

**MAUMEE MUNICIPAL COURT**  
**LOCAL RULES OF PRACTICE**

**DANIEL G. HAZARD, JUDGE**

**EFFECTIVE: JANUARY 1, 2019**

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# **PART 1 - GENERAL**

## **1.01 SCOPE OF RULES**

The rules of the Maumee Municipal Court are adopted, published and periodically revised pursuant to 1901.14 O.R.C. These rules are to be read in conjunction with, and at all times subordinate to the Revised Code, Civil Rules, Criminal Rules, Traffic Rules, and Rules of Superintendence for Municipal Courts and County Courts.

## **1.02 SESSIONS**

The Court hours are from 8:00 a.m. to 4:30 p.m., Monday, Wednesday, Thursday and Friday and from 8:00 a.m. to 6:00 p.m. on Tuesday, except on those days designated by law as legal holidays.

There shall be a criminal arraignment session beginning at 10 a.m. each Monday (excluding holidays).

There shall be a traffic arraignment session each Tuesday (excluding holidays), commencing at 5:00 p.m. as well as each Friday (excluding holidays), commencing at 9:00 a.m. A prosecutor will be available on the above traffic arraignment times for court referrals (see Rule 3.01(F)).

The order of call of the docket in arraignment sessions shall be as follows: (1) Cases where the defendant is represented by an attorney, (2) cases where the defendant is in custody, and (3) the balance of the docket according to the order in which the defendant arrives at the Court premises as reflected on the sign-in sheet for that arraignment session.

Small claims sessions shall be scheduled twice a month on Tuesdays, commencing at 1:30 p.m. Dates and times for Mediations vary.

## **1.03 NO TERM OF COURT**

There shall be no term of Court, but in accordance with Section 1901.29 O.R.C., for the purpose of computing time, ninety days following judgment shall be considered within term and time thereafter shall be considered after term.

## **1.04 PRACTICE BEFORE THE COURT**

A. Only attorneys regularly admitted to the practice of law in the State of Ohio or those certified to specially practice by the Supreme Court of the State of Ohio shall be permitted to practice in this Court. This rule shall not prohibit a party from acting as his own counsel in any proceeding in this Court.

- B. All attorneys practicing in this court shall provide the court with the following information: cell phone number and cell phone provider, whether or not they can receive text messaging, and a business email address, if available. It is the responsibility of the attorney to keep the court updated as to any changes to the above information.

**1.05 REQUIREMENTS OF PLEADINGS**

- A. All documents filed with the Clerk, including, but not limited to pleadings, motions, applications, judgments and orders, shall be neatly prepared on 8 1/2" x 11" paper. If consisting of more than one sheet of paper, the sheets shall be securely fastened together. The use of covers or jackets shall not be permitted.
- B. Each document filed by each party represented by counsel shall designate, on the first page thereof immediately below the name of the paper, the name, address, telephone number, fax number, and code number of the attorney responsible for the case.
- C. The mailing address must be given for all parties and counsel and shall include the correct zip code.
- D. It shall be the duty of the plaintiff, or his attorney, to file with the complaint as many copies thereof as there are defendants to be served the summons in said action. Copies shall be clear photo copies. Pleadings which do not conform to this rule may be ordered stricken from the file by the Court.

**1.06 FACSIMILE AND ELECTRONIC FILINGS**

The provisions of this local rule are adopted under Civ.R.5(E) and Crim.R.12(B).

Pleadings and other documents may be filed electronically or by facsimile transmission with the Clerk of Court to 419-897-7129, subject to the following conditions:

- 1. These rules apply to traffic, criminal, civil, and small claims proceedings in the Maumee Municipal Court.
  - 2. The following documents will not be accepted as originals for fax filing: traffic, criminal, civil, or small claim complaints, and cognovit promissory notes.
- A. **Original Filing**
- A document filed electronically or by fax shall be accepted as the effective original filing. The person making a fax filing or an electronic filing need not file any source document with the Clerk of Court. The person making a fax filing or electronic filing must maintain in his or her records, and have available for production on request by the court, the source document filed electronically or by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

The source document filed electronically or 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.

**B. Definitions**

As used in these rules, unless the context requires otherwise:

1. A “facsimile transmission” means 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.
2. A “facsimile machine” means a machine that can send and receive a facsimile transmission.
3. “Fax” is an abbreviation for facsimile or facsimile transmission.
4. “Electronic (e-file) filing” is the filing of documents electronically.

