

**TABLE OF CONTENTS**  
**Rules of Court – Civil Division**

<b><u>Rule</u></b>	<b><u>Title</u></b>
	<i>Commencement, Service and Filing: Rules 1.01 – 1.09</i>
1.01	Application and Adoption
1.02	Case Designation and Judge Assignment
1.03	Space Requirements on Pleadings/Other Documents
1.04	Service by Publication
1.05	Clerk’s Costs
1.06	Facsimile Filing
1.07	Withdrawal of Files
1.08	Notice of and Withdrawal from Representation
1.09	Delivery by or to Counsel/Service of Notices
	<i>Trial Process: Rules 1.10 – 1.24</i>
1.10	Pretrial Procedure Pursuant to Civil Rule 16
1.11	Discovery Requests
1.12	Mediation
1.13	Arbitration [Reserved]
1.14	Continuances
1.15	Motions and Briefs to the Court
1.16	Oral Hearing of Motions
1.17	Bankruptcy Adjudication
1.18	Courtroom Procedure
1.19	Jury Use/Voir Dire
1.20	Examination of Witnesses – Objections

- 1.21 Preparing and Filing Judgment Entries
- 1.22 Requests for Separate Findings of Fact and Conclusions of Law
- 1.23 Default Judgments – Notice
- 1.24 Dismissals of Actions
- Post-Trial, Appeal, and Miscellaneous: Rules 1.25 – 1.35*
- 1.25 Proceedings in Aid of Execution
- 1.26 Satisfaction of Judgment – Notice
- 1.27 Sheriff’s Sale, Foreclosure, Partition
- 1.28 Fees of Counsel in Proceedings
- 1.29 Trustees’ Accounts
- 1.30 Receiverships
- 1.31 Allowance to Fiduciaries for Services and Attorneys’ Fees
- 1.32 Appeals to the Common Pleas Court
- 1.33 Requests for Transcripts
- 1.34 Index Fee for Appeal
- 1.35 Notaries Public
- 1.36 Electronic Filing of Court Documents
- 1.37 Electronic Record is Official Court Record
- 1.38 Process Servers

*Attachments*

Attachment A – Case Designation Sheet

Attachment B – Facsimile Filing Cover Page

Attachment C – Notice of Filing Exhibit (re: facsimile filings)

**Rule 1.01 APPLICATION AND ADOPTION**

- A. These rules shall be known as “The Hancock County Civil Rules in the Common Pleas Court” (Hancock Civ. R.) and shall, along with the Rules of Court for the State of Ohio and the Ohio Revised Code, be applicable to the operation of the Civil and Domestic Relations Divisions of the Court.
- B. These rules are adopted by the Court by way of Judgment Entry and become effective October 1, 2005 and may be amended by order of the Court executed by the Judges of the General Division of the Court.

**Rule 1.02 CASE DESIGNATION AND JUDGE ASSIGNMENT**

- A. All complaints filed with the Hancock County Clerk of Courts shall include in the document designation the category of litigation (e.g., Complaint in Foreclosure, for Medical Malpractice).
- B. No complaint in a civil case shall be accepted for filing unless accompanied by a completed classification form known as the “Case Designation Sheet” that appears as Attachment A to these Rules. The Clerk may use the “Case Designation Sheet” for appropriate court statistical purposes; however, the sheet need not be filed.
- C. In the event of refileing a matter that was previously filed and dismissed in the Hancock County Common Pleas Court, the person filing the matter shall inform the Clerk of Courts of the refileing and designate on the “Case Designation Sheet” the name of the Judge previously assigned to the matter.
- D. Upon the filing of an action, the Hancock County Clerk of Courts shall assign the matter to the appropriate Judge pursuant to the order of assignment as established by the Judges of the Court, except that if the matter is a refileing of a previously dismissed action the matter shall be assigned to the Judge, if serving, to whom the matter had been previously assigned. No action shall be taken upon any matter filed until the matter has been assigned to the appropriate Judge.
- E. All pleadings subsequent to the original complaint shall have designated in the caption of the document the name of the Judge to whom the matter is assigned.

**Rule 1.03 SPACE REQUIREMENTS ON PLEADINGS/OTHER DOCUMENTS**

All pleadings and documents, other than original documents attached or offered as exhibits, offered for filing with the Hancock County Clerk of Courts shall be offered for filing without folders or covers and the first page of filings shall have a 2 ½” unobstructed space at the top of the document for the Clerk to place a file stamp. All pleadings and documents shall be one-sided and on 8 ½” x 11” bond paper. The Clerk may reject documents for filing that do not conform to this Rule.

**Rule 1.04 SERVICE BY PUBLICATION**

In any action where service is to be made by publication as authorized by Rule 4.4 of the Ohio Rules of Civil Procedure (ORCP), the attorney filing the necessary affidavit shall at the same time furnish to the Clerk of Courts the form of the notice of publication that is to be published and a check made payable to the newspaper of general circulation in the amount required to publish the notice for the requisite number of days. It is the attorney's responsibility to ascertain the exact cost of publication and the Clerk shall deliver a copy of the notice and payment to the publisher and record the cost of publication in the case file. The court will assess the expense of publication to the appropriate party. The notice form shall comply with the requirements of ORCP 4.4.

**Rule 1.05 CLERK'S COSTS**

- A. The costs for filing matters with the Hancock County Clerk of Courts are available at the Clerk's office and may be amended from time to time by order of the Court.
- B. The Clerk of Courts is authorized to charge a fee for the copying of any records or documents requested by parties or the public at large and that are maintained in the office of the Clerk. The Clerk of Courts may charge a reasonable fee for each page copied. The fees shall be paid in advance and shall not be charged as costs in any action. The fees shall be paid into the Treasury of Hancock County as provided by law for such miscellaneous collections.
- C. Fees for facsimile filing shall be in accordance with Hancock Civ. R. 1.06.
- D. Pursuant to the authority of section 2303.201 of the Ohio Revised Code, the Court has determined that, for the efficient operation of the Court, additional funds are required to computerize the Court and/or make available computerized legal research services, to computerize the office of the Clerk of Courts of Common Pleas, and to acquire and pay for special projects of the Court, including but not limited to a dispute resolution program.
  - 1. The Clerk of this Court is directed and authorized to charge for the computerization of the Court an additional Six Dollars (\$6.00) upon the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Ohio Revised Code. All fees collected pursuant to this rule shall be paid to the county treasurer, who shall place the monies from the fees in a separate fund to be disbursed upon an order of the Court in an amount not greater than the actual cost to the Court of procuring and maintaining computerization of the Court, computerized legal research services, or both.
  - 2. The Clerk of this Court is directed and authorized to charge an additional fee of Ten Dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Ohio Revised Code. All fees collected pursuant to this rule shall be paid to the county treasurer, who shall place the monies from the fees in a separate fund to be disbursed, upon order of the Court of Common Pleas and subject to appropriation by the Board of County Commissioners, in an amount no greater than

the actual cost to the court of procuring and maintaining the computerization for the office of the Clerk of Courts.

3. The Clerk of this Court is directed and authorized to charge an additional fee of Thirty Dollars (\$30.00) upon the filing of each civil, criminal and domestic action, both original and post-judgment, an additional fee of Eight Dollars (\$8.00) for each garnishment filing, and Eight Dollars (\$8.00) for each filing of a certificate of judgment. All fees collected pursuant to this Rule shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project, to be disbursed upon an order of the Court of Common Pleas in an amount no greater than the actual cost to the court of a project.
4. The Clerk of this Court is directed and authorized to charge an additional fee of Seventy-five Dollars (\$75.00) upon the filing of each civil action and an additional fee of Fifty Dollars (\$50.00) upon the filing of each domestic relations case and upon the filing of each counterclaim or cross-complaint. The Clerk of this Court is further directed and authorized to charge an additional fee of Fifty Dollars (\$50.00) to each party who is referred to mediation by the Court and who has not been otherwise required to make a deposit for costs. All fees collected pursuant to this rule shall be paid to the county treasurer, who shall place the monies from the fees in a separate fund to be disbursed, upon order of the Court of Common Pleas, in an amount no greater than the actual cost of operating and maintaining a dispute resolution program.

