

RULES OF COURT
LORAIN COUNTY COURT OF COMMON PLEAS
GENERAL DIVISION

Effective February 12, 1979
with Revisions to January 31, 1999

INDEX

Page

Preamble	1
Rule 1 Divisions of Court	1
Rule 2 Terms of Court - Hours of Session	2
Rule 3 Administrative Judge	2
Rule 4 Assignment & Reassignment of Cases to Judges	2
Rule 5 Dismissal of Cases	6
Rule 6 Court Files and Papers	6
Rule 7 Security for Costs	6
Rule 8 Official Notification	7
Rule 9 Time Limitations	7
Rule 10 Form of Pleadings, Motions and Briefs	8
Rule 11 Amendment of Pleadings	9
Rule 12 Hearings and Submission of Motions	9
Rule 13 Discovery	9
Rule 14 Pre-Trials	10
Rule 15 Continuances in Civil and Criminal Cases	17
Rule 16 Appeals to the Court of Common Pleas	17
Rule 17 Foreclosure, Quiet Title and Partition Actions	18
Rule 18 Sheriff's Sales	20

Rule 19 Receiverships 22

Rule 20 Arbitration 23

Rule 21 Exhibits and Records 32

Rule 22 Medical Malpractice Arbitration 32

Rule 23 Videotape Testimony & Evidence 33

Rule 24 Cameras in the Courtroom 33

Rule 25 Case Management Procedure 34

RULES OF COURT
LORAIN COUNTY COURT OF COMMON PLEAS
GENERAL DIVISION

(A) Effective this date, the following local rules are hereby adopted for the governance of the practices and procedures in the General Division, Court of Common Pleas, Lorain County, Ohio:

(B) All prior and existing local rules of the General Division are hereby repealed.

(C) The Rules of Superintendence of the Ohio Supreme Court and the Ohio Rules of Civil and Criminal Procedure, under which these local rules are promulgated, also govern the practices and procedures in the General Division. Nothing in these local rules shall be interpreted to conflict with such Rules of Superintendence and Procedure.

RULE 1

DIVISIONS OF COURT

(A) The divisions of the Court of Common Pleas of Lorain County, Ohio, shall be as follows:

- (1) General, including civil and criminal cases;
- (2) Juvenile and Domestic Relations; and
- (3) Probate.

(B) The judges designated by law as being elected or appointed to the Juvenile and Domestic Relations Division and the Probate Division shall handle the business of their Divisions and shall adopt rules of practice and procedure for their Divisions in accordance with the Constitution and laws of Ohio and the rules of the Supreme Court. The rules herein shall apply only to the General

Division except as otherwise specifically provided.

RULE 2

TERMS OF COURT - HOURS OF SESSION

(A) **Terms of Court:** The court shall be in continuous sessions for the transaction of judicial business, but each calendar year shall be divided into four (4) terms, designated as the January, April, July and October terms of court.

(B) **Judges Assigned to Terms of Court:** The judge assigned to each term of Court shall supervise the Grand Jury. The assignment shall be rotated among the several judges of the General Division in the order of their seniority upon the bench.

(C) **Hours of Session:** The hours for the regular sessions of the Court shall be from 8:30 a.m. to 12:00 noon and from 1:00 to 4:30 p.m., Monday through Friday of each week, except for those days designated by law as legal holidays. Each judge may establish earlier opening or later closing times to handle civil pre-trials or motions and may extend the closing hour during trials when deemed necessary.

RULE 3

ADMINISTRATIVE JUDGE

Judicial Administration of the General Division shall be in accordance with Superintendence Rule 3.

RULE 4

ASSIGNMENT AND REASSIGNMENT OF CASES TO JUDGES

Method of Assignment

All cases filed with the Clerk of Court of Common Pleas for the General Division shall be assigned to a judge by lot.

CIVIL CASES

1. As herein used, assignment by lot for *civil cases* is the utilization of a random selection computerized system, in the care and custody of the clerk, designed and programmed for this purpose. When the deputy clerk endorses the time and date of filing, assigns the case number and generates a receipt for the deposit for costs, the computer will randomly select one of the judges of the General Division. Periodic checks of the system's report to ensure the function continues to be random and equal shall be made by the clerk and administrative judge or their representatives.

CRIMINAL CASES

2. As herein used, assignment by lot for *criminal cases* is the utilization of the shuffled and numbered assignment card and pad system. Cards shall be printed with courtroom numbers on the back corresponding with the quantity of General Division judges in equal amounts. The cards shall be shuffled in the presence of a representative from each judges office and returned to the printer for padding in the designated quantity and sealing on three sides. The quantity for each pad shall be divisible by the number of judges assigned to the General Division. Example: Four judges, twenty-five each equals one hundred cards in each pad. Five judges, twenty each equals one hundred cards in each pad.

ORDER OF ASSIGNMENT

3. Civil cases shall be assigned at the time and in the order of filing of the Complaint of transfer from another Court.

4. Criminal cases shall be assigned at the time and in the order of arraignment of the defendant in open court. Assignments shall be made by removing the top card from the sealed pad.

(A) No judgments or orders of any nature shall be made in a case except by the judge to whom the case has been assigned. The Administrative Judge may determine issues and proceedings in an assigned case only if the issues and proceedings involve preliminary matters and the record before him affirmatively demonstrates that the judge to whom the case is assigned is unavailable and that a delay in ruling on the matters until the assigned judge is available would be prejudicial.

(B) When civil actions involving a common question of law or fact have been filed as separate cases, a motion for consolidation shall be filed with the judge to whom the lowest number case has been assigned. If said judge grants the motion to consolidate, and if the judge or judges assigned to the other case or cases approves the entry, the cases shall be consolidated and go forward under the lowest case number. The judge presiding over each term of the Grand Jury shall have the authority to consolidate companion criminal cases. The judge to whom the consolidated cases have been reassigned shall have full and exclusive control over the final disposition of the cases.

(C) Any judge appointed or elected to succeed another judge shall take over the cases assigned to his predecessor.

CRIMINAL CASES:

5. If, after notification, counsel for the State or defense is not present, the Court shall proceed to arraign the defendant.

6. Criminal cases shall be assigned at the time and in the order of arraignment. Cases shall be arraigned in the order of their case numbers at a general scheduled arraignment.

7. If the defendant is not present at the time scheduled for arraignment, that case, with consent of counsel, may be passed to the end of the arraignment proceedings.

8. Arraignments other than at the general arraignment or out of order at the general arraignment shall be made only for good cause shown on the record, and in the case of multiple arraignments, shall be made in the order of their case numbers.

