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CLERK OF COURT
SUPREME COURT OF OHIO

FREMONT
OHIO
Where People Come First

# FREMONT MUNICIPAL COURT

SANDUSKY COUNTY, OHIO

## LOCAL RULES OF COURT

Revised
December 10, 2018

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# FREMONT MUNICIPAL COURT

## RULES OF PRACTICE

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# PART 1: GENERAL RULES

The Rules of Court set forth in Part 1 and being the designation "Rule 1. _ _", pertain to procedures applicable to all proceedings of this court in the exercise of its civil, criminal and traffic jurisdiction. All former rules and amendments of this Court are hereby revoked. Jurisdiction of this Court includes the City of Fremont, Sandusky Township and Ballville Township.

## RULE 1.01 COURT RECORDS MANAGEMENT AND RETENTION

(A) The clerk of court shall maintain separate civil and criminal records and dockets as required by Ohio Revised Code Section 1901.31 (E). Nothing in this rule prohibits recording and storage of the court's dockets and records by microfilming, computerization, or image scanning as permitted by law.

(B) The orders of the court in the dockets shall be validated by the original or facsimile signature of the judge. The dockets and the original papers filed shall be the final record of the cases of this court. The judge and the clerk of court shall authenticate records with their signatures, with the court's seal attached. Any forms and stamps used shall be authorized by the court.

(C) No person except authorized court personnel, parties or their attorneys shall be permitted to examine the complaint filed in any case until after service of summons. Thereafter, these files are available to any person upon reasonable request during regular business hours. Copies of documents may be provided upon request at a cost to be determined by the clerk of court as permitted by law. The current docket for all cases can also be obtained through the court's website.

(D) Withdrawal of files. No file(s), whether civil or criminal, may be removed from the office of the clerk of court. A file taken from the clerk of court's office pursuant to this rule must be returned to the clerk of court within twenty-four (24) hours of removal unless otherwise ordered.

(E) Disclosure of information. The clerk shall not provide a copy of any document, except as provided by law or ordered by the court, without redacting (1) social security number, (2) operator's license number, (3) telephone or cell number, (4) date of birth, (5) other personal information contained in a traffic or criminal citation. When there is a protection order pending or issued, the name of the victim or alleged victim, including any information regarding that person, shall not be released except as provided by law or ordered by the court.

(F) The Court will follow the retention schedule as outlined in the Rules of Superintendent no. 26 et. seq. as promulgated by the Ohio Supreme Court.

## RULE 1.02 RECORD OF PROCEEDINGS: COURT REPORTERS

(A) All court proceedings, which are required to be recorded, shall be recorded by digital recording.

(B) The furnishing of transcripts by the official court reporter, and the compensation of the reporter therefore, shall be as provided in R.C. 2301.21, et. seq.

(C) No transcript, except in an indigent criminal case, shall be commenced by the official court reporter until there has been deposited with the reporter a sum equal to the estimated cost

thereof. In the event the deposit is not sufficient to cover the actual costs of the transcript, the transcript shall not be delivered to the party requesting the same until balance of the cost has been paid. In the event the deposit is greater than the actual cost of the transcript, the excess deposit shall be refunded upon the filing of the transcript.

(D) The official court reporter shall file and carefully preserve in his/her office all notes or other records of oral testimony as outlined in the Rules of Superintendent no. 26, et. seq. as promulgated by the Ohio Supreme Court.

**RULE 1.03 <u>COURT DECORUM</u>**

(A) All persons at the court shall conduct themselves with decorum and in a manner to not interfere with the proper administration of the court's business. Although the court is open to the public, persons attending any court session who are not parties or called as witnesses may not make any statements unless permitted by the court and identified on the record. All persons are subject to screening and/or search before entering the court room. The term "court" includes any location where a judge or magistrate conducts hearings or trials as well as the probation department, clerk of court office and surrounding areas including jury room and all hallways in the municipal building.

(B) All persons appearing before the court shall, to the extent practicable, appear in appropriate and clean dress.

(C) All cell phones are to be turned off or silenced in the courtroom and the use of cell phones is not permitted in the courtroom when court is in session. In the event a person needs to make or take a call, the person is required to leave the courtroom unless otherwise permitted by the court. Tablets, lap top computers, notebooks, cell phones and other electronic devices may not be used in the courtroom except as a research aid or tool during a hearing or trial.

(D) No smoking, eating or drinking is permitted in the courtroom. No one is permitted to bring food or drink into the courtroom, unless permitted by the court. Attorneys and litigants may have water at the trial table. Witnesses may be provided water when necessary. Jurors may have water in the jury box during trial. The judge, magistrate and court staff may have water in the courtroom as needed.

(E) No person shall loiter or behave in an unseemly or disorderly manner in the courtroom or in any hall, entryway or stairway, or otherwise interfere with or obstruct judicial activities or proceedings.

(F) Failure to comply with any aspect of this rule may result in appropriate sanction by the court, including continuance or dismissal of the matter before the court, confiscation of cell phone pending the conclusion of court proceedings or a charge of contempt of court.

**RULE 1.04 <u>MEDIA</u>**

The procedures, which follow, are to be used when there is broadcasting or photographing of court proceedings.

(A) Media representatives must personally, in writing, request permission of the assigned judge for televising, recording, radio broadcasting, or photograph taking in the courtroom, before the court

session. The assigned judge will then grant or deny permission for the proposed request. The court bailiff will act as a liaison between the court and various media representatives to implement this rule.

(B) Media representatives are responsible for pooling without involving the court in any way, except to notify it of pooling arrangements. Television stations and radio stations must decide which of them shall cover the proceedings, and only one of each may then cover any one proceeding for photographic coverage, and only one photographer may then be allowed in the courtroom at any one time. If a dispute arises among or between the media representatives during any proceedings, the judge shall exclude contesting representatives from the remaining case proceedings.

(C) Media representatives must be in designated areas before court convenes and may leave only during a recess, lunch break, or afternoon adjournment. They are responsible for providing their own equipment, including sufficient equipment leads to ensure they are able to be stationed in the designated location. Only existing lighting within the courtroom may be used. Media representatives must wear appropriate attire when on courtroom assignment.

## RULE 1.05 FILING REQUIREMENTS

(A) All pleadings and motion shall be legibly typewritten or printed on paper sized 8 ½ inches by 11 inches. The caption of the complaint shall state the name and address, if known, of each party. Subsequent pleadings and motions shall state the case number, the name of the first party plaintiff and the first party defendant on each side. For all subsequent pleadings in which new parties are joined, the name and the address, if known, of each new party shall be stated in the caption of the pleading. Every pleading, motion, brief or other paper filed in a case shall be identified by title, and shall bear the name of the individual attorney, the firm, if any, office address and telephone number of the attorney filing the same, or if there be no attorney, then the party filing the same.

(B) No written complaint, motion (except a motion for continuance), brief, memorandum of law or proposed journal entry shall be accepted by the clerk for filing unless the same is filed in duplicate and indicates the name, address and phone number of the attorney filing same, as well as the responsible attorney's Supreme Court registration number. All filings must accompany the appropriate filing fee. The court may refuse filings unless the fee is attached.

(B) All pleadings, motions and other documents filed by the court shall contain the signature of the party or attorney representing the party in accordance with Civil Rule 11. Signatures signed by another person and initialed by the person signing the document are not permitted.

