

Wednesday, July 13, 2016
1:25 PM



Noble County Clerk of Courts

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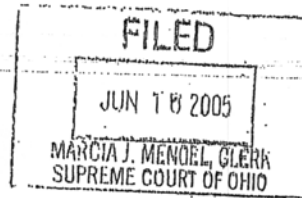
June 28, 2007

PLEASE TAKE NOTICE OF THE FOLLOWING:

Effective June 1, 2005 the following Rules have been revised in the Noble County Common Pleas Local Rules. This will affect the deposit amounts and the service upon copies and complaints.

Karen S. Starr
Clerk of Courts

IN THE COURT OF COMMON PLEAS
NOBLE COUNTY, OHIO
GENERAL DIVISION



IN THE MATTER OF THE
ADOPTION OF RULES OF COURT

JOURNAL ENTRY

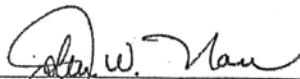
The Supreme Court of Ohio, pursuant to Article 4, Section 5, of the Ohio Constitution, prescribes certain rules of practice and procedure. The Court finds it is necessary to adopt additional rules not inconsistent with the rules promulgated by the Supreme Court of local practice.

It is hereby **ORDERED** in all instances where the Noble County Common Pleas Court Rules are in conflict with the new Ohio Civil Rules of Practice and Ohio Rules of Superintendency, that the Civil Rules of Practice and the Ohio Rules of Superintendency be and they are hereby in full force and effect.

It is further **ORDERED** the following shall be the rules for regulation of the practice and proceedings in the Common Pleas Court of Noble County, Ohio, until otherwise ordered by this Court. All previous rules are hereby repealed and rescinded.

NOW, THEREFORE, the following rules are adopted this day of April, 1990.

Effective as of May 1, 1990



JOHN W. NAU, JUDGE

RULE 1

DIVISIONS OF THE COURT

1.01 The Court of Common Pleas of Noble County, Ohio, shall be divided into two divisions: The General Division (jurisdiction in Civil, Criminal, and Domestic Relations Matters) and the Probate-Juvenile Division.

These rules apply only to the General Division.

RULE 2

CONSTRUCTION OF RULES

2.01 These rules shall be construed to achieve an orderly administration of the business of this court; to govern the practice of attorneys before this Court; and to secure the just, speedy and inexpensive determination of every civil, criminal, domestic relation or equitable action. References to statutes, regulations or rules shall be interpreted to include all revisions and amendments thereto. Reference to the Clerk of this Court shall be interpreted to include the Clerk of this Court and any Deputy Clerk.

RULE 3

TERM OF COURT

3.01 There shall be one term of court coinciding with each calendar year. The term shall be divided into three sessions, Winter, Summer, and Fall. The Winter session will begin January 1st, the Summer Session on May 1st and the Fall Session on September 1st.

RULE 4

HOURS OF COURT SESSIONS

4.01 The sessions of this Court shall begin at 8:00 o'clock a.m. and close at 11:30 o'clock a.m. and shall resume at 12:30 o'clock p.m. and close at 4:00 o'clock p.m. Monday through Friday of each week, save and except for days which by law or proclamation of the President of the United States or Governor of this State are designated or set aside for their observance as legal holidays, and also excepting Thursday, when the session will begin at 8:00 o'clock a.m. and close at 11:30

o'clock a.m. There is no afternoon session on Thursday.

4.02 The Court shall be in session at such other times and hours as the Judge thereof shall prescribe to meet special situations or conditions.

RULE 5

ASSIGNMENT COMMISSIONER.

5.01 The Court shall have an Assignment Commissioner responsible for maintaining a record of all firm trial dates (hereinafter sometimes referred to as the trial docket) and who also shall fix all other dates and times for hearing on all matters coming before the Court.

5.02 If counsel requests a hearing date to be incorporated in a pleading, counsel shall obtain the hearing date from the Assignment Commissioner, prior to the pleading being filed in the office of the Clerk of Court. The attorney shall file the completed pleading and necessary copies which counsel shall serve on all parties by regular mail with proof on the record. Otherwise, counsel shall give instructions of service to the Clerk of Courts for service on all counsel and/or parties.

RULE 6

ATTORNEY OF RECORD

6.01 As soon as an attorney ascertains that he represents any party in any suit then pending in this Court, he shall immediately notify the Clerk so that proper notation can be made upon the file, the appearance and Court dockets. A copy of a time stamped notice shall be satisfactory evidence that notice was given. Failure to so notify the Clerk shall be deemed a waiver of any notice required under these Court rules

RULE 7

DEPOSIT OF CASE TO SECURE COSTS, BONDS, ETC.

AMENDED PAGE 4

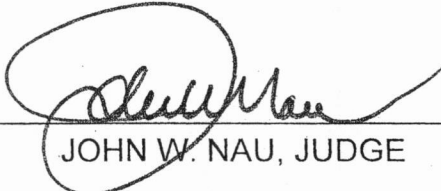
7.01 No civil action or proceeding shall be accepted by the Clerk of Court for filing unless the party or parties offering the same for filing shall first have deposited a sum of money to secure the payment of costs. Except as otherwise provided by law where applicable, such advance deposit shall be as follows:

Aid in Execution, Petition to Vacate, Revive or Modify Judgment, Garnishment or Attachment	\$	80.00
Cognovit	\$	80.00
Application for Modification and Citation for Contempt (unless filed by Bureau of Support on its motion).	\$	80.00
Civil Complaints and Other Pleadings Seeking		
Affirmative Relief		
Personal Service	\$	200.00
Service by Publication	\$	350.00

(In the event deposit for personal service is made and subsequent request for service by publication is made, an additional deposit shall be made of \$200.00)

Divorce and Dissolution	\$200.00
Service by Publication	\$350.00
(In the event deposit for person service is made and subsequent request for service by publication is made, an additional deposit shall be made of \$200.00)	
Answer and Cross Complaint or Counterclaim	
Civil	\$ 200.00
Domestic Relations	\$ 200.00
Investigation in Child Custody Cases (By movant)	\$ 80.00
Execution	\$ 80.00
Appeals from Other Tribunals	\$ 80.00
Reciprocal Support Actions filed	
In this Court	\$ 80.00
Garnishment (Plus \$1.00 for Employer)	\$ 80.00
Certificate of Judgment	
Form prepared by Party	\$ 20.00
Form prepared by Clerk	\$ 25.00
Court of Appeals	\$90.00

REVISED: June 1, 2019



 JOHN W. NAU, JUDGE

7.02 If it is brought to the attention of the Court that any deposit is insufficient, the Court may require said deposit to be increased from time to time.

7.03 Where the Plaintiff makes an affidavit of inability to pay or secure costs as provided in Section 2323.31 O.R.C., the Clerk shall receive and file the complaint without such deposit or security. Affiants are subject to investigation and verification.

