



**LORAIN COUNTY COMMON PLEAS COURT**

**GENERAL DIVISION**

**LOCAL RULES OF COURT**

**Effective June 5, 2026**

**LORAIN COUNTY COURT OF COMMON PLEAS  
GENERAL DIVISION  
LOCAL RULES**

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**CHAPTER 1 – ADMINISTRATION**

**RULE 1 – EFFECTIVE DATE, REPEAL, AMENDMENTS**

(A) Effective immediately, 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 procedures in the Probate, Juvenile or Domestic Relations Divisions.

(B) These rules shall supplement 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 to the extent that they do not conflict with same.

(C) Amendments and additions to these rules may be made from time to time upon the majority vote of all the judges in office of the General Division of this court. The court shall offer reasonable notice and opportunity for comment.

(D) These rules contain references to statutes and to rules of Court which, from time to time, may be amended or renumbered. If a reference is made in these rules to legal authority that is revised after the effective date of these rules, the revised legal authority shall be observed thereafter by all parties using these rules.

**RULE 2 – PRESIDING JUDGE**

(A) In addition to the powers and duties set forth in the Ohio Revised Code that do not conflict with the powers and duties of the administrative judge of a court or division of a court as set forth in Sup.R. 3.01, a presiding judge of a court shall do all of the following: (1) call and conduct an annual meeting, and other meetings as necessary, of the judges of the court for the purpose of discussing and resolving administrative problems common to all divisions of the court; (2) assign judges of the court on a temporary basis to serve in another division of the court as required by the business of the court.

(B) The term of a presiding judge of a court shall be one (1) year, provided that a court may establish by local rule a term of not less than one (1) year and not more than three (3) years. The term of a presiding judge shall begin on January 1st of the year immediately following the designation or election of the presiding judge. A presiding judge may serve consecutive terms.

**RULE 3 – ADMINISTRATIVE JUDGE**

(A) The judges of the General Division will select an administrative judge at the November judges' meeting each year under the terms and conditions set forth in Sup.R. 4. The administrative judge will be elected for a one (1) year term and may seek reelection. The election will be conducted by secret ballot if an election is contested; voting by proxy is not permitted. To be elected, the administrative judge must receive the majority vote of the sitting judges. The administrative judge will have such powers and duties as set forth in Sup.R. 4.01.

#### **RULE 4 - DIVISIONS OF COURT**

- (A) The divisions of the common pleas court are as follows:
- (1) General Division
  - (2) Domestic Relations/Juvenile Division
  - (3) Probate

#### **RULE 5 - TERMS AND SESSIONS OF THE COURT**

- (A) The court shall be in continuous session for the transaction of judicial business. Each calendar year shall be divided into four (4) terms, designated as the January, April, July, and October terms of court.
- (B) The judge assigned to each term of court shall supervise the Grand Jury. The assignment shall be rotated among the judges of the General Division in alphabetical order by last name. 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.
- (C) The hours for the sessions of the court shall be from 8:00 a.m. to 4:30 p.m., Monday through Friday, of each week. The court shall be closed on days designated by law as legal holidays. Each judge may establish earlier and/or later closing times to handle court business when deemed necessary. The court may also be in session at such other times and hours as the administrative judge, or any other judge, prescribes to meet special situations or circumstances.

#### **RULE 6 – COURT SECURITY**

- (A) Appropriate levels of security should exist in the court to protect the integrity of court procedures, protect the rights of individuals before it, deter those who would take violent action against the court or litigants, sustain the proper decorum and dignity of the court, and assure that court facilities are secure for all those who visit and work there.
- (B) Under Sup.R. 9, the court has appointed a Court Security Committee to meet on a periodic basis for purposes of reviewing and implementing court security standards, as administered by the presiding judge.
- (C) The court has implemented a local security policy and procedure plan consistent with the Ohio Court Security Standards adopted by the Ohio Supreme Court.

#### **RULE 7 - APPLICATION OF RULES TO UNREPRESENTED PARTIES**

- (A) These rules shall apply equally to all parties, whether represented by counsel or *pro se* (unrepresented parties). Parties without counsel are expected to know and follow these rules.

**RULE 8 - OFFICIAL COURT REPORTERS**

- (A) The court reporter for each general division judge shall maintain and be in charge of the official record of proceedings. No outside reporter(s) may transcribe proceedings without prior approval from the judge.
- (B) The judges of the General Division shall appoint a chief court reporter who shall be responsible for the general supervision of all other court reporters. Court reporters shall not engage in any other court reporter employment which is not related to their official capacity.
- (C) In every case reported by the court reporter, the judge shall make an appropriate entry taxing the statutory fee for each day of service to be collected as costs in the case. The compensation of court reporters for making transcripts and copies shall be paid to the court reporter by the party for whom it is made. No bill for any transcript ordered by a judge shall be approved unless it bears a certificate by the court reporter and that the charge is fair and in conformity with law. Every transcript of proceedings filed in this court shall bear the name, address and telephone number of the court reporter preparing it.
- (D) Court reporters will retain their notes in accordance with the records retention schedule adopted by the court. Upon expiration of time designated for each case type pursuant to this schedule, the court reporter will cause all notes and records to be destroyed. The court reporter will store electronically a copy of the CAT shorthand notes on a computer system for future transcription.
- (E) Ohio law establishes the court as owner of the record made by court reporters in courts of record. For this reason, the court must take steps to ensure that a transcript of proceedings can be produced at some time in the future. All notes are the property of the Court of Common Pleas and shall not be removed from the facility other than for the purpose of transcription by the court reporter of record. In the event of the unavailability of any court reporter, all other court reporters employed by the General Division will have access to that court reporter's CAT dictionary and any electronically stored notes for transcript.
- (F) Transcript fees for the General Division of the Lorain County Common Pleas Court are set at four dollars (\$4.00) per page for original pages. Fees for copies of original transcripts will be assessed pursuant to R.C. Section 149.43.
- (G) For purpose of this local rule, "exhibit" means any document or tangible item submitted at any hearing or trial before a judge or magistrate of the General Division.
- (H) Exhibits offered as evidence shall be maintained by the court reporter. All exhibits shall be marked with an appropriate exhibit sticker, using numbers for plaintiffs and letters for defendants.
- (I) 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.

- (J) All exhibits must conform to the standards for retention set forth in this rule.
- (K) 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.
- (L) Upon the expiration of the appropriate period of retention, evidence or records may be destroyed after notice and in accordance with the relevant rules.

**RULE 9 - TECHNOLOGY PLAN**

- (A) In accordance with Sup.R. 5(E), the court has adopted and maintains a court technology plan which includes:
  - (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division: and
  - (2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the “Americans with Disabilities Act.”

**RULE 10 - 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 Ohio Revised Code and the Supreme Court of Ohio’s rules.
  - (2) Reporting information regarding protection orders as prescribed by the Ohio Revised Code and the Supreme Court of Ohio’s rules.
  - (3) Reporting information to the Ohio Department of Public Safety’s Bureau of Motor Vehicles as prescribed by the Ohio Revised Code and the Supreme Court of Ohio’s rules.
  - (4) Maintaining complete and accurate records in accordance with federal law, the Ohio Revised Code, and the Supreme Court of Ohio’s rules in the event of an audit by the Federal Bureau of Investigation, BCI, or state or local auditors; and

- (5) Reporting sealed and expunged records to BCI, LEADS, and other law enforcement databases pursuant to the Ohio Revised Code, including R.C. Ch. 2953, R.C. 2903.214 and 2930.171.