**C. Cover Page**

1. The person filing a document by fax shall also provide therewith a cover page containing the following information:
  - (a) the name of the court
  - (b) the caption (title) of the case
  - (c) the case number
  - (d) the title of the document being filed (e.g. Defendant Jones’ Answer to Amended Complaint; Plaintiff Smith’s Response to Defendants’ Motion to Dismiss, etc.)
  - (e) the date of transmission
  - (f) the transmitting fax number and the sender’s phone number
  - (g) an indication of the number of pages included in the transmission, including the cover page
  - (h) the 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. If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:
  - (a) enter the document in the Case Docket and file the document; or
  - (b) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document *shall not* be considered filed with the Clerk of Courts.

3. The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

**D. Signature**

1. A party who wishes to file a signed source document by fax shall either:
  - (a) fax a copy of the signed source document; or
  - (b) 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.
2. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

**E. Exhibits**

1. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Said missing exhibit shall be filed with the court, as a separate document, not later than five court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.
2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, caption (title) of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith’s Notice of Filing Exhibit “G” to Plaintiff Smith’s Response to Defendants’ Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

**F. Time of Filing**

1. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays. Any facsimile document received by the Clerk after normal court hours will be time-stamped on the next open business day of the court.
2. The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.

3. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.
4. To verify that a facsimile filing has been filed, you may go to our web site [www.maumee.org](http://www.maumee.org) and check the docket page for the entry of your filing.

**G. Fees and Costs**

1. Documents which require a filing fee must be received by the Clerk with said fee.
2. No additional fee shall be assessed for facsimile filings.

**H. Length of Document**

Facsimile filings shall not exceed 20 pages in length. The filer shall not transmit service copies by facsimile.

**1.07 ELECTRONIC FILING (E-CITATIONS) FOR TRAFFIC OFFENSES**

Any traffic citation filed with this Court, either electronically or with paper, shall indicate on its face that the defendant has been served with a copy of said citation.

**1.08 RECORD OF PROCEEDINGS, COURT REPORTERS**

All Court proceedings, which are required to be recorded, shall be recorded by an audio-video recording system, except in a trial by jury, where a court reporter will be present to transcribe the proceedings. In other actions, a court reporter may be supplied upon the written request of either party or his counsel, provided such request is filed in writing at least five court days prior to trial. In such a case the reporter's costs shall be borne by the party requesting the same, who shall pay the costs directly to the reporter.

**1.09 ORDER AND DECORUM**

- A. All persons inside the courtroom shall be required to stand during the opening and closing of Court. The wearing of hats by males and unduly immodest or revealing clothing by any person shall not be permitted in the courtroom.
- B. No smoking shall be permitted within the courthouse at any time.
- C. All broadcasting, televising, recording and photographic equipment in the courtroom, except for the recording equipment referred to in Rule 1.08, shall be subject to the permission of the Judge of the Court and its usage shall be restricted, as provided by Municipal Court Superintendence Rule 12.



**1.10 SURETY**

Good and sufficient surety shall be required in all matters where surety, bail, bond or undertaking is offered. Neither attorneys nor other officers of the Court shall be accepted as bail or surety, and no bond shall be approved with such person's name(s) thereon as surety.

**1.11 JURY SELECTION**

Jurors shall be drawn as provided by Section 2313.21 of the Ohio Revised Code and shall be assigned by the Jury Commissioner of this Court and selected at random.

**PART 2 - CIVIL PRACTICE**

**2.01 COSTS:**

**2.01** (effective February 1, 2013)

A. Complaints for Money (including Legal Aid Fee)	\$90.00
**Plus service on each defendant [see F.]	
B. Landlord's Complaints (including Legal Aid Fee)	
First Cause of Action	100.00
Second Cause of Action	15.00
**Plus service on each defendant [see F.]	
Execution of Writ of Restitution	50.00
C. Small Claim Complaints (including Legal Aid Fee)	50.00
**Plus service on each defendant [see F.]	
Counterclaim or Cross Claim [plus service (see F.)]	30.00
Judgment Debtor Form (including service)	15.00
D. BMV Cases (including Legal Aid Fee)	
(12 Pt. Appeals and Requests for Limited Driving Privileges)	80.00
**Plus service on BMV in 12 Pt. Cases [see F.]	
E. Appeal of Dog Classification	80.00
**Plus service on Defendant [see F.]	
**F. Service on Each Party or Person Served	
By certified mail	10.00
By residence or personal service (Lucas County only)	20.00
G. Revivor of Judgment	40.00
**Plus service on each defendant [see F.]	