RULE 8

DEPOSIT OF COSTS ON CASES TRANSFERRED FROM COUNTY COURT

8.01 Any party filing an Answer and Cross-Complaint or Counterclaim in the County Court, Noble County, Ohio, which because of jurisdictional limitations causes a transfer of said case to this Court, shall deposit at the time of transfer with the Clerk of Courts an amount equal to the deposit required if the cause of action had originally been filed in this Court.

RULE 9

COSTS ON CASES FILED UNDER RULE 3 (F) OF THE OHIO RULES OF CIVIL PROCEDURE

9.01 Costs for filing a Complaint under Rule 3 (F) of the Ohio Rules of Civil Procedure shall be taxed in the amount of \$7.50 plus .10 for each Plaintiff and Defendant in excess of two. Said costs are to be paid in advance with notation on docket copy.

RULE 10

BAIL OR SURETY

10.01 No Attorney at Law or other officers of this Court shall be accepted or received as bail or surety on any undertaking of any kind in this Court, nor shall any bond or undertaking be approved having the name of any such person thereon as surety.

10.02 The Clerk of this Court shall accept and allow criminal defendants to post a bail bond or surety in the form and amount as set by the Noble County court upon the physical

transfer of the file of that Court to the Court of Common Pleas of Noble County, or to seek modification of the same with notice being given to the Prosecuting Attorney.

The parties or their attorneys appearing before this Court shall be guided by Criminal Rule 5, Criminal Rule 10, Ohio Revised Code Chapter 2937 and this rule in the procedure for bail bonds for criminal defendants. (Revised May 1, 2005)

RULE 11

PLEADINGS, MOTIONS - GENERAL FORM

11.01 Pleadings, motions and applications shall be legibly typewritten or printed on letter size paper (approximately 8 1/2 " x 11") and shall be securely bound at the top and unfolded. The caption at the top thereof, in addition to stating the name of the Court, County and State, shall state the name and address, if known, of each party in the case of complaints, with space for the number and blank space of at least three inches at the top of the first page for endorsement thereon by the Clerk. Pleadings filed subsequent to the complaint, including motions and applications shall state the number of the case, the name of the first party-plaintiff and first party-defendant on each side. Each pleading, motion or application shall bear the name, office address and telephone number of the Attorney or Law Firm, if any; otherwise, the name of the party filing and the type of action, such as "Complaint for Money Judgment", etc.

11.02 Post Judgment Motions. In the caption of a Post Judgment Motion there shall be typed the name and address of each party.

RULE 12

SERVICE OF COPIES AND NOTICE

12.01 Upon filing of a Complaint, the person filing the same shall submit to the Clerk a true copy thereof for each party-defendant, and the Clerk shall arrange for service to be made thereon as set forth in the Ohio Rules of Civil Procedure or as otherwise provided by law.

12.02 A true copy of each subsequent pleading, motion, response, brief, application or other paper filed in any cause shall be served forthwith by the party filing the same

or such party's counsel upon opposing counsel and each party not represented by counsel, except that transcripts of the proceedings, depositions, and other transcripts of evidence shall not be required to be so served. Such service as well as proof of service shall be made as set forth in the Ohio Rules of Civil Procedure or as otherwise provided by law.

12.03 In Domestic Relations matters, all motions and applications filed after decree shall be served upon the adverse party pursuant to Civil Rules.

12.04 Unless specifically otherwise requested, service of summons and complaint upon the Noble County Treasurer or Noble County Auditor may be made by the Clerk delivering said summons and complaint directly to the office of such official. Service shall be deemed complete upon the Clerk's filing a notice of such service with receipt signed by the Treasurer or Auditor or duly authorized agent thereof. To specifically request otherwise, the request must contain the phrase "notwithstanding Local Rule 12.04."

Enacted Effective June 1, 2005

RULE 13
RULE DAY EXTENSIONS

13.01 By agreement of counsel any party may be permitted two (2) leaves to move or plead provided the total extension of time does not exceed forty five (45) days. Such consent shall be evidenced by a consent to plead signed by all counsel and filed with the Clerk. Neither these forms nor entries shall be submitted to the court for approval where consent to plead is proper and is obtained, but agreed extensions must be filed.

13.02 Where an additional extension of time beyond that provided by paragraph 13.01 is needed or where the parties cannot agree upon an extension of time, the party desiring the extension shall file a written motion supported by an affidavit stating facts indicating the practical impossibility of pleading within rule and demonstrating good cause for further extension. The motion and affidavit shall be served upon opposing counsel and the matter shall be heard at a time to be fixed by the

Judge. The motion and affidavit will be required even though consent of counsel is obtained if the extension is for a period of time beyond that permitted by paragraph 13.01 hereof.

RULE 14

AMENDMENT OF PLEADINGS, NOTICE, COSTS

14.01 No pleading or motion shall be amended by interlineation or obliteration, except upon leave of Court first obtained. Upon the filing of an amended pleading or motion, the original or any prior amendment thereof shall not be withdrawn from the file.

RULE 15

HEARING AND SUBMISSION OF MOTION:
OBJECTIONS TO INTERROGATORIES

15.01 (A) Motions, in general, shall be submitted and determined upon the motion papers hereinafter referred to. Oral arguments of motions will be permitted on application and proper showing.

(B) The moving party shall serve and file with any motion a brief written statement of reasons in support of the motion and a list of citations of the authorities relied upon. If the motion requires the consideration of facts not appearing of record, the moving party shall also serve and file copies of all appropriate affidavits, depositions, photographs or documentary evidence he desires to present in support of said motion.

(C) Each party opposing the motion shall serve and file within seven (7) days thereafter a brief statement of reasons in opposition to the motion and a list of citations of the authorities relied upon. If the motion requires the consideration of facts not appearing of record, the opposing party shall also serve and file copies of all appropriate affidavits, depositions, photographs or documentary evidence in opposition to the motion.

(D) Reply or additional briefs upon motions and submissions may be filed with leave of the court only upon showing of the necessity thereof.

(E) **Objections to Interrogatories.** Objections to Interrogatories shall include, immediately preceding any discussions and citation of authority, the interrogatory in full to which objection is made.

(F) Counsel are encouraged to participate in pretrial discovery conferences to reduce, in every way possible, the filing of unnecessary discovery procedures. To curtail undue delay in the administration of justice, no discovery procedure filed under Rules 26 through 37 of the Rules of Civil Procedure to which objection or opposition is made by the responding party shall be taken under consideration by the court, unless the party seeking discovery shall first advise the court in writing that after personal consultation and sincere attempts to resolve differences the parties are unable to reach an accord. This statement shall recite those matters which remain in dispute, and in addition, the date, time and place of such consultation, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.

(G) **Sanctions.** The presentation to the court of unnecessary motions, and the unwarranted opposition of motions, which in either case unduly delay the course of and action through the Courts, subject an offender to appropriate discipline including the imposition of costs.

(H) All pleadings and briefs containing references to statutes or regulations shall have attached thereto a copy of the statute or regulation.