9. The custody and control of the criminal assignment pad shall be and remain with the Clerk of Courts. Prior to each and every arraignment proceedings, the Clerk of Deputy Clerk shall show the presiding Judge, Prosecutor or Assistant Prosecutor, and any interested defense counsel, the unopened pad and the same shall be recorded. Upon receipt of a plea to an initial indictment or information, and succeeding appearances thereafter during that session of arraignment, the Clerk shall assign each case by lot to a judge or the general division by removing the top slip from the sealed pad. Upon completion of the arraignment proceedings, the Clerk of Courts shall keep the sealed pad for safekeeping until the presiding judge shall schedule further arraignments.

REASSIGNMENTS

CIVIL CASES:

10. Civil cases involving a common question of law or fact shall be consolidated in accordance with Local Rule 4(B).

11. Civil cases to be reassigned, other than those to be consolidated under Local Rule 4(B), shall be referred to the administrative judge with the reason reassignment is necessary. Upon such referral, the administrative judge will reassign the case to another judge.

CRIMINAL CASES:

12. Criminal cases are to be consolidated in compliance with Local Rule 4(B)

13. At the arraignment, all companion cases are to be reassigned by the presiding judge to the judge to whom the first companion case was assigned.

14. At the arraignment, any cases involving a defendant who currently has an active criminal case pending shall be reassigned by the presiding judge to the judge having the responsibility of the pending criminal case.

15. If, after arraignment it becomes evident cases involve companions or the same defendant as set forth in Subsections 12 or 13, the originally assigned judge shall transfer it to the proper judge under Subsection 13 or 14.

16. Criminal cases to be reassigned, other than those covered by Subsections 13, 14 or 15, shall be referred to the administrative judge with the reason reassignment is necessary. Upon such referral, the administrative judge will reassign the case.

RULE 5

DISMISSAL OF CASES

Dismissal of cases shall be in accordance with Superintendence Rule 7.

RULE 6

COURT FILES AND PAPERS

No person, except a judge of the court or one of his/her employees, shall remove any court papers, files of the court, or parts thereof from the custody of the Clerk of Courts without the consent of the judge to whom the case is assigned. Removal of such papers and files shall be in accordance with a procedure approved by the court and prepared by the Clerk of Courts.

RULE 7

SECURITY FOR COSTS

(A) **In General:** No civil action or proceeding shall be accepted by the Clerk of Courts for filing unless the party or parties offering same for filing shall have first deposited a sum to secure the payment of costs that may accrue in such action or proceedings, except as otherwise provided by law. Such advance deposit shall be in accordance with the schedule approved by the court and prepared and published by the Clerk of Courts from time to time.

(B) **Cases Transferred from Municipal Court:** On cases transferred to the Common Pleas Court in which the demand of the cross-claim or counter-claim exceeds the monetary jurisdiction of the municipal court, the cross-claimant and counter-claimant shall post security for costs in a sum equal to the amount required if the case were originally filed in this court.

(C) **Multiple Parties:** In cases with multiple parties, the Clerk of Courts may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the costs thereof.

(D) **Bond in Lieu of Cash:** In lieu of case deposit, costs may be secured by bond with surety approved by the Clerk, provided, however, that no member of the Bar shall be accepted as such surety.

(E) **Poverty affidavits:** A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to prepay costs and is subject to court review at any stage of the proceedings.

RULE 8

OFFICIAL NOTIFICATION

Notification of the assignment of a case for any purpose shall be by ordinary mail in accordance

with Civil Rule 5(B) except that if schedule adjustments by the court become necessary and mail would be untimely, telephone communication may be utilized.

RULE 9

TIME LIMITATIONS

(A) **In General:** The time allowed or permitted for the performance or completion of any act shall be as established by the Ohio Rules of Civil Procedure; (see "Time Table for Lawyers under Ohio Civil Rules", **Ohio Rules of Court**, West Publishing.) If a particular matter is not covered by the Ohio Rules of Civil Procedure, such time shall be established by court order or the herein rules.

(B) **Leave to Move, Plead or Answer:** Civil Rule 12, prescribing Rule Day for pleadings, and the time periods designated for answering interrogatories, requests for admissions, and requests for production shall be strictly enforced. However, a party may, with leave of court, obtain one or more extensions, not to exceed thirty (30) days each, in which to move, plead or answer. Each request for an extension shall be in writing and shall state the number of prior extensions granted.

(C) **Briefs in Opposition:** Briefs in opposition to a motion shall be served and filed within fourteen (14) days after the motion is filed with the Clerk of Courts, at which time the Court will rule on the motion if it has not been set for oral hearing.

RULE 10

FORM OF PLEADINGS, MOTIONS AND BRIEFS

(A) **In General:** All pleadings, motions and briefs shall meet the following requirements:

- (1) Be legibly typewritten or printed on paper of legal cap size (approximately 8 ½ x 11), securely bound at the top and without backing;
- (2) State the court in which the document is being filed;
- (3) Contain a signature block which states the name of the trial attorney for the case, the firm, if any, office address and telephone number;
- (4) Contain a short title indicating the nature of the document; and
- (5) Bear a time stamp by the Clerk of Courts.

(B) **The Complaint:** In addition to the requirements set forth in subsection (A) above, the caption in every complaint shall state the name and address, if known, of each party.

(C) **Subsequent Documents:** In addition to the requirements set forth in subsection (A) above, all pleadings, motions, and briefs subsequent to the complaint shall state the following:

1. The name of the first party plaintiff and the first party defendant;
2. The name of the judge to whom the case is assigned;
3. The number of the case.

(D) Pleading Designation: All pleadings in any of the following actions must be clearly designated: PREJUDGMENT ATTACHMENT WITH NOTICE (2715.03), PREJUDGMENT ATTACHMENT WITHOUT NOTICE OF HEARING (2715.045), POST JUDGMENT GARNISHMENT OF PERSONAL EARNINGS (2716.01), POST JUDGMENT GARNISHMENT OF PROPERTY (2716.11), PREJUDGMENT RECOVERY OF SPECIFIC PERSONAL PROPERTY (Replevin 2737.03) and PREJUDGMENT RECOVERY OF SPECIFIC PERSONAL PROPERTY WITHOUT NOTICE.

RULE 11

AMENDMENT OF PLEADINGS

Amendment of pleadings shall be in accordance with Civil Rule 15, but no pleading shall be amended by interlineation or obliteration except upon leave of court first obtained. Upon the filing of an amended pleading, the original or any prior amendment thereof shall not be withdrawn from the files except upon leave of court.

RULE 12

HEARINGS AND SUBMISSION OF MOTIONS

(A) Except when oral hearings are mandated by an Ohio statute or by the Ohio Rules of Civil or Criminal Procedure, motions shall be submitted and determined upon the briefs. Oral arguments of motions may be permitted on written application and proper showing of the need therefor.