## RULE 1.06 WITHDRAWAL OF TRIAL COUNSEL

Counsel of record shall be allowed to withdraw as trial counsel only upon consent of the court. Except for withdrawal requested in open court when a counsel's client fails to appear for a court proceeding, no application for withdrawal will be considered unless (1) a written request to withdraw is presented which states the reasons for the application; (2) the application contains a certification of service to opposing counsel; and (3) the withdrawing counsel represents that, if the application is granted, a copy of the withdrawal entry will be mailed forthwith to the last known address of the client. A withdrawal of counsel after the cause has been assigned for trial shall not be permitted, except for good cause shown and upon determination by the court that the party will be adequately and properly represented at the trial.

**RULE 1.07 COURT HOURS AND SCHEDULE**

The clerk of court's office shall be open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday and closed on legal holidays. The times may be extended or diminished by special order of the court. Notwithstanding the hours for clerk of court. Jury trials in all divisions are held on the 1st, 2nd, and 3rd Friday of every month. See additional scheduling information below for specific divisions:

| | |
|---|---|
| Civil Division: | Monday |
| Small Claims Division: | 1st and 3rd Monday of each month |
| Criminal Division: | Arraignments – Wednesdays at 9:00 a.m. |
| | All other hearings – Tuesday and Thursday |
| | Fines/Costs hearings – Last Friday of each month |
| Traffic Division: | General Traffic Arraignments – Wednesdays at 9:00 a.m. |
| | OVI Arraignments – Wednesdays at 1:30 p.m. |
| | All other hearings – Tuesday and Thursday |
| | Fines/Costs hearing – Last Friday of each month |
| Weddings: | Scheduled upon availability |

**RULE 1.08 OCCUPATIONAL DRIVING LETTERS**

Upon being granted driving privileges, the court requires specific documents to be filed prior to being given the driving letter.

(1) The petitioner must provide proof of insurance. This proof **MUST BE PROVIDED FROM** your insurance agent. The agent may either fax the court your current proof of insurance OR the agent may fill out the blue insurance form provided by the clerk's office. The court will NOT accept insurance from the petitioner.

(2) The petitioner must provide proof of employment. Examples would be current pay stub, current schedule or a letter from the employer with the business letterhead and signed by employer. For individuals who are self-employed, they must provide proof of business with either the tax I.D. form from the state OR a copy of either federal, state, or city taxes filed.

(3) The appropriate filing fee must be paid to the clerk prior to the driving letter being issued.

(4) If petitioner is ordered to have restricted plates, ignition interlock or SCRAM device, they must have same installed prior to a driving letter being issued.

# PART 2: CIVIL PRACTICE

The Rules of Court set forth in Part 2, bearing the designation "Rule 2._ _ ", pertain to procedures applicable to civil proceedings (including small claims division cases when so indicated in the rule) of this court in the exercise of its civil jurisdiction.

**RULE 2.01 FILING AND SERVICE OF COURT PAPERS**

(A) All papers filed with the court shall be originals or legible copies, handwritten in ink or typewritten on 8 ½ by 11-inch paper. Filings consisting of more than one sheet of paper shall be securely fastened together. All filings must accompany the appropriate filing fee. The court may refuse filings unless the fee is attached. (EXHIBIT A)

(B) Each paper filed by a party represented by counsel shall designate on the first page, immediately beneath the title of the paper, the name address, telephone number, and the Ohio Supreme Court code number of the attorney responsible for the case. The correct mailing addresses, including zip codes, for all parties and counsel shall be listed. Pleadings, which do not conform to this rule, may be ordered stricken from the file by the court.

(C) In a civil case, plaintiff, or plaintiff's attorney shall file with the complaint as many copies as there are defendants to be served with a summons. A party may request an extension of the twenty-eight (28) days, which is the time required to file a response to a complaint, a counterclaim, cross-claim, or a third-party complaint if written application is made to the clerk of court beforehand. Additional extensions of time may be granted by the court pursuant to Rule 6 (B) of the Ohio Rules of Civil Procedure (or by written stipulation of the parties).

(D) Service shall be made in accordance with the applicable Ohio Rules of Procedure, whether civil or criminal. In civil cases, the bailiff will be the usual process server when court orders must be personally served.

(E) In any case, all motions, briefs, and memoranda in support shall be filed in duplicate with the clerk of court who shall then forward one copy to the civil assignment clerk for referral to the judge. Any response to a motion shall be served within seven (7) days from the date the motion was filed, unless otherwise ordered by the court. Motions will normally be determined by the court without a hearing. The court may order an oral hearing on a motion at any time. The clerk shall notify all parties, in writing, of any ruling by the court.

## RULE 2.02 <u>CIVIL PRACTICE PROCEDURE</u>

For the purpose of accomplishing those objectives set forth in Civil Rule 16 and to insure the readiness in cases for pretrial and trial, the following pretrial procedures shall be followed:

(A) In any civil action, the court may, in its discretion, with or without request or motion of a party, assign the case for pretrial conference. The civil assignment clerk shall notify all counsel of record and any un-represented parties, of the time and place of the pretrial conference. The parties and their counsel, if they are represented, shall appear before the court and be prepared to discuss the following:

(1) possibility of settlement of the case;
(2) if a jury demand has been requested, the possibility of waiver of jury demand
(3) amendments to pleadings and outstanding motions;
(4) any existing discovery problems;
(5) stipulation of facts;
(6) need for expert witnesses;
(7) need for trial briefs;

(8) determination of trial date and time required for trial;
(9) jury instructions.

(B) The court may prepare a written order reciting the action taken at the pretrial conference. The order, when filed, shall control the subsequent proceedings in the case unless it is modified in order to prevent manifest injustice to any of the parties.

(C) Unless a settlement is agreed upon in the pretrial conference, the court shall not refer to any settlement negotiation either directly or indirectly in any later proceedings.

## RULE 2.03 FORCIBLE ENTRY AND DETAINER (EVICTION)

(A) In forcible entry and detainer (FED) actions under Ohio Revised Code Chapter 1923, the defendant shall be served a summons in accordance with Ohio Revised Code Section 1923.06. The trial date will be set as close to fourteen (14) days from the date of filing as possible. The service of summons shall be at least five (5) days before the trial date. Return of service of summons shall be made within four (4) days after the filing of the complaint.

(B) A demand for trial by jury under Section 1923.10 of the Ohio Revised Code shall be filed no later than three (3) days before the trial date. Non-jury cases will be heard by a sitting judge. No continuances shall be granted longer than eight (8) days but for good cause and only in accordance with Section 1923.08 of the Ohio Revised Code. At the time of trial, both the plaintiff and plaintiff's attorney, if plaintiff is represented, shall be present in court or the case may be dismissed.

(C) If defendant fails to appear at the FED hearing for possession of the premises, no default judgment on the first cause of action shall be ordered unless testimony is taken from the plaintiff or witness having personal knowledge regarding the proper form and service of the three (3) day notice upon defendant and regarding the grounds for the request for restitution of premises.

(D) A copy of all notices required to be served upon tenants pursuant to Ohio Revised Code Code Chapters 5321, 5313, 3733, and 1923 or pursuant to federal regulations shall be attached to the complaint as well as any document required pursuant to Rule 10(D) of the Ohio Rules of Civil Procedure.

(E) When a second cause of action in a FED has been filed alleging money damages, after the issue of possession of premises has been determined, the case will be continued for defendant to answer within twenty-eight (28) days from service of the complaint. In cases where defendant files an answer, the case will be set for a trial. If defendants fail to appear or otherwise defend, default judgment may be entered in accordance with Rule 2.04.