(Revised 6/1/2005)

RULE 16
PRETRIAL PROCEDURE

(A) In accordance with Civil Rule 16, when a cause is at issue (service is complete and last permitted pleading has been filed or is beyond rule date) the Court shall fix a date for a limited informal pre-trial conference or status report, the purpose of which is to resolve a particular issue, to explore the possibilities of an early settlement and to fix deadlines for the completion of discovery procedures, and to set a trial date. The limited informal pre-trial conference shall be set within 45 days after the cause is at issue. The Court shall check each new cause within 21 days of its filing, and monitor same weekly thereafter, if necessary, to determine when the case is at issue. In lieu of an appearance before the Court, the court may request a written status report from the attorneys

written status report. No pre-trial statement, as defined in paragraph B (2) hereof, will be required for a limited pretrial conference, unless the Court specifically orders to the contrary. Informal pre-trials may be conducted by telephone conference with the prior consent of the Court.

(B) In addition to the limited informal pretrial conference or status report mentioned in paragraph A hereof, there shall be at least one formal pretrial conference. Additional pretrial conferences may be set at the request of one or more attorneys appearing in the cause or by the court on its own motion. All matters set forth in subdivisions (1) to (10) of Civil Rule 16 will be discussed in depth at such pretrial conference.

(1) All attorneys appearing in the action are expected to be present at the formal pretrial conference, fully authorized to act and negotiate on behalf of the parties that they represent. Since the amicable disposition of the case by settlement will be seriously considered, the attorney should appear at the formal pretrial conference prepared to discuss the subject in depth. The parties or their respective sureties, indemnitors, insurers or authorized representatives of state agencies shall be present at the formal Pretrial conference unless excused by the Court prior to the formal Pretrial date.

(2) All attorneys shall file with the Court and serve upon all other attorneys appearing in the action, not less than two (2) days prior to the date of the formal pretrial conference, a Pretrial statement:

- (a) advising the court in detail of the factual and legal issues which the case presents;
- (b) listing names and addresses of prospective witnesses;
- (c) outlining the expected testimony of witnesses and controverted factual issues, as indicated above;
- (d) listing all exhibits the party proposes to offer into evidence.
- (e) setting forth the party's position on legal issues, including any significant evidentiary questions, with a citation of authorities in support thereof;
- (f) as to any party seeking monetary damages, attaching an itemized list of special damages and expenses, if applicable; and
- (g) attaching copies of written opinions of all persons who may be called as expert witnesses, including physicians, which shall not constitute a waiver of privilege granted under 2317.02 of the Ohio Revised Code, as set forth in Civil Rule 16. A party calling an expert witness, shall request such written report from the expert witness early enough in the proceeding to be able to comply with this rule.

the Court the Pretrial Statement required under subdivision (2) of paragraph B of this Rule or to attend the formal pretrial conference as required by subdivision (1) of paragraph B of this Rule, after notice of formal pretrial conference has been sent, the court may impose sanctions as authorized by Civil Rule 37.

(4) The Court may, and at the request of any party or his attorney shall, prepare, or cause to be prepared, a written order which recites the action taken at the pretrial conference under this paragraph (B). The Court shall enter the order and submit copies to the attorneys for the respective parties. The order, subject to Civil Rule 60 (A), shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

(5) The Court may order trial counsel to prepare and submit to the court trial briefs and proposed jury instructions. In such event, the court shall establish a schedule for the submission of said documents.

(C) Dates, as determined by the Court, shall be fixed to assure final disposition within the times as set forth by Superintendence Rules 39.

(Revised 6/1/ 2005.)

RULE 17
FIRM TRIAL DATES

17.01 Firm trial dates will be fixed on call of the Docket or at pre-trial conferences, or at other times by the Court for good cause shown.

When a firm trial date has been set by the Court, continuances will not be granted for the convenience of any attorney or party, or by reason of any inability to obtain certain witnesses or delay in obtaining exhibits or other evidence. A continuance will not be granted for conflict by reason of assignments of one counsel or other in another court except for good cause shown where the attorney can prove that said attorney had no way of knowing of the conflict sufficiently in advance of the trial date to obtain substitute counsel in the trial of the case assigned, or for other good cause shown in which the Court believes in the interest of justice the trial must be continued.

17.02 Counsel desiring the use of video taped testimony must arrange to provide the necessary equipment and personnel for its use in the courtroom. Counsel's attention is directed to Superintendence Rule 13.

17.03 The Assignment Commissioner may assign cases as first, second or subsequent alternate to a primary case. The Court will endeavor to notify counsel for alternate cases not later than 24 hours before trial time that the alternate case will or will not be heard on said date. However, the purpose of assigning cases as alternates is to utilize the courtroom and to get cases tried and the Court reserves the prerogative of requiring alternate cases to be ready for trial if it appears to the Court that there is a strong possibility that the principal case will at the last moment be settled, dismissed or continued.

(Revised 6/1/2005)

TRIAL BRIEFS

17.04 When a case has been given a firm trial date, each attorney representing a party thereto shall file with the Court, for the Court's personal use, a trial brief, no less than seven (7) days before the trial, with contents as required below.

Trial Briefs shall contain:

- (a) A short statement of the case.
- (b) A memorandum of the law upon which Plaintiff relies for relief requested in the complaint. Memorandum of Defendant on law which Defendant relies to deny relief requested by Plaintiff.
- (c) Memorandum of the law involved with unusual trial procedure that may be contemplated including introduction of evidence, motions, or any special request to be made to the Court for both Plaintiff and Defendant.
- (d) Issues of fact to be determined. Both Plaintiff and Defendant.
- (e) Names of witnesses and/or exhibits to be presented to prove each issue for both Plaintiff and Defendant.
- (f) Advice to the Court as to whether or not,
 - (1) special finding of the jury will be requested,
 - (2) Interrogatories will be submitted to the jury.
- (g) Xerox copy of any major cases or authorities cited and xerox copy of any

unreported cases upon which the party relies.

(h) In case it is a trial to the Court, the trial brief will contain information as to whether or not the party will desire the Court to make a special finding of fact and conclusion of law.

(i) Any complaint, counterclaim, or other affirmative relief pleading may be dismissed without prejudice for lack of prosecution if a party seeking such affirmative relief through its complaint, counterclaim or other affirmative relief pleading does not file a trial brief within the time limit prescribed herein at said party's costs. In the event of jury trial, any jury costs incurred by the County may be assessed against the dismissed party.

RULE 18 DEFAULT JUDGMENTS

18.01 When a principal party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the party entitled to a judgment by default shall apply in writing or orally to the court therefore; but no judgment by default shall be entered against a minor or an incompetent person unless represented in the action by a guardian or other representative who has appeared therein. If the party against whom judgment by default is sought has appeared in the action, such party shall be served with written notice of the application for judgment at least seven days prior to the hearing on such application, the date and time to be fixed by the Assignment Commissioner with the concurrence of judge, if, in order to enable the Court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the Court may conduct such hearings or order such references as it deems necessary and proper and shall when applicable accord a right of trial by jury to the parties.