(B) Hearing Date and Bond: On Motion for PREJUDGMENT ATTACHMENT WITH NOTICE (2715.03) and PREJUDGMENT RECOVERY OF SPECIFIC PERSONAL PROPERTY (Replevin, 2737.03), the attorney must obtain a hearing date and have a bond set by the judge before filing the motion with the Clerk.

RULE 13

DISCOVERY

(A) In General: Discovery shall be conducted in accordance with Civil Rules 26 through 37.

(B) Interrogatories, Requests for Admissions, and Requests for Production:

In submitting interrogatories, requests for admissions, and requests for production, counsel shall file a facsimile copy with the Clerk of Courts and shall mail the original and one copy to opposing counsel. Opposing counsel shall type the answer or objection to each question or request on the original copy and file either the original or a facsimile copy with the Clerk of Courts within the designated time. When interrogatories, requests for admissions, or requests for

production are filed simultaneously with the original complaint, they shall not be annexed to the pleading. Counsel shall provide sufficient copies in order that a copy may be served upon each defendant at the time of the service of the summons and the complaint.

RULE 14

CASE MANAGEMENT AND PRETRIAL PROCEDURE

For the purposes of insuring the readiness of cases for pretrial and trial, the following procedures shall be in effect.

Within ninety (90) days after suit is filed, the case shall be set by the Court for a case management conference to establish case management procedures to prepare the case for an effective final pretrial. At that time the Court will take appropriate action on the service, leaves to plead, time limitations for discovery, scheduling a date for the pretrial hearing and any other steps warranted under the circumstances.

A pretrial conference shall be conducted in all civil cases prior to being scheduled for trial, except in actions for injunctions, foreclosures, marshaling of liens, partition, receiverships and on appeal from administrative agencies.

PART I. Case Management Conference:

(A) The case management conference may be conducted by the Bailiff or the Law Clerk, at the Court's option. The case management conference shall be conducted in person. All counsel attending must have full authority to enter into a binding case management order. Parties shall not be required to be present.

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

(C) If chief trial counsel wishes to attend and is not available at the time scheduled by the Court, and if he or she is unwilling to send other counsel authorized to enter into a binding case management order, then counsel shall have the obligation to reschedule the case management conference to take place within 30 days of the originally scheduled case management conference with the concurrence of all counsel and the Court. Failure to obtain such concurrence will result in the case management conference being held as originally scheduled. A case management order may be entered binding all counsel.

(D) The following decisions shall be made at the case management conference and all counsel attending must have full authority to enter into a binding case management order:

(1) Each case shall be categorized in terms of type (i.e., personal injury, contract, malpractice, commercial, collection, products liability, etc.); complexity of facts and legal issues presented; anticipated difficulty in obtaining and completing discovery; and dollar amount in controversy.

(2) Based on information determined by discussion of issues in (D)(1), above, a definite discovery schedule shall be agreed upon by all parties for the completion of all discovery.

(3) Determination shall be made concerning immediate assignment of the case to arbitration upon agreement of counsel or upon order of the Court. The Court shall set a date certain as to when the case shall be referred to arbitration. The Court may also set a date for trial in the event as appeal is taken from the arbitration.

(4) A definite date for exchange of expert reports shall be determined pursuant to Rule 14.1.

(5) A definite date for the filing of all motions which date shall not be later than seven (7) days before the final pretrial conference.

(6) The date for the final pretrial conference shall be set by the Court.

(E) At the conclusion of the case management conference, a case management order shall be prepared and signed by all counsel and submitted to the Court for signature. This order shall include definite dates for Part I (D)(1)-(6) of this rule. This order shall be journalized and is binding on all parties.

(F) If any new parties are added to the litigation subsequent to the case management order, then the Court shall set another management conference with all parties following the requirements of Part I (A)-(E) of this rule. The new case management order shall supersede any prior case management order.

PART II: Settlement Conference:

Upon order of the Court or request of any party, the Court shall set a day for a settlement conference within 30 days of the request.

The purpose of this conference is to effect an amicable settlement. Therefore, all parties must be present or, with permission of the Court, be available by telephone and have full settlement authority. All settlement conferences shall be conducted by the assigned judge or the judge's designee.

A party shall be entitled to request only one settlement conference.

PART III: Final Pretrial Conference:

(A) The purpose of this conference is to effect an amicable settlement, if possible, to narrow factual and legal issues by stipulation or motions; and to set a date certain for trial. All final pretrial conferences shall be conducted by the assigned judge or the judge's designee.

(B) All plaintiffs must be present or, with permission of the Court, be available by telephone with full settlement authority. Each defendant or a representative of each defendant must be present or, with permission of the Court, be available by telephone with full settlement authority. If the real party in interest is an insurance company, common carrier, corporation or other artificial legal entity, then the chosen representative must have full authority to negotiate the

claim to the full extent of plaintiff's demand. Plaintiff's demand must be submitted to counsel for defendant at least 14 days prior to the final pretrial conference.

(C) Counsel attending the conference must have complete authority to stipulate on items of evidence and admissions.

(D) If the Court concludes that the prospect of settlement does not warrant further court supervised negotiations, then the Court shall act on any other matters which come before it at that time and efforts shall be made to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The Court may enter a pretrial order to become part of the record of the case embracing all stipulations, admissions and other matters which have come before it. The Court shall at that time determine whether trial briefs should be submitted and shall fix a date when they are to be filed.

(E) Each party shall submit a pretrial statement at least seven (7) days in advance of the final pretrial setting forth the following:

- (1) Statement of facts and legal issues;
- (2) Statement of real factual and legal issues in dispute;
- (3) Stipulations;
- (4) List of non-expert trial witnesses with a brief summary of expected testimony;
- (5) List of expert trial witnesses with reports attached;
- (6) Special legal problems anticipated;
- (7) Estimated length of trial;
- (8) Pretrial motions contemplated;
- (9) Special equipment needs for trial.

(F) If the Court shall determine that the case is suitable for arbitration at the pretrial, then the Court may so order the referral to the arbitration list. At the same time the Court may set a trial date in the event an appeal is filed from the arbitration award.

(G) A trial date shall be set by the Court not later than 180 days after the final pretrial.

(H) Any judge presiding at a pretrial conference or trial shall have authority:

- (1) After notice, dismiss an action without prejudice for want of prosecution upon failure of plaintiff and/or his counsel to appear in person at any pretrial conference as required by Part III(B) of this Rule.
- (2) After notice, order the plaintiff to proceed with the case and decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference or trial, as required by Part III(B) of this Rule.

(3) The failure of an attorney to comply with the provisions of Part III(B) without good cause shown may subject the attorney to sanctions, including a fine of up to Two Hundred Fifty Dollars (\$250.00) to be paid by the attorney to cover the costs of opposing counsel's appearance at the pretrial.