#### **Rule 1.06 FACSIMILE FILING**

- A. The provisions of this rule are adopted under Civil Rule 5(E) and apply to civil and domestic relations proceedings in this court. The term “facsimile” refers to the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end. “Facsimile” transmission does not include transmission by e-mail. “Fax” is an abbreviation for “facsimile” and has the same meaning.
- B. Effective on the date set forth in Rule 1.01B, a document filed by fax in accordance with this rule shall be accepted as the effective original filing. The person filing a document by fax is not required to file any source document with the Clerk of Courts. The person filing the document shall maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, and the source copy of the facsimile cover sheet used for the subject filing. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post-judgment relief are exhausted.
- C. Notwithstanding other provisions of this Rule, no document that requires a fee deposit to be paid to the Clerk of Courts, e.g., a complaint, a third-party complaint, a post decree motion, shall be accepted for filing by facsimile transmission.
- D. The person filing a document by fax shall also include a cover page in substantially the same form as the Sample Facsimile Filing Cover Page found at Attachment B of these rules.
  1. The cover page must contain all of the following information:

- a. name of the court;
  - b. title of the case;
  - c. case number;
  - d. name of the judge and/or magistrate to whom the case is assigned, if any;
  
  - e. title of the document being filed (e.g., Defendant Wilson's Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss);
  - f. date of transmission;
  - g. transmitting fax number;
  - h. indication of the number of pages included in the transmission, including the cover page;
  - i. if a judge or case number has not been assigned, state that fact on the cover page;
  - j. name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available;
2. The sending party bears the risk of transmitting a document by fax to the Clerk. The sending party is urged to verify receipt by the Clerk of a fax filing through whatever means that party deems appropriate.
  
  3. If a document is sent by fax to the Clerk without the cover page information listed above, the document shall not be considered filed with the Clerk and the Clerk shall deposit the document in a file of failed faxed documents with a notation of the reason for the failure. The Clerk may, but is not required to, notify the sending party of a failed fax filing.
- E. A party who wishes to file a signed source document by fax shall do either of the following:
1. fax a copy of the signed source document;
  
  2. fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.
- A party who files a signed document by fax represents that the physically signed source document is in that party's possession or control.
- F. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason shall be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Clerk as a separate document not later than five (5) court days following the filing of the facsimile document. The Court may strike any document or exhibit, or both, if missing exhibits are not filed as required by this rule.
- G. Any exhibit filed pursuant to this rule shall include a cover sheet or notice of the filing that contains the caption of the case, i.e. sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Defendant's Smith's

Notice of Filing Exhibit “G” to Motion to Dismiss). The exhibit and cover sheet shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court. The cover sheet shall be in substantially the same form as found at Attachment C to these rules.

- H. Subject to the provisions of these rules, all documents sent by fax and received by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document during regular hours on the next business day, as opposed to the date and time of the fax transmission that is imprinted by the facsimile machine. However, the fax machine will be available to receive facsimile transmission of documents on the basis of 24 hours per day, seven days per week, including holidays, at the following number: (419) 424-7801.
- I. No additional fee shall be assessed for facsimile filings. However, facsimile filings shall not exceed ten (30) pages in length, including exhibits.
- J. The party filing documents by fax shall not transmit copies to the Clerk for service upon other parties.

#### **Rule 1.07 WITHDRAWAL OF FILES**

- A. The Clerk of Courts shall not permit any original files pertaining to pending cases to be removed from the Clerk’s office and custody except by authorized persons for immediate delivery to a judge or magistrate of this Court or unless authorization for such removal is made by the Court.
- B. After a case file has been closed and a separate record made through microfilming or other mechanical means, a file may be removed from the office of the Clerk of Courts by a licensed attorney upon delivery to the Clerk’s office of a receipt for the file. All files must be returned to the Clerk’s office within five (5) working days after the files are removed from the office.

#### **Rule 1.08 NOTICE OF AND WITHDRAWAL FROM REPRESENTATION**

- A. Acceptance of Representation: It shall be the duty of any attorney upon accepting representation of a party in any matter to immediately notify the Court and all other parties or counsel as may be appropriate of such representation, even though the attorney’s appearance may not yet have been entered in the case. Further, upon accepting employment relating to any pending civil case, the attorney shall file with the Clerk of Courts a written Entry of Appearance, Notice of Representation, or other document identifying the attorney.
- B. Withdrawal from Representation: An attorney wishing to withdraw from representation of a party in any pending action is required to file a written motion for leave to withdraw, and that attorney is not relieved of his/her obligations until such time as the Court approves a judgment entry granting such leave. It shall be the duty of any attorney to comply with DR (Disciplinary Rule) 2-110 of the Code of Professional Responsibility when requesting withdrawal. The motion for leave to withdraw shall state the basis for withdrawal under DR 2-110 and the steps taken by that attorney to comply with DR 2-110(A)(2), i.e. acts to avoid prejudice to the client,

notice given the client, delivery of records. At the discretion of the Court, a hearing on the motion may be scheduled.

**Rule 1.09 DELIVERY BY OR TO COUNSEL/SERVICE OF NOTICES**

- A. A certificate of service shall be attached to all proposed judgment entries submitted to the Court stating that upon receipt of a file-stamped copy of the same, counsel submitting the proposed judgment entry will send a copy to all counsel and/or parties of record.
- B. Where copies of pleadings, motions, briefs, memoranda and other papers have been placed in the appropriate attorney's drawer in the Clerk of Courts' office on the third floor of the Hancock County Courthouse and certificate of delivery reflects such action, it shall be deemed by the Court as delivery to counsel pursuant to the requirements of the Ohio Rules of Civil Procedure.
- C. All assignment notices generated by the Hancock County Common Pleas Court shall be placed in the attorney's drawer of appropriate counsel in the Hancock County Clerk of Courts' office. If counsel has no such drawer, the assignment notices shall be deposited with the U.S. Postal Service, postage prepaid.
- D. If a party or counsel wants a file-stamped copy of a document filed by that party or counsel to be returned by the Clerk of Courts via U.S. mail, that party or counsel must provide an addressed, postage prepaid envelope for that purpose.

**Rule 1.10 PRETRIAL PROCEDURE PURSUANT TO CIVIL RULE 16**

- A. The parties and their respective counsel shall appear at each pretrial session unless the assigned judge or magistrate permits a telephone conference. If any party would prefer a telephone pretrial, the requesting party must secure the agreement of all other parties and make arrangements to initiate the call to the Court. The requesting party must notify the Court within three days prior to the scheduled pretrial that all parties have agreed and arrangements have been made; otherwise, the pretrial will be conducted at the courthouse with all persons in attendance.
- B. Prior to the date and time set for pretrial, the plaintiff's counsel shall initiate contact with all other counsel or unrepresented parties to discuss substantive and procedural issues including but not limited to:
  - 1. Discovery deadlines;
  - 2. Exchange of witness lists;
  - 3. Settlement possibilities;
  - 4. Possible amendments to the pleadings;
  - 5. Evidentiary issues, including possible motions;
  - 6. Possibility of summary judgment motion(s);
  - 7. Dates for additional pretrial hearings;
  - 8. Possible trial dates (civil trials commence on Mondays at 9:00 a.m.).



If the parties have not held such discussions at the commencement of the scheduled pretrial, the pretrial will be rescheduled until such time as the parties can report to the Court that they have complied with this requirement.

