

Part I Civil Rules

AS AMENDED EFFECTIVE JANUARY 1, 2007

TABLE OF CONTENTS
Rules of Court – General Division

Commencement, Service and Filing: Rules 1.01 – 1.09

- 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

Trial Process: Rules 1.10 – 1.24

- 1.10 PRETRIAL PROCEDURE PURSUANT TO CIVIL 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

Attachments

ATTACHMENT A - Case Designation Sheet

ATTACHMENT B - Facsimile Filing Cover Page

ATTACHMENT C - Notice of Filing Exhibit (re: facsimile filings)

ATTACHMENT D - MEDIATION INTAKE INFORMATION SHEET

RULE 1.01 APPLICATION AND ADOPTION

[Back to top](#)

- 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 General 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

[Back to top](#)

- 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

[Back to top](#)

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

[Back to top](#)

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 an additional deposit of \$400.00. The notice form shall comply with the requirements of ORCP 4.4. Only necessary matters should be included in the notice of publication in order to minimize the publication expense.

RULE 1.05 CLERK’S COSTS

[Back to top](#)

- 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 Three Dollars (\$3.00) 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

[Back to top](#)

- 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 (10) 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

[Back to top](#)

- 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

[Back to top](#)

- 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

[Back to top](#)

- 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

[Back to top](#)

- 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

[Back to top](#)

- 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

[Back to top](#)

- 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.

3. Each party must complete a Mediation Intake Information Sheet, Attachment D to these Rules, related to the potential for violence between the parties or their representatives or agents. The Information Sheet shall be submitted to Both prior to, and, in the mediator's discretion, during the mediation session(s), the parties have a duty to participate in any screening for the potential for violence or abuse.

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, and 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

[Back to top](#)

A. [Reserved]

RULE 1.14 CONTINUANCES

[Back to top](#)

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

[Back to top](#)

- 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 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 moving party must provide a sufficient number of stamped and addressed envelopes with the proposed Order to insure 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

[Back to top](#)

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

[Back to top](#)

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

[Back to top](#)

- 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

[Back to top](#)

- 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, as amended from time to time, and which are maintained in the office of the administrative judge.
- C. 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

[Back to top](#)

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

[Back to top](#)

- 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

[Back to top](#)

- 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

[Back to top](#)

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

[Back to top](#)

- 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

[Back to top](#)

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 (7th) day following the filing of the proceeding.

RULE 1.26 SATISFACTION OF JUDGMENT – NOTICE

[Back to top](#)

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

[Back to top](#)

- A.** No confirmation of any sale by the Sheriff or by any master commissioner or receiver appointed by the Court shall be entered within seven (7) days following such sale except upon the consent of all parties involved in the suit resulting in the sale.
- 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

[Back to top](#)

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

[Back to top](#)

- 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

[Back to top](#)

- 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

[Back to top](#)

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

[Back to top](#)

- 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

[Back to top](#)

All requests for transcripts directed to court reporters for the Hancock County Court of Common Pleas shall be in writing 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. The request shall be served upon the chief official 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 agreed upon at the time of the filing of the request.

RULE 1.34 INDEX FEE FOR APPEAL

[Back to top](#)

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

[Back to top](#)

A. Certificate of Qualifications

Applicant for a notary public commission may obtain a certificate of qualifications from any judge of the Court of Common Pleas. Any certificate issued shall indicate that the applicant is of good moral character; that the applicant is a resident of Hancock County, Ohio; that the applicant is possessed of sufficient qualifications and ability to discharge the duties of the office of Notary Public; and whether the applicant is an attorney at law qualified and admitted to practice in Ohio. No judge shall issue a certificate until:

1. The Judge is satisfied from personal knowledge that the applicant possesses the qualifications necessary to a proper discharge of the duties of the office;
2. The applicant has passed the examination set forth in this rule.

B. Examination

All examinations of applicants for the office of Notary Public shall be administered by the Judges' Committee on Notaries Public.

- **1. Judges' Committee on Notaries Public**

- **a.** **Composition:**
The Judges' Committee shall be composed of members of the Findlay/Hancock County Bar Association appointed by the President and shall be approved by the Administrative Judge of the General Division of the Court of Common Pleas.
- **b.** **Duties:**
The Judges' Committee on Notaries Public or its subcommittee shall from time to time, but not less than once each month, conduct examinations of all applicants for the office of Notary Public. The purpose of the examination shall be to determine whether applicants possess the qualifications necessary for the proper discharge of the office of Notary Public as set forth in O.R.C. Section 147.02 and this rule.