18.02 The Court generally will not enter a default judgment against any individual defendant, until there is in the file, an affidavit that the individual defendant is NOT on active duty in any branch of the Military Service of the United States of America.

(Revised 6/1/2005)

RULE 19

COGNOVIT-JUDGMENTS

19.01 Requests for cognovit judgments not involving mortgage foreclosures or other relief shall be submitted to the Judge.

19.02 When a petition is presented to the Court for the rendering of a cognovit judgment, it shall contain, or be accompanied by, an affidavit to the effect:

1. That the maker of the cognovit note resides in Noble County, or
2. That the maker, or any one of several makers, of the cognovit note signed the warrant of attorney in Noble County.

19.03 The attorney who represents the judgment creditor shall include in the petition a statement setting forth to the best of counsel's knowledge the last known address of the defendant or defendants.

19.04 Immediately upon the entering of any judgment the attorney who represents the judgment creditor shall furnish a copy of the judgment entry to the Clerk of this Court. The Clerk shall notify the defendant or defendants by mailing a copy of the judgment entry by registered or certified mail at the address set forth in the petition.

RULE 20

JOURNAL ENTRIES

20.01 The Attorney in whose favor the decision was made shall within seven days prepare the proper Entry and submit it to counsel for the adverse party who shall approve or reject the same within seven days after the receipt thereof. If approval or rejection is not communicated to prevailing counsel, prevailing counsel may submit the proposed entry with appropriate notation to the Court for approval. If the prevailing party does not prepare an entry within the seven day period, opposing counsel may forthwith present an entry to the Court for approval. If counsel are unable to agree upon an entry, they shall confer with the Judge and if agreement cannot be reached after such conference, the Judge shall prepare and enter the proper entry.

RULE 21

FAMILY AFFAIR & DOMESTIC CASES

21.01 Domestic Hearings:

- (A) Contested motions will be set by the Assignment Commissioner as time is available, and contested divorce actions will be assigned as part of the regular trial docket. A contested matter will be set for Informal pre-trial as soon as the matter is at issue.
- (B) At the time a Petition for Dissolution is filed, the attorney filing same shall obtain a hearing date from the Assignment Commissioner.
- (C) At the time of filing or after service is obtained in a divorce action, if in the opinion of Plaintiff the divorce is likely to be uncontested, the Plaintiff may obtain a hearing date.
- (D) At the time Plaintiff requests a hearing date, the Court will cause notice of hearing to be sent by ordinary mail to Defendant at such address as Plaintiff shall provide.

21.02 Ex-Parte Domestic Orders:

- (A) Counsel desiring an ex-parte order pursuant to Civil Rule 75 (I) or (N) must arrange a personal conference with the Judge and present the complete file together with a proposed entry or entries. During the conference counsel may be required to provide background information and respond to inquiry pertinent to the relief sought.
- (B) Ex-parte restraining orders will not be considered unless there is presented an Affidavit of a party sworn to absolutely, containing information precisely as required by Civil Rule 75 I (2).
- (A) Requests for allowance of spousal support, child support and custody must either be included in the Complaint or a Motion accompanied by satisfactory proof by Affidavit. Generally custody will not be awarded on an ex-parte basis, to a party who does not have physical custody of the child or children involved.

(Revised 5/1/2005)

21.03 At the time of filing a Petition for Dissolution or a Complaint or Counterclaim for Divorce, Alimony, Separate Maintenance or Annulment, or a Motion to Modify Child Support, or a Motion to Modify Alimony, there shall be filed an Information Sheet similar to Form DR-1. Form DR-1 will also be filed and served with Answers unless the person filing the Answer has no dispute with the Form DR-1 filed by the other party. The purpose of the Information Sheet is to provide the Court

with background and financial information. The Information Sheet does not constitute a pleading or resolution of substantive issues.

Additionally, in all cases where a support order is to be issued or modified, the Obligee shall sign and file with the Obligee's first pleading, an application for Title IV-D Services.

21.04 In the event the Complaint or Petition discloses minor children, there shall be filed with the Complaint or Petition the Affidavit required by Section 3127.23.

(Revised 5/1/05)

21.05 The Clerk of Courts shall refuse to receive for filing any pleading which fails to comply with paragraphs 21.03 and 21.04.

21.06 Journal Entries:

1. The Court will not approve a Journal Entry relative to custody or support that fails to specify that the Court inquired of the parties and found it to be to the best interest of the child (ren) that custody be placed with the party to whom custody is awarded and that the person awarded custody is a proper person to be the custodian.
2. EFFECTIVE JULY 1, 1990 ALL SUPPORT ENTRIES MUST CONTAIN THE FOLLOWING:
 1. Name, address, and Social Security Number for any Support Obligor.
 2. Name and business address of any Employer of a Support Obligor.
 3. A provision stating each parent/party has an obligation to support minor children, the custodial parent to provide support in-kind and the non-custodial parent to pay support to the custodial parent.
 4. A provision stating: the support obligation in a monthly amount; that the support order will be administered on a monthly basis even if payments are made other than monthly; on what intervals the support payments are to be made; that all support payments are to be made through the Noble County Child Support Enforcement Agency, plus poundage; the date of the first payment; and, that the amount was calculated under current guidelines (if the court deviates from the guidelines, the entry must state the guideline amount, and list specific findings as to why the court deviates).
 5. A provision that any Employer, Workers Compensation Agency, or

Unemployment Agency may be ordered to withhold support payments from any ~~payments coming due to any support obligor.~~

6. A provision setting forth who is to provide for the medical expenses of the children (usually hospitalization insurance); who pays any deductible and co-payments under applicable hospitalization insurance; and, who pays for uncovered extraordinary expenses.

7. A provision that the order is to be administered by the Noble County Child Support Enforcement Agency, and that such agency is to forward to the parties and other persons, all notices, as required by law.

(Revised 7/1/1990)

21.07 Child support will normally be calculated by the Child Support Enforcement Agency under guidelines then in effect. In all uncontested cases, the parties shall provide necessary information to the Child Support Enforcement Agency, so that the calculation may be made and signed by the parties before the hearing date.

21.08 Whenever the address of a party changes from the address listed on the petition or complaint, the party shall file a change of address notice with the Clerk, listing the new address.

21.09 Whenever child support or spousal support is or may be an issue there shall be filed with the Clerk:

An extra copy of the Complaint, Petition, Counterclaim, or Motion;

An extra copy of the DR-1.

An extra copy of any change of address notice;

An extra copy of any Journal Entry dealing with child support or spousal support;

Such extra copies shall be transmitted to the Noble County Child Support Enforcement Agency, by the Clerk of Courts.

The Child Support Enforcement Agency shall then send relevant orders and notices to the parties, employers, etc.