H. Amended Complaint	15.00
**Plus service on each new defendant, if any [see F.]	
I. Third Party Complaint	15.00
**Plus service on each third party defendant [see F.]	
J. In Replevin (including Legal Aid Fee)	95.00
**Plus service on each defendant [see F.]	
K. Subpoena	15.00
Witness Fee (payable to witness)	6.00
L. Certificate of Judgment	10.00
M. Filing of Foreign Certificate of Judgment	15.00
N. Garnishment (Personal Earnings)	75.00
If certified mail is requested, additional (see F.)	10.00
Garnishment (Non-wage) (including certified mail service)	45.00
Plus \$1.00 check payable to garnishee	
O. Proceedings in Aid of Execution (Debtor's Exam)	35.00
P. Execution of Property	50.00
Q. Certified Copy of Judgment Entry	2.00
Exemplified Copy of Judgment Entry	7.00
R. Appeal	25.00
S. Transcript (for transfer to Common Pleas Court or other courts)	30.00
T. Trusteeship Filing Fee	50.00
Addition of each new creditor	5.00
2% of the amount disbursed to creditors	
(effective February 1, 2013)	

## **2.02 EXTENSION OF TIME TO MOVE OR PLEAD**

The time within which a party is required by the Civil Rules to serve and file shall be extended, as follows:

- A. Twenty-eight days for a responsive pleading to a complaint, counterclaim, cross claim or third party complaint;
- B. Fourteen days for a motion directed to a pleading; provided the party makes advance written application to the Court prior to the expiration of the original rule period.

Additional time thereafter may be granted by the Court pursuant to a stipulation of the parties, approved by the Court and pursuant to Civil Rules 6(B) and 6(D) applicable to this rule.

### **2.03 CALL OF CASES FOR DEFAULT**

In all cases where no answer, motion or pleading is filed, it shall be the duty of the plaintiff or his/her attorney to submit an appropriate application for default judgment and proposed default judgment entry.

When the defendant is in default for answer or appearance, default judgment shall be rendered by the Court in all cases with liquidated claims upon a proper application for default judgment being filed without the necessity of the plaintiff or the plaintiff's attorney appearing.

If an action is for recovery of money only arising out of damage to personal property, and the defendant is in default, final judgment shall be entered for the plaintiff in the amount of the prayer, provided that an affidavit with sufficient supporting documentation is caused to be filed by the plaintiff or the plaintiff's attorney verifying that the prayer of the plaintiff does reflect the reasonable costs of repairing or replacing said personal property or the diminution in the market value thereof, whichever is less.

If the defendant in a forcible entry and detainer action is in default as to the second cause of action, and the plaintiff or the plaintiff's attorney causes to be filed an application for default judgment for rent only, final judgment shall be entered for the amount requested in the application for default judgment, provided that the date of vacation of the premises is specified in said motion and that the total amount of rent claimed can be reconciled from a reading of the complaint in conjunction with information provided in the application for default judgment.

All other actions will be assigned by the Clerk for assessment of damages.

### **2.04 DISMISSAL FOR WANT OF PROSECUTION**

Pursuant to Municipal Court Superintendence Rule 40, any civil case which is on the regular docket for six months without a proceeding taken therein shall be dismissed for want of prosecution, after ten days written notice to counsel or plaintiff, if the plaintiff is not represented by counsel, unless good cause be shown to the contrary.

Any small claims case which is on the small claims docket for four months without service upon the defendant(s) shall be subject to dismissal after ten days written notice to the plaintiff or plaintiff's counsel, unless good cause be shown to the contrary.

### **2.05 MOTIONS PRACTICE**

A. Every written motion shall be in compliance with the Civil Rules and shall be accompanied by a memorandum of the applicable law.

- B. Before any written motion (other than for default judgment where defendant has not entered an appearance) may be accepted by the Clerk for filing, a copy of the motion and accompanying memorandum must have been served personally on the opposing party or his attorney or deposited in the mail prior to filing and the method of service must be noted in writing on the motion.
- C. When an oral hearing is requested, said request must be made at the time of filing of a motion. In the event the movant does not request an oral hearing on the motion and in the further event that the Court does not itself set an oral hearing on the motion, then the motion shall be deemed submitted as of the fifteenth day following filing.

An oral hearing on the motion may be requested in writing by opposing counsel no later than three days before the aforesaid submission.