- C. A party who is insured concerning the claims of the case may appear by a claims representative of that party's insurance company unless the assigned judge finds that the presence of the insured party is essential to the conduct of the pretrial and directs that the party also appear. If a party is excused from attendance after application to the assigned judge, that party must be available by telephone at the time of the pretrial to assist in negotiations unless counsel represents to the Court that counsel has full and complete negotiating and settlement authority.
- D. Statements of the parties or their counsel made in the course of any pretrial hearing shall not be binding upon the parties unless expressly made so by written stipulation in the course of the pretrial or as set forth in the judge's or magistrate's pretrial minutes.
- E. The assigned judge or magistrate shall enter pretrial minutes reciting in writing: any amendments allowed to the pleadings; any admissions, stipulations or agreements, action taken or orders entered; dates and deadlines to which the parties must adhere unless later modified by separate order, including but not limited to dates and deadlines for pretrial, discovery, witnesses, hearing or trial.

#### **Rule 1.11 DISCOVERY REQUESTS**

- A. Upon the submission of or response to formal discovery requests pursuant to Civil Rules 26 through 36 to the opposing part(ies), the party submitting such requests or responses shall file with the Clerk of Courts a notice or certificate of discovery requests or responses, verifying the service of discovery requests or responses and specifying the type (e.g., interrogatories, requests for production of documents).
- B. All motions to compel discovery must include a statement of the moving party's compliance with Civil Rule 37(E) and the means of compliance or are subject to denial without hearing.

#### **Rule 1.12 MEDIATION**

##### A. Case Referral

1. Pending cases may be referred to mediation by the court on its own motion, upon recommendation of a magistrate, or upon the joint motion of the parties at any stage of the proceedings.
2. Mediation is prohibited a) as an alternative to the prosecution or adjudication of domestic violence; b) in determining whether to grant, modify or terminate a protection order; c) in determining the terms and conditions of a protection order; and d) in determining the penalty for violation of a protection order. These prohibitions shall not prevent the use of mediation in a subsequent divorce or allocation of

parental rights and responsibilities, i.e. custody, case even though that later case may result in termination of some provisions of the protection order.

3. Referrals shall be to the court mediator unless, upon request of the parties and for good cause shown, the court approves a referral to another qualified mediator. Any request for referral to a mediator other than the court mediator must set forth the basis for the request, the name and address of the proposed mediator, together with an outline of his/her qualifications as mediator, and the parties' understanding of their financial obligations for payment of mediator fees.
4. Upon referral to mediation, the mediator shall have access to all pleadings and other documents filed with the court in the referred case.

#### B. Qualifications of Mediators

1. Any mediator to whom the court makes referrals in civil cases, other than domestic relations cases, shall have the minimum qualifications outlined in Rule 16(C)(1)(a) and (b) of the Rules of Superintendence for the Courts of Ohio.
2. Any mediator to whom the court makes referrals pursuant to Ohio Revised Code section 3109.052 and in any domestic relations case in relation to issues other than the allocation of parental rights and responsibilities shall have the minimum qualifications outlined in Rule 16(C)(1)(c) of the Rules of Superintendence for the Courts of Ohio for training in family or divorce mediation.
3. Any mediator to whom the court makes referrals in domestic relations cases when violence or fear of violence is alleged, suspected, or present shall have the minimum qualifications outlined in Rule 16(C)(2) of the Rules of Superintendence for the Courts of Ohio for training in domestic abuse and mediation.

#### C. Case Management of Mediation Cases

Unless proceedings are stayed by court order during the process of mediation, the parties shall continue to engage in the discovery or other preparatory processes and the court shall continue to manage the case by establishing deadlines and placing the matter on the trial docket.

#### D. Pre-Mediation Procedures

1. The court shall issue an order of referral to mediation that includes contact information and the parameters of the mediation, if appropriate.
2. The mediator shall send written notice of the scheduled mediation session(s), to include the date, time, and location of the mediation sessions.

#### E. Mediation Sessions and Process

1. Cases referred by the Court shall be scheduled for mediation by the court mediator. All cancellations and rescheduling of mediation dates shall be made only upon approval of the court's mediator.

2. The parties to the case shall attend all mediation sessions unless their attendance has been excused by the court mediator. All parties necessary for authority to settle the case must attend. Other persons may be present only with the consent of all parties and the mediator.
3. Each party shall be accompanied at the mediation sessions by the attorney who is primarily responsible for handling the trial of the matter, unless the attorney is excused by the court mediator.
4. All mediations shall be conducted in accordance with Ohio Revised Code sections 2710.01 et seq., the Uniform Mediation Act, and Ohio Revised Code section 3109.052 where applicable, Rule 16 of the rules of Superintendence for the Courts of Ohio, and any amendments to those provisions.
5. Communications in the mediation process, regardless of the method of referral or the nature of the issues referred, are governed by Ohio Revised Code section 2710.01 et seq., section 3109.052 where applicable, and the Ohio Rules of Evidence.
6. During the course of the mediation process, the mediator may, upon request of the court, report to the court on the status of the mediation, including whether additional sessions are scheduled, whether partial agreement has been reached, and the names of any necessary persons who have failed to attend a scheduled mediation session. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.
7. The efforts and statements of the mediator shall not be considered to be the giving of legal advice. The mediator may provide materials for legal or other support services available in the community, but the distribution of that information shall not be construed as a recommendation of or referral to such resource. The party who receives the materials or information is responsible for evaluating those resources.
8. If the mediator determines that mediation will be of no benefit to the parties or that an impasse has been reached, the mediator shall inform the court and the parties that mediation is terminated. Upon conclusion of mediation, whether by termination or by full or partial agreement, the mediator shall notify the court so that the court may take appropriate action in assigning the case for further proceedings if necessary.

#### F. Sanctions

If a party or counsel for a party fails to attend mediation session(s) without good cause, the Court may impose appropriate sanctions, including, but not limited to, an award of attorney's fees and other costs or appropriate sanctions.

#### **Rule 1.13 ARBITRATION**

[Reserved]

#### **Rule 1.14 CONTINUANCES**

- A. No continuances of a court proceeding or hearing will be granted except upon written motion to the Court supported by evidence of good cause for such continuance. Every motion for a

continuance must recite the efforts made by the moving party to contact the opposing party or counsel concerning the request for a continuance and must state whether the opposing party or counsel consents or objects to the requested continuance.

- B. Pursuant to Rule 41(B) of the Rules of Superintendence for the Courts of Ohio, when the reason to continue a trial is a conflict in trial assignment, a copy of the conflicting assignment notice must be attached to the motion and the motion filed at least 30 days prior to trial. When a motion to continue is based upon the absence of a witness, the motion must be supported by evidence of reasonable diligence on the part of counsel or the party to find and produce the witness. Except as set forth above, applications for continuances, except in extreme emergencies, must be made at least seven (7) days prior to such proceeding or hearing.

### **Rule 1.15 MOTIONS AND BRIEFS TO THE COURT**

- A. Any motion not expressly governed by Rules 65 or 75 of the Ohio Rules of Civil Procedure shall have attached or included a memorandum prepared by counsel that supports the granting of the motion. The memorandum shall contain the applicable citation to authorities supporting the position of the party. Except in cases of default under Civil Rule 55, a nonmoving party shall have a period of fourteen (14) days from the filing of a motion in which to file a responsive memorandum with citation to applicable authorities. Any reply memorandum shall be filed within seven (7) days after the filing of any responsive memorandum. A file-stamped courtesy copy of any motion and memorandum, and any replies or responses, shall be delivered to the assigned judge or magistrate in the case.
- B. All motions shall be accompanied by a proposed Order. All motions filed with proposed Orders shall be submitted to the Clerk of Courts. Upon filing of the motion, the proposed Order will be delivered by the Clerk to the Court for its consideration. The Clerk may reject the filing of any motion that is not accompanied by a proposed Order. The moving party must provide a sufficient number of stamped and addressed envelopes with the proposed Order to ensure that, if approved by the Court, the Order will be served upon all other counsel or parties.
- C. All briefs, whether in cases tried to the Court or pursuant to pretrial or other order, shall be filed with the Clerk of Courts and served in accordance with the Civil Rules. In addition, a file-stamped copy shall be delivered to the assigned judge or magistrate of the case.
- D. If motions or briefs are submitted pursuant to a pretrial or other order setting a time for filing, extensions of time shall be granted only for good cause shown upon written motion filed prior to the time set for filing.