(D) The court will review the Reporting to Law Enforcement and Compliance Plan every three (3) years from its adoption date.

### **RULE 11 – PETIT JURY**

(A) General Administration: The responsibility for the administration of the jury system shall be vested exclusively in the Lorain County Court of Common Pleas, General Division. All procedures concerning jury selection and services are governed by the Ohio Revised Code and the Ohio Rules of Court. Responsibility for administering the jury system will be vested in the court administrator for the Common Pleas Court, General Division.

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

(B) Eligibility: All persons shall be eligible for jury service except those who:

- (1) Are less than eighteen (18) years of age.
- (2) Are not citizens of the United States.
- (3) Are not residents of Lorain County, Ohio.
- (4) English is not the person's native language, and the person's knowledge of English is insufficient to permit the person to understand the facts and law in the case.
- (5) They have been convicted of a felony and have not had their civil rights restored.

(C) Grounds for Excusing Eligible Persons: Except as provided in R.C. 2313.14 and 2313.15, the Court of Common Pleas shall not excuse a person who is eligible to serve as a juror.

(D) Postponement of Jury Service: A person may have their jury service postponed in accordance with R.C. 2313.14 or R.C. 2313.15. The court delegates authority to the jury commissioners to grant deferrals for jury service to a week certain, providing that the service is fulfilled in the one-year continuous term in which the juror was summoned. All requests for deferral shall be made in writing or recorded by the jury commissioners and retained pursuant to the records retention schedule on file in the administrative office of the Court of Common Pleas.

(E) Adverse Employment Actions Prohibited: While the court recognizes the burden of jury duty on citizens and employers, the court reminds citizens and employers that our system of justice is based upon the right to trial by jury. Jury service is an obligation of all qualified citizens of Lorain County, Ohio. Failure to attend when summoned to jury duty is a violation of R.C. 2313.20. Employers are prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work when summoned to jury service, as stated in R.C. 2313.19, however, a juror must continue to completion any trial started during the juror's service.

(F) Notification and Summoning Procedures: The notice summoning a person to jury service and the questionnaire will be accessible by scanning a QR code and being directed to a website for prospective jurors to complete on the jury access website. The questionnaire is designed to elicit essential information regarding the potential juror and shall be combined in a single document, phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems.

The petit juror summons shall be delivered by ordinary mail. The summons shall identify how and when the recipient must respond and the consequences of a failure to respond to the questionnaire. The jury questionnaire shall be phrased and organized so as to facilitate quick and accurate screening.

(G) Jury Facilities: The jury assembly room located on the first floor of the Lorain County Justice Center.

(H) Juror Compensation: Persons reporting for jury service shall receive payment for jury duty pursuant to statute.

(I) Petit Jury Selection: Petit jury service is for a period of two (2) weeks. Seven hundred (700) jurors may be pulled for each two (2) week period. The jury commissioner shall prepare the summons for jury duty not less than three (3) weeks prior to the date of service. The summons shall include the juror's candidate number, term of service and a questionnaire which is to be returned within four (4) days prior to service date.

The jury commissioners will retain the juror questionnaires for a period of four (4) years for capital cases; all others may be destroyed upon completion of the venire period.

## **RULE 12 – GRAND JURY**

(A) Members of any grand jury and a number of alternate members as determined by the court shall be selected as provided by statute or by such rules as may be promulgated by the Supreme Court. In the event of a vacancy on the grand jury, a successor or successors shall be chosen from the alternate members. At the beginning of each term of court, a grand jury shall be in session on such days and times as ordered by the judge in charge of said grand jury.

(B) All proceedings of the grand jury, including testimony and evidence offered to the Grand Jury, comments of the Prosecuting Attorney(s), and instructions of the Court and Prosecuting Attorney, except as otherwise provided, shall be recorded verbatim by a Lorain County court reporter designated by the court.

(C) All grand jury proceedings shall remain secret, and the notes of the court reporter shall remain in the sole possession and control of said court reporter unless otherwise ordered by a court of competent jurisdiction.

(D) The Lorain County Prosecutor may obtain transcripts of grand jury proceedings from the designated court reporter at any time, without court order, for use as provided by law.

- (E) The deliberations of the grand jury shall remain secret and shall not be recorded.

### **RULE 13 - RECORDING, BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS**

(A) Procedure. Requests for permission to broadcast, televise, record, or take photographs in the courtroom shall be in writing to the Judge presiding over the matter or the judge's designated courtroom employee. Unless otherwise provided by law or local rule, the judge assigned to the proceeding shall permit audio, audio-video recording, broadcasting by electronic means, and taking photographs in court proceedings that are open to the public. After consultation, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. The written order of the judge shall be made a part of the record of the proceedings.

(B) Limitations. There shall be no audio recording or audio broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel, of conferences conducted at the bench, or from the courtroom when court is not in session.

The judge shall permit any victim or witness who objects to being recorded, broadcasted, or photographed the opportunity to be heard in advance of testifying. A victim or witness may not object to the court recording the proceeding as part of its official record.

This rule shall not be construed to grant any greater rights than permitted by law.

(C) Revocation of permission. Upon the failure of any person to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to record, broadcast, or photograph the proceeding.

(D) Permissible equipment and operators. Video, still photography, audio recording, or broadcasting of court proceedings shall be limited to one videographer, one still photographer, and one audio technician, unless otherwise ordered by the judge. In the event of multiple requests, the judge may order coverage of court proceedings to be conducted by pool representation. Individuals participating in the pool shall designate a pool representative. Access to video, photographs, and audio shall be shared with the pool. The pool arrangement shall be by agreement of the participants and the judge shall resolve any dispute.

Law enforcement officers providing security for courtrooms that are required to wear body cameras are permitted to activate cameras as required by their agency's policies.

The judge shall prohibit equipment or activity that is distracting to the proceedings. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.

For audio recording or broadcast purposes, not more than one audio system shall be permitted in the courtroom. Where available and suitable, existing audio pickup systems in the court facility shall be used. If existing audio pickup systems are not available, microphones and

other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.

Videographers, photographers, and audio technicians shall not move about the courtroom while court is in session.

(E) Prohibition on recording jurors, witnesses, and juvenile defendants. No audio recording, video or photograph of any juror, witness, or juvenile defendant shall be taken by any means by a person other than as approved by the judge. This division shall not apply to the court recording the proceeding as part of its official record. Should any party or entity objects to the enforcement of this Order, the judge will conduct a hearing on the issue with all interested parties.

**CHAPTER 2**  
**RECORDS, PLEADINGS AND FILINGS**

**RULE 14 - SECURITY FOR COSTS**

(A) Unless otherwise provided for by law, no civil action or proceeding shall be accepted by the Lorain County 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. 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.

(B) For cases transferred to this court in which the demand of the cross-claim and/or counter-claim exceeds the monetary jurisdiction of the municipal court, the cross-claimant and/or counter-claimant shall post security for costs in a sum equal to the amount required if the case were originally filed in this court within 10 days of docketing the case.

(C) In the event of claimed indigency, the indigent person shall file an application to proceed *in forma pauperis*, accompanied by a supporting affidavit. The affidavit shall state the reasons for the inability to prepay costs and is subject to court review at any stage of the proceedings, as set forth in ORC 2323.311.