(F) In forcible entry and detainer action, if the defendant has failed to appear or otherwise defend on the second cause of action; default judgment may be entered upon oral or written motion when it's accompanied by an affidavit with supporting documentation signed by a party with actual knowledge verifying that the amount is accurate. A second cause of action claiming un-liquidated damages will be set for an assessment hearing.

(G) In FED cases, based upon failure to pay rent where a counterclaim has been filed, the defendant shall be entitled to a single trial consolidating all claims in accordance with Ohio Revised Code Section 1923.061. To initiate this procedure, defendant must first file a counterclaim upon plaintiff before the trial date. If the defendant complies, the case shall be continued no more than three (3) weeks for resolution of all issues between parties.

## RULE 2.04 JUDGMENTS

### DEFAULT JUDGMENT

(A) In a civil case, when the defendant is in default for appearance or answer, judgment shall be rendered in accordance with Rule 55(A) of the Ohio Rules of Civil Procedure.

(B) If the defendant has failed to plead or otherwise defend (having entered no appearance), the court may grant a default judgment immediately upon written or oral motion in a case involving a liquidated claim.

(C) If the defendant has failed to plead or otherwise defend, the court may grant a default judgment in the amount of the prayer if the action is for recovery of money only arising out of damages to personal property and if an affidavit with supporting documentation signed by a party with actual knowledge is filed verifying that the prayer of the complaint reflects a reasonable cost of repairing the property of its diminution in value, whichever is less.

(D) The parties seeking relief by default judgment shall file with the clerk of court, an affidavit in compliance with the Solder's and Sailor's Civil Relief Act, 50 U.S.C. Section 520 (1). Failure to file proper affidavits shall render the judgment voidable as provided by federal law.

(E) If defendant has entered an appearance in the action, in accordance with Civil Rule 55(A), a hearing shall be set on the application for the default judgment with defendant or defendant's representative being given at least fourteen (14) day notice before the hearing date.

(F) In a case seeking default judgment based upon a contract, account, or note with a specified interest rate, interest shall accrue at the appropriate prejudgment rate until date of judgment, when interest accrued will be added to the principal due. Upon date of judgment, interest will accrue at the statutory rate of interest as provided by O.R.C. Section 1343.03.

(G) A default judgment may only be vacated in accordance with Rule 60 of the Ohio Rules of Civil Procedure.

### SATISFACTION OF JUDGMENT

(A) Satisfaction in whole or part, of any judgment shall be affected by (1) filing an appropriate order of entry with the clerk which has been approved by the plaintiff or judgment creditor, or his/her counsel of (2) endorsing the appearance docket by the plaintiff or judgment creditor, or his/her counsel over the authenticating signature of the

clerk. Any endorsement shall be noted on the case jacket by the clerk. Payment of costs, unless otherwise excused by the court for good cause shown, shall be required prior to any filing of an order, or endorsement, of satisfaction. No person other than the clerk of court or a deputy clerk may enter satisfaction of judgment upon the records of the court.

REVIVOR OF JUDGMENT

(A) All costs accrued in a case must be paid prior to the filing of a conditional order or revivor of judgment. The clerk shall send the revivor order by certified mail to the defendant(s). If the Court receives an answer from the defendant(s) within twenty-eight (28) days, a hearing shall be scheduled by the civil assignment clerk.

## RULE 2.05 CASE MANAGEMENT IN CIVIL CASES

(A) Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for civil case management, which will achieve the prompt and fair disposal of civil cases.

(B) Scheduling of Events: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and five (5) judicial steps.

(C) Clerical steps:

(1) Summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date the cause of action has been filed, then the clerk shall notify counsel that the case will be dismissed in thirty (30) days unless good cause is shown to the contrary.

(2) Upon perfection of service, the clerk shall notify counsel and a failure to submit an entry within three (3) months may result in the case being dismissed.

(3) After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the judge, so the matter may be set for a hearing.

(4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within thirty (30) days unless good cause is shown.

(5) When a file has been marked "settlement entry to come" and the entry has not been received within thirty (30) days, and then the clerk shall notify the party that his/her case will be dismissed unless the entry is received within thirty (30) days.

(D) Judicial steps:

(1) Status Pretrial: After an answer is filed, the case will be assigned to the judge. The court will then set a status pretrial, which will be heard in court. The purpose of the status pretrial is to set discovery and motion deadlines so a formal pretrial can be set.

(2) Motions: All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. (Fees may apply, see Exhibit A). Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period, unless time is extended by the court.

There will be no oral hearings granted in said motions unless the parties request an oral hearing in writing and the court deems it necessary.

(3) Pretrials: For the purpose of this rule, "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereafter shall mean the party or parties to the action, and/or, his, hers, or their attorney of record.

Any attorney for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this court.

Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone from the assignment clerk not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the judge to whom the case has been assigned.

Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority.

The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in suit.

The judge shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The judge will determine at pretrial all stipulations, admissions, and other matters, which have come before it in the pretrial. The judge shall, at that time, determine whether or not trial briefs should be submitted and shall set a date when they are to be filed.

Any judge, presiding at pretrial conference of trial, shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff, and/or his/her counsel to appear in person at any pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference of trial as required; to make such other order as the court may deem appropriate under all the circumstances.

If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties.

(4) Jury Trials: The security deposit for a jury trial is required to be filed with the clerk's office ten (10) days prior to the jury trial date. (See Rule 5.02 for additional information).

(5) Continuances: No party shall be granted a continuance of a trial or a hearing without a written motion and consent of opposing party from the party or his/her counsel stating the reasons for the continuance. Said continuance must be received within forty-eight (48) hours.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this State, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this State so as to cause undue delay in the disposition of such cases, the administrative judge may require the trial attorney to provide a substitute trial attorney.

(6) Judgment entries: Counsel for the party, in whose favor an order or judgment is rendered shall prepare a journal entry. That entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the journal entry shall be submitted to the judge, or, thereafter, the court will prepare the journal entry.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of any entry, but such entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution.

Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution.

The journal entry shall state which party will pay the court costs.

## RULE 2.06 INVOLUNTARY DISMISSAL OR ACTIONS

Any civil case which is on the regular docket for six (6) months, or any small claims case which is on the small claims docket for four (4) months without a proceeding taken therein, shall be dismissed for want of prosecution after written notice has been sent to counsel, unless good cause is shown why such dismissal should not be affected.

## RULE 2.07 WRIT OF EXECUTION OR LEVY

In all cases in which it shall be necessary to seize, move, remove or store, or to provide custodian for any goods or property seized under any writ or order issued by the court, the clerk shall require an additional deposit in such amount as is deemed necessary to cover all estimated costs and expenses to implement such writ or order. In addition, the party requesting such writ or order may be required to supply such labor as his/her expense, as the clerk or bailiff deems necessary to enforce such writ or order.

Upon motion of any party, or upon request of the clerk or the bailiff, and upon showing that the probable costs may exceed the deposit, the court may order a further deposit to be made before additional proceedings are had.

## RULE 2.08 RENT ESCROW

In rent escrow cases, a tenant may deposit, with the clerk of court, all rent money due to a landlord by filing an application in accordance with Sections 5321.07 or 3733.121 of the Ohio Revised Code. The bailiff shall serve the landlord by personal or residence service in accordance with Rule 4.1 (2) or (3), Ohio Rules of Civil Procedure. A hearing shall be held fourteen (14) days from the date of filing before a sitting judge. At the hearing, the tenant must prove by a preponderance of the evidence that before filing the application for rent escrow:

(1) reasonable notice was given to the landlord;
(2) the landlord violated a statutory or contractual duty justifying the action; and
(3) the tenant was current in rent

If the tenant fails to satisfy the burden of proof at a rent escrow hearing, the court shall proceed in accordance with Section 5321.09 (C) or 3733.122 (C) or (D) of the Ohio Revised Code in releasing to the landlord the rent on deposit, less costs.