## **2.06 DEMAND FOR TRIAL BY JURY**

- A. In all civil cases except forcible entry and detainer cases, the failure of a party to advance the security deposit for jury costs required under the administrative order of the Court, at least twenty-one days prior to the date set for trial shall constitute a waiver of trial by jury.
- B. In forcible entry and detainer cases, the failure of a party to advance the security deposit for jury costs at the time of the filing of said demand shall constitute a waiver of trial by jury.

## **2.07 PRETRIAL CONFERENCE PROCEDURE**

- A. In any action the Court may, in its discretion, with or without the request or application of a party, assign such cause for a pretrial conference. There shall be a pretrial conference in all cases in which one or more party is not represented by counsel, (other than for small claims actions and forcible entry and detainer actions) as well as in all cases in which a demand for trial by jury has been made.
- B. At the pretrial conference, counsel and, unless excused by the Judge, all parties in interest shall be present. Counsel shall be fully prepared to discuss, consider, review and/or agree on the following matters:
  - 1. Status of pretrial negotiation and the possibility of settlement of the case.
  - 2. The possibility of taking advantage of the Alternative Dispute Resolution Program.
  - 3. Defenses and motions which, under the Civil Rules, must be determined before trial.
  - 4. Amendments to pleadings and additional pleadings and motions sought to be filed in the case.

5. Issues, stipulations and matters of law pertaining to the case.
6. Exhibits expected to be offered into evidence. Such exhibits shall be presented at pretrial for marking for identification.
7. Damages: Itemization of all special damages claimed and any reports or records relating to or tending to substantiate the basis of any claim of damage, special or general, shall be presented at the pretrial conference.
8. Names and number of all lay and expert witnesses expected to be called.
9. The need for a view of the scene.
10. An estimate of the time which will be required for a trial or hearing.
11. The date and time of the trial or hearing.
12. If prior to the pretrial conference, a jury trial was demanded by a party,
  - (a) a waiver of the jury, and
  - (b) if jury is not waived, the number of jurors requested.
13. The need to submit trial briefs, and if a jury trial was demanded, the need to submit the text of and citation of authority for jury instructions.
14. Such other matters as will aid in the expeditious disposition of the case.

## **2.08 ASSIGNMENT OF CASES FOR TRIAL**

When the issues in any case have been made by the pleadings, the Court, at its own discretion, or upon request of either party, may assign the case for trial or for pretrial. If a party requests trial or a pretrial conference, he shall certify to the Court in writing, that all discovery has been completed and that he is in compliance with all orders of the Court applicable to this cause and filed herein, and that he is not in default in the payment of any cost deposits as required by law or by Court rule.

## **2.09 CONTINUANCE REQUEST**

When a hearing or trial date has been assigned, a request for continuance shall be submitted to the Court at least five court days prior to the date of the trial or hearing and which must include the reasons for the request, the date and time of the current assignment and a space for a date certain to be assigned. Counsel for the party requesting the continuance shall submit a separate proposed order.

## **2.10 ENTRIES**

Counsel for a party in whose favor an order or judgment is rendered shall prepare the proposed journal entry or judgment entry, as the case may be, unless otherwise ordered, and submit it to opposing counsel within seven days of the decision. Opposing counsel shall

approve or reject the entry within seven days. Within seventeen days of the decision, prevailing counsel shall either cause to be submitted to the Clerk the proposed judgment entry or inform the Court of the disagreement of the parties on the proposed entry. In the event there is disagreement of counsel on the proposed entry, prevailing counsel shall inform the Court of such disagreement within fifteen days of the decision.

## **2.11 FORCIBLE ENTRY AND DETAINER**

- A. Service of summons on the defendant shall be by any of the methods of service prescribed by Section 1923.06(D) ORC. When service of summons is by personal or residence service, the summons shall state the hearing date on the cause of action for restitution of the premises to be ten to fourteen days from the date of filing unless there is a failure of service within seven days of the date of hearing, in which case the hearing shall be rescheduled.
- B. At the time set for hearing the plaintiff shall be present in Court. Failure to comply with this rule may result in a dismissal of the case.
- C. Demand for trial by jury shall be filed in accordance with Section 1923.09 O.R.C. but not later than three days prior to the date of the hearing.
- D. In the event that the defendant fails to appear at the eviction hearing, no default judgment shall be ordered unless testimony is taken from the plaintiff regarding the proper form and service of the "Notice to Leave Premises" on the defendant and defendant's failure to pay rent when due or other reason why restitution of the premises is being sought.
- E. If the plaintiff's claim for a writ of restitution is granted, then said writ shall be issued in ten days, to be executed within ten days thereafter, unless execution is sooner directed by the Court.

