

STRUTHERS MUNICIPAL COURT

6 ELM STREET

STRUTHERS, OHIO 44471

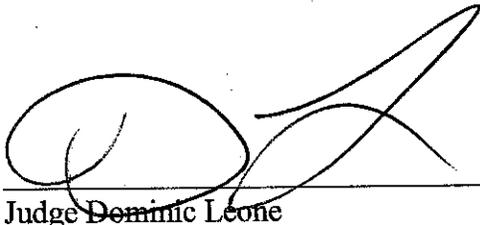
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JUDGMENT ENTRY

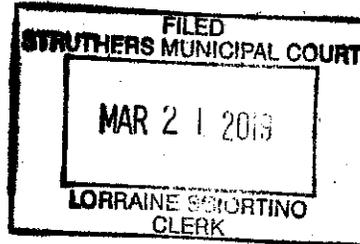
In Re: Adoption of Local Rules of Court

IT IS THE ORDER of the Court that the following rules of court are adopted to govern proceedings before the Struthers Municipal Court in all criminal, civil, small claims and traffic proceedings effective April 1, 2019.

IT IS THE FURTHER ORDER that all the previous rules of the court are hereby rescinded effective April 1, 2019 and a copy of these rules shall be filed with the Clerk and the Ohio Supreme Court.



Judge Dominic Leone
Struthers Municipal Court



STRUTHERS MUNICIPAL COURT
LOCAL RULES OF PRACTICE
AND
PROCEDURE

Updated as of April 1, 2019

STRUTHERS MUNICIPAL COURT

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STRUTHERS MUNICIPAL COURT

6 Elm Street

Struthers, Ohio 44471

P: 330-755-1800 EXT 114

F: 330-755-2790

Website: www.StruthersCourt.com

The Court accepts Credit Card payments online and at the Clerks Counter. Also, there is an ATM located inside Struthers Municipal Court

Serving: City of Struthers, Townships of Poland and Springfield, Villages of Poland, New Middletown and Lowellville

LOCAL RULES OF PRACTICE AND PROCEDURE

RULE 1

GENERAL RULES

RULE 1.01 Authority

The Struthers Municipal hereby adopts its Local Rules of Practice and Procedure pursuant to Article IV, Section 5(B) of the Ohio Constitution, and the Rules of Superintendence for the Municipal and County Court, Rule 18 and Rule 26. These Rules shall take effect on January 1, 2019.

RULE 1.02 Citations and Construction

These rules shall be known as the Struthers Municipal Court Rules (SMC Rule) of Practice and Procedure and shall be cited as SMC Rule No. _____.

These rules shall supplement and compliment the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Rules of Superintendence for the Courts of Ohio, the Traffic Rules and all other rules promulgated by the Supreme Court of the State of Ohio.

RULE 1.03 Hours of Clerk of Court's Office

The hours of this Court shall be from 8:00 o'clock A.M. until 4:00 o'clock P.M. during each day of the week (Monday through Friday), except on those days designated by law as legal holidays or as otherwise determined by the Judge. The Judge may establish earlier opening and closing times and may conduct proceedings on Saturdays and holidays when necessary.

RULE 1.04 Official Notification of Counsel and Client

Publication in the Mahoning County Legal News or on the Struthers Municipal Court's internet cite found at www.Strutherscourt.com shall be deemed official and complete notification to all counsel of record of any assignment of any case for any purpose whatsoever.

Whether or not oral, personal service or mail notification is provided to counsel of record for a particular date and time to appear, said counsel shall appear with his/her client at the specified date and time where notice was published as set forth herein above.

RULE 1.05 Official Notification of Pro Se Litigant

Ordinary mail service of written notification or telephone notification when ordered by the court is sufficient notification to require a pro se litigant to appear.

RULE 1.06 Motions for Continuance

Motions for continuance shall be submitted in writing within seven (7) calendar days of a scheduled trial or hearing; said motion shall be accompanied by a \$30.00 filing fee except in exigent circumstances stated; said motion shall provide the court with specific reasons for the continuance; and said movant shall file a proposed judgment entry with the motion for continuance, leaving the time and date blank for the court to set a new date.

Except on motion of the court, no continuances shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or the party's counsel. Failure to object to the continuance within a reasonable time after receiving notice shall be considered consent to the continuance.

When a continuance is requested for the reasons that counsel is scheduled to appear in another case assigned for trial or hearing on the same date in another court of this state, the case which was first set for trial or hearing shall have priority and shall be heard on the date assigned as prescribed in Rule 41 of the Rules of Superintendence for the Courts of Ohio. Under these circumstances neither the counsel nor his client is obligated to pay the \$30.00 continuance fee.

Stipulated continuances shall be approved by the court.