## RULE 2.09 TRUSTEESHIP

The following rules are promulgated pursuant to Ohio Revised Code Section 2329.70:

(A) No payment will be accepted from a debtor without a payroll check stub or payroll statement of earnings. The debtor shall be required to provide verification of personal earnings every six (6) months.

(B) Debtor's payments must be made either in cash, with bank drafts, or by money order.

(C) Individuals with active trusteeship accounts must immediately notify the trustee clerk of any change in their work status, job, or personal address.

(D) A trusteeship account will be automatically cancelled if there has been no payment received or no change in work status reported within thirty (30) days of last recorded payment.

(E) Debtors must make a minimum payment of $3.00 from each check received regardless of the length of time worked.

(F) Interest must be paid outside of trusteeship on any interest-bearing accounts listed on the trusteeship account.

(G) No debt for less than $100.00 shall be included in the trusteeship. Once the debts are reduced to the amount of $100.00 or less, the Trustee shall pay that debt in full on the next distribution.

The only creditors, which may be added to existing trusteeship accounts shall be those which were past due and owed by the debtor at the time of filing the trusteeship but were not listed due to mistake, and any medical bills acquired by the debtor before or after the filing of trusteeship.

**RULE 2.10 SMALL CLAIMS**

(A) Any plaintiff may file in small claims for the recovery of money only when the prayer does not exceed $6,000.00. Small claims proceedings shall be governed by Ohio Revised Code Chapter 1925. Cases will be heard by the sitting judge of the court with sessions set by the judge.

(B) In all unliquidated damage claims where defendant appears personally or through counsel or files an answer, the case will be assigned to the small claims trial docket without further deposit of costs. Any written document received from the defendant before hearing will be construed to be an answer and is to be considered as such in any application for a default judgment.

(C) In all unliquidated damage cases in which the defendant has failed to appear or answer, the plaintiff shall have judgment in the same manner as provided in Rule 55 with regard to supporting documentation verified by affidavit or sworn testimony of the plaintiff.

(D) Once a hearing has been set before the sitting judge, motions for a continuance must be filed within seven (7) days before the hearing.

(E) The small claims sitting judge will conduct all proceedings in accordance with Ohio Revised Code Chapter 1925. The Ohio Rules of Evidence do not apply but certain rules of civil procedure do apply (Ohio Revised Code, Section 1925.16). No depositions or interrogatories shall be taken in small claims cases, and all relevant evidence shall be admitted at the discretion of the sitting judge.

(F) If any defendant defaults on payments which have been ordered by the court, plaintiff may file garnishment or executions.

(G) TRANSFER – Motions to transfer the case to regular civil docket filed by any party, or crossclaims or counterclaims in the amount of $6000.00 or more will be referred to the presiding judge for ruling. In cases where motions to transfer small claims cases to the regular civil docket have been granted, the party seeking the transfer shall pay the appropriate filing fee to the clerk with the motion. Failure to pay the filing fee will cause the motion to transfer to be denied.

# PART 3: CRIMINAL AND TRAFFIC PRACTICE

The Rules of Court set forth in Part 3 and bearing the "designation "Rule 3. __", pertain to procedures applicable to all criminal, quasi-criminal, and traffic proceedings of the court in the exercise of its criminal and traffic jurisdiction.

**RULE 3.01 APPEARANCE OF DEFENDANTS IN CRIMINAL CASES**

Defendants in criminal and traffic cases shall be required to appear before the court by notice to appear, summons issued for that purpose, arrest or continuance from a prior court date. Defendants must appear for arraignment and no waiver of arraignment shall be allowed unless made by defendant or legal counsel in person or in writing prior to arraignment date.

## RULE 3.02 BENCH WARRANTS

(A) Defendants who fail to appear in court for the first time, who have properly been notified to appear for arraignment by means of citation or summons and for whom there is a mandatory court appearance, may have bench warrants issued against them by the court.

(B) In those minor misdemeanor cases where defendants do not have a mandatory court appearance and fail to pay waiver or appear, may result in driver's license being suspended.

(C) In the case of bailed persons who fail to appear, the court shall issue a bench warrant and order a forfeiture of the bond posted.

(D) In cases where the defendant has failed to appear at the end of a stay of a jail sentence, the judge shall order the sentence enforced and further, that a bench warrant be issued for the arrest of the defendant.

(E) Where the court has issued a warrant for the arrest of a person who has previously failed to answer a notice to appear, citation, or summons, or where the court has issued a bench warrant upon the failure of a person to appear in accordance with bail release conditions, upon the apprehension or appearance of defendant upon the warrant, the case shall be brought before the next session of the court, whether or not the defendant is re-released on bond.

(F) In cases of defendants given a notice to appear, citation, or summons to court, who have been previously notified in accordance with Rule 3.01, an arrest warrant shall issue, subject to proof of service.

## RULE 3.03 MINOR MISDEMEANOR APPEARANCE AND WAIVER PROCEDURE

Pursuant to Criminal Rule 4.1, a Violations Bureau for the disposition of minor misdemeanor offenses other than traffic offenses is hereby established. A person (but not an organization as defined in Section 2901.D of the Ohio Revised Code) charged with a traffic or criminal violation waiverable under Ohio Traffic Rule 13, or under administrative order of the court may, in lieu of appearance in court and within the time specified in the citation, appear personally at the clerk's office, sign a waiver of trial, plead guilty in writing, and pay the stated fine and costs established by the administrative order of the court. (See EXHIBITS B & C)

## RULE 3.04 WITNESSES AND SUBPEONAS

(A) Witnesses must answer to their names or otherwise claim their attendance each day of trial or hearing in order to be entitled to witness fees.

(B) The clerk of court shall process subpoenas from a praecipe, filed at least ten (10) days in advance of the trial date. Subpoenas shall be served as follows:

(1) When a subpoena praecipe has been filed at least ten (10) days before the trial date, except for members of a police division, all persons shall be served by the court's bailiff, the clerk in person or by agency of the jurisdiction under O.R.C.

2945.45. The clerk shall make a return on the subpoena showing the name and address where the subpoena was served.

(2) Service of subpoena to members of law enforcement agencies shall be made through the prosecutor's office.

## RULE 3.05 USE OF ELECTRONICALLY PRODUCED TICKET

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

## RULE 3.06 EXTENSIONS AND CONTINUANCES

(A) Upon written motion, any party may be permitted one extension of time to move or plead, provided that the total extension of time does not exceed thirty (30) days.

(B) If an additional extension of time beyond that provided by the foregoing paragraph is needed, the written motion shall set forth facts indicating the practical impossibility of pleading within rule and demonstrating good cause for a further extension.

(C) Continuances of assigned hearings shall be granted only upon a written motion, except in cases of an emergency. In the event of an emergency, a continuance is granted upon oral request, a written motion shall thereafter be promptly filed confirming the oral request. A motion for a continuance of an assigned hearing shall state the date of the hearing from which a continuance is requested.

(D) Motions for an extension of time to move or plead, and for a continuance, shall be accompanied by a judgment entry, which contains a space for the court to insert the date to move or plead, or the new date and time for the continued hearing.

## RULE 3.07 CASE MANAGEMENT IN CRIMINAL CASES

(A) The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

(B) Scheduling of Events: The scheduling begins after arraignment. Thereafter, the case is managed in four (4) judicial steps.