**RULE 15 – FORM OF PLEADINGS**

(A) Paper, Spacing and Font: All pleadings, motions, and other filings, e-filed or otherwise, must be in English, typewritten, or legibly printed on letter sized (8½" x 11") white paper and single sided only. Typed documents must be double-spaced with a minimum 12-point font and a maximum 14-point font. Each page submitted must be spaced two (2) inches from the top of the page for time stamping. Where stylistically appropriate, such as in block quotations and in footnotes, the spacing and font size may vary from this standard.

A Case Designation Sheet shall be filed by counsel with every complaint, which form may be obtained from the clerk of courts.

(B) Case Caption: All filings must comply with Civ.R. 10.

(C) Filing Party Information: All filings must include the filing party's name, address, telephone number, and email address. If the filing party is an attorney, the filing must also include the attorney's Ohio Supreme Court registration number.

(D) Change of Address: Self-represented parties or counsel of record must file any notice of change of address with the clerk of courts.

(E) Discovery papers: The following discovery requests and responses shall not be filed until they are used in the proceeding, or the court orders its filing: depositions, interrogatories, requests for documents or tangible things or to permit entry on land, and requests for admissions.

(F) Court Files and Papers: No person (except a judge of the court), without consent of the administrative judge or the judge to whom the case is assigned, shall remove any court papers or files of the court or parts thereof from the custody of the clerk of courts.

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. Examinations shall be allowed during regular business hours.

(G) Duplication: Upon request and payment of a fee, the clerk of courts shall provide copies of any original document maintained by its office. Copies shall be provided during regular business hours within a reasonable period as determined by the clerk of courts.

### **RULE 16 - ELECTRONIC FILINGS (E-FILING)**

(A) To promote the orderly management of cases and the efficient administration of justice in all cases filed with the General Division of the Lorain County Common Pleas Court, the court hereby adopts the Administrative Order dated December 8, 2025, which shall be a standing order applicable to all cases filed in the general division of the court and shall remain in full force and effect until further order of the court. If necessary, the court may issue additional administrative orders or adopt local rules that supplement the Administrative Order or change the mandatory requirements of e-filing.

(B) Definitions:

- (1) Case Type: A case type that has been designated by Administrative Order or Local Rule as being an e-file case.
- (2) Clerk Review: A preliminary review of documents submitted by the clerk in accordance with court rules, policies, procedures, and practice. The clerk may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures, and practices before accepting the document which includes creating a docket entry or before docketing the case. If the submitted documents comply with the applicable court rules, policies, and procedures, the documents will be accepted by the clerk for e-Filing. If the submitted documents do not comply, they will not be accepted for e-filing and rejected.
- (3) Case Management System (CMS): The court CMS manages the receipt, processing, storage, and retrieval of data associated with a case and performs actions on the data.
- (4) Confidentiality or Confidential: All documents submitted for e-filing shall not be considered a public record until accepted by the clerk and shall remain confidential thereafter if so entitled to confidentiality under rule or law.
- (5) Court Electronic Record: Any document that the court receives in electronic form, records in the CMS and stores in its Document Management System (DMS). This includes court-initiated filings as well as pleadings, other documents, and attachments created by parties or their counsel. It does not include physical exhibits brought into the courtroom for the court or jury's edification that cannot be captured in electronic form.
- (6) Court Initiated Filings: Official court documents entered into the docket or register of actions, such as notices or orders. The term "court-initiated filings" is a simplification to indicate that documents will be submitted as part of the electronic court record but could be submitted using exactly the same process as external filings if the court so desires.

- (7) Documents: A filing made with the clerk in either electronic format or paper form, becoming the court’s official record.
  - (8) Document Management System (DMS): A DMS manages the receipting, indexing, storage, and retrieval of electronic and non-electronic documents associated with a case.
  - (9) Electronic Filing (e-filing): The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and images. This definition of e-file does not apply to facsimile or email.
  - (10) Electronic Service (e-service): The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and images. This definition of e-service does not apply to facsimile or email.
  - (11) Electronic Signature (e-signature): An electronic sound, symbol, or process that is attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record. An e-signature may be designated with a “/s/ (name).”
  - (12) Registered User: A person who has read and agreed to the terms of the e-filing system’s User Agreement, has provided his/her credentials through the e-filing system proving his/her identity, and has been provided with a username and password through the e-filing system. A Registered User, by virtue of his/her registration with the e-filing system, expressly assents to service by email as the default method of service for all documents except complaints.
  - (13) Rejected Filing: A document that does not comply with the applicable court rules, policies, or procedures and does not meet the requirements of clerk review.
  - (14) Remote Access: The ability of any person to electronically search, inspect, and copy a court record at a location other than the place where the record is made available.
- (C) E-Filing Generally:
- (1) Effective December 8, 2025, all attorneys shall use the court’s e-filing system. Counsel of record and self-represented litigants are required to register with the e-file system to file, serve, receive, review, and retrieve copies of all case documents, including orders, notices, pleadings, or other documents submitted in designated case types.
  - (2) If a party or counsel of record does not have internet access, the party or counsel of record may use the clerk’s public access terminal to register to use the court’s e-file system and to e-file documents.
  - (3) Any document filed electronically that requires a filing fee may be rejected by the clerk unless the filer has paid or requested a waiver of the filing fee in accordance with Subsection M.
  - (4) Fax filings will no longer be accepted by the clerk of courts, except for Civil Stalking Protection Orders (CVSPOs) and Domestic Violence Civil Protection Orders (DVCPOs).
- (D) Registration in e-file system:
- (1) All counsel filing documents in case types designated as mandatory e-file case types shall be registered users in the e-filing system. All counsel of record shall register with the court’s e-file system to file, serve, receive, review, and retrieve copies of e-filed pleadings, orders, and documents in the case.

- (2) If a party or counsel of record does not have internet access, the party or counsel of record may use the clerk’s public access terminal to register to use the court’s e-file system and to e-file documents.
- (E) Confidential and Unique Electronic Identifier:
- (1) The court’s e-file system shall assign an individual who has registered pursuant to Subsection IV, a confidential and unique electronic identifier that shall be used to file, serve, review, retrieve e-filed pleadings, orders, and other documents in the case.
- (2) Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier.
- (3) All e-filed documents shall be deemed to be made with the authorization of the party who is assigned the specific unique electronic identifier, unless the party proves to the satisfaction of the court, by clear and convincing evidence, that the contrary is demonstrated.
- (F) Form of documents electronically filed:
- (1) Format: All electronically filed documents shall, to the extent practicable, be formatted in accordance with applicable rules governing formatting of paper pleadings and in other formats the court may require. All e-filed documents, pleadings, and papers can be filed with the clerk in PDF format, except for proposed orders/proposed entries. Proposed orders/entries shall be submitted in a format specified by the court. If there is no format specified by the court, then proposed orders/entries shall be submitted in a Microsoft Word Compatible format. Proposed orders/entries shall refer to the specific motion to which it applies. The title or caption of a document entered into the e-filing system shall match the title or caption noted on the document itself. A filed document shall not contain links to other documents or references to the CMS, unless they are incorporated into the filed documents. External links are prohibited.
- (2) Size of Filing: E-filed document size is limited to 70 megabytes (70 MB). Documents that exceed 70 MB must be filed in paper form with the clerk of courts. Only one document is permitted to be filed by e-filing. Multiple exhibits or appendices are not considered separate documents under this rule.
- (3) Signatures:
- (a) Attorney/Filer’s signature: E-filed documents that require the signature of the attorney or filing party shall be signed with a conformed signature of “/s/ [name].” The correct format for an attorney’s conformed signature is as follows:
- /s/Attorney Name  
Attorney Name  
Bar Number 1234567  
Attorney for [Plaintiff/Defendant] XYZ Corporation  
ABC Law Firm  
Address  
Telephone  
E-mail address
- The conformed signature on an e-filed document is deemed to constitute a signature on the document for the purposes of signature requirements

imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, and any other law.