### **Rule 1.16 ORAL HEARING OF MOTIONS**

All motions may be decided by the Court upon the motions and memoranda filed by the parties without oral hearing unless oral hearing is expressly requested on behalf of a party and/or is determined necessary by the Court.

### **Rule 1.17 BANKRUPTCY ADJUDICATION**

Whenever any party to an action pending in this Court files a bankruptcy proceeding, the attorney

of record or the unrepresented party shall, within fifteen (15) days after filing the bankruptcy, file written notice of the proceeding with the Clerk of this Court and serve a copy of such notice upon other counsel or unrepresented parties of record in such action. Upon the filing of such notice, the Court will order an indefinite stay of further proceedings and place the case on the inactive docket until discharge or dismissal is granted by the U.S. Bankruptcy Court. Costs of the action shall be paid from the deposit. Counsel or the party shall notify the Clerk of Courts by the filing of a written motion when the case is ready to proceed, and the Clerk shall require additional funds to be deposited as security for costs.

### **Rule 1.18 COURTROOM PROCEDURE**

- A. No photographic, television, recording, broadcasting, telephonic equipment or devices shall be used within the confines of the Courthouse except for official business purposes and unless approved by the Court for trial-related proceedings and unless such action is approved by the Court pursuant to Rule 12 of the Rules of Superintendence for the Courts of Ohio.
- B. During the pendency of a matter, representatives of the media will under no circumstances question or converse with prospective or selected jurors concerning a cause set for trial.
- C. Spectators and others will be seated in the courtroom on a first-come first-served basis in seats that are provided behind the rail and shall conduct themselves in a manner that does not disrupt the court proceedings. The Court may require the spectators to remain in the courtroom until a recess or adjournment.
- D. No persons except officers of the Court and duly authorized persons shall be permitted in front of the railing or bar of the common pleas courtroom.
- E. No persons within the courthouse, other than peace officers on official business, shall have on their persons or under their control any dangerous weapon or dangerous ordnance. Any person within the confines of the courthouse shall be subject to search at any time by the Sheriff of Hancock County, Ohio, or his deputies. The Sheriff and his deputies are further directed to search any and all spectators at their discretion. The Hancock County Common Pleas Court

Security Policy adopted in compliance with Rule 9 of the Rules of Superintendence for the Courts of Ohio governs this rule.

- F. There shall be no eating, drinking, or smoking in the courtroom unless permitted by the Court.
- G. The Court may promulgate and enforce such other rules as may be necessary to maintain the decorum of the Court.
- H. Counsel, parties and all witnesses appearing in matters before this Court shall be appropriately attired.
- I. Any person violating these provisions may be subject to a finding of contempt of court and punished appropriately, and the violation may result in the continuance of the scheduled matter.

### **Rule 1.19 JURY USE/VOIR DIRE**

- A. The Court, subject to the provisions of Chapter 2313 of the Ohio Revised Code, adopts the procedure of the Hancock County Data Processing Board and the use of automated data processing for the selection of prospective jurors.
- B. The Court hereby adopts and incorporates the Ohio Trial Court Jury Use and Management Standards pursuant to Rule 5(B) of the Rules of Superintendence for the Courts of Ohio, and the Hancock County Common Pleas Court Jury Use and Management Plan adopted by Journal Entry of April 1, 2017, as amended from time to time, which are maintained in the office of the administrative judge.
- C. Excusal and postponement for jury service are governed by Chapter 2313 of the Ohio Revised Code or its successor. An “extraordinary circumstance” for purposes of postponement beyond the jury year includes the trial docket of the Court in the last quarter of the jury year, but postponement for such basis shall not be for more than six months.
- D. Voir dire shall be conducted in conformity with the direction of the assigned judge. During voir dire, counsel may have the use of prospective juror information sheets that have been distributed and collected by the Court. The forms shall be returned to the Court at the conclusion of a trial.

### **Rule 1.20 EXAMINATION OF WITNESSES – OBJECTIONS**

Only one (1) counsel for each party will be permitted to examine a witness, and the same counsel will be the only one permitted to object during the cross-examination of that witness at the trial of the case.

### **Rule 1.21 PREPARING AND FILING JUDGMENT ENTRIES**

- A. Counsel for the party in whose favor a judgment is rendered, or who is directed to do so by the Court, shall within ten (10) days thereafter, unless further time be given by the Court, prepare

and submit a proposed judgment entry to opposing counsel who shall approve or reject it within five (5) days after its receipt. Within that five-day period, any counsel for a party objecting to a proposed judgment entry shall submit to the counsel who prepared the judgment entry a written letter or memorandum setting forth the bases of objection. If, within five (5) days of the notice of objection, the parties or counsel are unable to resolve the differences and submit to the Court an approved judgment entry, then either party or both may submit proposed judgment entries to the Court with a motion to journalize the judgment entry. In the absence of counsel's approval, the Judge may approve judgment entries in accordance with the record made of the proceedings.

- B. Upon the parties' or counsel's failure to timely submit a judgment entry for the Court's approval, the assigned judge or magistrate may place the action on the docket for full hearing on all pending matters, may prepare a judgment entry in conformity with the record, or may notify the parties of the intention to dismiss the action under Hancock Civ. R. 1.24.

#### **Rule 1.22 REQUESTS FOR SEPARATE FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- A. When a party requests the Court to state its findings of fact separately from its conclusions of law under the provisions of Civil Rule 52, that party shall, within fourteen (14) days of the filing of the request, submit to the Court a statement of proposed findings of fact and conclusions of law and shall serve copies thereof on all opposing parties or their counsel. Within seven (7) days after receipt of such proposed statement, each opposing party may submit to the Court an alternative proposed statement of findings of fact and conclusions of law.
- B. Failure to strictly comply with this Rule on the part of the party requesting the statement of findings of fact and conclusions of law will result in the Court entering a general finding.

#### **Rule 1.23 DEFAULT JUDGMENTS – NOTICE**

If counsel for the party seeking default judgment has had telephonic or other contact with counsel on behalf of the other party, although not having entered a formal appearance in the pending action, counsel for the moving party shall notify counsel for the defaulting party, in writing, of the intention to seek default judgment. Every motion for default judgment shall state that counsel for the moving party has had no contact with any legal counsel on behalf of the defaulting party or that notice was provided to the other counsel of the intention to seek default judgment. Appropriate affidavits of competency and military service status shall be filed with the Court in default proceedings.

#### **RULE 1.24 DISMISSALS OF ACTIONS**

- A. The Court may dismiss, on its own motion, all cases in which:
1. There has been no affirmative action taken for an unreasonable time, including the failure to present a judgment entry following hearing;

2. There has been no response to the inquiries from the Court or Judicial Assistant regarding the status of the case;
  3. Civil Rule 41 otherwise applies.
- B. Such cases will be dismissed only after notice of the intent to dismiss has been served on the parties, or the complaining or moving party, at least fourteen (14) days prior to the entry of a dismissal. Such dismissals shall be without prejudice unless otherwise ordered by the Court, without record, and costs will be taxed as the Court deems just.
- C. Upon voluntary dismissal of any action or claim, any court costs associated with that claim shall be assessed to the dismissing party.

### **Rule 1.25 PROCEEDINGS IN AID OF EXECUTION**

In connection with proceedings in aid of execution of a judgment pursuant to Chapter 2333 of the Ohio Revised Code, unless a party objects, the judgment-debtor's employer may answer and submit a court-approved questionnaire in lieu of the personal appearance of a witness. Such questionnaires are returnable to the Clerk of Courts, by personal or mail delivery, on or before 10:00 a.m. on the seventh (7<sup>th</sup>) day following the filing of the proceeding.