(4) The failure of an attorney to appear within 30 minutes of a scheduled settlement or pretrial conference may subject the attorney to sanctions in the amount of Two Hundred Fifty Dollars (\$250.00) unless good cause is shown. If the Court awards sanctions, the attorney is personally responsible for payment of the award.

(5) The sanctions contained in Parts (I) (1)-(4) should not be imposed until a reasonable attempt is made by the Court or opposing counsel present at the pretrial to contact the missing counsel by telephone to determine whether that counsel's non-compliance with these rules can be reasonably explained.

(I) In the event the judge or judge's designees is not present in Court with thirty (30) minutes of the time set for a settlement or pretrial conference, counsel and the parties scheduled for that conference may depart without sanctions.

Rule 14.1

TRIAL WITNESSPART I: Expert Witness:

(A) Since Ohio Civil Rule 16 authorizes the court to require counsel to exchange the reports of medical and expert witnesses expected to be called by each party, each counsel shall exchange with all other counsel written reports of medical and expert witnesses expected to testify in advance of the trial. The parties shall submit expert reports in accord with the time schedule established at the Case Management Conference. The party with the burden of proof as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter, the responding party shall submit opposing expert reports within the schedule established at the Case Management Conference. Upon good cause shown, the Court may grant the parties additional time within which to submit expert reports.

(B) A party may not call an expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel. It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the expert's opinion. However, unless good cause is shown, all supplemental reports must be supplied no later than thirty (30) days prior to trial. The report of an expert must reflect his opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his expert report.

(C) All experts must submit reports. If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and address of the expert, the subject of the expert's expertise together with his qualifications and a detailed summary of his testimony. In the event the expert witness is a treating physician, the Court shall have the discretion to determine whether the hospital and/or office records of that physician's treatment which have been produced satisfy the requirements of a written report. The Court shall have the power to

exclude testimony of the expert if good cause is not demonstrated.

(D) If the Court finds that good cause exists for the non-production of an expert's report, the Court shall assess costs of the discovery deposition of the non-complying expert against the party offering the testimony of the expert unless, by motion, the Court determines such payment would result in manifest injustice. These costs include the expert's fee, the court reporter's charges and travel costs.

(E) If the Court finds that good cause exists for the non-production of a report from a treating physician, the Court shall assess costs of the discovery deposition of the physician equally between the plaintiff and the party or parties seeking discovery of the expert. These costs may include the physician's fee, the court reporter's charges and travel costs.

(F) A party may take a discovery deposition of their opponent's medical or expert witness only after the mutual exchange of reports has occurred. Upon good cause shown, additional time after submission of both sides expert reports will be provided for these discovery depositions if requested by a party. If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert. Except upon good cause shown, the taking of a discovery deposition of the proponent's expert constitutes a waiver of the right on the part of the opponent to call an expert at trial on the issues raised in the proponent's expert's report.

PART II: Non-expert Trial Witness:

All parties are required to submit a trial witness list, including the full name and address of all witnesses expected to testify at the trial on their behalf, no later than seven (7) days prior to the final pretrial date. Thereafter, upon a showing of good cause, the opposing party may take the discovery deposition of any witness contained on the opposing trial witness list who has not been previously deposed during the normal discovery period. This extension of discovery cutoff is specifically restricted to depositions not previously taken of individuals listed on the opponent's trial witness list.

RULE 15

CONTINUANCES IN CIVIL AND CRIMINAL CASES

(A) Continuances of Civil and Criminal cases shall be in accordance Superintendence Rule 14.

(B) Requests for Continuances: All requests for the continuance of a trial must be by written motion which complies with Civil Rule 7(B). Service of the motion shall comply with Civil Rule 5. Continuances shall be granted only by the judge to whom the case is assigned.

(C) Appearing at Trial Unprepared: If a party or counsel appears for trial but shows good

cause as to why he is not ready for trial, the court shall make such order or orders as it deems proper. If a party or counsel appears for trial but indicates that he is not ready for trial without showing good cause for his unreadiness, the court, if such party is one seeking affirmative relief, shall enter an order dismissing the claim for want of prosecution, or if a party defending a claim, shall order the party seeking relief to proceed with the case and shall determine all matters ex parte.

(D) Failure to Appear at Trial: If a party seeking affirmative relief, either in person or by counsel, fails to appear for trial, the court shall enter an order dismissing the claim for want of prosecution. If a party defending a claim, either in person or by counsel, fails to appear for trial and the party seeking affirmative relief does appear, the court shall order such party to proceed with the case and shall determine all matters ex parte.

(E) Settlements Prior to Trial: If a case set for trial is settled, the trial counsel shall immediately notify the court and thereafter, as provided by these rules, file a stipulation of dismissal or other proper entry.

RULE 16

APPEALS TO THE COURT OF COMMON PLEAS

(A) Time Limitations: In all appeals from administrative agencies to the Court of Common Pleas pursuant to Section 119.12 of the Ohio Revised Code, the time for filing briefs shall be as follows:

- (1)** Within thirty (30) days after the filing of the record of proceedings with the Clerk of the Common Pleas Court, the appellant shall file his assignments of error and brief;
- (2)** Within thirty (30) days after the appellant's brief has been filed, the appellee shall file its brief and assignments of error, if any;
- (3)** Within twenty (20) days after the filing of the appellee's brief, the appellant may file a reply brief;
- (4)** For good cause shown, the court may, upon written motion, extend the time for filing the brief and assignments of error.

(B) Oral Hearing: Upon expiration of the above time limits, the case will be considered submitted on the briefs, unless an oral argument is requested in writing.

RULE 17

FORECLOSURE, QUIET TITLE AND PARTITION OF ACTIONS

(A) Preliminary Judicial Report: In actions to quiet title, partition and for marshaling and foreclosure of liens on real property, except those involving registered lands, the attorney for the

plaintiff shall procure and file with the Clerk, within thirty (30) days after the filing of the Complaint, evidence of the record title to the premises in question, including by not limited to, the names of the owners of the property to be sold and the names of all lienholders. Evidence of the title may be demonstrated by a preliminary opinion of attorney in a form and to such extent as would satisfy the requirements of the Marketable Title Act or preliminary judicial report issued by a title insurance company. Such opinion or report shall be rendered as of a date which is fourteen (14) days after the date of the filing of the complaint and shall include all matters affecting the title up to and including a date which is fourteen (14) days after the filing date of the complaint. Upon failure of the attorney for the plaintiff to comply with the foregoing requirement within sixty (60) days after filing of the complaint, any cross-complainant or other interested party upon notice to plaintiff's attorney, may procure leave to furnish and file such evidence of title within the ensuing thirty (30) days. Such evidence of title or copy thereof shall become and remain a part of the files in the case. Where the evidence of title indicates that necessary parties have not been made defendants, the attorney for the party filing the same shall proceed without delay to cause such new parties to be added and served. The opinion of title or judicial report (preliminary and final) shall be for the benefit of the purchaser at any sale resulting from the action filed.