- (b) **Multiple Signatures:** When a stipulation or other document requires two or more signatures, the filer shall:
1. Confirm that the content of the document is acceptable to all persons required to sign the document.
  2. Indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line; and
  3. E-File the document, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.
- (c) **Original Signatures:** Documents requiring an original signature, such as an affidavit or other notarized documents shall be e-filed in a .pdf format.
1. The filer shall maintain the signed document in the filer's records and have it available for production upon request of the court.
  2. The signed document shall be maintained until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief are exhausted. It is the filer's responsibility to maintain the document.
- (d) **Judge, Magistrate, or Judicial Officer Signature:** Electronic documents may be signed by a judge, magistrate, or judicial officer via a secure process in the CMS. The e-signatures will be represented as a digitized image of the official's handwritten signature and shall have the same force and effect as if the official had affixed a signature to a paper copy of the document.

(G) **Documents Originating in Paper Form:** Any document filed in paper form for a case shall be scanned by the clerk of courts and uploaded to the court electronic record. The uploaded electronic version of the case document shall constitute the original document.

(H) **Official Court Record:** For documents that have been e-filed pursuant to this Order or documents filed in paper format pursuant to this Order that have been scanned and uploaded to the e-file system by the clerk, the electronic version constitutes the Official Court Record. Any document offered in paper form that has been subsequently uploaded and been made a part of the Court Electronic Record is not required to be retained by the clerk of court. E-filed documents have the same force and effect as those filed by traditional means.

(I) **Time, Effect, and Process of e-filing:**

- (1) **E-filing System:** The e-filing system is hereby appointed the agent of the clerk of courts for purposes of electronic filing, receipt, service, and retrieval of electronic documents. Any document submitted electronically to the court will not be considered filed until accepted at clerk review.
- a. Nothing in this Order alters the provision of Civ.R. 6 that filing deadlines on a Saturday, Sunday, or a legal holiday will run to the end of the following day, which is not a Saturday, Sunday, or legal holiday.
  - b. The clerk will review filings by date and time submitted for each case type, with the exception of ex-parte filings or filings that must be processed the same day of filing by statute or procedure.

- (2) **Submission:** With the exception of ex-parte Civil Stalking Protection Orders (CSPO), any filing may be e-filed with the Clerk 24 hours a day, 7 days a week. Ex-parte Petitions for Civil Stalking Protection Orders may only be filed in person during the court’s regular business hours.
- (3) **Receipt of Submission:** Upon receipt, the court’s e-File system shall issue confirmation that the submission has been received. The confirmation shall include the date and time of receipt and serve as proof of receipt.
- (4) **Clerk Review:** After Clerk Review, a filer will receive notification from the clerk that the submission has been accepted or rejected by the clerk.
- a. If the submission is accepted, the document shall be docketed and filed.
  - b. If the submission is rejected, the document shall not become part of the court record and the filer shall be required to re-submit the document, correcting any errors denoted in the e-filing portal.
  - c. When a document is re-submitted after the filer has corrected any errors, the resubmission date will be the new filing date.
  - d. If any party or attorney disputes the rejection and new filing date, refer to Subsection N (2).
- (5) **Official Time Stamp:** Upon acceptance, the submission shall be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the court’s e-file system. The date and time the filing was submitted shall be the official timestamp of the document. Once accepted, the document will be deemed filed for purposes of Ohio Law and relevant Rules of Court Procedure. Filings submitted on Saturday, Sunday, or other legal holidays will not be reviewed until the next business day. It is the responsibility of the party or attorney to ensure all time calculations are done in accordance with all governing rules of procedure.
- (6) **System Errors:** If a submission is not received by the Court because of a System Error, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date it was submitted.
- (J) **Service:** Subject to the exceptions listed in this subsection, it shall be the responsibility of the filing party to serve all filings on all other parties in an e-file case. The filing party shall make service upon all other registered users of the e-filing system electronically via the court’s authorized e-filing system. Parties, or their designated counsel, shall receive all documents electronically filed and electronically served upon them via access to the e-Filing System. No confirmation of receipt will be sent to the filing party, so it is the responsibility of the filing party to ensure the correct parties are served at the correct electronic addresses. Counsel is still expected to comply with the Civil Rules regarding service upon opposing parties/counsel.
- (1) **Instructions for Service:** For all documents that require service by the clerk or documents for which a party is requesting that service be made by the clerk, instructions for service shall be included. The clerk shall not accept instructions for service that do not designate the names and addresses of the parties to be served and method to be served. If the address of the party to be served is unknown, the filer shall substitute “unknown.”

(2) Service of Original Complaint and Related Documents:

- a. Upon filing the original complaint or any counterclaim, crossclaim, or third-party complaint, in addition to the Instructions for Service required by this Order, the filer shall include the address of the plaintiff(s) and defendant(s) in the caption of the document. If the address of any plaintiff or defendant is unknown, the filer shall substitute “unknown” for the address in the caption.
- b. Unless an attorney or party has obtained permission signed by the assigned judge to defer service of summons for a specific period of time, the instructions for service filed with the original complaint or any counterclaim, cross-claim, or third-party complaint shall indicate a method of service pursuant to Civ. R. 4, *et seq.* The clerk shall issue summons and process the method of service in accordance with the Ohio Rules of Civil Procedure and the Ohio Rules of Juvenile Procedure when applicable.
- c. E-Service shall not replace the methods of service of pleadings prescribed in the applicable Rules of Procedure.

(3) Documents Filed Subsequent to Complaint:

- a. The filer, not the clerk, shall be responsible for serving all documents filed subsequent to the original complaint on all parties or their attorneys. Proof of service of all documents required or permitted to be served shall be made in compliance with Civ.R. 5(B)(2).
- b. A party who is not a registered user of the e-filing system is entitled to a paper copy of an electronically filed document. **The filing party shall serve the non-registered party with the document in accordance with the applicable rules of the court.** Upon notification that a document has been accepted for e-filing, the filing party shall print out a copy of the e-file document and mail it to the non-registered user at the user’s last known address.
- c. After the order or entry has been signed and filed, the court or clerk shall serve copies of all entries and orders through the e-filing system unless service is indicated to be completed in another manner.
- d. When a document is filed in accordance with these procedures, the e-filing system will generate a “Notice of Electronic Filing,” to the filing party and any other party who is a registered user of the e-filing system. If the recipient is a registered user, the “Notice of Electronic Filing” delivered to the user’s e-filing account shall constitute service of that document upon that party in accordance with the applicable rules of the court.

(K) Personal and Confidential Information in Documents with the Clerk:

- (1) Definition: Personal and confidential information includes, but is not limited to, social security numbers, financial account numbers, names of minors, information protected by law from public disclosure, or other personal identifiers.
- (2) Exclusion: The filer shall not include personal and confidential information in any document filed with the court unless such inclusion is necessary and relevant to the case or unless it is filed as a separate document – such as the personal identifier information sheet, which is a secure document not subject to public

record. This requirement extends to and includes exhibits or addenda attached to filings.