### **Rule 1.26 SATISFACTION OF JUDGMENT – NOTICE**

Satisfaction of all judgments is to be shown by written notice and release filed on behalf of the party to whom judgment was granted or by court order.

### **Rule 1.27 SHERIFF'S SALE, FORECLOSURE, PARTITION**

- A. In any action where the Court has entered an order or alias order of public sale of real or personal property to be made by the Sheriff and public notice of such sale is required, the Sheriff shall notify the attorney or party who obtained the order of sale of the cost for publication of said notice and the attorney or party shall, within five (5) calendar days of notification, deliver to the Sheriff a check made payable to the newspaper of general circulation in the amount required to publish the notice for the requisite number of days. The Sheriff shall deliver the notice and payment to the publisher. The court will assess the expense of publication to the appropriate party.
- B. In foreclosure cases in which property was purchased by the petitioner/plaintiff, sufficient costs, as determined by the Clerk of Courts, shall be deposited with the Clerk of Courts before the Sheriff shall issue the deed thereon.
- C. In partition cases, no election to take or the report of partition shall be confirmed within seven (7) days following the report of the commissioners therein unless the co-tenants consent thereto in writing.



- D. Pursuant to Ohio Revised Code Section 2329.29, all sheriff's sales of lands or tenements shall be held either at the Hancock County, Ohio Courthouse or in the lobby of the Hancock County, Ohio Justice Center, 200 West Crawford Street, Findlay, Ohio.
- E. The attorney representing the plaintiff shall prepare and submit to the Sheriff the deed, conveyance form, and self-addressed stamped envelope together all necessary fees pursuant to Ohio Revised Code Section 2329.31(C).
- F. All winning bidders shall submit a completed Purchaser Information Sheet prior to the time of auction. The completed form shall be made part of the record and filed with the Sheriff's return.
- G. The plaintiff shall post a One Thousand Dollar (\$1,000) deposit with the Sheriff at the time the Praecipe for sale is filed.

### **Rule 1.28 FEES OF COUNSEL IN PROCEEDINGS**

A. Tax Sale Proceedings:

In sales of land under R.C. 5721.18 et seq., the Court will allow attorney's fees of up to One Hundred Fifty Dollars (\$150.00) for the title information or search per parcel. Counsel conducting the title search shall prepare and submit itemized bills showing the basis of their fee and, upon approval, the fee will be taxed as costs in the case.

B. Partition Proceedings:

As a general rule, fees of plaintiff's counsel in partition cases under R.C. Chapter 5307 shall be One Hundred Dollars (\$100.00) per hour, with any modifications thereof as may seem equitable, to be addressed by the Court upon request of counsel.

C. Confession of Judgment:

The fees of an attorney-at-law appearing in open court and entering the appearance of the defendant and confessing judgment under R.C. Chapter 2323 by virtue of a warrant of attorney contained in a promissory note or other evidence of indebtedness shall be taxed and paid as costs in the case in which said judgment is entered. Unless otherwise ordered, the fees for such appearance shall be One Hundred Dollars (\$100.00).

D. Trustees and Guardians ad Litem:

Fees allowed to trustees and guardians ad litem shall be fixed by the Court based on the services rendered in each case.

### **Rule 1.29 TRUSTEES' ACCOUNTS**

- A. Every trustee administering a trust in this Court shall render an account of the administration of the trust at least once each two (2) years. Upon order of the Court on its own motion, or upon the motion of any interested person for good cause shown, the trustee shall render an account at other times.

- B. Every such trustee shall render a final account within thirty (30) days after termination of the trust or within such reasonable period of time as the Court may order.
- C. Accounts shall be prepared, filed, assigned for hearing, notices published, and exceptions allowed in such manner as prescribed for decedents' estates.
- D. If a trustee neglects or refuses to file an account when due or ordered by the Court, the Court on its own motion, or upon the application of an interested person, shall issue a citation to such trustee to compel the filing of the overdue account. Should such trustee fail to file an appropriate account within thirty (30) days after being served with such citation, no compensation shall be allowed for the trustee's services unless the Court finds the late filing was excusable and/or was reasonable under the circumstances.

### **Rule. 1.30 RECEIVERSHIPS**

- A. When an application is made for the appointment of a receiver, the hearing thereon shall be ordered by an entry and notice served upon interested parties. Unless otherwise ordered, a schedule of secured and unsecured creditors shall be filed with the Clerk of Courts within seven (7) business days from the time the application for a receiver is filed so that the record will show who is an interested party.
- B. The Court shall consider the recommendations of all interested parties, including unsecured and secured creditors, as to the appointment of the receiver.
- C. The receiver shall post bond as ordered by the Court and file an inventory not later than thirty (30) days from the appointment. Unless otherwise ordered, the practice prescribed by statute in the administration of decedents' estates shall be followed as to notice and hearings on exceptions to such inventory and for the filing of all accounts of the receiver.

### **Rule 1.31 ALLOWANCE TO FIDUCIARIES FOR SERVICES AND ATTORNEYS' FEES**

In any matter pending in this Court in which a trustee, receiver or other fiduciary has been appointed by this Court, and such person desires to secure compensation for services and/or attorney's fees for legal services rendered, that person shall:

1. File in this Court a written application for such fees, which shall contain notice of the date and time, not less than seven (7) days from the date of filing the application, for objections to the requested fees to be filed with the Court. The applicant shall serve other counsel and/or unrepresented parties with the application. On or after the date and time for filing objections has passed and no objections having been filed, the Court shall rule on the application as it deems proper and serve all interested parties with its order thereon. In the event an objection is timely filed, it shall be set for hearing.
2. The provisions of this rule shall not apply to applications for compensation where the amount requested is less than Two Hundred Fifty Dollars (\$250.00), nor shall the rule

be applicable to actions where the fees of compensation are fixed by journal entries that are approved by counsel and/or the parties to the action.

### **Rule 1.32 APPEALS TO THE COMMON PLEAS COURT**

- A. Matters being brought before the Court on appeal shall be strictly controlled by statute and the rules promulgated by the Supreme Court of Ohio. Time extensions may only be granted if in writing and ordered by the Judge to whom the matter is assigned after proper notice thereof to the other party or parties. Matters that necessitate the filing of briefs shall, when not in conflict with the statutes and rules of court, be governed by dates assigned at a pretrial.
- B. In matters that necessitate a demand or request directed to an agency as a prerequisite to the preparation and filing of a transcript of a record of the agency, such demand or request shall be filed by the appellant with the agency at the time of filing the notice of appeal.
- C. Failure of the parties to file bills of exception, assignments of error, demand for transcript or briefs within the required time shall establish good cause for the Court to dispose of the matter on the basis of lack of prosecution or otherwise pursuant to Civil Rule 41(B) and such other rules as may be applicable.

### **Rule 1.33 REQUEST FOR TRANSCRIPTS**

- A. This Rule applies to civil, criminal, and domestic relations proceedings in the Hancock County Common Pleas Court.
- B. As directed by the Judge or Magistrate assigned, recording of proceedings held in this Court shall be by stenographic and/or audio electronic recording devices.
- C. In accordance with Rule 11 of the Ohio Rules of Superintendence for the Courts of Ohio, and applicable to both civil and criminal proceedings, the expense of a copy of an electronically recorded hearing shall be the responsibility of the attorney of record or party requesting the copy. Unless waived by the Judge or Magistrate assigned, the cost of a recording in any medium shall be \$10.00, or other fee established by the court, and payable to the Hancock County Common Pleas Court. The requesting party shall submit a written request for the recording to a Judicial Assistant, including the requesting party's name and address, the associated case name, and the date of hearing. The recording shall not be released in any format until payment is received and upon approval of the Judge or Magistrate assigned.
- D. Requests from members of the press or from the public for recordings of court proceedings shall be made in writing and directed to the Court Administrator.
- E. Recordings of grand jury proceedings shall be released only upon order of the court.
- F. Recordings of in camera interviews of children shall be released only upon order of the court.
- G. All requests for transcripts of proceedings shall be in writing, be directed to the court reporter for the Hancock County Court of Common Pleas, and contain a statement that a verbatim

record of the proceedings requested is to be prepared along with exhibits, if any. The request shall state the date of the proceedings and the portions of the proceedings that are to be transcribed. In appeals, the request shall be served upon the court reporter at the time of filing a notice of appeal and upon the opposing counsel or parties. Financial arrangements for the preparation of the transcript shall be made at the time of the filing of the request. In objections to decisions issued by an assigned magistrate, Local Rule 2.06 governs requests for and submission of transcripts.