- **2.** **Procedure:**
All examinations of applicants for Notary Public Commissions shall be conducted by the following procedure:

- **a. Original Examinations**
 - **i. Applicants:** All applicants for Notary Public Commissions shall appear before the Secretary of the Judges' Committee on Notary Public and shall file the following items:
 - (a) An application with a sworn written statement that shall be in the form prescribed by the committee and shall contain all the information requested by the committee; and
 - (b) A fee of Fifty Dollars (\$50.00) plus the statutory fee prescribed by the Ohio Revised Code.
 - **ii. Secretary of the Committee:**
The Secretary of the Judges' Committee on Notaries Public shall refer the application to the Committee.
 - **iii. Committee on Notaries Public**
 - (a) If the applicant fails to appear for the initial scheduled examination, the Committee shall:
 - (i) Notify the applicant by mail that unless the applicant appears for the next scheduled examination, the application will be cancelled and the fee will be forfeited; and
 - (ii) Cancel the application and retain the applicant's fee if the applicant fails to appear for the next scheduled examination after notifying the applicant.
 - (b) If the applicant appears for the examination as scheduled, or rescheduled, the Committee or its subcommittee shall:
 - (i) Conduct an examination of the applicant and the applicant's application;
 - (ii) Prepare a report of the examination which indicates whether the applicant passed or failed the examination and

whether the Committee or its subcommittee has or has not recommended certification of the applicant's qualifications for the office of Notary Public;

- (iii) Notify the applicant by mail of its decision within five (5) days of the examination; and
- (iv) Submit the report to the Administrative Judge of the General Division of the Court of Common Pleas or designee within five (5) days after the examination.

iv. *Administrative Judge:*
Upon receipt of the Committee's written report the Administrative Judge or designee shall:

- (a) Review the application and statement in light of the Committee report; and
- (b) Grant or deny the applicant a certificate of qualifications as required by law; and
- (c) Advise and admonish each notary applicant as to their respective duties, powers and conduct of a Notary Public and shall admit the applicants to the office of Notary Public.

○ **b. Appeal from Adverse Committee Reports:** Any applicant may obtain re-hearing of an adverse Committee report. The re-hearing shall be obtained and conducted as follows:

- i. Applicants shall provide written notice of their desire for a re-hearing of the Committee's examination to the Administrative Judge and to the Committee. Notice shall be provided within five (5) days after receiving notice of the adverse committee report.
- ii. After the hearing has been completed, the Administrative Judge, assigned judge, or magistrate shall grant or deny the applicant a certificate of qualifications as required by O.R.C. Section 147.02 and this rule.

○ **c. *Re-Examination:***
In the event that the Judges' Committee on Notaries Public decides an applicant is not qualified for appointment to the office of Notary Public and/or failed the examination, the applicant may file a new application for re-examination. All applications for re-examination shall be governed by Division B.2.a. of this rule except that the applicant will only be charged a fee of \$25.00 per re-application and will be required to file the application(s) in accordance with the following schedule:

- i. *Application for Re-Examination After First Examination:*
Upon the unsuccessful completion of the first examination, an applicant may file an application for re-examination 30 days after the date of the first examination.
- ii. *Application for Re-Examination after Second Examination:*
Upon the unsuccessful completion of a second examination, an applicant may file an application for re-examination 90 days after the date of the second examination.
- iii. *Application for Re-Examination After Third Examination:*
Upon the unsuccessful completion of a third examination, an applicant may file an application for subsequent re-examination 1 year after the date of the third examination.

○ **d. Renewal Application**

- i. Any person who has been commissioned as a Notary Public in accordance with this rule whose notary, if expired, has not been expired for more than 6 months, may seek renewal of commission as follows:
 - (a) Application for Renewal
 - (b) If the notary's commission has expired, 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.
- ii. If the notary's commission has been expired for more than 6 months the applicant must retest and complete the entire process as if a new applicant.
- iii. Every person seeking renewal of commission shall file an application for renewal with the Secretary of the Judges' Committee on Notaries Public. The application shall:
 - (a) Be in writing under oath;

- (b) Shall provide information as requested by the Committee; and
 - (c) Be accompanied by a \$25.00 fee plus the statutory fee prescribed by the Ohio Revised Code.
 - iv. *Examination and Approval of Application:*
Every application for renewal shall be examined by the Chair of the Judges' Committee on Notaries Public or some member of the committee designated by the Chair for that purpose and, unless for good cause shown, shall be approved by the Chair. Upon approval of an application for renewal, the applicant shall be considered qualified for renewal of commission unless the Court determines otherwise.
 - v. *Appeal:*
In the event the Committee disapproves an application for renewal, the applicant may appeal the refusal in accordance with the procedure set forth in Division B.2.d. of this rule.
- e. *Removal:*
The Judges' Committee on Notaries Public may seek the removal, suspension or discipline of any Notary by filing a complaint with the Clerk of the Court of Common Pleas. Such complaint shall be heard and determined by the Administrative Judge of the General Division of the Court of Common Pleas after notice of the hearing is provided to the Judges' Committee on Notaries Public and to the individual or individuals against whom the complaint is filed.
 - i. Any complaint filed by the Judges' Committee on Notaries Public seeking removal, suspension or discipline shall be filed with the Clerk of the Court of Common Pleas without deposit.
 - ii. The Administrative Judge shall assess costs of the proceeding, including costs of prosecution, at the final hearing.

C. Accounting for Fees

All application fees set forth herein shall be paid to the Findlay/Hancock County Bar Association. The Findlay/Hancock County Bar Association shall pay all expenses associated with the Notary Public Committee. The balance of the fees shall be credited to a special account of the Findlay/Hancock County Bar Association. An accounting of all fees received by virtue of this rule and all expenditures made by the committee shall be made on or before September 1st of each year by the Findlay/Hancock County Bar Association to the Administrative Judge of the General Division of the Court of Common Pleas.