- (3) Redaction: If personal and confidential information is necessary and must be included in a document, the filer shall redact the personal and confidential information from the document in the following manner:
    - a. For social security numbers, financial account numbers, or other personal identification numbers, all but the last four digits of the number shall be redacted.
    - b. For minors, only the child’s initials shall be included.
    - c. For any other personal or confidential information, the information shall be replaced with “[REDACTED].”
  - (4) Responsible Party: The filer is responsible and liable for redacting personal and confidential information. It is not the responsibility of the clerk to review each document for compliance with this Order.
  - (5) Entries and Orders: Personal and confidential information required to be included in entries and orders shall be redacted in the manner set forth in this subsection.
- (L) Exceptions to E-File:
- (1) Notwithstanding the foregoing, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the court:
    - a. Documents Under Seal: A party shall file a document to be sealed only after an order sealing that document has been signed and journalized. The sealed documents will not be e-filed but physically presented to the clerk’s office along with a copy of the signed order.
    - b. Documents to be presented to the Court for an in-camera review: Any document submitted for an in-camera inspection shall be submitted to the assigned judge or magistrate outside of the e-filing system.
    - c. Exhibits and Transcripts: Any exhibit, transcript, or other documents that may not be comprehensibly viewed in PDF format shall be submitted in their physical form with the court.
    - d. Civil Protection Orders: Neither attorneys nor self-represented litigants can e-file remotely the Petition for a Civil Protection Orders.
    - e. Subpoenas which are to be issued by the Clerk.
    - f. Documents initiating an appeal in the Ninth District Court of Appeals: Notices of appeal, docketing statements, or other contemporaneous pleadings to initiate an appeal shall not be e-filed.
    - g. Garnishments.
    - h. Lien filings or releases.
    - i. Making, filing, or releasing a certificate of judgment.
    - j. Any document required to be certified or authenticated.
    - k. Any pleadings or filing that requires a deposit for costs for witness fees.
    - l. Subpoenas to attend court proceedings as a witness.
- (M) Collection of Filing Deposit and Fees:
- (1) Any document requiring payment of a filing deposit or fee to the clerk in order to achieve valid filing status shall be filed in the same manner as any other e-Filed document. The e-file system accepts payment of deposits and fees electronically.

(N) User Filing Errors and Technical Failures:

- (1) A filer cannot make changes to a document once it has been submitted for e-filing. If the clerk determines during review that the document was submitted in error, it may reject the filing. If, after the document offered in error has been accepted for filing after Clerk Review, the document may only be stricken from the Court Electronic Record by the court.
- (2) Technical failures or system outages of the e-filing system or the CMS will be posted on the court's website, if possible. If a document offered electronically for filing is not filed because of an error in the transmission of the document to the e-filing system, the court may, upon satisfactory proof from the filer, enter an order permitting the document to be deemed filed as of the date and time it was electronically submitted. **Filers should not, however, assume that such relief will be available on jurisdictional time limits, such as deadlines for appeal or statutes of limitation.**
- (3) Documents may be filed in paper form with the clerk during any technical failure or system outage.

## **CHAPTER 3**

### **CIVIL**

**RULE 17 - ASSIGNMENT OF CIVIL CASES**

- (A) Assignment: All civil cases filed with the clerk of courts, whether by referral from a municipal court, county court or by direct filing, shall be assigned to a judge at the time and in the order of filing or transfer from another court. Each case shall receive a case number and shall immediately be activated in the assigned judge’s pending cases within the electronic docketing system. The case numbers shall be randomly assigned to an individual judge by a computer program designed to provide equitable and random distribution of cases among the General Division judges of the Common Pleas Court. All subsequent transfers of cases between Judges must be by entry through the Administrative Judge.
- (B) Refiling, Consolidation, Civil Forfeiture and Remanded Cases:
- (1) Refiling: When a previously dismissed case is refiled, the attorney or party shall indicate so on the case designation sheet. Counsel shall also state that the case is a refiling of a prior case and include both the prior case number and assigned Judge. 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.
  - (2) Consolidation: Pursuant to Civil Rule 42, when actions involving a common question of law or fact are pending, upon motion by any party, a motion for consolidation shall be filed with the court in each case to be consolidated. If the motion is granted, the cases shall be consolidated and go forward under the lowest case number.
  - (3) 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, as set forth in ORC 2981.05.
- (C) Consolidation of Civil Stalking Protection Order (CSPO) Cases: When CSPO actions involving the same parties have been filed as separate cases or cross-petitions, the second case filed may be transferred, before or after an *ex-parte* hearing, to the court to whom the lowest case number has been assigned.

**RULE 18 - MOTIONS OTHER THAN SUMMARY JUDGMENT**

- (A) 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 and any reply brief shall be filed seven (7) days after the filing of the brief in opposition. Thereafter, the motion shall be deemed submitted for ruling. Unless otherwise ordered by the court, motions will be decided without an oral hearing.
- (B) 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.
- (C) The time periods set forth herein, page limitations, and whether or not reply briefs will be permitted, may be modified by the court, for good cause shown, upon written application by either party or upon the court’s own motion.

**RULE 19 – MOTIONS FOR SUMMARY JUDGMENT**

- (A) As provided in Civ.R. 56, any brief in opposition shall be filed within twenty-eight (28) days of the filing of the motion for summary judgment. Reply briefs shall be filed within seven (7) days of the filing of any brief in opposition.
- (B) Original evidentiary materials as permitted by Civ.R. 56(C) shall be filed with the clerk of courts with the original motion.
- (C) The time periods set forth herein, page limitations, and whether or not reply briefs will be permitted, may be modified by the court, for good cause shown, upon written application by either party or upon the court's own motion.

**RULE 20 - DEPOSITIONS**

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

**RULE 21 - CIVIL CASE MANAGEMENT PROCEDURE**

- (A) Case Management Conference: Within ninety (90) days of the filing of responsive pleadings, the case shall be set by the court for a case management conference and shall be conducted in accordance with Civ.R. 16.
- (B) Final Pretrial: All parties shall file a **joint** statement at least seven (7) days prior to 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.
- (C) Attendance: All parties and attorneys of record must be present in person for the final pretrial. For good cause shown, a party may request excusal from the final pretrial in exceptional circumstances and with prior court approval, and be available by telephone, with full settlement authority. If the named party is an insurance company, corporation, or other artificial entity, then the chosen representative must have full authority to negotiate and participate in the final pretrial.
- (D) Each court may issue their own final pretrial orders.

**RULE 22 – TRIALS**

- (A) 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 (14) days prior to the final pre-trial, unless otherwise specified by the judge to whom the case is assigned.
- (B) Continuances: Continuances of hearings and trials in civil cases shall be in accordance with Sup.R. 41.

**RULE 23 - WITHDRAWAL OF COUNSEL FROM CASES**

- (A) Pursuant to Ohio Rules of Professional Conduct 1.16(c), leave of court must be obtained before an attorney may withdraw from employment in pending litigation unless new counsel files a Notice of Appearance or Substitution of Counsel. The substitution or addition of new counsel will not result in the continuance of any previously scheduled dates without separate leave of court.

**RULE 24 – MEDIATION**

- (A) Ohio Uniform Mediation Act: Lorain County Court of Common Pleas, General Division, incorporates by reference the R.C. 2710 “Uniform Mediation Act”.
- (B) Case Selection for Mediation:
- (1) Any civil case filed in the Lorain County Court of Common Pleas, General Division, may be referred to mediation by order of the court, except cases involving domestic violence or abuse per Sup.R. 24 and civil protection orders to the extent prohibited by Sup.R. 16.30.
  - (2) Mediation shall not be used as an alternative to the prosecution or adjudication of domestic violence or in determining the penalty for violation of a protection order.
  - (3) If domestic abuse or domestic violence is alleged, suspected or present, mediation will not proceed until the following conditions are satisfied:
    - a. The mediator conducts and the parties participate in a screening, both before and during mediation, for domestic abuse/violence and for the capacity of the parties to mediate.
    - b. The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the mediation process, the right to decline participation in the mediation process and of the option to have a support person, in addition to an attorney, present at the mediation sessions.
    - c. The assessment of the mediator during such screening concludes that the parties can mediate without fear of coercion or control.
    - d. The Court has taken reasonable precautions to create a safe mediation environment for the parties and all other persons involved in the mediation process.

