority to negotiate a settlement and all other persons necessary to negotiate a settlement, including insurance carriers, must attend any ADR session. In the event the parties and or their attorneys do not

attend the ADR session, or do not meaningfully participate in the process, the ADR provider(s) may recommend to the Judge appropriate sanctions, including but not limited to dismissal, default judgment, attorney fees and or costs.

V. BINDING NATURE

The result of ADR proceedings are not binding unless the parties agree otherwise.

VI. CONFIDENTIALITY, PRIVILEGES AND IMMUNITIES

All communications made during ADR procedures, other than by witnesses testifying under oath, are confidential and protected from disclosure, except as otherwise provided by law, and do not constitute a waiver of any existing privileges and immunities. ADR providers shall be prohibited from being called as witnesses in any subsequent legal proceeding, except as to the terms of the settlement agreement.

RULE 14 (unused)

RULE 15

MEDIATION

I. CASE SELECTION FOR MEDIATION

Any civil case may be referred to mediation. Mediation shall not be used as an alternative to the prosecution or adjudication of domestic violence, to determine whether to grant, modify, or terminate a protection order, to determine the terms and conditions of a protection order, or to determine the penalty for violation of a protection order.

II. REFERRAL TO MEDIATION

A case is referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of counsel, upon referral by the mediator or upon agreement of the parties.

III. CONTINUANCES

Continuances shall be granted only for good cause shown. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pre-trial.

IV. NO STAY OF PROCEEDINGS

All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

V. MEDIATION PRIVILEGE

Mediation communications are privileged as described in Ohio Revised Code 2710.03-2710.05. If the parties believe that confidentiality beyond the scope of the privilege is necessary, then the parties shall effect a written confidentiality agreement prior to the mediation.

VI. MEDIATOR'S DUTY

Mediator is defined to mean any individual who mediates cases pursuant to an order of this Court, regardless of whether that individual is an employee, an independent contractor or a volunteer. The mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. No other information shall be directly or indirectly communicated by the mediator to the Court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. The mediator shall keep mediation communications confidential unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

VII. DUTIES OF ATTORNEYS/PARTIES/NON-PARTY PARTICIPANTS

Trial counsel who is primarily responsible for each party's case personally shall attend the mediation conference and shall be prepared and authorized to discuss all relevant issues and settlement terms. All parties, or if applicable, the principal insurance adjuster for the claim, shall personally attend all mediation conferences with authority to settle. A party other than a natural person must be represented by a person, other than counsel, with authority to settle.

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

If the opposing parties to any case either resided in a common residence or are related by blood, adoption, or marriage and have known or alleged domestic abuse at any time prior to the mediation, then the parties and their counsel have a duty to disclose such information to the Mediation Office and have a duty to participate in any screening required by the Supreme Court of Ohio's Rules of Superintendence Rule 16 both prior to and in the mediator's discretion, during the mediation session.

Individuals who participate in a mediation as non-party participants, by such participation, are bound by this rule and submit to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to parties, except that no privilege shall be expanded.

VIII. IMMUNITY

A mediator acting pursuant to this local rule shall have all immunity conferred by statute, rule and common law.

IV. NO LEGAL ADVICE

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

X. SANCTIONS

Failure to attend mediation without good cause may result in sanctions being imposed by the Court. Such sanctions may include attorney's fees or such other sanctions as the Court deems appropriate.

XI. ADMINISTRATIVE DISMISSAL

If the parties fail to dismiss a settled case within the earlier of 60 days or the time noted in the entry that gave the Court notice of the settlement, then the Court may dismiss the case administratively.

RULE 16

FORECLOSURE, QUIET TITLE, AND PARTITION OF ACTIONS

I. MAGISTRATE REFERRAL

Upon the filing of a Complaint for Foreclosure the case shall be referred to a Magistrate. The Magistrate shall make Findings of Fact and Conclusions of Law and report to the assigned Judge without delay. This rule does not preclude any Judge from exercising authority over any case assigned to his/her docket.

II. JUDICIAL REPORTS

In actions to quiet title, partition, and for marshaling and foreclosure of liens on real property, the attorney for the Plaintiff shall procure and file with the Clerk, within 14 days after the filing of the complaint, evidence of the record title to the premises in question. Such evidence shall include, but is not limited to, the names of the owners of the property to be sold and the names of all lien holders. Evidence of the title shall be demonstrated by a preliminary judicial report issued by a title insurance company licensed or authorized to do business in the State of Ohio. The preliminary judicial report shall include all matters affecting the title up to and including a date which is not over 30 days prior to the filing date of the complaint.