21.10 In divorce, annulment, and legal separation actions, where service by publication may be

made by posting notice pursuant to Rule 4.4(A)(2), Ohio Rules of Civil Procedure, the posting shall be for a period of six (6) successive weeks. The content of the notice shall conform to Rule

4.4(A)(1), Ohio Rules of Civil Procedure. The notice shall be conspicuously posted in the following three (3) locations:

1. Office of the Clerk of Courts, Courthouse, Caldwell, Ohio, on the wall near the main counter.
2. On the message bulletin board in the lobby of the Noble County Sheriff's Office, 420 Olive Street, Caldwell, Ohio.
3. On the Bulletin Board in the vestibule of the Caldwell

Public Library, 517 Spruce Street, Caldwell, Ohio.

The Clerk of Courts, or his designee shall post the notice.

(Enacted Effective September 15, 1999)

RULE 22 PARTITION ACTIONS

22.01 Approval of Valuation; Election: It shall be the responsibility of Plaintiff to become informed of the Sheriff's action relative to the Writ of Partition and within ten days of the return of said writ to file a Motion concerning the approval of the valuation contained in said writ and to cause notice of a hearing of the Motion to be given to counsel and to parties having no counsel, including parties served by publication for whom addresses have been obtained. Said notice shall also inform the Defendants of the appraised value and of the right of each party to elect to purchase the real estate at the appraised value in writing filed with the Court three days before the date set for hearing with copies being served upon all counsel, parties having no counsel and other parties served by publication for whom addresses have been obtained. Any opposition to the appraised value as disclosed in Plaintiff's notice shall be by a writing stating the grounds thereof and filed at least three days before the date set for hearing and served on all parties and counsel as set forth above.

The hearing shall be conducted on the date set forth in the notice. The Court will receive evidence on the question of approving the appraisal. If the Court disapproves, an Alias Writ shall issue on the request of a party or upon the order of the Court. If the Court approves the appraisal, the Court will consider written elections of parties to purchase at the appraised value.

If one or more parties (jointly) elects to purchase the property at the appraisal, it shall be adjudged to the party or parties (jointly) pursuant to Section 5307.09. If no one elects to purchase

22.02 - Computation of Time: Time shall be computed as set forth

In Civil Rule 6.

22.03 Fees for Plaintiff's Counsel in Partition Actions: If

Plaintiff's counsel shall in a timely manner benefit the interest holders and perform the duties imposed by 21.01, Plaintiff's counsel shall be allowed fees upon motion setting forth the proposed fee after hearing, notice of which shall be given as provided in Section 21.01. The following fees for Plaintiff's Counsel shall be considered prima facie reasonable in uncontroverted cases, based on the purchase price as follows:

- (a) On the first One Thousand (\$1,000.00) 10%
- (b) On the next Four Thousand (\$4,000.00) 8%
- (c) On the next Five Thousand (\$5,000.00) 4%
- (d) On the remainder 2%
- (e) In no case shall the fee be less than \$200.00

22.04 Fees for Counsel other than Plaintiff's Counsel in Partition Actions: Motions for fees for counsel other than Plaintiff's counsel and for fees for Plaintiff's counsel in excess of the schedule set forth in Section 21.03 shall set forth the proposed fee and will be determined at a hearing after notice as provided in Section 21.01.

22.05 Allowance of Counsel Fees. The motion for allowance of counsel fees (in election cases) pursuant to Section 21.03 may be determined at the election hearing. In non-election cases, the question of counsel fees shall be determined upon motion at the hearing for confirmation of sale and for allowance of fees conducted after notice is given pursuant to Section 21.01.

RULE 23

REQUEST FOR SEPARATE FINDING OF FACTS AND
CONCLUSIONS OF LAW

23.01 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, the party requesting such Statement shall, within five (5) days after receipt of notice of the Court's decision, 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

shall submit to the Court a proposed statement of findings of fact and conclusions of law. For want of a strict compliance with this Rule by the party requesting such findings of fact and conclusions of law, unless good cause be shown, the Court upon its own motion will enter a general finding.

RULE 24
PROCEDURE ON APPEALS

24.01 Where the time for filing bills of exceptions, assignments of errors, and briefs are fixed by statute or by Rule of Supreme Court, they shall be filed within such time or extension thereof as may be granted in writing by the Court after notice to opposing counsel or party.

24.02 Where the time for filing is not fixed by statute or rule of the Supreme Court, the Appellant shall file a brief within twenty (20) days after the filing of the transcript of the record; the Appellee shall file his brief within ten (10) days after the filing of the brief of Appellant and any reply brief shall be filed within five (5) days after the filing of the Appellee's brief. Extensions of time may be granted by entry by the Judge for good cause shown after notice to all parties.

24.03 In all cases in which demand of request to the agency by the Appellant is a pre-requisite to the preparation of filing of the transcript of the record by the agency such demand or request shall be filed by the Appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by law, or Rule of Supreme Court.

24.04 Upon expiration of the time for filing the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the Court or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by Court.

24.05 The foregoing procedures as they may be applicable shall apply to all appeals including those under Chapter 2506, ORC, and Chapter 119, ORC.

24.06 Failure of an Appellant to file his bill of exceptions, assignments of error, brief or demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the discretion of the Judge and consistent

RULE 25

MALPRACTICE ARBITRATION

25.01 All initial complaints which are filed on or after October 20, 1987, shall be scheduled for arbitration as required by Ohio Revised Code.

25.02 Pre-Trials. After the filing of a malpractice case as defined in Section 2305.11 (D) (3), ORC and as soon as the case is at issue, a pre-trial conference shall be held in accordance with the pre-trial procedure before referral is made to a Malpractice Panel.

1. All pre-trial matters relative to motions, pleadings, discovery, etc., and all matters subsequent to the arbitration proceeding shall be determined by the Court.
2. At the pre-trial a schedule for discovery and completion thereof will be established and the date for the arbitration hearing will be set.

25.03 Rules of Arbitration. When notice of pre-trial is sent to counsel of record, a copy of the Malpractice Arbitration Rules will be attached to said notice.

25.04 Selection of Chairman. The Court shall provide in the Pre-trial conference Order, a minimum of three (3) potential chairmen who are practicing attorneys in the State of Ohio. Each party shall rate the potential chairman in order of priority. These nominations must be filed and a copy forwarded to the Court within ten (10) days prior to the pre-trial conference. The final selection of the panel Chairman, based on the returns of the parties in interest, shall be made by the Court.

25.05 Arbitrators. Pursuant to the provisions of Section 2711.21, ORC, the members of the panel shall be appointed by the Court in the following manner:

1. The name of the two (2) members of the panel to be appointed by the plaintiff and Defendant, respectively, plus two (2) alternates shall be submitted to the Judge within four (4) months from the date the action was filed.
2. Prior to the submitting names of the two (2) on the panel to be appointed by the plaintiff and defendant, counsel are to contact their Arbitrators and inform them of Section 25.20 Compensation of Arbitrators, and submit to the Court their names, addresses and telephone numbers. All submitted names are to be filed with the Clerk of Courts. If there

plaintiff or defendant, the Court shall upon motion, appoint only one (1) Arbitrator for each side.