(B) Final Judicial Report: Within fourteen (14) days following the entry of judgment in any such case a final opinion of attorney or final judicial report shall be prepared and filed in accordance with the foregoing requirements showing the description of the property and the record state of title as of the day following the filing of the decree. Such extension shall also become and remain a part of the files in the case.

(C) Dismissal of Action: Failure to comply with the foregoing rule shall be grounds for dismissal of an action. Dismissal may be granted on motion of any party or upon the motion of the court.

(D) Expense of Title Work: The reasonable expense of the title work required under this rule for each property involved may be taxed as part of the costs in favor of the plaintiff unless otherwise ordered by the court.

(E) Supreme Court Report: For purpose of reporting by trial judge to the Supreme court in foreclosure cases, the judgment entry and order for sale will determine the case to be closed. All other proceedings in foreclosure cases will proceed according to law.

(F) Property Description: All Judgment Orders of Foreclosure and Sale shall contain the legal description of the property to be sold, together with the permanent parcel number, and address, if applicable.

RULE 18

SHERIFF'S SALE

(A) Purchase Price: In every Sheriff's Sale of real property, the purchaser, as soon as **THE PURCHASER'S** bid is accepted, shall be required to deposit, at the time of sale, in cash, certified check or personal check payable to the sheriff, ten percent (10%) of the amount of such accepted bid, but in no event, less than one thousand dollars (\$1000.00). The unpaid balance of the purchase price shall be due and payable to the sheriff within thirty (30) days from the date of the sale. The purchaser shall be required to pay interest on said unpaid balance at ten percent (10%) per annum from the date of confirmation of the sale to the date of payment of the balance unless the balance shall be paid within eight (8) days from the date of confirmation of sale. Any interest received shall be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority. The provisions of this paragraph shall not be applicable when the purchaser is the Plaintiff.

(B) Sheriff's Return: Within one week of the date of sale, the Sheriff shall make his return to the Court. Plaintiff shall submit a proposed journal entry confirming sale and file a motion requesting the Court to confirm the sale, stating in the motion the date the sale was held, and send copies to all parties or their counsel by regular mail, no later than seven (7) days following the day on which the sale was held. It shall not be necessary to have approval of any parties or their counsel prior to filing such entry. Unless proper written objection to the confirmation entry by a party or counsel is presented to the court not later than the second Monday following the sale, said entry shall be approved by the court. If proper written objection is made, the court shall determine the validity of the objection and make an order determining the issue. On the Tuesday following such return and confirmation, the Clerk of Court shall notify the Sheriff to prepare his deed to the purchaser. Such deed shall be prepared in conformity with Section 2329.36 of the Ohio Revised Code and shall be delivered to the purchaser upon payment of the full purchase price and interest, if any.

(C) Failure to Complete Purchase: In the event a purchaser fails to pay the balance due on the purchase price and complete the purchase within said thirty (30) days after the date of sale, he shall be in contempt of this court and the Sheriff shall forthwith cause a citation to issue commanding such defaulting purchaser to appear before the judge of this court having such matters in charge and show cause why he should not be punished. Upon a finding of guilty of contempt, the court proceeds in accordance with Section 2329.04 of the Ohio Revised Code.

(D) Notice of Sale: In each advertisement of sale, the Sheriff shall cause to be included notice that the full purchase price shall be paid within thirty (30) days from the date of sale and unless paid within eight (8) days after confirmation of sale, shall bear interest at six percent (6%) until paid, otherwise the purchaser shall be adjudged to be in contempt of court. The Sheriff shall also keep a copy of this entire rule conspicuously posted at the place where he conducts sales and shall call attention thereto before receiving bids. The Sheriff shall forward to each attorney of record in every judicial proceeding a copy of the advertisement of sale.

(E) Appraisal Fees: Appraisal fees shall be based on the Auditor's last tax appraisal of the property as shown by his duplicates, and the fees shall be scaled as follows:

Upon up to \$5,000 tax value, each appraiser **\$15.00**

\$5,000 TO \$25,000 **\$25.00**

\$25,000 TO \$50,000 **\$50.00**

Over \$50,000 **\$50.00**

Plus \$1.00 for each \$1,000 or fraction thereof

of tax valuation in excess of \$50,000

(F) Cancellation of Sale: All costs and fees to date shall be paid in full prior to the filing of any order canceling a Sheriff's sale.

RULE 19

RECEIVERSHIPS

In all cases where Receivers are appointed by this court, the following shall apply:

(A) Unless the court by entry specifically authorizes the Receiver to continue a business, he shall expeditiously take control of the assets of the defendant debtor, give notice to all known creditors of his appointment and afford them opportunity to present and prove their claims, cause the assets to be inventoried and appraised, determine the validity and priority of creditors' claims, take such steps as may be necessary to reduce the assets to cash and make distribution of said cash between the various classes of creditors.

(B) Within two (2) months after his appointment, the Receiver shall report to the court, submitting his inventory and appraisal, including his account of receipts and expenditures to date. Such documents shall be filed with the Clerk of Court. The several matters herein referred to shall be considered by the judge to whom the case is assigned and his approval thereof shall be by journal entry, approved first by the Receiver and his counsel.

(C) Semi-annually after filing the first report with inventory, appraisal and account, the receiver shall file with the Clerk of Court, consecutively numbered reports with accounts, for approval by the court by journal entry, as to all receipts and expenditures made by the Receiver during the reporting period and a summary of plans for the future conduct of the Receivership.

(D) In cases involving Receivers appointed to take charge of property and to collect rents and other income, the Receiver may expend funds, without first having obtained court approval, to pay for insurance premiums, water and utility bills, and make emergency repairs as are necessary for the proper maintenance of the property. For authority other than that conferred upon the Receiver by virtue of this rule, the Receiver shall make application to the court for such authority.

(E) In all Receiverships in which property appraised in excess of \$1,000.00 is to be put up for

public or private sale, the Receiver shall file in advance of such sale a report with the court showing the amount of expenditures incurred or to be incurred prior to the time the sale is to be conducted.

(F) An application for payment of Receiver's and Counsel for Receiver's fee (partial or final) shall be filed with the Clerk for approval by the court. Notice of filing shall be mailed by ordinary mail to all counsel of record in the pending matter. Such applications shall show time spent on enumerated items, amounts of money collected, disbursed and one hand, the status of secured and unsecured creditors' claims, including amounts claimed, payments made thereon and balance due, the amounts and dates of prior fees authorized in the case and an estimate of the amount of time necessary to complete work in the Receivership and make final distribution. The court may approve or set for hearing the matter of Receiver's fees or Counsel for Receiver's fees not sooner than ten (10) days after the filing of the application therefor.