(1) Arraignment: After arraignment, all cases are set for a trial to court by the assignment commissioner within thirty (30) days unless the judge orders a pretrial in said case. The trial to court shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon should be filed in said case. Any attorney who fails to appear for court proceedings without just cause being shown may be punished for contempt of court.

(2) Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure

(3) Trials: Each case not resolved at the pretrial shall be set for trial to court. If a jury demand is timely filed, then the case will be moved to a final pretrial date along with a jury trial date at the discretion of the court. All attorneys shall notify the court of any change in plea within forty-eight (48) hours in advance of the scheduled trial or jury costs will be attached to their case.

(4) Sentencing: Sentencing hearings shall be set within seven (7) days from trial, if no pre-sentence investigation is requested. If the court orders a pre-sentence investigation, the court will set the matter for sentencing within thirty (30) days.

(C) Diversion Program: In accordance with R.C. 2935.36, a defendant may be eligible to participate in pretrial diversion program. Upon motion of the prosecutor, or on either the court's own motion or motion of defendant with the consent of the prosecutor, the court may permit a defendant to enter into a diversion program or initiate an investigation into an alleged offender's eligibility to participate in the pretrial diversion program. The purpose of the diversion program is to permit individuals charged with certain, specified non-violent offenses the opportunity to avoid a criminal conviction. Participation in the program is a privilege, not a right, and may not be used to evade or delay responsibility. The court may not permit a defendant to enter into a diversion program without the consent of the prosecutor, but the prosecutor may not unreasonably deny consent. The court reserves the right to inquire into grounds for approval or denial by the prosecutor by the prosecutor for participation in the diversion program.

(1) The pretrial diversion program is generally limited to offenses involving:

(a) Alcohol related offenses not otherwise excluded, including violations of R.C. Chapter 4301.
(b) Offenses involving drugs of abuse or controlled substances, including possession and drug paraphernalia, if the offense is either a minor misdemeanor or fourth (4th) degree misdemeanor.
(c) Housing, building, health safety or zoning code offenses. These cases are generally limited to owner occupied housing units, but with the consent of the prosecutor and valid, additional grounds, may include non-owner-occupied housing units.

(2) Eligibility factors include:

(a) Non-violent offenses or convictions.
(b) No pending criminal charges
(c) No prior diversion.
(d) No current or previous probation status.
(e) Prior criminal or traffic record.
(f) No pending warrants.
(g) Cooperation with law enforcement officers/building inspectors.
(h) Evidence of remorse.

(i) Any other factor that the court or prosecutor may determine to be relevant.

Upon motion of the prosecutor, for good cause and in the interest of justice, the limitations set out in this rule may be waived for offenses which are not otherwise excluded by R.C. 2935.36.

(3) Conditions of the diversion program may include:
- (a) Abide by all laws during the diversion program.
- (b) Abstain from use of alcohol and/or drugs of abuse.
- (c) Random drug screens.
- (d) Community service work.
- (e) Continued education, including G.E.D. classes.
- (f) Obtain employment.
- (g) Pay restitution.
- (h) Pay required diversion fee and costs.
- (i) Execute any required release of information.
- (j) Submit an essay on an appropriate topic determined by the court or probation.
- (k) Comply with any other appropriate terms imposed by the court.

(4) The administration of this program shall be conducted under the supervision of the court's probation department.

(5) In order to be considered for the program, a defendant must enter a plea of guilty to the charge(s) and waive any right to speedy trial. The court shall hold its findings in abeyance pending the defendant's participation in the diversion program. As a condition of participation in the diversion program, the defendant must agree to a waiver of any periods of limitations established by statute or rules of court and any other provisions as are necessary to accomplish the objects of the diversion program.

(6) All persons referred to this program may be assessed a fee. The court, upon its own motion or upon request of prosecutor or defendant, may waive any administrative fee for any individual defendant who is indigent and unable to pay the fee or for other grounds in the exercise of the court's discretion.

(7) Any court costs or fees paid to the clerk of the court shall be received and deposited in accordance with the Charter of City of Fremont, the Codified Ordinances and any applicable provisions of state law.

(8) Each defendant accepted into this program must agree and if applicable, sign an agreement setting out the conditions of participation in the program. The program shall be considered successfully completed when all those conditions are met. The case may be advanced and/or an arrest warrant issued in the event of failure to comply with the conditions of participation. If the defendant fails to comply with the conditions of participation, the defendant may be removed from the diversion program and brought to trial upon the charges in the manner provided by law. The defendant shall be advised of the right to withdraw the guilty plea and/or waiver of right to speedy trial.

(9) If the defendant successfully completes the program, the case may be dismissed.

# PART 4: FACSIMILE FILING PRACTICE

(A) This rule applies to civil, small claims, criminal, and traffic proceedings in the Fremont Municipal Court.

(B) Whereas: "Local rules may provide for the filing of pleadings and other papers by electronic means. Any signature on electronically transmitted pleadings or papers shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the pleadings or papers were transmitted without authority, the courts shall order the filing stricken." (Civ.R.5 (E), effective July 1, 1991.)

(C) All pleadings and other papers may be filed with the court by facsimile at (419) 332-1570. Fax transmission subject to the following provisions:

(1) A document filed by facsimile transmission will be accepted as original and the signature accepted as original consistent with Civil Rule 5(E).

(2) The attorney must provide all required identification information on the cover page of transmission in the format prescribed by the court. Transmission without such information will not be accepted for filing. A transmitted document must be no longer than ten pages not including the cover page and must pertain to only one case.

(3) The clerk shall notify the attorney of the transmitted document cannot be filed for any reason. All documents submitted will be considered filed when date/time has been stamped by the clerk. For the purposes of this section, the date/time stamp produced by the facsimile machine shall not constitute the date/time stamp of the clerk.

(4) The risk of fax filing remains with the sender and the clerk assumes no new responsibilities or liabilities.

# PART 5: JURY USE AND MANAGEMENT STANDARDS

## RULE 5.01 JURY SELECTION AND COMPENSATION OF JURORS

(A) Opportunity for Service

(1) Jury service is an obligation of all qualified citizens of Ballville and Sandusky Townships of Sandusky County and the City of Fremont, Ohio.

(2) 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 in the jurisdiction.

(B) Jury Source List

(1) At quarterly intervals the Sandusky County Board of Elections provides a venire of four hundred (400) prospective jurors to the Fremont Municipal Court. When a jury of six (6) or less is demanded, then at least (9) qualified electors from within the territorial jurisdiction of this court are required as a venire; when a jury of more than six (6) is demanded, at least twenty-two (22) qualified electors are required as a venire. Jury selection of 22 randomly selected from the 400 jury questionnaires, which are sent on a quarterly basis.

(2) If there are not enough persons to constitute the required panel, the court may order the panel filled from the bystanders, or from among the citizens from within the territorial jurisdiction of this court or may order additional jurors from the clerk of court.

(3) Jurors for civil and criminal cases shall be chosen and summoned by the clerk of court as provided by law. The party demanding a jury shall be charged with full jury costs regardless of the service of the jurors on a case/unless a jury demand is withdrawn at least forty-eight (48) hours in advance of the scheduled trial. Defendants who are acquitted in criminal trials will not be charged jury costs. Jurors shall be compensated for their services.

In cases where multiple trials are set for the same date, jury costs shall be assessed to the last trial settled on that date. If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury unless otherwise agreed to by the parties or ordered by the court.