3. If there is a failure of one or more parties to appoint

one or more Arbitrators, the Court shall appoint an Arbitrator for the party or parties failing to comply. Such appointment shall be made by the Court within fifteen (15) days of the filing of said motion.

4. Objections to an Arbitrator shall be by motion filed within seven (7) days of the filing of the notice of assignment and shall be heard by the Court.

5. No persons appointed as an Arbitrator which includes the Chairman, shall have any interest in the case being heard. Each arbitrator shall be unbiased, impartial and fair.

6. Each arbitrator appointee including the Chairman, shall receive with service of appointment by the Court a copy of the local Malpractice Rules of court. In the event a hearing is continued or canceled, each Arbitrator will be notified by the Court.

25.06 Continuance. When the case has been scheduled for arbitration, a request for continuance of an arbitration hearing date shall be filed and served at least fourteen (14) days before the hearing date, except in extreme emergencies or unless agreed to by all parties as well as the Chairman of the Board of Arbitrators, including the agreed date to which the hearing is continued. Every request for continuance shall be accompanied by an advance deposit of Seventy five Dollars (\$75.00) and if the continuance is granted, the deposit becomes a part of the costs to partially offset the administrative costs of rescheduling the arbitration hearing.

25.07 Oath of Arbitrators. When the whole number of the Arbitrators shall be assembled, they shall be sworn or affirmed justly and equitably to try all matters properly at issue submitted to them, which oath or affirmation may be administered to them by any person having authority to administer oaths.

25.08 Default of a Party. The arbitration hearing may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. The panel may proceed with the hearing in the absence of either party. Furthermore, the panel may require the other party to submit evidence for the making of an award. The panel may recommend dismissal for want of prosecution in the event of default or absence of the plaintiff.

25.09 Conduct of Hearing. General Powers:

All evidence of the parties shall be taken in the presence of the Arbitrators, except where any of the parties is absent, in default, or any of the parties waived the right to be present.

2. In addition to oral testimony, the panel may receive the evidence of witnesses by affidavit, deposition, video-tape deposition and interrogatories, or written report and shall give it such weight as the panel deems is justified after consideration of any objections which may be made to such evidence. In the instance of affidavits and written reports, copies shall be furnished to counsel for all parties not less than two (2) weeks in advance of hearing.

3. Counsel shall, upon the request and whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

25.10 Specific Powers. The panel shall have the general powers of a Court including, but not limited to, the following:

1. Subpoenas: To cause the issuance of subpoenas to witnesses to appear before the board and request the issuance of an attachment according to the practice of the court for failure to comply therewith. Issuance of subpoenas will be done in the same manner as is used in other type of cases.
2. Production of Documents: To compel the production of all books, papers and documents which are deemed material to the case.
3. Administering Oaths. Admissibility of Evidence: To administer the oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to the panel.

25.11 Supervisory Powers of the Court.

1. The Court of Common Pleas shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in the application of these rules.
2. After a cause has been heard and decided by a panel of arbitrators, the Court shall not permit any party to plead or offer new evidence regarding a new theory of liability, a new defense, or new expert witness without leave of court and for good cause shown.

25.12 Witness Fees. Witness fees shall be in the same amount as now or hereafter provided for witnesses in the Common Pleas Court of Noble County, Ohio.

25.13 Communications with Arbitrators. Counsel and parties at no time prior to the hearing and the filing of the Arbitrators' Report and Award, if any, shall disclose to any or all of the arbitrators any motions and orders on limine and or offers of settlement made by any party and all such information shall be deleted from the file prior to it being used in the arbitration proceeding.

25.14 Discovery. The assignment of a case to an Arbitration Board shall not limit the right of the parties to continue discovery pursuant to the Rules of Civil Procedure.

25.15 Hearings: When and Where Held and Notice. Hearings shall be held at a place scheduled by the Court. Unless counsel for all parties and the entire board agree otherwise, the place for such hearing shall be the Noble County Court House. A Hearing shall be scheduled normally not more than eight (8) months after the action was filed. The Assignment Commissioner shall notify the Arbitrators and the parties or their counsel in writing at least thirty (30) days before the hearing of the time and place of the hearing. The eight (8) month period may be extended by the filing of a motion showing good cause. No hearing shall be fixed for Saturdays, Sundays, legal holidays or evenings except upon agreement by counsel for all parties and the Arbitrators.

25.16 Transcript of Testimony. The Court shall provide an Official Court Reporter for each Malpractice Arbitration hearing. No transcripts of the proceedings, or any part thereof, may be ordered by the Arbitrators, except with the leave of the trial Judge for good cause shown. If a Court Reporter must be retained, other than the Official Court Reporter for this Court, appointment must first be made by the Court, and all costs for appearance by said Court Reporter shall be assessed as costs in the case.

25.17 Decisions. Deliberations of the Arbitrators shall commence immediately after conclusion of the hearing and the Arbitrators shall reach a decision and file their findings and award, if any, within twenty-one (21) days with the Court, which on the same day shall mail or otherwise forward copies thereof to all parties to the arbitration or their counsel, seal the original in an envelope and file it with the Clerk of Courts. In the event that all three arbitrators do not agree on the finding and award, if any, the dissenting Arbitrator shall submit a written dissenting opinion to be filed with the majority report.

25.18 After a cause has been heard and decided by a panel of arbitrators, the trial judge shall not permit any party to plead or offer new evidence regarding a new theory of liability, a new defense, or a new expert witness without leave of court, and for good cause shown.

25.19 Report and Award. Within thirty (30) days after the hearing, the Chairman of the panel shall file a written report and award with the Court and the Clerk of Courts and on the same day shall mail or otherwise forward copies thereof to all parties or their counsel. In the event that all three members do not agree on the finding and award, the dissenting member shall submit a written dissenting opinion to be filed with the majority report.

25.20 Compensation of Arbitrators.

1. Each member of the panel of arbitrators appointed pursuant to this rule, unless he has waived in writing his right to compensation prior to the hearing, shall receive as compensation for services in each case, a fee of three hundred dollars (300) for the first day plus One hundred fifty Dollars-(\$150)-for each fractional one-half day thereafter. When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as the compensation of Arbitrators is concerned. The members of the Board shall not be entitled to receive their fees until after filing the report and award with the Clerk of Courts. Fees paid to the Arbitrators shall be assessed pursuant to Section 2711.21, ORC, and shall be taxed as costs, one-half to plaintiff(s) and one-half to defendant(s) in Arbitration.

2. The Court may approve the payment of fees in those cases where no arbitration hearing was held and an award or a report has not been signed, if the Arbitrators rendered actual service in the case. Such compensation shall be based upon the extent and duration of actual service rendered.