(G) Failure to file an inventory and appraisalment, accounts or other reports as contemplated by the rule will constitute cause for removal of the Receiver and/or his attorney and for withholding of fees for the Receiver and/or his attorney.

(H) **Certificate of Appointment:** As soon as possible and within two weeks of his appointment at the latest, a Receiver shall obtain his Certificate of Appointment from the Clerk of Court's office.

RULE 20

ARBITRATION

In accordance with Rule 15 of the Rules of Superintendence of the Supreme Court of Ohio, the following procedures for compulsory arbitration shall be followed in all civil cases until further order of Court:

(A) **Supervisory Power of the Court:** The assigned judge or a judge designated by **THE ASSIGNED JUDGE** in **THE ASSIGNED JUDGE'S** absence shall have full supervisory power with regard to any questions that arise in all arbitration proceedings and in the application of these rules.

(B) **Cases for Submission to Arbitration:**

(1) Every civil case, except those involving title to real estate, equitable relief, or appeal, at least six (6) months old, in which the amount actually in controversy (exclusive of interest and costs) has been determined at pre-trial by the assigned judge to be **THIRTY THOUSAND DOLLARS (\$30,000.00)** or less shall be submitted to compulsory arbitration pursuant to this rule.

(2) Without limitation as to amount, counsel in any civil action which is at issue may stipulate in writing, before or after pre-trial, that it may be submitted for compulsory arbitration in accordance with this rule. Upon the filing of such stipulation, together with the pre-trial statements of the parties, the action shall be submitted to arbitration.

(C) **Arbitrators:**

(1) **Qualifications:** In order to serve as an arbitrator, one must have been admitted to the practice of law for more than two (2) years, be a member of the Lorain County Bar Association, and have consented to act as an arbitrator.

(2) **List of Arbitrators:** The list of those consenting to be arbitrators shall be kept on file by the Lorain County Bar Association, which shall be furnished each judge of the General Division of the Lorain County Court of Common Pleas with an accurate copy of said list and shall maintain a record of all appointments. Attorneys subsequently desiring to be added to or eliminated from the list may so notify the Lorain County Bar Association by letter.

(3) **Manner of Appointment of Arbitrators:** The judge assigned to a case subject to arbitration shall appoint three lawyers from the list to act as arbitration board. One of the lawyers so appointed shall be designated as chairman of the board by the assigned judge. Prior to the appointment of the arbitration board, the parties may agree, in writing, to submit the case to a single arbitrator, rather than a board. The assigned judge shall notify the Lorain County Bar Association of all appointments.

(4) **Disqualification of Arbitrators:**

(a) Not more than one member of a law partnership or association of attorneys shall be appointed to the same arbitration board, nor shall an attorney be appointed to a board who is related by blood or marriage to any party to the case or to any attorney of record in the case or who is a law partner or an associate of any attorney of record in the case.

(b) No disclosure shall be made to the arbitrators prior to the filing of the report and award of any offers of settlement made by either party, except by written agreement of the parties. An arbitrator who has knowledge of settlement demands or offers shall be disqualified.

(5) **Oaths of Arbitrators:** Prior to the arbitration hearing, the arbitrators shall be assembled and shall be sworn or affirmed justly and equitably to try all issues properly submitted to them pursuant to this rule. The oath shall be administered by the judge assigned to the case or an authorized representative of the assigned judge who is a notary public.

(6) **Compensation of arbitrators:**

(a) Each member of an arbitration board who has signed as award or has filed a minority report shall receive as compensation for **THEIR** service a fee of Fifty Dollars (\$50.00). When more than one case arising out of the same transaction is heard at the same hearing, it shall be considered as one case insofar as compensation of the arbitrators is concerned. In cases requiring a hearing of unusual duration or involving questions of unusual complexity, the judge assigned to the case, on written application of the members of the arbitration board and for good cause shown, may allow additional compensation. The members of an arbitration board shall not be entitled to receive their fees until after filing their report and award with the Clerk of Courts. Fees paid to arbitrators shall not be taxed as costs **EXCEPT AS PROVIDED IN SECTION J, BELOW,** nor follow the award as other costs.

(b) In the event that a case shall be settled and dismissed **OR A REQUEST FOR CONTINUANCE IS GRANTED** sooner than two days prior to the date scheduled for the hearing, the board members shall not be entitled to the aforesaid fee **AND ANY DEPOSIT**

MADE IN ACCORDANCE WITH SECTION J SHALL BE REFUNDED TO THE PARTY MAKING SAID DEPOSIT. In the event that a case shall be settled and dismissed **OR A CONTINUANCE IS GRANTED** within the said two-day period, the board members shall be entitled to receive said fee.

(c) All compensation for arbitrators shall be paid, upon certification by the judge assigned to the case, from funds **DEPOSITED WITH THE CLERK OF COURTS AS PROVIDED IN SECTION J, BELOW. IF NO SUCH FUNDS ARE AVAILABLE, THEN THE ASSIGNED JUDGE SHALL PAY THE ARBITRATOR(S)** from funds of Lorain County, Ohio, which have been allocated for the operation of the Common Pleas Court of Lorain County, Ohio.

(D) **Communication with Arbitrators:** There shall be no unilateral communications by counsel or the parties with the arbitrators concerning the merits of the controversy at any time prior to the filing of the report and award of the arbitration board.

(E) **Arbitration Hearings:**

(1) **Time and Place of Hearing; Notice:** Hearings shall be held at a place designated by the judge assigned to the case, preferably in the courthouse or other county building. The assigned judge shall fix a time and date for the hearing and shall send written notice of the time, date and place of the hearing to the members of the arbitration board and to the parties or their counsel in accordance with Civil Rule 5(B).

(2) **Continuances:** All requests for continuation of an arbitration hearing shall be addressed to the judge assigned to the case and shall be by formal motion in compliance with Civil Rule 7(B). Only the assigned judge may grant a continuance. **ANY REQUEST FOR A CONTINUANCE WHICH IS GRANTED WITHIN FORTY-EIGHT (48) HOURS OF THE SCHEDULED ARBITRATION SHALL RESULT IN PAYMENT TO THE MEMBERS OF THE ARBITRATION PANEL IN ACCORDANCE WITH SECTION J. THE ASSIGNED JUDGE SHALL ORDER FUNDS DEPOSITED WITH THE CLERK OF COURTS DISBURSED IN ACCORDANCE WITH SECTION J, AND THE PARTIES SHALL RE-DEPOSIT ADDITIONAL FEES IN ACCORDANCE WITH THIS RULE UPON RESCHEDULING OF THE ARBITRATION DATE.**

(3) **Default in Appearance:** The arbitration hearing may proceed in the absence of any party or his counsel, who, after due notice, fails to be present or fails to obtain a continuance. An award shall not be made solely on the default of a party or his counsel. The arbitration board shall require the other party to submit such evidence as they may require for the making of the award.