### **Rule 1.34 INDEX FEE FOR APPEAL**

In addition to the deposit required by the Hancock County Clerk of Courts and the Third District Court of Appeals at the time of filing a notice of appeal in any action, the Clerk shall charge either the appellant or the appellee the sum of seventy-five cents (\$.75) for each five (5) names or any fraction of five (5) names included as parties to such appeal. This fee is for the purpose of defraying the cost of indexing.

### **Rule 1.35 NOTARIES PUBLIC**

#### **A. Application**

Application for a Notary Public commission may be obtained from the Hancock County Clerk of Courts Office. No Judge shall issue a commission until the applicant has passed the examination set forth in this rule or the Judge is satisfied from personal knowledge that the applicant possesses qualifications necessary to a proper discharge of the duties of the office.

#### **B. Original Examinations**

All applicants for Notary Public Commissions shall appear before the Hancock County Clerk of Courts and shall file a completed application on the form prescribed by the Clerk together with a fee of Forty Dollars (\$40.00) plus the statutory fee prescribed by the Ohio Revised Code.

1. The Clerk shall provide the applicant with the Notary Examination testing along with all preparatory materials and instructions. Applicants shall sit for the examination on one of the scheduled testing dates within 120 days following the filing of the original application. If the applicant fails to appear for examination within the 120 day period the Clerk shall cancel the application and retain the applicant's fee. All applicants shall be notified of the examination results within five (5) days.
2. If the applicant passes the examination and the Judge is satisfied that the applicant possesses the requisite qualifications to be a Notary Public the applicant shall complete the application process and will be mailed a commission. Once the commission is received the applicant must return to the Clerk's office to have the commission recorded and be sworn if necessary.

#### **C. Subsequent Examination**

1. If an applicant fails the examination, the applicant may apply for re-examination at any time by re-filing the application and paying a fee of \$20.00.

#### **D. Renewal Application Prior to Expiration**

1. Every person seeking renewal of commission shall file an Application for Renewal with the Clerk. The Application shall be accompanied by a \$20.00 fee plus the statutory fee prescribed by the Ohio Revised Code.

#### **E. Renewal After Expiration**

1. Any person whose notary commission is expired for less than six (6) months may seek renewal of the commission as follows:
  - i. Complete an Application for Renewal;
  - ii. Complete the appropriate affidavit on the renewal form stating that the individual has not performed any notarial act since the expiration and will not perform such until reappointed; and
  - iii. Be accompanied by a \$20.00 fee plus the statutory fee prescribed by the Ohio Revised Code.
2. If the notary's commission has been expired for more than six (6) months, the applicant must retest and complete the entire process as if a new applicant.

#### **F. Removal**

Any person may file a complaint for the removal, suspension, or discipline of a Notary with the Hancock County Clerk of Court without filing a deposit. Such complaint shall be reviewed by the Administrative Judge of the General Division of the Court of Common Pleas. If sufficient cause is shown, the matter will be set for a hearing after notice is provided to the individual against whom the complaint is filed. At the conclusion of the hearing the Judge may impose an appropriate sanction and assess the costs of the proceeding, including costs of prosecution.

#### **G. Accounting for Fees**

All non-statutory application fees shall be paid to the Findlay/Hancock County Bar Association (the "Bar Association"). The Bar Association shall first pay all expenses associated with the Notary Public application process. The secretary of the Hancock Bar Association shall obtain a bond and the costs of said bond shall also be paid from the fund. The balance of the fees shall be credited to a special account of the Bar Association to be used in support of Legal Aid of Western Ohio, other pro bono legal aid organization, or other law related activities at the election of the Bar Association and approved by the Court. An accounting of all fees received and all expenditures made by virtue of this rule shall be made by the Treasurer of the Bar Association contemporaneously with the annual Treasurer's report to the Bar Association and the Administrative Judge in January of each year.

### **Rule 1.36 ELECTRONIC FILING OF COURT DOCUMENTS**

- (A) DEFINITIONS. The following terms used in these rules are defined in this section.
- (1) CLERK REVIEW. A review of electronically filed documents by the clerk of courts in accordance with court rules, policies, procedures, and practice. Court clerks may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
  - (2) CASE MANAGEMENT SYSTEM (CMS). A court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
  - (3) COURT ELECTRONIC RECORD. This is any document that a court will (a) receive in electronic form, (b) record in its case management system, and (c) store in its document management system. This may include documents received in paper form and scanned into the court's DMS (see below). This will include notices and orders created by the court as well as pleadings, other documents, and attachments created by practitioners or parties. It will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

- (4) **COURT INITIATED FILINGS.** These are official court documents entered into the docket or register of actions, such as notices or orders. The term "court initiated filings" is a simplification to indicate that documents will be internally created and submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the court so desires.
- (5) **DESIGNATED EFILE CASE TYPES.** Until such time as the court designates all filings on all cases as mandatory eFile case types, the court will designate certain cases or types of filings as mandatory, discretionary, or prohibited.
- (a) **Mandatory eFile Case Types.** These are case types and filings that shall be submitted via the eFiling system.
- (b) **Discretionary eFile Case Types.** These are case types and/or filings that may be submitted via the eFiling system.
- (c) **Prohibited eFile Case Types.** These are case types and filings that may not be filed electronically and shall be presented in paper form via traditional means via U.S. Mail or at the clerk's counter.
- (6) **DOCUMENT.** A filing made with the court or by the court in either electronic format or scanned from paper, thus becoming part of the court's official record.
- (7) **DOCUMENT MANAGEMENT SYSTEM (DMS).** A DMS manages the receipt, indexing, storage, and retrieval of the electronic (and scanned non-electronic) documents associated with a case.
- (8) **EFFECTIVE DATE AND TIME OF FILING OF A DOCUMENT.** The date and time the electronic filing was received and uploaded to the clerk of court as noted by the time stamp on the submitted document.
- (9) **ELECTRONIC FILING (EFILE / EFILING).** The electronic transmission, acceptance, and processing of a filing, referring collectively to the act of submitting documents electronically as well as the procedures and computer systems required to support said filing. A submission consists of data, one or more documents, and/or images. This definition of electronic filing does not apply to facsimile or email.
- (10) **ELECTRONIC FILING SYSTEM.** This is the system composed of software, hardware, transport, handling, storage mechanisms, procedures, and rules to allow for the submission of eFile documents.
- (11) **ELECTRONIC SERVICE (ESERVICE).** The electronic transmission of an original document to all other registered case participants via the electronic filing system or by other electronic means, such as email.

Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

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

(13) **REJECTED FILING.** A document that does not comply with the applicable court rules, policies and procedures and does not meet the requirements of clerk review.

**(B) ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS**

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

(2) In conformity with the Revised Code, Civil Rule 5(E), Criminal Rule 12(B) and the Rules of Superintendence for the Courts of Ohio, complaints, pleadings and other documents may be filed with the clerk of court electronically via the Internet, subject to the provisions in this rule.

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

(4) **COURTESY COPIES.** Paper courtesy copies of documents filed electronically shall not be delivered to the court, unless specifically requested by the Court or required by applicable rules.

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

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

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

**(D) DESIGNATION OF ELECTRONIC FILING CASES**

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

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

**(E) CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER.** The court's electronic

filing system shall assign the party's designated representative(s) a confidential and unique electronic identifier that must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. Each person to whom a unique identifier has been approved shall be responsible for the security and use of such identification. All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the satisfaction of the court, by clear and convincing evidence, to the contrary.