Prior to the submission of a proposed magistrate's decision, the party submitting the order shall file with the Lorain County Clerk of Courts a final judicial report which updates the state of record title from the effective date of the preliminary judicial through the last date upon which service has been perfected on all named defendants. The final judicial report shall also contain a certification that all parties have been served.

The cost of the title examination necessary for the preparation of both the preliminary judicial report and the final judicial report together with the premiums for those reports based on the fair market value of the real estate, or in the case of a foreclosure, the principal balance of the mortgage or other lien being foreclosed on or any other additional amount as may be ordered by the court shall be taxed as costs in the case. The judicial report shall be for the benefit of the named insured and the purchaser at any public sale resulting from the action filed.

III. DISPOSITIVE MOTION PACKET

When applicable, all of the following shall be submitted in a packet, under one cover letter to the Lorain County Clerk of Courts, contemporaneous with the filing of a Motion for Default Judgment or a Motion for Summary Judgment: (1) Motion; (2) Affidavit regarding Status of Account which shall include amount in default, date of default, and applicable interest rate; (3) Final Judicial Report; (4) Military Affidavit; (5) Proposed Magistrate's Decision.

Movant shall meet all the necessary legal requirements for foreclosure prior to said motions for default judgment or motion for summary judgment being granted.

IV. SETTLEMENT

Plaintiff's counsel shall notify the Court of any payment plan or Forbearance agreement entered into on a pending case within 30 days of said agreement. The Court may dismiss the case without prejudice upon said notice, in order to enable Plaintiff to re-file the case should the debtor fail to make payments pursuant to said agreement.

V. LEGAL DESCRIPTION(s)

A. Prior to the filing of the Complaint, the Plaintiff shall obtain the pre-approval of the legal description from the Lorain County Auditor's Office, Tax Map Department and shall file the original stamped "approved" description with the complaint. The Clerk of Courts shall not file any complaint that does not include a pre-approved legal description. Further, said approved legal description shall be submitted by Plaintiff, or by cross-complainants, at all stages in the foreclosure case (i.e. proposed Magistrate Decision, Praecipe for Order of Sale, Confirmation Entry, Sheriff's Deed, etc.). Failure to attach the stamped "approved" legal description shall be cause for rejection of said document for filing.

B. To obtain pre-approval: The Plaintiff shall submit a completed "Property Legal Description Approval Form" to the Lorain County Auditor's Office, Tax Map Department at the address listed on the form. Upon review of the legal description, the Tax Map Department shall return the Property Legal Description Approval Form to the Plaintiff with a stamp of approval on the legal description or instruction to correct the legal. If corrections are required, then the corrected legal description shall be resubmitted to the Tax Map Department until approved.

C. All complaints in foreclosure shall contain the permanent parcel number of the subject property below the case caption. All judgment orders of foreclosure and sale shall contain the legal description of the property to be sold, together with the permanent

parcel number, and address, if applicable. If the property to be sold is vacant land and no street number exists, then the property address (or "Commonly Known As") must contain the name of the street or road upon which such property is located, together with the names of the streets or roads and the distances therefrom immediately north and south or east and west of such property that cross or intersect the street or road upon which it is located.

VI. REAL ESTATE TAXES; VERIFICATION

In all foreclosure actions and Sheriff's sales, the purchaser shall pay all required real estate taxes directly to the Lorain County Treasurer. Real estate taxes shall include delinquent, tax certified liens, and current taxes. The purchaser shall obtain a verification form from the Treasurer's office to be delivered to the Sheriff's civil division. No deed will be issued without proper verification from the Treasurer's office.

VII. SANCTIONS/DISMISSAL OF ACTION

Failure to comply with the foregoing requirements shall be grounds for the imposition of sanctions and/or dismissal of an action. Sanctions/Dismissal may be granted on motion of any party or upon the motion of the Court.

RULE 17

SHERIFF'S SALE

I. PRAECIPE FOR ORDER OF SALE

A. In non-tax foreclosure matters, each praecipe to the clerk for an order of sale shall be accompanied by: 1) the bill or invoice for preparation of the preliminary and final judicial reports if they are to be taxed as costs in the case; and 2) a check or money order made payable to the Lorain County newspaper of general circulation in which the legal advertisement for sale of the subject property is to run. The choice of newspaper and amount of said payment shall be based upon a schedule developed by and available from the Lorain County Sheriff's Department, Civil Office. The Clerk shall not deposit the check or money order. The Clerk shall issue the order of sale to the Sheriff accompanied by the check or money order required to pay for the legal advertisement. The Sheriff shall forward said payment directly to the appropriate newspaper upon placing the legal advertisement. The Clerk is instructed to reject for filing any praecipes for orders of sale in non-tax foreclosure matters that are not accompanied by the required payment for the legal advertisement.