(4) **Conduct of Arbitration Hearing:** The three members of the board, unless the parties agree upon a lesser number, shall be the judges of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrators and of all the parties except where any one of the parties is absent, in default, or has waived his right to be present. The board may receive the evidence of witnesses by affidavit or written report and shall give it such weight as they deem it to be entitled to after consideration of any objections made to its admission.

(5) **Powers of Arbitration Board:** The arbitration board shall have the general powers of a court

including, but not limited to, the following:

(a) **Subpoenas:** To issue subpoenas for the attendance of witnesses at the hearing. Counsel shall, upon request and whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

(b) **Production of Documents:** To compel the production of all books, papers and documents which they shall deem material to the case.

(c) **Administering Oaths; Admissibility of Evidence:** To administer oaths or affirmations of witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition, and to decide the law and the facts of the case submitted to them.

(d) **Medical Bills; Property Damage Bills or Estimates:** In actions involving personal injury and/or damage to property, the following bills or estimates may be offered and received in evidence without further proof, for purposes of proving the value and reasonableness of the charges for services, labor and material, or items contained therein, and, where applicable, the necessity for furnishing the same, on condition that one week's written notice has been given to the adverse party, accompanied by a copy of the bills to be offered in evidence.

(i) **Hospital Bills:** Hospital bills on the official letterhead or billhead of the hospital, when dated and itemized;

(ii) **Bills of Doctors and Dentists:** Bills of doctors and dentists, when dated and containing a statement showing the date of each visit and the charge thereof;

(iii) **Bills of Nurses, etc.:** Bills of registered nurses, licensed practical nurses, or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges thereof;

(iv) **Bills for Medicines, etc.:** Bills for medicines, eye glasses, prosthetic devices, appliances, or similar items;

(v) **Property Repair Bills or Estimates:** Property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used in the repair of the property;

(vi) **Procedure in Case of Estimate:** In the case of an estimate, the party intending to offer the estimate shall forward within his notice to the adverse party, together with a copy of the estimate, a statement indicating whether or not the property was repaired, and, if it was, whether the estimated repairs were made in full or in part by attaching a copy of the receipted bill showing the items of repair made and the amount paid.

(6) **Record of Testimony:** The arbitrators shall not be required to make a transcript of the proceedings before them. If any party shall desire a transcript, **THAT PARTY** shall provide a reporter and cause a record to be made. The party requesting the same shall pay the costs thereof, which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided with it by the reporter upon payment thereof, based upon the usual charges made for a copy of a deposition plus one-half of the costs of the reporter at the hearing.

(F) **Report and Award:**

(1) The report shall be a clear, concise statement of the board's findings of fact and conclusions of law on the issues presented to them.

(2) Within twenty (20) days after the hearing, the arbitration board shall file a report and award with the Clerk of Courts of Lorain County and on the same day shall mail or otherwise forward copies thereof to the parties or their counsel in accordance with Civil Rule 5(B). An award may not exceed **\$30,000.00** exclusive of interest and costs, unless the parties otherwise stipulate. The report and award shall be signed by all of the members of the arbitration board. In the event that all three members do not agree on the findings and award, the dissenting member shall write the word "Dissents" before **THAT MEMBER'S** signature. A minority report shall not be required unless the arbitrator elects to submit the same due to unusual circumstances.

(3) The report and award, unless appealed from as hereinafter provided, shall be final and shall have the attributes and legal effect of a verdict. If no appeal is taken within the time and in the manner specified thereof, the judge assigned to the case shall enter judgment in accordance with the majority report. After entry of such judgment, execution process may be issued as in the case of other judgments.

(G) **Witness Fees:** Witness fees in any case referred to an arbitration board shall be in the same amount as now or hereafter provided for witnesses in trials in the Common Pleas Court of Lorain County, Ohio and may be ordered taxed as costs in the case, and the costs in any case shall be paid by the same party or parties by whom they would have been paid had the case been tried in the Common Pleas Court of Lorain County, Ohio.

(H) **Appeals:**

(1) **Right of Appeal:** Any party may appeal from the action of the arbitration board to the Common Pleas Court of Lorain County unless the right of appeal is waived by all parties and all counsel to the proceedings in writing prior to the arbitration hearing; said waiver shall be filed as part of the arbitration record. The right of appeal shall be subject to the conditions set forth in this rule, all of which shall be completed within thirty (30) days after the filing of the report and award with the Clerk of Courts.

(2) **Notice of Appeal and Costs:**

(a) The appellant shall pay an appeal fee of twenty Dollars (\$20.00) to the Clerk of Courts and shall file with the Clerk a notice of appeal, together with an affidavit that the appeal is not taken for delay but because **THE APPELLANT OR AFFIANT** believes that an injustice has been done. Copies of such documents shall be served upon opposing parties or their counsel in accordance with Civil Rule 5(B).

(b) The appellant shall, at the time of filing his appeal, repay to Lorain County, Ohio by deposit with the Clerk of Courts, all **EXTRAORDINARY** fees received by the members of the arbitration board in the case in which the appeal is taken. The sum so paid shall not be taxed as costs in the case, shall not be recoverable by the appellant in any proceeding, and shall not be returned even though the case is dismissed prior to the trial de novo.

(c) A party without funds desiring to appeal an award may apply, by written motion and affidavit, to the judge assigned to the case, averring that by reason of poverty, **THE PARTY** is

unable to make the payments required for an appeal. Said motion shall be governed by the Civil Rules of Procedure and the Rules of this court.

(3) **Trial De Novo:** All cases which have been appealed shall be tried de novo by the judge assigned to the case.

(4) **Testimony of Arbitrators:** In the event of an appeal from the award of the arbitration board, the arbitrators shall not be called as witnesses as to what took place before them in their official capacity as arbitrators upon any hearing de novo.

(I) Exceptions and Reasons Therefor:

(1) Any party may file exceptions to the decision of the arbitration board within thirty (30) days after the filing of the report and award with the Clerk of Courts for either misconduct or corruption of the arbitration board or of a single arbitrator. Proof of service shall be endorsed thereon.

(2) Copies of said exceptions shall be mailed to each arbitrator on the board and to the opposing parties or their counsel within 48 hours after filing of the exceptions.

(3) The exceptions shall be forthwith assigned for oral hearing before the judge assigned to the case.

(4) If such exceptions are sustained, the report and award of the arbitration board shall be vacated and the case either assigned to a new arbitration board or returned to the active civil docket.