- e. Procedures are in place for the mediator to terminate a mediation session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.

(C) Referral to Mediation: A case is referred to mediation by order of the court. The court may issue the order upon its own motion, upon the motion of counsel, upon referral by the mediator or upon agreement of the parties.

(D) Continuances: Continuances will be granted only for good cause shown. No continuance will be granted unless the mediation can be scheduled prior to the final pretrial unless otherwise ordered by the Court.

(E) No Stay of Proceedings: No court order is stayed or suspended during the mediation process unless specifically provided for by the Court.

(F) Mediation Privilege, Confidentiality, No Public Access:

- (1) Mediation Privilege: Mediation communications are privileged, as described in R.C. 2710.03 - 2710.05.
- (2) Confidentiality: Except as provided in R.C. 121.22 and 149.43, mediation communications are confidential to the extent provided by the Ohio Revised Code. No one shall disclose any of these communications unless all parties and the mediator consent to disclosure. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible. 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.
- (3) Exceptions: All mediations communications are confidential with the following exceptions:
  - a. Parties may share all mediation communications with their attorneys.
  - b. Certain threats of abuse or neglect of a child or an adult.
  - c. Statements made during the mediation process to plan or hide an ongoing crime; and
  - d. Statements made during the mediation process that reveal a felony.
- (4) No Access to Mediation Files: The files maintained by a mediator and documents provided to the mediator by a party but not filed with a clerk or submitted to the court will not be available for public access pursuant to Sup.R. 44 through 47. The mediator may not be called as a witness for any purpose. All information contained by the mediator's files can be purged at any time at the discretion of the mediator, except that any Summary of Agreement retained by the mediator will be retained for one year from the date of the execution of that Summary of Agreement.

(G) Duties of Attorneys, Parties, Nonparty Participants:

- (1) Trial counsel who is primarily responsible for each party's case will personally attend the mediation and will be prepared and authorized to discuss all relevant issues and settlement terms. All parties, or if applicable, the principal insurance

adjuster for the claim, will personally attend all mediations with authority to settle. A party other than a natural person must be represented by a person, other than counsel, with authority to settle.

- (2) 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 of such fact.
- (3) If the opposing parties to any case a) either resided in a common residence or are related by blood, adoption, or marriage and b) 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 mediator. Such parties have a duty to participate in any screening required by the Supreme Court of Ohio's Sup.R. 16, both prior to and during the mediation session.

(H) No Legal Advice: The efforts of the mediator will not be construed as giving legal advice.

(I) Referrals to Resources: The office of civil mediation will maintain information for the public, mediators, and other staff as appropriate. The information will include:

- (1) Attorney referral contact information.
- (2) Information regarding children's services; and
- (3) Resource information for local domestic violence prevention, counseling, substance abuse, and mental health services.

(J) 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.

(K) Evaluation, Comments and Complaints: Any mediation participant may submit written comments, complaints, or feedback regarding mediation. Comments or complaints regarding mediation may be sent to the Court Administrator at 225 Court Street, Room 301, Box 411, Elyria, Ohio 44035.

## **RULE 25 - FORECLOSURE, QUIET TITLE, AND PARTITION ACTIONS**

(A) Judicial Reports: In actions to quiet title, partition and for marshaling and foreclosure of liens on real property, the party seeking the quiet title, partition or judicial sale of property shall procure and file with the clerk. The guarantee amount on the report shall be either the fair market value of the property based upon the county auditor value or the principal balance of the mortgage, including any deferred amounts or other lien being foreclosed, whichever is greater. Failure to comply with this rule may result in dismissal of the action.

(B) Dispositive Motion Packet: When applicable, all of the following shall be submitted to the Lorain County Clerk of Courts contemporaneous with the filing of a Motion for Default Judgment, Motion for Summary Judgment, or other dispositive motion:

- (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 Judgment Entry.

Movant shall meet all the necessary legal requirements for judgment prior to said motion(s) being granted.

(C) Legal Descriptions: Prior to the filing of the complaint, 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-complainant(s), at all stages in the foreclosure case (i.e., proposed Judgment Entry, Praeceptum 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.

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.

All pleadings requesting a decree in foreclosure shall contain the permanent parcel number(s) 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, including zip code, 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 state that it is vacant land and 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.

(D) Case Management: In any case where an owner of the subject property or any other necessary person required for just adjudication is believed to be deceased, evidence of death must be filed with the court via a death certificate or other reliable proof. If such evidence is unavailable, then the person believed to be deceased must be named as well as his/her unknown heirs, devisees, next of kin, etc. and both shall be served according to the civil rules. If the property owner(s) is/are deceased, then the unknown tenants, if any, of the subject property must be named as a party and service at the subject property must be attempted. If Plaintiff can certify, through an inspection conducted within the previous 30 days, that the property is vacant, then Plaintiff can file a notice of vacancy that includes the inspection date in lieu of naming and serving the unknown tenants. If a probate estate is open or has been opened for the deceased, a copy of the will, if any, and the next of kin form must be filed in the foreclosure action.

(E) Loss Mitigation: If a foreclosing party's file goes on hold for loss mitigation review or the parties enter into a loss mitigation agreement, such as a trial modification or repayment plan or other settlement resolution, the Plaintiff or other party pursuing affirmative claims must notify the court within fourteen (14) days of the file going on hold or entering into the agreement, at which point the court may stay the case. Failure to notify the court may result in a dismissal of the cause of action. Unless otherwise ordered by the court, Plaintiff or any party with a pending claim shall complete service upon all parties even if loss mitigation is in place or the claim may be subject to dismissal.

(F) Publication: If a party completes service by publication, that party is responsible for ensuring that proof of publication is filed with the clerk.

(G) Sanctions / Dismissals of Action: Failure to comply with the foregoing requirements shall be grounds for the imposition of sanctions and/or dismissal of an action. Sanctions and/or dismissal may be granted upon motion of any party or upon the motion of the court.

## RULE 26 - JUDICIAL SALE

(A) Sheriff's Sale:

- (1) Praeipce for Order of Sale: In non-tax foreclosure matters, each praecipce 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; 2) effective with all initial praecipces filed on or after October 1, 2020, the one-time per case license fee for the online auction management system pursuant to ORC 2329.153 as set forth in the schedule of deposits and fees maintained by the Clerk of Courts, which shall be taxed as costs in the case; and 3) 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 payment for the legal advertisement 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 praecipces for Orders of Sale in non-tax foreclosure matters that are not accompanied by the required payment for the legal advertisement. The costs for the newspaper advertisement shall be taxed as costs of the case. If a property is being sold "subject to" a first mortgage, the party requesting the sale shall include in the praecipce for order of sale a payoff amount due to the first mortgage. Failure to do so will result in the order of sale being returned by the Sheriff without execution.
- (2) Sheriff's Return: Within ten (10) days of the date of sale, the Sheriff shall make his return to the Court. Counsel for the party requesting execution 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 fourteen (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 to submit a confirmation order within the time provided may result in sanctions, including any damages, costs or fees incurred by the purchasing party.