(F) **PRO SE LITIGANTS.** All filings by parties appearing *pro se* shall be filed and served in paper form, unless the party petitions the court, and the court allows the party, to file and serve electronically, in which case the party may do so through the court's electronic filing system. The clerk of courts shall scan the paper document and, as required by applicable rules, may return the paper copy to the *pro se* litigant, retain the original paper copy, or take other actions the clerk deems appropriate.

(G) **OFFICIAL COURT RECORD**

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

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

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

(H) **FORM OF DOCUMENTS ELECTRONICALLY FILED**

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

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

(3) **PORTABLE DOCUMENT FORMAT.** All electronically filed documents, pleadings, and papers shall be filed with the clerk in portable document format (PDF) with the exception of proposed orders. Proposed orders must be submitted in Word [.doc or .docx] and reference the



specific motion to which it applies. The electronic filing system will electronically transmit the proposed order to the assigned judge or judicial hearing officer.

(4) **SIZE OF FILING.** Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size. The formatting requirements and limitations set forth in section 1.03 of these rules apply to electronically filed documents.

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

(6) **SIGNATURES**

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

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

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

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

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

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

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

(d) **JUDGE/JUDICIAL OFFICER SIGNATURE.** Electronic documents may be signed by a judge or judicial officer via a digitized image of his or her signature. All orders, decrees, judgments, and other documents signed in this manner shall have the same force and effect as if the judge or judicial hearing officer had affixed his or her signature to a paper copy of the order and it had been

entered on the docket in a conventional manner.

(I) REMOVAL OF METADATA AND PERSONAL AND PRIVATE INFORMATION

- (1) Metadata includes information about the document and its contents, such as the author's name, keywords, and copyright information, used by search utilities. Metadata is invisible information retained as a document is being drafted, edited, and refined, including changes made, when, and by whom.
- (2) The clerk of courts has no obligation and shall not be responsible for removing metadata or any personal and private or confidential information contained in a document that is electronically filed.
- (3) The following warning shall be posted on the court's e-filing portal: "WARNING: Removal of document metadata is the responsibility of the filer. Any document metadata remaining may become part of the public record." The failure to post this warning on the court's e-filing portal does not change or alter the responsibility of the filer and does not impose any obligation on the clerk of courts or the court.
- (4) Any person, by utilizing the court's e-filing system, consents to defend, indemnify and hold harmless the Hancock County Court of Common Pleas, the Clerk of Courts, the Hancock County Board of Commissioners, and all of their judges, deputy clerks, agents, and employees, from any and all damages that may result from the theft or misuse of personal and private or confidential information, whether visible or hidden in or contained within the metadata of a document presented for electronic filing.
- (5) Judges and judicial staff should remove metadata from any orders, judgment entries, or other filings where the judge deems it advisable to remove all prior versions of or any other information about that document.
- (6) The following information on removing metadata is available from Adobe.com. The court does not make any representations regarding the content of any of the following information and is not responsible for maintaining any of the following information. The following information is set forth for informational purposes only:

Sanitization-Remove hidden data from PDF files with Adobe® Acrobat® XI.

With a single click, find and delete all hidden data in a PDF file, including text, metadata, annotations, form fields, attachments, and bookmarks.

- (a) At the top right in Acrobat, click the Tools pane. Open the Protection panel.
- (b) The sanitation tools are listed under the heading Hidden Information. To permanently remove items such as metadata, comments, and file attachments, select Sanitize Document. Click OK. To have more control over what is removed, select Remove Hidden Information.
- (c) Type a name for your file, and click Save.

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

[www.prepressure.com/pdf/basics/metadata](http://www.prepressure.com/pdf/basics/metadata) [www.youtube.com/watch?v=3xPnLhdyuZQ](http://www.youtube.com/watch?v=3xPnLhdyuZQ)

<https://support.office.com/en-us/article/Remove-hidden-data-and-personal-information-by-inspecting-documents-356b7b5d-77af-44fe-a07f-9aa4d085966f>

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

- (1) Any document filed electronically shall be considered as filed with the court when the transmission of the court's electronic filing system is complete ("effective date and time") and payment, if required, has been successfully tendered electronically. An electronic filing may be submitted to the clerk twenty-four hours a day, seven days a week. Nonetheless, the ability to file seven days a week shall not advance the date within which any document must be filed to a date on which the clerk of courts is not open (that is, on a weekend, legal holiday, or other closure). Further, on the date on which a document must be filed, the document may be electronically filed up until 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect on that date. Any document filed after 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time shall be deemed to have been filed on the next day. The court's electronic filing system is hereby appointed as the agent of the Hancock County Clerk of Courts for the purpose of electronic filing, receipt, service, and retrieval of electronic documents.
- (2) Upon receipt of a filing, the court's electronic filing system shall issue a confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing.
- (3) A filer will receive subsequent notification from the clerk of courts that the filing has been ACCEPTED, placed in a PENDING status, or REJECTED by the clerk's office for docketing and filing into the general division's case management system. Each document will receive an electronic stamp. When the filing is ACCEPTED by the clerk, this stamp will include the date and time that the filer transmitted the document to the court's electronic filing system as well as the unique confirmation number of the filing.
- (4) The clerk of courts shall review all filings to determine compliance with applicable court rules, policies, procedures and practices. The clerk may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
- (5) If a filing is found to have any missing element or to not otherwise comply with court rules, policies, procedures and practices, the clerk of courts may place the document in a PENDING status and transmit a notice to the filer. The filer will have two business days to complete the filing. If the filing is completed within two business days, it may be ACCEPTED by the clerk, and the filing will be deemed effective and completed on the date on which it originally was electronically filed. If the filing is not completed within two business days, it will be moved from PENDING status to REJECTED status.

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

(7) All documents submitted for e-filing shall not be considered a public record until ACCEPTED by the clerk following review.

(K) SYSTEM FILING ERRORS

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

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

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

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

(2) SERVICE OF DOCUMENTS AFTER THE COMPLAINT

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

(b) CERTIFICATE OF SERVICE. A certificate of service on all parties entitled to service is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled. The certificate of service shall contain the following language: I hereby certify that I served the documents by process server, regular U.S. mail, commercial carrier, or electronic means (whichever is applicable) to the following (list of parties served).

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

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

(4) FAILURE OF ELECTRONIC SERVICE. If the e-filing system fails to generate the Notice of Electronic Filing, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.

#### (M) CONVENTIONAL FILING OF DOCUMENTS

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

(a) CONFIDENTIAL INFORMATION. Personal data identifiers should be filed under separate cover in accordance with section 2.05 of these rules.

(b) DOCUMENTS FILED UNDER SEAL. A motion to file documents under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed with the clerk of courts in paper form.

(c) DOCUMENTS TO BE PRESENTED TO A COURT IN CAMERA. Documents to be presented to a court *in camera*, solely for the purpose of obtaining a ruling on the discoverability of such documents shall be filed with the clerk of courts in paper form.

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

#### (N) COLLECTION OF FILING DEPOSIT AND FEES

(1) The clerk of courts shall assess normal filing fees, and case deposits will be collected via a financial transaction device (electronic means) at the time the filing is processed. Any fees or charges associated with the payment of fees or costs via financial transaction device (electronic means) shall be the responsibility of the filer and shall be paid at the time the filing is processed.

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

(3) The electronic filing system will establish a means to accept payment of deposits and fees

electronically, including the process for filing an affidavit of indigence.

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

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

**Rule 1.37 ELECTRONIC RECORD IS OFFICIAL COURT RECORD**

(A) DEFINITIONS. See Local Rule 1.37 for definitions of terms used in this section.