## **2.12 SMALL CLAIMS DIVISION**

- A. Pursuant to Section 1925.01 O.R.C., a Small Claims Division has been established for cases for the recovery of money only, for amounts not exceeding \$3,000.00, exclusive of interest and costs.
- B. Cases filed in the Small Claims Division shall be referred to Mediation prior to going forward on the Small Claims docket. If a case is settled during the Mediation session, the Plaintiff(s) shall be reimbursed by the Court for one-half of the initial filing fee. Cases which are not settled during the Mediation session shall be rescheduled on the Small Claims docket.
- C. Cases filed in the Small Claims Division shall be heard by the Judge, an Assigned Judge or an Acting Judge, appointed and assigned under Municipal Court Superintendence Rule 4. The Judge, Assigned Judge or Acting Judge shall hear and determine all cases which come before the Small Claims Division of this Court at

each Small Claims session, including but not limited to making findings incident to cases in which one or both parties have failed to appear and to making findings and recommendations in all contested cases. At sessions heard by an Assigned Judge or Acting Judge, the Assigned Judge or Acting Judge shall have and exercise the power to regulate all proceedings in every hearing before him or her as if by the Court and do all acts and take all measures as necessary or proper for the efficient performance of his or her duties under this rule. He or she may summon and compel the attendance of witnesses and may require the production before him or her of evidence upon all matters embraced in this reference, including the production of all books, papers, vouchers, documents and writings applicable thereto. The Assigned Judge or Acting Judge may rule upon the admissibility of evidence and has the authority to administer the oath and may examine them and may call the parties to the action and examine them upon oath. The Assigned Judge or Acting Judge shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations upon a court sitting without a jury.

- D. Pursuant to Section 1925.10 O.R.C., motions to transfer the cases to the regular civil docket filed by any party, cross claims or counterclaims in the amount of \$3,000.00 or more and motions for continuances shall be referred to the Court.
- E. Motions for a continuance should be filed within forty-eight hours prior to the hearing; however, for good cause, the Court may entertain a motion for continuance on the hearing date.
- F. In cases where motions have been granted to transfer a small claims case to the regular civil docket, the party seeking the transfer shall pay the appropriate filing fee to the Clerk within ten days of the granting of the motion. Failure to pay the fee within the prescribed time will result in the case being assigned a new hearing date on the small claims docket.
- G. No depositions or interrogatories shall be taken in small claims cases.

## **2.13 TRUSTEESHIP REGULATIONS**

- A. Filing Information: The filing fee for establishing a trusteeship is \$50.00. The application to establish a trusteeship must include a full, accurate and complete statement, under oath, of the names of the debtor's secured and unsecured creditors with liquidated claims, their addresses and the amount due to each. Debts of less than \$25.00 are not to be included in the trusteeship. Any applicable identifying numbers of the creditors should be included in the statement, such as account numbers, patient numbers, etc. In the event that the creditor has turned over to an attorney or collection agency the collection of a debt, the name and address of the attorney or collection agency must be listed on the statement also. Upon the establishment of the trusteeship, all the creditors will be notified by mail.

- B. Payment Information: The amount of nonexempt earnings paid to the Trustee shall be the nonexempt portion of the debtor's earnings determined according to Section 2329.66 of the Ohio Revised Code. Net earnings are earnings after deductions required by law, excluding deductions for child support, alimony, etc. A payment must be made upon the debtor's receipt of each pay check and is to be accompanied by a pay stub or written statement of the debtor's pay for that period. Payments are to be made into the trusteeship within three working days of the date the debtor received his pay from his employer.
- C. Receipts: When making a payment or calling the office, a debtor should always have available his trusteeship case number since all records are filed by number. If a debtor makes his payments by mail and wishes to receive a receipt, he must send a self addressed envelope with his payment. Otherwise his receipts will be returned to him with his disbursement letter.
- D. Notification of Changes: If a debtor changes his address or employer, he must notify the Trustee immediately. When a debtor is off work for any length of time or when returning to work, he must also notify the Trustee. A debtor is not expected to pay into his trusteeship when not drawing a pay check, but the Trustee must be aware of the situation so that his records will not indicate that he is delinquent. A judgment creditor may garnishee a judgment debtor's wages when the judgment debtor is not paying the required amount into his trusteeship while employed.
- E. Delinquency: If a debtor fails to pay the Trustee within a thirty day period and there is no information or reason for the nonpayment on file, the debtor will be sent one warning letter. If the debtor does not respond within one week, his trusteeship will be terminated automatically, and the debtor may not refile for a period of six months.
- F. Disbursement to Creditors: A disbursement to creditors is normally made after a debtor has paid at least \$500.00 into his trusteeship or in the event that \$500.00 has not been paid into the trusteeship within six months. Further disbursements to creditors are normally made when a trusteeship has accumulated an additional \$500.00 balance or each six months, whichever comes first. Upon distribution to the creditors, a fee shall be assessed in the sum of 2% of the total amount disbursed to the creditors. After the first disbursement, there is a \$5.00 charge for the addition of each new creditor into the trusteeship.
- G. Interest: If additional interest accrues on an indebtedness after the trusteeship has been filed, such interest is not includible in the trusteeship but rather is payable by the debtor outside the trusteeship.