- (3) 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 deeds will be issued without proper verification from the Treasurer's office.
  - (4) 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 a Sheriff's sale shall be by written motion detailing the reason for cancellation, filed at least twenty-four (24) hours prior to the date of sale, and include a copy of the receipt evidencing payment of costs. Failure to follow this rule may result in denial of the motion.
  - (5) Purchase Price: For non-tax foreclosure Sheriff's sale of real property, any prospective purchaser must register and comply with all bidding and deposit requirements of the official public sheriff sale website as designated by ORC 2329.153. Failure to comply with the requirements of the official sheriff's sale website may result in the inability to bid or rejection or cancellation of a bid. In every tax foreclosure Sheriff's sale of real property, the purchaser, immediately following the acceptance of bid, shall deposit via cashier's check payable to the Sheriff, ten percent (10%) of the amount of such accepted bid, but in no event less than \$1,000.00 up to a maximum of \$10,000.00. All money in excess of the required deposit will be applied toward the purchase price of the property. For all Sheriff's sales, the purchaser shall be required to pay interest on the purchase price at ten percent (10%) per annum from the date of confirmation of the sale to the date of payment of the balance, unless the balance is paid within thirty (30) days from the date of confirmation of sale or other date designated by the Sheriff. 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.
- (B) All Judicial Sales: All judicial sales shall be subject to the following:
- (1) Failure to Complete Purchase: In the event a purchaser fails to pay the balance due on the purchase price and completes the purchase within thirty (30) days after confirmation of sale, the purchaser shall be in contempt of this court. The party who requested execution may file a motion requesting that the purchaser show cause as to why the purchaser should not be held in contempt for failure to complete the sale. Upon good cause, the motion may be granted and include a forfeiture of all or some of the purchaser's sale deposit.
  - (2) Notice of Sale: The party who requested execution shall promptly mail notice of the time, date and location of the sheriff's sale to the record owner(s) of the subject real estate and to all other interested parties not in default for failure to appear, or their counsel of record, at their respective last known addresses. The record owner(s) of the real estate shall be noticed by mail in all cases whether or not in default for failure to appear, except when said owners were originally

served with summons solely by publication. Not less than fourteen (14) days prior to the scheduled sale date, the party who requested execution shall file with the Clerk of Courts a certificate of service of notice of sale date specifying the date and manner of service and the names and addresses of all interested parties who received notice. Failure to timely file the certificate of service required by this rule may constitute grounds for denial of the confirmation of sale.

- (3) Appraisals:
- a. 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.
  - b. Praecipes: The clerk of courts shall not issue an Order of Sale without reappraisal to the Sheriff unless the subject property has been previously appraised within the last twelve (12) months.
- (4) Redemption of Property: After a judicial sale has been conducted but before the entry of confirmation has been filed, the debtor or other person entitled to redeem the property may file a motion to redeem with the clerk of courts, along with paying the appropriate security deposit. The motion must identify the person attempting to redeem and include a current address, phone number, and email address, if applicable. Upon the filing of said motion, the court will calculate the amount necessary to redeem the property and file an entry with that amount and a date by which it must be paid. The redemption amount shall be paid in full to the clerk of courts by a certified check or money order or law firm IOLTA check. Failure to redeem in accordance with this Rule and the deadline in the entry may result in the judicial sale being confirmed.

### RULE 27 - GARNISHMENTS

- (A) The following items are required for submission of garnishment of personal earnings:
- (1) The security deposit for costs required by the clerk of courts.
  - (2) A certification of compliance cover sheet signed by the attorney or authorized representative indicating the filing complies with this Rule. Copies of this form are available in the Civil Division of the clerk of courts.
  - (3) A Motion for Order of Garnishment of Personal Earnings of Judgment Debtor.
  - (4) Two (2) copies of the Affidavit of Judgment Creditor or Judgment Creditor’s attorney in accordance with Ohio Revised Code §2716.03, and one (1) copy of proof of service of written demand.
  - (5) Four (4) copies of the Court Order and Notice of Garnishment.
  - (6) Three (3) copies of the Notice to the Judgment Debtor.
  - (7) Three (3) copies of the Request for Hearing Form.
  - (8) Two (2) copies of the Interim Report and Answer of Garnishee.
  - (9) One (1) copy of the Final Report and Answer of Garnishee; and
  - (10) One (1) Praecipe for Garnishment of Personal Earnings.
- (B) The following items are required for submission of garnishment of property other than personal earnings:
- (1) The security deposit for costs required by the Clerk of Courts.
  - (2) One Dollar (\$1.00) check payable to the bank where funds are being garnished.

- (3) A certification of compliance cover sheet signed by the attorney or authorized representative indicating the filing complies with this Rule. Copies of this form are available in the Civil Division of the Clerk of Courts.
- (4) Motion for Order of Garnishment of Property Other than Personal Earnings of Judgment Debtor.
- (5) Affidavit of the judgment creditor or the judgment creditor's attorney in accordance with Ohio Revised Code §2716.11 and the garnishee fee (separate from and not included in the deposit for filing) in accordance with Ohio R.C. 2716.12.
- (6) Four (4) copies of Order of Garnishment of Property and Answer of Garnishee.
  - a. One (1) copy of the Order of Garnishment of Property and Answer of Garnishee may include Judgment Debtor's complete, unredacted personal identifiers. This copy should be clearly marked to distinguish it from the original filing and three (3) other copies. Any such copy, if provided, shall be issued to the Garnishee only and not retained in the Court file as part of the record.
  - b. Two (2) copies of Notice to the Judgment Debtor.
  - c. Two (2) copies of Request for Hearing form.
  - d. Praecipe for Garnishment of Property Other than Personal Earnings.

If the judgment creditor wishes to have time-stamped copies of the garnishment filing returned by mail, they must provide additional copies and a self-addressed, stamped envelope of sufficient size and with adequate postage affixed to accommodate the request.

The Clerk of Courts shall not accept filings that include double-sided pages, carbon paper, or inadequate margins or space to affix the Judge's signature.

For convenience, some of the above-required forms are available on the Clerk of Courts website.

**CHAPTER 4**  
**CRIMINAL**

**RULE 28 – ASSIGNMENT OF CRIMINAL CASES**

- (A) Assignments: All criminal cases shall be randomly assigned to a General Division judge. When a criminal case naming an individual or entity as a defendant is filed with the clerk of courts, whether by referral from a municipal court or by direct indictment, a case number shall be assigned. That case shall be randomly assigned to an individual judge by a computer program designed to provide equitable and random distribution of cases among the General Division judges of the Common Pleas Court. All subsequent transfers of cases between Judges must be by entry through the Administrative Judge.
- (B) Pending Case(s): When a defendant has a pending case that has not yet been sentenced, any new case charging the same defendant shall be assigned to the judge with the lowest case number pending (with the exception of criminal non-support cases alleging a violation of R.C. 2919.21).
- (C) Felony Non-Support Case(s): Any criminal non-support case will be re-assigned to the assigned felony non-support judge.
- (D) Co-Defendants: When cases involving multiple defendants are of common fact, all cases shall be assigned to the judge with the lowest assigned case number, regardless of whether the lower-case number has been terminated.
- (E) 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.
- (F) Capital Case(s): All capital cases shall be assigned randomly through a process where each judge, after receiving an assignment of a capital case, is excluded from the assignment pool until all judges have received a capital case.
- (H) Re-indictment with Capital Murder Specification: If a criminal case is initially indicted, arraigned and assigned, and if that case is later re-indicted on essentially the same set of facts and circumstances with the addition of a capital murder specification, the new criminal case with the capital murder specification shall be assigned as if it were a new capital case (See (F) above).
- (I) Assignment of a three (3) judge panel: In capital cases, if the defendant has entered a knowing, intelligent and voluntary waiver of the right to a jury trial on the record and has agreed to be tried by a three-judge panel, or the defendant desires to enter a plea before a three-judge panel, the presiding judge will randomly select two panel members, who, with the originally assigned judge, will constitute the panel. If any of the assigned three-judge panel is deemed unavailable, the Presiding Judge will randomly select another judge to replace the unavailable panel member. Said selection process shall be done in open court, with all parties present.
- (J) Reassignments: Any cases requiring reassignment shall be referred to the Administrative Judge along with the reason for reassignment. When merited, the Administrative Judge will reassign the case. The judge receiving the case may transfer a case of similar age and import to the judge requesting reassignment.