25.21 At the filing of the complaint, the moving party shall deposit Four Hundred Fifty Dollars (\$450) as a guarantee for such costs. If there are multiple movants and they cannot agree as to their proportionate share of the deposit, upon proper motion the Court shall order the apportionment. When it appears proper the Court may order additional deposits.

25.22 In cases which require additional deposits for payment of Arbitrators due to the arbitration lasting more than one day, the deposit to cover the additional costs shall be made not later than five (5) days after the completion of the arbitration.

25.23 Payment of fees shall be authorized by the Court.

25.24 In all cases in which the movant(s) has filed a poverty affidavit or in which an insufficient deposit has been made in favor of the movant(s), the losing party (parties) shall first pay to the Clerk of this Court out of such award, settlement or judgment to the other movants, and before making any payment to other movant(s), an amount equal to the undeposited movant(s) portion of the compensation due the Arbitrators.

25.25 All compensation for the Arbitrators shall be paid upon proper warrant from the funds of Noble County, Ohio.

25.26 Immediately following an arbitration hearing the Chairman shall submit a statement setting

25.27 When a case is settled after a Chairman and two Arbitrators are appointed, and prior to any Arbitration Hearing, a joint motion by all counsel is to be filed stating the case is settled and to be dismissed, setting forth instructions to the Chairman and Arbitrators to submit a statement for compensation for services rendered, if any, to be filed with the Clerk of this Court, within two (2) weeks of the filing of the motion, with proof of service to all counsel, chairman and arbitrators, unless a waiver in writing for compensation has been filed with the Clerk of Court. The final journal entry of dismissal will be executed and filed after the two week time period.

25.28 Time Limits for Rejection of Findings and to Amend Pleadings. If a party desires to reject the findings and award, if any, notice of rejection must be served upon all other parties within thirty (30) days after the award was served upon said party and filed. If the award of the Arbitrators is timely rejected by any party, the pleadings shall be amended and filed with the Clerk of Courts within fifteen (15) days following said rejection pursuant to Section 2711.21, ORC. The parties making such pleading amendments shall serve other parties pursuant to Ohio Rules of Civil Procedure.

25.29 Legal Effect of Findings and Award, If any, Entry of Judgement. The findings and award, unless rejected pursuant to these rules, shall be final. If no rejection is made within the manner specified by these rules, the Court shall enter judgment in accordance therewith. After entry of such judgment, execution process may be issued as in the case of other judgments. Subsequent to the time for rejection, the responsibility for the preparation of judgment entry and submission to the Court rests with the prevailing party or parties.

25.30 Procedure After Findings and Award, if any. The Court, on proper motion, will consider staying the release of information regarding the finding and award, if any, by counsel, parties, and the Arbitrators as well as communications between the parties and their counsel and the Arbitrators concerning the Arbitrator's deliberations pending further proceedings in the case.

RULE 26
EXAMINATION AND APPOINTMENT
OF NOTARIES PUBLIC

26.01 All persons desiring to become a Notary Public for the first time, shall obtain a copy of the rules and laws governing Notaries Public from the Assignment Commissioner. Such persons shall be required to take a written test obtained from and supervised by the Court's personnel to qualify for said appointment. For the purpose of qualification, an applicant must pass said test with at least

approves the application it is mailed with the check to the Commission Clerk for the Governor.

RULE 27

ORDERS OF SALE

27.01 In any proceeding wherein an order of sale for real estate is to be forwarded to the Sheriff of this County, the party requesting same shall, in his /her request for the order of sale, specifically set forth the exact real estate, and the interest therein, that is to be sold. In so describing the real estate to be sold, the description may be incorporated by reference in said request, by referring to the paragraph of a pleading or an exhibit in the case wherein the description is wholly set forth.

Enacted Effective: September 20, 1991.

Rule 27.02. In any proceeding wherein an order of sale for real estate has been forwarded to the Sheriff of this County, and the sale ultimately occurs, the successful bidder at such sale shall deposit with the Sheriff, at the time of such sale, the sum of \$500.00 or 5% of the appraised value, whichever amount is greater. Said deposit is to be applied to the purchase price, or in an appropriate case, as otherwise provided by Court order.

Enacted Effective: October 15, 2008

IN THE COURT OF COMMON PLEAS OF NOBLE COUNTY, OHIO

_____ Plaintiff/
_____ Petitioner Case No. _____

Address _____

Tel. _____ SS# _____

Date of Birth _____ Age _____

INFORMATION SHEET

VS./and

_____ Defendant/
_____ Petitioner

Date and Place of Marriage:

Address _____

Tel. _____ SS# _____

Date of Birth _____ Age _____

The undersigned, being first duly sworn, deposes and says that the date hereon is true to the best of affiant's knowledge and belief.

CHILDREN OF MARRIAGE: (Indicate with whom residing - husband, wife, other)

Name	D.O.B.	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Previous Marriage:

Husband: To	Date	Wife: To	Date
1. _____	_____	_____	_____
2. _____	_____	_____	_____

WHERE EMPLOYED:

Husband _____

Average Gross Pay \$ _____ per _____

Wife _____

INCOME FROM OTHER SOURCES, such as but not limited to: Welfare, ADC, Social Security, Retirement, Workers Compensation, Military Allotment, Pension, Rent, Dividends, Interest, and Alimony from a source other than this case:

Source _____ Amount \$ _____

Signers Total Income: \$ _____

INDEBTEDNESS OF PARTIES

Name of Creditor	Security	Total Debt	Monthly Payment
1. _____	_____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____
4. _____	_____	\$ _____	\$ _____
5. _____	_____	\$ _____	\$ _____
6. _____	_____	\$ _____	\$ _____
7. _____	_____	\$ _____	\$ _____
TOTAL		\$ _____	\$ _____

AVERAGE MONTHLY EXPENSES:

	(Husband)	(Wife)
Rent or house payment	\$ _____	\$ _____
Utilities	\$ _____	\$ _____
Medical	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Food	\$ _____	\$ _____
Transportation	\$ _____	\$ _____
Other (list) _____	\$ _____	\$ _____
Child Support or Alimony from prior marriage	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

Husband

Wife

Sworn to before me and subscribed in my presence this _____ day of _____, 19 ____.

Notary Public

IN THE COURT OF COMMON PLEAS
NOBLE COUNTY, OHIO
GENERAL DIVISION

IN THE MATTER OF
THE ADOPTION OF A
CRIMINAL CASE MANAGEMENT
PLAN

LOCAL RULE 28
CRIMINAL CASE MANAGEMENT PLAN

(A) General Provisions

(1) Purpose

The purpose of this rule is the prompt but fair disposition of criminal cases.

(2) Authority

This rule is established pursuant to Crim. R. 57.

(3) Applicability

This rule shall apply in all criminal litigation in the General Division of the Noble County Court of Common Pleas.

(4) This rule is merely procedural in nature and creates no substantive rights on behalf of any party.