(4) Should the court determine that improvement is needed in the representatives or inclusiveness of the jury source list, appropriate corrective action shall be taken.

(C) Random Selection Procedures

(1) The Sandusky County Common Pleas Court shall receive the jury source list from the Board of Elections, which shall be distributed to the lower Courts in which the juror names were pulled at random during a public jury drawing.

(D) Eligibility for Jury Service

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

(a) Are less than eighteen (18) years of age;
(b) Are not citizens of the United States;
(c) Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Fremont Municipal Court;
(d) Are not able to communicate in the English language; or
(e) Have been convicted of a felony and have not had their civil rights restored.

(E) Term of Availability for Jury Service

(1) The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

(2) Jurors shall be "on call" for a four (4) month basis. They do not report every day. (The clerk's office has implemented a telephone system whereby jurors call a local number on the day prior to reporting to hear a message, which informs them as to whether they are still needed for jury service). (See EXHIBITS D & E)

(F) Exemption, Excuse and Deferral

(1) All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service, should be eliminated.

(2) The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service. Requests MUST be submitted in writing. All written excuses that are submitted will be excused at the discretion of the presiding judge.

(a) Any person over the age of seventy-five (75).
(b) Any person who suffers from a substantial physiological or psychological impairment.
(c) Any person who has a scheduled vacation or business trip during potential jury service.
(d) Any person for who jury service would constitute a substantial economic hardship.
(e) Any person for who service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation.
(f) Any person who has served on a jury within the last year.
(g) Any person for whom it may be readily determined is unfit for jury service.
(h) Any person for whom it is readily apparent would be unable to perform their duty as a juror.
(i) Other valid excuse.

(3) Deferrals for jury service for reasonable short periods of time may be permitted by a presiding judge.

(G) Voir Dire

(1) Voir Dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

(2) To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on or before the day on which jury selection is to begin.

(3) The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

(4) The trial judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purposes of the voir dire process.

(5) In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

(6) Rules on Voir Dire

(a) The case may not be argued in any way while questioning the jurors.
(b) Counsel may not engage in efforts to indoctrinate jurors.
(c) Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
(d) Jurors may not be asked what kind of verdict they might return under any circumstance.
(e) Questions are to be asked collectively of the entire panel, whenever possible.

(H) Removal from the Jury Panel for Cause

(1) If the trial judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the trial judge.

(I) Peremptory Challenges

(1) Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

(J) Administration of the Jury System

(1) The responsibility for administration of the jury system shall be vested exclusively in the Fremont Municipal Court.

(2) All procedures concerning jury selection and service should be governed by Ohio Rules of Court.

(K) Notification and Summoning Procedures

(1) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person are:

(a) Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
(b) Delivered by ordinary mail.

(2) A summons clearly explains how and when the recipient must respond and the consequences of a failure to respond.

(3) The jury questionnaire is phrased and organized so as to facilitate quick and accurate screening and requests only that information essential for:

(a) Determining whether a person meets the criteria for eligibility;
(b) Providing basic background information ordinarily sought during voir dire examination; and
(c) Efficiently managing the jury system.

(4) Policies and procedures are established for monitoring failures to respond to a summons and for enforcing a juror's reporting for jury service.

(5) See the following example of notification letter (See EXHIBIT F), which is delivered to prospective jurors via ordinary mail. Jurors who fail to report for service are scheduled for a contempt hearing to inform the Judge as to why they did not appear. Sanctions are imposed as warranted.

(L) Juror Use

(1) The court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

(2) The court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

(M) Juror Facilities

(1) Courts shall provide an adequate and suitable environment for jurors.

(2) The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.

(3) Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

(4) Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

(5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

(N) Juror Compensation

(1) Persons called for jury service should receive a reasonable fee for their service and expenses pursuant to statutory authority.

(2) Such fees shall be paid promptly.

(3) Employers shall be prohibited from discharging, laying off, and denying advancement opportunities to or otherwise penalizing employees who miss work because of jury service.

(4) Any juror wishing to waive his/her fee for service shall be permitted to do so in writing in the clerk's office. All waived fees shall be returned to the city treasury.

(O) Juror Orientation and Instruction

(1) The court shall have an orientation program:

(a) Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
(b) Presented in a uniform and efficient manner using a combination of written, oral and audiovisual materials.

(2) The court shall provide some form or orientation or instructions to persons called for jury service.

(3) The trial judge shall:

(a) Give preliminary instructions to all prospective jurors.
(b) Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by the jurors, the nature of evidence and its evaluation, the issues to be addressed and the basic, relevant legal principles;
(c) Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
(d) Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
(e) Recognize that utilization of written instructions is preferable;
(f) Before dismissing a jury at the conclusion of a case, the trial judge should:

(1) Release the jurors from their duty of confidentiality;
(2) Explain their rights regarding inquiries from counsel or the press;
(3) Either advise them that they are discharged from service or specify where they must report; and
(4) Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

(P) All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given opportunity to be heard.

(Q) Jury Size and Unanimity of Verdict

(1) Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

(R) Jury Deliberation

(1) Jury deliberation shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law.

(2) The trial judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.

(3) A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

(4) Training shall be provided to personnel who escort and assist jurors during deliberation.

(S) Sequestration of Jurors

(1) A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

(2) The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

(3) Standard procedures should be promulgated to:

(a) Achieve the purpose of sequestration; and
(b) Minimize the inconvenience and discomfort of the sequestered jurors.

(4) Training shall be provided to personnel who escort and assist jurors during sequestration.

## RULE 5.02 JURY TRIALS IN CIVIL CASES

(A) In a civil case, other than forcible entry and detainer actions, either party may demand a trial by jury within time specified by Rule 38 of the Ohio Rules of Civil Procedure. In forcible entry and detainer actions, a jury must be demanded within time specified by Ohio Revised Code Section 1923.10. In any civil jury case, counsel for plaintiff must file a trial brief with the clerk at least twenty (20) days before the date of trial. Copies of the trial brief must be certified to all opposing counsel or parties unrepresented by counsel. Reply briefs must be filed with the clerk of court at least ten (10) days before the date of trial with copies certified to all opposing counsel or unrepresented parties.

(B) The security deposit for a jury trial is required to be filed with the clerk's office ten (10) days prior to the jury trial date.

### RULE 5.03 JURY TRIALS IN CRIMINAL/TRAFFIC CASES

(A) A defendant charged with other than a minor misdemeanor is entitled to a jury of eight (8) pursuant to Rule 23 (A) of the Ohio Rules of Criminal Procedure. A defendant shall be tried by the court unless a jury demand has been filed with the clerk of court. The demand must be filed at least ten (10) days before the trial date is set or three (3) days after notice of the trial date is received, or defendant is deemed to have waived the right to jury trial.

## PART 6 COURT SECURITY

The Rules of Court set forth in Part 6 and bearing the designation "Rule 6.__", pertain to the issues surrounding safety of the public, personnel and others who enter this court for business.

### RULE 6.01 COURT SECURITY

(A) The Fremont Municipal Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the court. Accordingly, appropriate levels of security should exist in the court to protect the integrity of the court procedures, protect the rights of individuals before it, sustain the decorum and dignity of the court, and assure that court facilities are secure for all those who visit and work there. Therefore, pursuant to the Rules of Superintendence for Municipal Courts, Rules No. 18, the Fremont Municipal Court establishes the following:

(1) The court implemented a local Security Policy and Procedure Plan, which addresses the Ohio Court Security Standards adopted by the Supreme Court of Ohio.