(B) OFFICIAL COURT RECORD

(1) As of (*insert effective date*), the electronic record of the court's case files, stored in the court and clerk's Case Management System and Document Management System will constitute the Official Court Record of the court.-

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

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

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

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

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

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

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

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

(C) RECORD LONGEVITY

- (1) The court and court clerk will establish an Electronic Records Management methodology, including the storage of Metadata, a "Continuum of Care" of the records for preservation over time, and redundant storage mechanisms to ensure the near term preservation of the court record in the event of a localized natural or man-made disaster.
- (2) With the introduction of this robust and fault tolerant storage methodology, the need for microfilming of court records has been eliminated.
- (3) The retention schedule for each case type shall be considered permanent unless otherwise noted in these rules or in the Rules of Superintendence.

**RULE 1.38    PROCESS SERVERS**

**A. Onetime Appointment**

If a party desires personal service to be made by a special process server pursuant to Civil Rule 4.1, the party or counsel must submit a motion and a proposed entry appointing a special process server. The following must be stated in the motion and entry:

1. The name of the person to be appointed as process server;
2. That the person to be appointed as process server is eighteen (18) years of age or older; and,
3. That the person to be appointed as process server is not a party to the action.

**B. Standing Special Process Server**

A person may apply to be designated as a "Standing Special Process Server" for cases filed in the Court by filing an application supported by affidavit setting forth the following information:

1. The name, address, and telephone number of the applicant;
2. That the applicant is eighteen (18) years of age or older;
3. That the applicant agrees not to attempt service of process in any case in which the applicant is a party;
4. That the applicant does not have a felony criminal record; and
5. That the applicant agrees to follow the requirements of Civil Rules 4 through 6, and any applicable Local Rules and special instructions for service of process as ordered by the Court in individual cases.

**C. Standing Special Process Server Entry**

1. The applicant requesting designation as a standing special process server shall also submit a proposed entry captioned "In re The Appointment of (name of applicant) as Standing Special Process Server" and stating "applicant has complied with the provisions of Local Rule 1.38; (name of applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in the Court, to serve until further order of the Court."
2. The Clerk shall record such appointment on the Court's general docket, and shall retain the original applications and entries.

**D. Request for Use of Standing Special Process Server**

1. In any case after an applicant is appointed as a Standing Special Process Server, the Clerk of Courts shall accept a copy of the timestamped appointing entry as satisfying the requirements of Civil Rule 4.1 for designation by the Court of a person to make service of process.

2. By utilizing the procedure outlined above, the party or counsel requesting such use represents to the Court that due diligence has been performed to ensure that the Standing Special Process Server is not a party to the litigation.



ATTACHMENT A

IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO

\_\_\_\_\_  
Plaintiff  
vs.  
\_\_\_\_\_  
Defendant

Case No. \_\_\_\_\_

**CASE DESIGNATION SHEET**

The above captioned case is designated as being the following type of case:

- ( ) **PT** – Professional Tort
- ( ) **PL** – Product Liability
- ( ) **T** – Other Tort
- ( ) **WC** – Worker’s Compensation
- ( ) **F** – Foreclosure
- ( ) **AP** – Administrative Appeal
- ( ) **CL** – **Complex Litigation** – **Must be accompanied with a request of counsel, approval of all parties and a judgment entry granting said request for approval of assigned judge.**
- ( ) **OC** – Other Civil
- ( ) **DC** – Divorce, with children
- ( ) **D** – Divorce without children
- ( ) **DMC** – Dissolution of Marriage, with children
- ( ) **DM** – Dissolution of Marriage, without children
- ( ) **DV** – Domestic Violence
- ( ) **U** – URESA
- ( ) **AO** – All other domestic
- ( ) **SO** – Support only
- ( ) **CA** – Court of Appeals
- ( ) **CJ** – Certificate of Judgment

( ) Refiling of a previously filed case  
This matter is the refiling of a case, which has been previously dismissed.

( ) Yes ( ) No

Prior Case No. \_\_\_\_\_

Judge previously assigned \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney Refiling Case

ATTORNEY DESIGNATION

Trial Attorney: \_\_\_\_\_

Supreme Court Registration Number: \_\_\_\_\_

Address: \_\_\_\_\_

Attorney for: ( ) Plaintiff ( ) Defendant

Some definitions for Case Designation Sheet:

1. **Tort:** This category is used for cases that involve allegations of malpractice by a person acting in a professional capacity, such as a doctor, lawyer, or engineer.
2. **Product Liability:** This category is used for cases that involve the alleged responsibility of the manufacturer or seller of an article for injury caused to person or property by a defect in or condition of the article sold, or an alleged breach of duty to provide suitable instructions to prevent injury.
3. **Other Torts:** This is a residual category to be used for those tort cases that cannot be classified as Professional Tort or Products Liability. Examples would include automobile tort cases, as well as tort cases involving air and water transportation.
4. **Worker's Compensation:** A case in this category is one brought pursuant to R.C. Section 4123.519, which is an appeal of a decision by the Industrial Commission in any injury or occupational disease case other than a decision as to extent of disability. This category also includes noncompliance actions by the State for the recovery of benefits or premium, as well as mandamus actions arising from claims or awards.
5. **Foreclosures:** This category is used for cases that involve the enforcement of a lien, mortgage, trust deed, or other similar instrument in any method provided by law.
6. **Administrative Appeal:** This category is used for cases that began in an administrative agency and are being appealed to the common pleas court, e.g., an administrative decision about eligibility for unemployment compensation.
7. **Complex Litigation:** This category is for those extraordinary civil cases that involve novel or complicated issues of law. An attorney representing a party to an action filed in the general division of the court of common pleas may file a request in writing asking that the case be designated as complex litigation.  
  
The attorney filing the request shall certify that approval has been obtained from his or her client to file the request. Upon receipt of said request by the Clerk of Courts, a judgment entry prepared by counsel shall be submitted to the assigned judge for approval of the request. The assigned judge will take into consideration the number of parties involved; whether a class action is involved; whether it is a products liability case; and whether there are other related cases involving unusual multiplicity or complexity of factual issues.
8. **Other Civil:** This is a residual category used for civil cases that cannot be identified as belonging in the other listed civil classifications. Ancillary proceedings are not reported as cases in this or any other column on the report.
9. **All Remaining Designations:** Case type designations of D, DC, DM, DMC, DV, U, CA, SO, CJ, and AO are basically self-explanatory and do not require definition.

ATTACHMENT B

**FACSIMILE FILING COVER PAGE**

RECIPIENT INFORMATION:

NAME OF COURT: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

SENDING PARTY INFORMATION:

NAME: \_\_\_\_\_

SUPREME COURT REGISTRATION NO. (if applicable): \_\_\_\_\_

OFFICE/FIRM NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS (if available): \_\_\_\_\_

CASE INFORMATION:

TITLE OF THE CASE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

If none assigned, state that fact in space provided.

TITLE OF THE DOCUMENT: \_\_\_\_\_

JUDGE OR MAGISTRATE ASSIGNED: \_\_\_\_\_

If none assigned, state that fact in space provided.

FILING INFORMATION:

DATE OF FAX TRANSMISSION: \_\_\_\_\_

NUMBER OF PAGES (including this page): \_\_\_\_\_

ATTACHMENT C

IN THE COURT OF COMMON PLEAS  
HANCOCK COUNTY, OHIO

JOHN SMITH, Plaintiff

Case No. XXX-CV-XXX

vs.

Judge \_\_\_\_\_

BILL JONES, Defendant

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PLAINTIFF SMITH'S NOTICE OF FILING EXHIBIT "G" TO  
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

---

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. Plaintiff Smith's Response was filed by facsimile transmission with the Court on \_\_\_\_\_ [date]. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule (Hancock Civ.R.) 1.06.

Respectfully submitted,

\_\_\_\_\_  
Attorney Name, Address, etc.

Counsel for Plaintiff Smith

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. mail on [date] to counsel for Defendant Jones, [name and address of recipient].

\_\_\_\_\_  
Attorney Name  
Counsel for Plaintiff John Smith