#### **2.14 SERVICE BY ORDINARY MAIL FOLLOWING UNCLAIMED OR REFUSED CERTIFIED MAIL**

In the event that a copy of the complaint and summons which has been sent to a Defendant by certified mail is returned by the United States Postal Service marked either “unclaimed”



or “refused,” ordinary mail authorization by Plaintiff’s attorney (or the Plaintiff if Plaintiff has no attorney) is hereby waived, and the Clerk shall automatically send the copy of the complaint and summons by ordinary mail to the Defendant as evidenced by a Certificate of Mailing.

## **PART 3 - CRIMINAL/TRAFFIC PRACTICE**

### **3.01 PROSECUTOR'S CONFERENCES**

- A. In all misdemeanor cases in which the defendant is represented by counsel, a prosecutor's conference may be scheduled, upon the request of the defendant's counsel at any time after the filing of the complaint.
- B. The defendant's appearance at arraignment is required in all cases in which the defendant is charged with operating a motor vehicle while having a proscribed concentration of alcohol in his blood, breath or urine and/or operating a motor vehicle while under the influence of alcohol. The defendant's appearance at arraignment is required in all felony cases as well as domestic violence, assault, aggravated menacing cases, and other offenses which are violent in nature.
- C. At any time after the filing of a complaint in a felony case, a prosecutor's conference may be scheduled so long as the time limitation period for preliminary hearing is waived by the defendant.
- D. Both the defendant and the defendant's counsel shall be required to appear for all prosecutors’ conferences, unless the Court waives the defendant's appearance prior to the prosecutor's conference.
- E. At the conclusion of the prosecutor's conference, the defendant and the defendant's counsel shall forthwith appear before the Court to advise the Court of the results of the prosecutor's conference. On minor misdemeanors, an attorney may have the defendant's appearance waived.
- F. A prosecutor's conference will take place during traffic arraignments on Tuesdays at 5 p.m. and Fridays at 9 a.m. if the Court finds that there could be an immediate disposition of the case. A prosecutor will be present for traffic arraignment on the above days and times for that purpose.

**3.02 CONCEALMENT OF VICTIM'S ADDRESS, TELEPHONE NUMBER AND SIMILAR IDENTIFYING FACTS**

In accordance with Section 2930.07(B) of the Ohio Revised Code, the court file or court documents in a case shall not contain the address of the victim in the case or the victim's representative unless the address is contained in a transcript of the trial or is used to identify the location of the crime. The court file or court documents in a case shall not contain the telephone number of the victim in a case or of the victim's representative unless the number is contained in a transcript of the trial.

**3.03 MINOR MISDEMEANOR APPEARANCE AND WAIVER PROCEDURE**

Pursuant to Section 4.1 of the Rules of Criminal Procedure, a Violations Bureau for the disposition of minor misdemeanor offenses other than traffic offenses is hereby established. A person charged with a minor misdemeanor offense may, in lieu of appearance in Court and within the time specified in the citation, appear personally at the Clerk's office and pay the stated fine and costs or mail to the Court the stated fine and costs established by the administrative order of the Court.

**3.04 TRAFFIC VIOLATIONS BUREAU**

Pursuant to Traffic Rule 13, a Traffic Violations Bureau is hereby established. A person charged with a traffic violation waivable under Ohio Traffic Rule 13, may, in lieu of appearance in Court and within the time specified in the citation, appear personally at the Clerk's office and pay the stated fine and costs or mail to the Court the stated fine and costs established by administrative order of the Court.