(2) The court adopted a Security Operations Manual, which established written directives for the purpose of ensuring security within the court while maintaining accessibility to the community.

**EXHIBIT A**

| CIVIL AND SMALL CLAIMS FILING FEES | | Number of copies needed for filing |
|---|---|---|
| Amended Civil Complaint | $ 70.00 | Original + 1 copy for each defendant |
| Amended Small Claims Complaint | $ 39.00 | Original + 1 copy for each defendant |
| Appeal ** | $ 50.00 | Original + 5 copies |
| ** Must be accompanied by $150.00 for the Court of Appeals ** | | |
| Bailiff Service Fees in town, 1st trip | $ 10.00 | |
| (2nd trip or more, additional fees) | $ 5.00 | |
| Bailiff Service Fees out of town, 1st trip | $ 20.00 | |
| (2nd trip or more, additional fees) | $ 5.00 | |
| Bank Attachment | $ 40.00 | Original + 6 copies |
| (plus $1.00, payable to bank) | | |
| Certified Copies | $ 1.00/page | |
| Certified Mail | $ 10.00 | |
| Certificate of Judgment Lien | $ 20.00 | |
| Certificate of Judgment Transfer | $ 20.00 | |
| Civil Complaint | $ 99.00 | Original + 1 copy for each defendant |
| (Each additional defendant, same claim) | $ 17.00 | |
| Civil Counterclaim | $ 70.00 | Original + 1 for each plaintiff |
| Civil Crossclaim | $ 70.00 | Original + 1 for each party |
| Copies (not certified) | $ .10/page | |
| Debtor's Exam | $ 30.00 plus service | Original + 2 copies |
| Disclosure of Assets | $ 20.00 plus service | |
| Forcible Entry & Detainer (Evictions) | $110.00 | Original + 1 per defendant for each form of service |
| (Each additional defendant, same claim) | $ 25.00 | |
| Garnishments | $110.00 | Original + 4 copies |
| (Ordinary mail per defendant, additional fee) | $ 5.00 | |
| Jury Demand | $ 20.00 | |
| Jury Notice Fees | $ 35.00 | |
| Levy | $160.00, plus service | Original + 3 copies |
| Motion to Compel | $ 35.00 | |
| Motion for Default Judgment | $ 35.00 | |
| Motion for Discovery | $ 35.00 | |

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|---|---|
| Motion for Instanter | $ 35.00 |
| Motion for Judgment on the pleadings | $ 35.00 |
| Motion for Relief from Judgment | $ 35.00 |
| Motion for Revivor | $ 35.00, plus service 3 + 1 per additional defendant |
| Motion to Set Aside Satisfaction | $ 35.00 |
| Motion to Strike | $ 35.00 |
| Motion for Summary Judgment | $ 35.00 |
| Motion to Vacate Judgment | $ 35.00 |
| Motion (All other motions not listed) | $ 35.00 |
| Occupational Driving Letter (replacement cost) | $ 50.00 |
| Ordinary Mail (Certificate of Mailing) | $ 5.00 |
| Petition for driving privileges | $ 99.00 |
| Replevin | $160.00, plus service Original + 3 copies |
| Security Deposit for Jury | $160.00 |
| Small Claims Filing fee | $ 50.00 |
| (Each additional defendant, same claim) | $ 17.00 |
| Small Claims Counterclaim | $ 39.00 |
| Small Claims 15-day notice to collect debt | $ 12.00 |
| Subpoenas | $ 5.00, each plus service |
| Transcript of court proceedings (DVR only) | $ 5.00 |
| Transcript of court proceedings (Typed paper copy) | $ cost to be determined |
| Transfer into this Court | $ 70.00 |
| Trusteeship | $ 40.00 |

| | |
|---|---|
| Satisfaction entry (all prior costs must be paid in full) | No fee |
| Motion to Dismiss (all prior costs must be paid in full) | No fee |
| Any bankruptcy filings | No fee |

**EXHIBIT B**

# CRIMINAL / TRAFFIC COSTS

| | |
|---|---|
| Appeal ** (Original and 5 copies) | $ 50.00 |
| **Must be accompanied by $150.00 made out to Court of Appeals** | |
| Bailiff Service Fees in town, 1st trip | $ 10.00 |
| (2nd trip or more, additional fees) | $ 5.00 |
| Bailiff Service Fees out of town, 1st trip | $ 20.00 |
| (2nd trip or more, additional fees) | $ 5.00 |
| Certified Mail | $ 10.00 |
| Certified copies of filings | $ 1.00/page |
| Clerk's Warrant fee | $ 10.00 |
| Compact to out-of-state residents | $ 5.00 |
| Copies of filings (not certified) | $ .10/page |
| Criminal base court costs (additional fees may apply) | $ 85.00 |
| Diversion Fee | $100.00 |
| Intensive Supervision Probation fee per month | $ 25.00 |
| Jail fee (per sentencing entry) | $ 10.00 |
| Jury Fee Notices | $ 35.00 |
| Jury Selection Cost | $220.00 |
| Occupational Driving Letter | $ 50.00 |
| OVI base court costs (additional fees may apply) | $ 90.00 |
| Probation fees per month (Reporting and Non-Reporting) | $ 10.00 |
| Public Defender Fee | $ 25.00 |
| Sealing/Expungement fee | $ 50.00 (per case) |
| Seatbelt violation court costs | $ 60.00 |
| Subpoenas | $ 5.00, plus service fees |
| Traffic base court costs (additional fees may apply) | $ 85.00 |
| Transcript of court proceedings (DVR only) | $ 5.00 |
| Transcript of court proceedings (Typed paper copy) | $ cost to be determined |