B. The Clerk of Courts shall not issue an Order of Sale Without Reappraisal to the Sheriff unless the subject property has been appraised for a prior Sheriff Sale within the previous12 months.

II. PURCHASE PRICE

In every Sheriff's sale of real property, the purchaser, immediately following the acceptance of bid, shall deposit in cash, certified check, or personal check payable to the Sheriff, 10% of the amount of such accepted bid, but in no event less than $1,000.00. The purchaser shall be required to pay interest on said unpaid balance at 10% per annum from the date of confirmation of the sale to the date of payment of the balance unless the balance shall be paid within 8 business days from the date of confirmation of sale. Any interest received shall be distributed by the Sheriff to the parties entitled to distribution of the proceeds of the sale in the proper order of priority. The provisions of this paragraph shall not be applicable when the purchaser is the plaintiff or in tax foreclosure cases for non-payment of real estate taxes.

III. SHERIFF'S RETURN

Within 10 days of the date of sale, the Sheriff shall make his return to the Court. Counsel for Plaintiff shall submit a proposed journal entry confirming the sale and file a motion requesting the Court to confirm the sale, stating in the motion the date the sale was held, and send copies to all parties or their counsel by regular U.S. mail, no later than 14 days following the day on which the sale was held. It shall not be necessary to have approval of any parties or their counsel prior to filing such entry. **The failure of Plaintiff's counsel to submit a confirmation order within the time provided may result in sanctions, including any damages, costs, or fees incurred by the purchasing party.**

IV. FAILURE TO COMPLETE PURCHASE

In the event a purchaser fails to pay the balance due on the purchase price and complete the purchase within 30 days after confirmation of sale, the purchaser shall be in contempt of this court, and the Sheriff shall forthwith cause a citation to issue commanding such defaulting purchaser to appear and show cause why an order of contempt should not issue.

V. NOTICE OF SALE

In each advertisement of sale, the Sheriff shall cause to be included a notice that the full purchase price shall be paid within 30 days from confirmation of sale and unless paid within 8 business days after confirmation of sale, shall bear interest at 10% per annum until paid, otherwise the purchaser shall be adjudged to be in contempt of court. The Sheriff shall forward to each attorney of record in every judicial proceeding a copy of the advertisement of sale.

VI. APPRAISAL FEES

Appraisal fees shall be based on the Auditor's last tax appraisal of the property as shown by his duplicates and be scaled in accordance with the schedule on file with the Clerk of Courts.

VII. CANCELLATION OF SALE

Except in the case of bankruptcy, no Sheriff's sale will be cancelled prior to all costs and fees being paid in full. The cancellation of Sheriff's sale shall be by written motion filed 24 hours prior to the date of sale and include a copy of the receipt evidencing payment of costs.

RULE 18

JURY COMMISSIONER SYSTEM

The responsibility for the administration of the jury system will be vested in the Court's Jury Management Division under the supervision of the Administrative Judge of the Lorain County Court of Common Pleas. All procedures concerning jury selection and service are governed by the Ohio Revised Code and the Ohio Rules of Court.

I. GRAND JURY

Grand jury meets twice a week for three consecutive months. There are two groups of grand jurors which will meet weekly as provided by the schedule established by the Judge presiding over the grand jury for that term. The foreperson(s) may be appointed by the Judge presiding over the grand jury for that term. 100 grand jurors shall be pulled for each three month term; 50 for each grand jury. In addition to the foreperson, the jury commissioner shall provide 11 additional grand jurors for each session, or as provided by the schedule established by the Judge presiding over the grand jury for that term.

II. PETIT JURY - SELECTION

A. Petit jury service is for three weeks. 450 jurors may be pulled for each three week period. The Jury Commission shall prepare the summons to jury duty not less than three weeks prior to the date of service. The summons includes the juror's group number, term of service, and a questionnaire which is to be returned within 5 days.

B. As jurors return their questionnaires, the Jury Commissioner must sort the responses according to the date upon which the juror is to begin his/her service, juror group number, and whether the person is a qualified or unqualified candidate to be a juror.