(B) Arraignments

(1) Arraignments shall be conducted pursuant to Crim. R. 10 and shall be scheduled upon the filing of the indictment, transcript from a court of inferior jurisdiction, bill of information or complaint. Arraignments shall be scheduled as soon as practicable.

(2) At arraignment, the Court shall establish a scheduling order which will set a pretrial conference and trial date.

(C) Discovery

(1) The Prosecuting Attorney shall be prepared to give Defendant discovery pursuant to Crim. R. 16(B) and 12(D), promptly after arraignment, upon request.

(D) Pre-trial Motions

(1) Pre-trial motions shall be regulated by the provisions of Crim. R. 47 and Crim. R. 12.

(2) A motion, other than one made during trial or hearing, shall be in writing unless the court permits it to be made orally. The motion shall state with particularity the grounds upon which it is made and shall set forth the relief or order sought. The motion shall be supported

determine all pretrial motions without oral hearing and upon brief written statements of reasons in support and opposition unless oral hearing is requested by the movant in the

motion or by the opposing party and oral hearing is determined necessary by the Court. If no oral hearing is determined to be necessary by the Court, any memoranda and supporting documents in opposition to the motion shall be filed with the Court within seven (7) days of the filing of the motion. Rebuttal or reply briefs, memoranda or other documents shall be submitted only with prior approval of the Court. In the event the Court determines that an oral hearing shall be conducted upon the motion, the hearing date and time shall be arranged by counsel for movant with the Court and opposing counsel and counsel for movant shall file a written notice of hearing date and time with the Court and shall serve a copy thereof on opposing counsel.

(4) Motion. All pretrial motions, including motions in limine, shall, pursuant to Crim. R. 12(C) and, except as provided in Crim. R. 7(E) and 16(F), be made within thirty-five (35) days after arraignment or seven (7) days before trial, whichever is earlier. The Court, in the interests of justice, may extend the time for making any pretrial motions.

(E) Pre-Trial Conferences.

(1) Pursuant to Crim. R. 17.1, at arraignment the Court shall schedule a pretrial conference to consider such matters as will promote a fair and expeditious trial. The Court may, in its discretion, schedule more than one pretrial conference as the demands of a particular case necessitate. At the conclusion of a pretrial conference the Court shall prepare and file a memorandum of the matters agreed upon. No admissions made by the Defendant or Defendant's attorney at the conference shall be used against the Defendant unless the admissions are reduced in writing and signed by the Defendant and Defendant's attorney. No pretrial conference shall be conducted until the Defendant is represented by counsel or the right to be represented by counsel has been voluntarily and intelligently waived.

(2) The Prosecuting Attorney and Defense counsel shall attend the pretrial conference. The Defendant shall attend the pretrial conference as a term and condition of Defendant's bond.

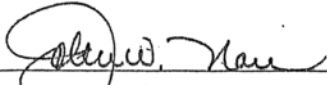
(3) Negotiated Plea. Counsel shall be prepared to discuss the status of any negotiations leading to a plea at the pretrial conference. The pretrial conference shall be the cutoff date for the Court's acceptance of any negotiated plea. If no guilty plea is entered or arranged to be entered at the pretrial conference, the Defendant may plead guilty at any time after the pretrial conference, but only as charged. No pleas to reduced charges will thereafter be accepted by the Court.

(F) Request for Jury View. If a party requests a jury view, said request shall be made in



- (G) Request for Jury Instructions. Request for jury instructions shall be governed by Crim. R. 30(A). The Court prefers requests for instructions submitted in writing and at least seven (7) days prior to trial. However, in no event shall a party fail to submit requested instructions in writing any later than the close of the evidence at trial or at such earlier time during the trial as the Court may direct. Copies of such requests shall be furnished to all other parties at the time of the making of such requests. Failure to submit written requests for jury instructions as provided in this Rule and pursuant to Crim. R. 30(A) shall be deemed a waiver of any request for instructions. This Rule shall not exclude a request to correct any error in the giving of instructions or objection to an instruction given before the jury retires to consider the verdict.
- (H) Pre-sentence Investigations.
- (1) Upon conviction or guilty plea the court may order a pre-sentence investigation pursuant to Crim. R. 32.2 Defendant shall be prepared to proceed to sentencing in the event the Court determines that no pre-sentence investigation shall be ordered and the Court decides to pronounce sentence at that time.
 - (2) If the Court orders a pre-sentence investigation, the Court shall establish a sentencing date. The pre-sentence investigation report shall be submitted to the Court at least three (3) business days prior to the sentencing date. A summary of the pre-sentence investigation report shall then be available to counsel for review.
- (I) Sanctions for Failure to Comply. Failure by a party or counsel to comply with the provisions of this Rule or any order made pursuant to this Rule may result in the granting of a continuance, the prohibition of a party from introducing in evidence material not disclosed pursuant to this Rule, the offending party and/or counsel may be required to show cause why they should not be punished for contempt of this Court; if the State is the offending party, an order of dismissal with or without prejudice may be entered, or the Court may make such other order and impose such sanction as it deems just under the circumstances.
- (J) Variance for Good Cause Shown. By order, for good cause shown and in the interests of justice, the Court may vary from any provisions of this Local R. 28.

Enacted Effective July 1, 1991.



 JOHN W. NAU, JUDGE

IN THE COURT OF COMMON PLEAS
NOBLE COUNTY, OHIO
GENERAL, PROBATE AND JUVENILE DIVISIONS

COMMON PLEAS COURT
NOBLE COUNTY, OHIO

2008 FEB 15 PM 1:44

Karen A. Starr

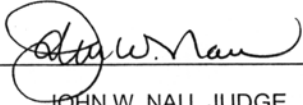
RULE 29
TRANSCRIPT PROCEDURES

The Clerk shall not permit any party or any person to make a copy of or remove trial transcripts from a file. Attorneys, parties to the action, or other interested parties shall be referred to the Court Reporter of the Court in which the case is pending or in which the case was tried.

Pursuant to Attorney General Opinion 2002-14, a party or prosecuting attorney in a civil or criminal action in the Court of Common Pleas of Noble County, Ohio, may not obtain a photocopy of a transcript previously prepared in the action from the Court's file without paying the Court Reporter who prepared the transcript the compensation fixed by this Court.

IT IS HEREBY ORDERED that the compensation rate for photocopies of transcripts mentioned above will be \$2.00 per page.

Enacted Effective: January 1, 2008



JOHN W. NAU, JUDGE

COMMON PLEAS COURT
NOBLE COUNTY, OHIO
IN THE COURT OF COMMON PLEAS
NOBLE COUNTY, OHIO
GENERAL, PROBATE AND JUVENILE DIVISIONS

2015 MAR 11 AM 11:35


RULE 30

Karen A. Starn

USE OF ELECTRONICALLY PRODUCED TICKET

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Noble County Common Pleas Court, Probate and Juvenile Divisions. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

Enacted Effective: January 1, 2015



JOHN W. NAU, JUDGE