(K) Transfer of Supervision for New Felony Charge:

- (1) When a defendant who is being supervised by the probation department as part of their sentence is indicted with a new charge that may constitute a violation of the defendant's sentence, the judge presiding over the previously-sentenced case may, with the consent of the judge assigned the new case, transfer the previously sentenced case to the judge assigned to the new case to minimize the impact upon court resources.
- (2) When a defendant who is being supervised by the probation department as part of their sentence is sentenced to a community control sanction in a subsequent case or cases, the judge who ordered the initial community control sanction may transfer the initial case or cases to the Judge who most recently sentenced the defendant to a community control sanction with the consent of the Judge to whom the case would next be assigned to consolidate the cases and to minimize the impact upon court resources.
- (3) Any transfers made under these provisions do not require the reassignment of a case to the judge making the transfer, pursuant to Rule 33 above.

**RULE 29 - APPLICATION FOR SEARCH WARRANTS**

(A) In any application to obtain a search warrant, 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.

(B) If an application for a search warrant 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 30 - WITHDRAWAL OF COUNSEL FROM CASES**

(A) Pursuant to Ohio Rules of Professional Conduct 1.16(c), leave of court must be obtained before an attorney may withdraw from employment in pending litigation unless new counsel files a Notice of Appearance or Substitution of Counsel. The substitution or addition of new counsel will not result in the continuance of any previously scheduled dates without separate leave of court.

**RULE 31 – TRIALS**

(A) Continuances of hearings and trials in criminal cases shall be in accordance with Sup.R. 41.

**RULE 32 - APPOINTED COUNSEL**

(A) Attorneys seeking to receive court appointments for cases involving indigent defendants shall comply with the provisions of OAC 120-1-10.

(B) Requests to be placed on the court's-maintained list of court appointed counsels shall be submitted to the court administrator's office. Requests and the necessary documentation for qualifications shall be updated yearly by counsel. Attorneys are under an ongoing obligation to notify the court of changes in their status and contact information.

(C) Attorneys shall maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct and shall provide a copy of the declarations page to the court administrator's office.

**CHAPTER 5**

**LORAIN COUNTY RECOVERY COURT**  
(FELONY DRUG COURT)

**RULE 33 - SPECIALIZED DOCKET**

Specialized Dockets of the General Division shall be in accordance with the Rules of Superintendence for the Courts of Ohio and any procedures established by the Specialized Dockets Section of the Ohio Supreme Court.

A specialized docket is created for the purpose of operating a felony drug court focused primarily on the opiate addicted defendant. The Lorain County Recovery Court (hereinafter referred to as “LCRC”) shall be established in accordance with the requirements set forth in Ohio Supreme Court’s Rules of Superintendence and shall operate and implement the “specialized docket standards” set forth in those Rules and Appendixes. The objective of the court is to reduce substance abuse and recidivism for the opiate addicted felony defendant by utilizing addiction and mental health treatment professionals and community control alternatives.

(A) Placement: Placement is initiated by obtaining and completing a “referral form” that is available from all the general division judges. This form must be completed and delivered to the LCRC Coordinator. The coordinator will begin the analysis for clinical eligibility, and a copy of the referral form will be given to the prosecutor to examine the case for legal eligibility. The LCRC operates on two tracks.

- (1) The Intervention Track: This track follows the eligibility of RC 2951.041 with the exception that no drug trafficking offenders are eligible. Successful completion of this track will result in a dismissal of charges.
- (2) Post-Conviction Track: So long as the defendant lives in the jurisdiction of Lorain County and is sentenced to a community control sentence/probation or judicial release supervision on the current offense, the defendant is legally eligible. \*The current offense must be eligible for a community control sentence. In all cases, a defendant will be clinically assessed to determine if the LCRC is an appropriate level of supervision (clinically eligible). In all cases where a defendant is found to be eligible for the LCRC, it is the sentencing judge who has sole discretion to add LCRC as a term of supervision.

(B) Case Assignment: When a defendant’s case is “referred to the LCRC”, a journal entry so stating is executed by the assigned judge. The case remains with the assigned judge during the referral process. Once a defendant is determined to be clinically and legally eligible, attends orientation, signs the participation agreement, and is approved for acceptance into the LCRC by the treatment team and LCRC judge, the case is then transferred to the LCRC Judge’s docket by the Administrative Judge. When a case is transferred to the Recovery Court Docket, the assigned Recovery Court Judge shall acquire full jurisdiction over that transferred case.

(C) Case Management: The LCRC, in conjunction with the Lorain County Adult Probation Department, have teamed with numerous county addiction treatment and mental health providers, residential sober living houses, recovery coaches, and the Lorain/Medina Community Based Correctional Facility to provide wrap around services to participants. The complete program is set forth in the LCRC Program Description. Participant requirements are set forth in the LCRC Participant Handbook and the LCRC Participant Agreement, all incorporated herein.

(D) Termination: There are two types of termination criteria: unsuccessful and neutral discharge.

- (1) Unsuccessful Termination: Criteria have been developed by the LCRC Advisory Committee. The Recovery Court Judge has the ultimate discretion in determining termination from the program. Criteria for unsuccessful termination may include: on-going non-compliance with treatment or refusal of treatment; new criminal charges which would have otherwise rendered the participant ineligible for the program; committing a serious infraction or series of infractions which graduate to the level of a “last chance” and having an outstanding warrant for non-compliance from the program for thirty (30) days or more. Defendants terminated unsuccessfully from the LCRC will be sentenced in accordance with current felony sentencing statutes in Ohio. Defendants on the intervention track who are terminated unsuccessfully will be convicted of the felony charges they plead guilty to prior to sentencing.
  - (2) Neutral Discharge: In general, neutral discharge may result from any number of reasons other than violation behavior. Defendants’ physical health may prevent further participation. The treatment team and LCRC judge may decide that continued participation is inappropriate. In cases of neutral discharge involving a defendant on the Intervention Track, the LCRC judge and the prosecutor will consult to determine if there are factors present which warrant conviction and sentence, or a transfer to another diversionary program.
- (E) Appointment of Judges to preside over Recovery Court: The Administrative Judge will select a Common Pleas Court General Division judge(s) for LCRC docket(s). The Judge(s) will serve for a period of three years from date of appointment. Upon approval of the Administrative Judge, the Judge(s) may be reappointed to successive terms. Thereafter, any Common Pleas Court General Division Judge(s) who desire to preside over an LCRC docket may submit their names to the Administrative Judge for consideration.