1. A qualified candidate is one who meets the statutory qualifications.
2. If a candidate fails to meet the statutory criteria, the Jury Commissioner shall notify the candidate that he or she is exempt.
3. In the event that a candidate seeks exemption that is not resolved by statutory exemption, such request will be sent to the Judge currently presiding over the grand jury, or that Judge's representative, for review.

C. The Jury Commissioner retains the juror questionnaires for a period of 4 years for capital cases; all others may be destroyed upon completion of the venire period.

III. PETIT JURY – TRIAL PREPARATION

A. Each day the Jury Commissioner must do the following to prepare for trial:

1. Determine the jury needs for each court. The Jury Commissioner will list whether jurors are needed for civil or criminal cases and whether any extra jurors are needed.

2. Determine how many trials will be starting the next day and the number of jurors to send to each courtroom.

   i. A minimum of 20 jurors are needed for a civil case.
   ii. A minimum of 30 jurors are needed for a criminal case.

3. Create a list for each judge with the juror group number assigned to their courtroom for the next day.
4. Sort the questionnaires, arranging the stacks to be sent to the courtrooms for the next day.
5. Prepare the message for the jury recording. Jurors shall be on call Monday through Friday.

B. The Jury Commissioner must perform the following on the day of trial:

1. After the jurors sign in, determine which jurors did not show up and move their questionnaires to the bottom of the pile.
2. Print the finalized list with one copy for the courtroom and two copies for the Jury Commission office.
3. Send copies of the list and questionnaires to the courtrooms.
4. Inform the bailiff when the jurors are prepared and available for service.
5. Call any juror who did not show up for service.
6. Record those jurors who have been seated on a case so as not to call those jurors for a trial in another courtroom that day.
7. Sort questionnaires, placing all jurors in one pile and not seated in another pile should there be a need for jurors in another courtroom that day.
8. If a juror is not seated, that juror goes back into the pool.

III. JURY ORIENTATION

A. The Jury Commissioner must perform the following in order to orient new jurors:

1. Introduce self as Jury Commissioner and explain duties briefly.
2. Check the sign in sheet to determine who is present.
3. Explain that petit jury is for three weeks and that in circumstances in which civil cases will be heard, eight jurors will be seated, and in criminal cases with crimes classified as felonies, twelve jurors will be seated, with one or two alternates.
4. Inform the jurors about parking.
5. Answer any questions which jurors may have.

RULE 19

DEPOSITIONS

See Civil Rules 26, 27, 28, 29, 30, 31, 32, 37 and 45(D)

I. Witnesses, parties and counsel shall conduct themselves at depositions in a temperate, dignified and responsible manner. Where a witness, party or counsel violates any of these

rules at a deposition, the Court may order sanctions or the remedies, including those sanctions available under Ohio R.Civ.P. 37

II. The following rules for the taking of depositions emphasize the expectations of the Court as to certain issues; they are intended to supplement Ohio R.CivP. 26, 30, 32 and 37.

A. Scheduling

Counsel is expected to make a timely and good faith effort to confer and agree to schedules for the taking of depositions. Except for good cause, counsel for the deponent shall not cancel a deposition or limit the length of a deposition without stipulation of the examining counsel or order of the Court. Non-parties shall first be given the option of being deposed in their county of residence or in any other location to which the witness agrees in writing or to a location ordered by the Court.

B. Decorum

Opposing counsel and the deponent shall be treated with civility and respect, and the questioner shall not engage in repetitive, harassing or badgering questioning. Ordinarily, the deponent shall be permitted to complete an answer without interruption by counsel.

C. Objections

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

D. Speaking Objections

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

E. Instructions Not to Answer

Counsel may instruct a deponent not to answer a question only when necessary to preserve a privilege, enforce a limitation on evidence directed by a court, present a motion under Ohio R.Civ.P. 30 (d), or terminate repetitive, harassing or badgering questioning. In the event privilege is claimed, examining counsel may make appropriate inquiry about the basis for asserting the privilege. In the event that the

ground for the instruction not to answer is that the questioning has become repetitive, harassing or badgering, and the questioner believes that further questioning on the subject is necessary and proper, the questioner may apply to the Court for the right to pursue such questioning at a later date.

F. Irrelevant and Embarrassing Questions

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

G. Conferring During Questioning

While a question is pending, counsel for the deponent and the deponent shall not confer, except for the purpose of deciding whether to assert a privilege.

H. Documents

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