**Credit card payments are accepted online only via court website. 3rd party fee applies.

**EXHIBIT C**

**UNIFORM BOND SCHEDULE**
**FREMONT MUNICIPAL COURT**

323 S. Front St., Fremont, OH 43420 PH: (419) 332-1579 Fax: (419) 332-1570

| ORC | DESCRIPTION | BOND | Updated 10/1/18 |
|---|---|---|---|
| 4503.10 | Failure to Register | $115.00 | |
| 4503.12 | Owner/Operator Fail to Register | $115.00 | |
| 4503.21 | Failure to Display Plates | $115.00 | |
| 4507.02A3 | No Motorcycle Endorsement | $200.00* | |
| 4507.30 | Unlawful Display of License Plates | $115.00 | |
| 4507.33A | Permit Minor to Operate Motor Vehicle | $400.00* | |
| 4507.35 | Failure to Display License or Proof of License | $250.00* | |
| 4507.35 | Failure to Display License or Proof of License 3rd in 3 years | $400.00* | |
| 4510.12A | Expired License (Under 6 months) | $115.00 | |
| 4510.12A1 | No Operator's License | $250.00* | |
| 4510.12C1 | Operate Motor Vehicle/Motorcycle without License | $400.00* | |
| 4510.12C2 | Operate Motor Vehicle/Motorcycle without license 3rd in 3 years | $400.00* | |
| 4510.16A | Driving under FRA Suspension | $400.00* | |
| 4510.11 | Driving under Suspension/Violation of License Rest | $400.00* | |
| 4510.111 | Driving under Suspension/Forfeiture or Child Support | $400.00* | |
| 4510.037J | Driving under 12 Point Suspension | $400.00* | |
| 4510.21 | Failure to Reinstate License | $400.00* | |
| 4510.14 | Driving under OVI Suspension | $400.00* | |
| 4511.203 | Unlawful Entrustment | $400.00* | |
| 4511.12-.45 | Failure to Obey Traffic Control Devices | $115.00 | |
| 4511.19 | Operating Vehicle Under the Influence of Alcohol or Drugs (OVI) | $750.00* | |
| 4511.194 | Physical Control of Vehicle under the Influence | $500.00* | |
| 4511.20 | Reckless Operation | $185.00 | |
| 4511.201 | Reckless Operation/Private Property | $185.00 | |
| 4511.202 | Failure to Control | $115.00 | |
| 4511.21A | Assured Clear Distance | $115.00 | |
| 4511.25-.33 | Lanes of Travel, Drive on Shoulder, Marked Lanes, Improper Passing | $115.00 | |
| 4511.251 | Drag Racing | $400.00* | |
| 4511.34-.79 | | $115.00 | |
| 4511.75 | Passing Stopped School Bus | $185.00* | |
| 4511.81 | Child Restraint | $115.00 | |
| 4511.82 | Littering | $135.00 | |
| 4511.84 | Driving with Headphones | $115.00 | |
| 4513.02-.24 | Equipment Violations | $115.00 | |
| 4513.263A | Seatbelt – Driver | $ 90.00 | |
| 4513.263B | Seatbelt – Passenger | $ 80.00 | |
| 4519.40 | Snowmobile Violations | $120.00* | |
| 4549.02 | Leaving Scene of Accident | $400.00* | |
| 4549.03 | Hit/Skip on Private Property | $400.00* | |
| 4549.08 | Use of Unauthorized Plates | $170.00* | |
| 2921.33B | Fleeing and Eluding | $600.00* | ***Must appear** |
| | 4511.21 Speed 0 – 10 MPH Over | $120.00 | |
| | 11 – 15 MPH Over | $125.00 | |
| | 16 – 20 MPH Over | $135.00 | |
| | 21 – 25 MPH Over | $140.00 | |
| | 26 and Over | $185.00 | |

**2nd OFFENSE MOVING VIOLATIONS – Additional $25.00 Fine**

**UNIFORM BOND SCHEDULE FOR MISDEMEANORS**

| | |
|---|---|
| First Degree Misdemeanor | $1000.00 |
| Second Degree Misdemeanor | $ 750.00 |
| Third Degree Misdemeanor | $ 500.00 |
| Fourth Degree Misdemeanor | $ 250.00 |
| Minor Misdemeanor | $ 150.00 |

**THE FOLLOWING BONDS MUST BE SET BY A JUDGE:**
**ALL FELONY BONDS AS WELL AS**
**ORC 2919.25, 2903.13, 2903.21, 2903.211, and 2919.22A MISDEMEANORS**

**Add $25.00 State Surcharge for any Bail Bond Posted**

**Traffic and Criminal Arraignments – Wednesday at 9:00 a.m.**
**OVI Arraignments – Wednesday at 1:30 p.m.**

**Website: www.fremontmunicipalcourt.org**

**FREMONT MUNICIPAL COURT**
**323 S. FRONT ST. - FREMONT, OH 43420**

**EXHIBIT D**

You have been selected as a member of the jury pool for the months of _____ (inclusive). You will be notified when you are to appear. Please complete the questionnaire and return it to the above address. If you are 75 years of age or older, you may request to be excused. If you feel you are unable to serve as a juror for any other reasons, please state those reasons under question 17.

NAME
ADDRESS
CITY/STATE/ZIP

**JURY QUESTIONNAIRE**

1. Date of Birth:_____ 2. Home Phone:_____ 3. Business Phone:_____

4. Are you still a resident of Sandusky County?_____ 5. Are you a U.S. citizen?_____

6. Education (last year completed): Grade 1-12:_____College or other post high school:_____

7. Employer (present or last):_____

8. Spouse's Name & Employer:_____

9. Children's Names & Ages:_____

10. If you have any physical or emotional problems that make it difficult for you to serve as a Juror, please explain:

_____

11. Your Doctor's Name:_____** Your Lawyer's Name_____**

12. Have you /member of your family have ever been convicted of a crime other than a traffic offense?_____ If so, please explain:_____

13. Have you/member of your family have ever been the victim of a crime?_____ If so, please explain:_____

_____

14. Have you/member of your family ever filed a lawsuit against anyone or had one filed against one? If so, please explain:_____

15. Are you/member of your family are employed by, related to, or a close friend of the county prosecutor or any member of that staff, or any other lawyer, or any law enforcement agency?_____ If so, please explain: _____

_____

16. Have you ever served as a Juror?_____ If so, when and where:_____

17. Can you think of any reason why you could not be a fair and impartial juror?_____ If so, please explain: _____

_____

_____

**I hereby swear under the penalties of perjury that the above information is true to the best of my knowledge and belief.**

Dated:_____ _____
(Your Signature)

**This information is requested so you are not called to serve in a case in which your doctor or lawyer is involved.

[ ] **Please check here and use the back of this page for unavailable days or planned vacation time off. Thank you.**

**EXHIBIT E**

## *FREMONT MUNICIPAL COURT*

323 South Front Street
Fremont, Ohio 43420
Phone (419) 332-1579
Fax (419) 332-1570
www.fremontmunicipalcourt.org

Trischa Roberts
Chief Probation Officer

**DANIEL L. BRUDZINSKI**
**JUDGE**

Raquel Molina
Clerk of Court


Dear Prospective Juror:

Your name has been drawn by the Jury Commissioners of Sandusky County to be on call for Jury Duty for a four (4) month term in this Court. You are to report to the Bailiff of the Fremont Municipal Court on the first floor of the Fremont City Building at 9:15 A.M. on the day summoned for trial.

You should call 419-552-5039 after 5:00 P.M. on the day before you are scheduled to appear, to verify whether the trial you are assigned to, is still going forward. Cases frequently settle or are continued shortly before trial. Due to the time and expense involved in sending jury notices, our practice is to wait until a week before trial before calling a jury in order to save the time and expense if the case is settled; and even then, trials are sometimes cancelled at the last minute.

You will find with this letter a questionnaire, to be completed and returned to the Court in the enclosed self-addressed stamped envelope within ten (10) days from the date you receive it. The information will be treated confidentially and will be used only to assist the attorneys and the Judge while impaneling a jury.

If you are unable to serve as a juror for any reason during this term, please complete the questionnaire and return it to the clerk's office with a note to the Judge indicating the reason you are unable to serve. Typically, work related reasons would not suffice. You should contact the Court to inquire whether you have or have not been excused from jury service during your term.

Jury service is a privilege and an obligation of citizenship that should not be taken lightly. Trial by jury is central to our system of justice, and its successful operation requires the intelligent and unbiased judgment of qualified jurors.

Very truly yours,

Daniel L. Brudzinski, Judge
Fremont Municipal Court

**EXHIBIT F**

# *FREMONT MUNICIPAL COURT*

323 South Front Street
Fremont, Ohio 43420
Phone (419) 332-1579
Fax (419) 332-1570
www.fremontmunicipalcourt.org

Trischa Roberts
Chief Probation Officer

**DANIEL L. BRUDZINSKI**
**JUDGE**

Raquel Molina
Clerk of Court

## *** SUMMONS FOR JURY DUTY ***

Dear Juror:

It is ORDERED by the Court that you shall appear for jury duty at the Fremont Municipal Court, 323 South Front Street, Fremont, Ohio 43420, on:

Failure to answer to this summons will be considered CONTEMPT OF COURT.

Please call the Court at (419) 552-5039 AFTER 5:00 P.M. on the day prior to the date given above for confirmation.

Sincerely,

Raquel Molina
Clerk of Court