(J) Deposit of fees prior to arbitration:

EACH PARTY SHALL DEPOSIT \$75.00, UNLESS THERE ARE MORE THAN TWO PARTIES INVOLVED IN THE ARBITRATION IN WHICH CASE EACH PARTY SHALL DEPOSIT AN EQUAL AMOUNT WHICH TOTALS \$150.00, WITH THE OFFICE OF THE LORAIN COUNTY CLERK OF COURTS SEVEN (7) DAYS PRIOR TO THE ARBITRATION. THIS IS A NON-REFUNDABLE DEPOSIT FOR THE PAYMENT OF THE FEES OF THE ARBITRATORS. IN THE CASE OF AN AWARD OF EXTRAORDINARY FEES TO THE ARBITRATORS DUE TO AN ARBITRATION OF UNUSUAL DURATION OR COMPLEXITY AS PROVIDED IN SECTION (C) (6) (a), ABOVE, THE EXTRAORDINARY FEE ALLOWED ABOVE THE ORIGINAL \$150.00 DEPOSIT SHALL BE TAXED AS COSTS AND REIMBURSED BY A PARTY APPEALING THE DECISION OF THE ARBITRATORS PURSUANT TO SECTION (H) (2) (b), ABOVE.

EXHIBITS AND RECORDS

(A) **Exhibits:** Exhibits in the custody of the Official Court Reporters and/or the Clerk of Courts may be returned to the offering party six (6) months after the expiration of the appeal process. The official Court Reporter and/or the Clerk of Courts shall notify the offering party and/or his counsel of record that their exhibits may be obtained at the Lorain County Common Pleas Courthouse by signing a receipt which indicates the items to be returned. If said exhibits are not obtained within nine (9) months of the expiration of the appeal process, the exhibits may be destroyed, except exhibits from criminal cases, which will be turned over to the Lorain County Prosecutor's office.

(B) **Records:** Records in the custody of the Clerk of Courts and the shorthand notes of the Official Court Reporters may be destroyed ten (10) years after a case is concluded, and after compliance with Section 149.40 of the Ohio Revised Code, except in Murder and Aggravated Murder cases.

RULE 22

MEDICAL MALPRACTICE ARBITRATION

(A) All medical claims as defined in Section 2305.11 (D) of the Revised Code shall be submitted to arbitration, regardless of the amount in controversy or the age of the case.

(B) The selection of arbitrators shall be in accordance with Section 2711.21 (A) of the Revised Code. If a party fails to notify, in writing, the judge assigned to the case of his choice of an arbitrator within the time period specified in the court order submitted the case to arbitration, the assigned judge may appoint a person of its own choice as said arbitrator.

(C) Each member of an arbitration board who has signed an award or has filed a minority report shall receive as compensation for his services a fee of One Hundred Dollars (\$100) for the first day, plus Fifty dollars (\$50) for each fractional half-day thereafter. When more than one case arising out of the same transaction is heard at the same hearing, it shall be considered as one insofar as compensation of the arbitrators is concerned. In cases requiring a hearing of unusual duration or involving questions of unusual complexity, the judge assigned to the case, on written application of the members of the arbitration board and for good cause shown, may allow additional compensation. The members of an arbitration board shall not be entitled to receive their fees until after filing their report and award with the Clerk of Courts. Fees paid to arbitrators shall not be taxed as costs nor follow the award as other costs.

(D) All other matters involved in the arbitration of a medical claim shall be governed by the provisions of Rule 20 of the Local Rules of Court and Section 2711.21 of the Revised Code.

RULE 23

VIDEOTAPE TESTIMONY & EVIDENCE

(A) **Videotape Depositions:** If videotape depositions are to be used in the trial of a case, the

tape(s) must be filed with the Clerk of Courts, for editing by the Court, no later than ten (10) days prior to trial. Any videotapes submitted after this date will not be presented to the jury, unless for good cause shown the trial court grants leave to file said depositions out of rule. All videotape depositions must comply with the requirements of Common Pleas Superintendence Rule 12 (A), formerly Rule 15. No trial continuances will be given because of the inability of a medical expert to be present to testify; Civ R. 32 (A) (3).

(B) Videotape Trials: The assigned judge may, in any appropriate case, order the recording of all testimony and evidence on videotape in accordance with Common Pleas Superintendence Rule 12 (B), formerly Rule 15.

RULE 24

CAMERAS IN THE COURTROOM

The use of cameras and recording equipment in the courtroom shall be in accordance with Canon 3(A)(7) of the Code of Judicial Conduct, Rule 11 of the Rules of Superintendence for the Common Pleas Court, and the following:

(A) Requests for permission to broadcast or photograph courtroom proceedings must be made in writing, must be filed with the assigned judge at least twenty four (24) hours prior to the hearing or trial, and will be made a part of the case file.

(B) The assigned judge may prohibit the visual or audio recording of jurors, undercover police officers, victims, and witnesses.

RULE 25

CASE MANAGEMENT PROCEDURE

(A) Preface

The goal of this Rule is the prompt but fair disposition of litigation. This goal can only be accomplished by early and continuing judicial control and management of each case assigned to the judge's docket. This Rule will establish a general framework for management of cases pursuant to Superintendence Rule 9(B), leaving to the discretion of the individual judge the use of additional procedures to accomplish the goal of this Rule.

(B) Case Management Scheduling Order

(1) At any time after service of the Complaint, but within ninety days of the filing of the last responsive pleading, the judge assigned to the case may make a binding case management scheduling order. The judge shall make the order after consulting with all counsel of record at a case management conference, which may also be referred to as a status call. The scheduling conference may be conducted in person or, with the prior approval of the judge, by telephone. Failure of counsel to attend the case management conference after receiving notice will result in counsel's forfeiting the right to have any input into the scheduling of the case.

(2) The scheduling order shall limit the time;

(a) To join new parties and to amend the pleadings;

(b) To file motions; and

(c) To complete discovery.

It may also include:

(d) The trial date and pretrial dates. Pretrials to be in compliance with Local Rule 14.

(e) Any other matters appropriate to the particular case. Once the scheduling order is completed, it shall not be modified except by order of the Court.

(3) At the case management conference, or within thirty days of the receipt of the case management scheduling order, counsel shall inform the Court, in writing, of any appropriate and available alternative dispute resolution procedures which may result in the early resolution of the case without a trial.

*** * * * NOTICE * * * ***

Effective: May 14, 1987

All subpoenas, or praecipe for subpoenas submitted to the Lorain County Clerk of Courts Office shall not be accepted unless it lists the **FIRST NAME, OR INITIALS, LAST NAME** and **FULL ADDRESS** of all witnesses.

The County Auditor can not issue the witness checks without this information.