RULE 1.07 Case Files

All papers filed with the Clerk of Court in any action or proceeding shall be typed on 8 1/2" by 11" paper and filed under the style and number of the cause; shall include the name of the judge; a notation as to the type of case, a short description as to what type of pleading is being filed and any other information required by the civil or criminal rules. All papers filed shall remain in the Clerk's Office who is and shall remain the official custodian. The clerk may release files to a third-party only upon the order of the court.

The face of the pleadings filed in civil cases shall provide a blank of approximately three inches in diameter in the upper right portion of the pleadings sufficient to permit the clerk's time stamp imprint. And, in addition thereto, the face-sheet of all complaints filed in civil cases shall provide a two-and-half inch type written horizontal line approximately one-half-inch below and parallel to the line provided for the case number.

RULE 1.08 Filing Fees and Costs

The Clerk of the Struthers Municipal Court shall not accept for filing any document without a filing fee or security for costs unless otherwise directed by the Court in writing. Further, all judgment entries finalizing the case shall specify how the costs shall be applied.

All demands for jury trials in civil and criminal cases shall be made in writing and in civil cases shall be accompanied by the deposit set forth in the cost structure of these rules.

All fees and costs shall be waived in civil cases upon the filing of an Affidavit in Forma Pauperis stating under oath that the filer does not have the means to produce said fees and/or cost without suffering a hardship.

All fees and costs shall be waived in criminal cases upon the court's determination at a hearing on the defendant's ability to pay.

Any filer who falsifies the truth of his/her assets may be subject to criminal sanctions including but not limited to Contempt of Court.

RULE 1.09 Magistrate

The court may employ one or more magistrates, who may preside over the following cases:

- A.) Small Claim proceedings under Chapter 1925 of the Ohio Revised Code; and
- B.) Civil proceedings where no jury demand has been made; and
- C.) Arraignments and Initial Appearances in criminal and Traffic cases; and
- D.) In addition to the above matters, the judge may refer other appropriate duties to the magistrate (ie. subpoena's and search warrants) per an administrative order.

RULE 1.10 Recording of Proceedings

- A. All proceedings heard before this court may be recorded by any means and media approved by the presiding judge. Use or placement by the court of any type of recording in any location shall be deemed to be in compliance with the rule and approved by the presiding judge. Any form of recording of proceedings (including audio, video, or court reporter notes) is considered court property and shall not be released for any reason, to any person.
- B. Only transcripts of recordings will be issued to the public as the official record.
- C. Transcripts of the recording media shall be made at the expense of the requesting party at the prevailing page rates for transcription. All transcripts from audio and/or video recordings shall be transcribed by a court-appointed court reporter.
- D. No recording devices other than court-approved recording devices shall be permitted in the courthouse.

RULE 1.11 Decorum and Conduct

Upon the opening and closing of any court session, all persons in the courtroom shall stand; shall respect the honor and dignity of the court, the litigants, the officers of the court and clerk of court and all those who are in attendance; shall not obstruct or interfere with the court's operation from the point of entering into the Court House to the point of leaving.

All persons appearing before the court shall, as far as practical, appear in appropriate dress. The court expects all counsel to call this rule to the attention of clients and witnesses.

No person shall loiter, or conduct himself in an unseemly or disorderly manner in the courtroom or in any halls, entryway or stairway leading thereto, or to otherwise interfere with or obstruct judicial activities or proceedings. Persons and objects who enter the Struthers Court House are subject to inspection prior to entry.

No cell phones, tablets, other electronic or recording devices are allowed in the building during Court sessions.

RULE 1.12 Facsimile Filings

Subject to the following provisions, parties may comply with these rules via facsimile transmission to Struthers Municipal Clerk at (330) 755-2790.

There shall be a fee of \$0.50 per page for all facsimiles received and shall not exceed 10 pages. If the facsimile exceeds 10 pages, it will not be accepted by Facsimile and will need to be sent by regular US mail. In addition, there will be a \$3.00 fee for all outgoing facsimiles. The Sender shall not transmit service copies by facsimile.

Original Documents – All documents and pleading may be filed with the Struthers Municipal Court fax as follows:

1. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.
2. All faxes shall have a Cover page. The Cover Page shall contain the following information:
 - (I) The name of the Court;
 - (II) Caption of the case;
 - (III) The case number;
 - (IV) Name of the Judge to whom the case is assigned;
 - (V) Description of the document being filed;
 - (VI) Date of transmission
 - (VII) The transmitting fax number;

- (VIII) Indication of the number of pages included in the transmission, including the cover page;
 - (IX) If a Judge or case number has not been assigned, state that fact on the cover page;
 - (X) The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and email address of the person filing the fax document if available; and
 - (XI) If applicable, a statement explaining how costs are being submitted
 - (XII) If a document is sent by fax to the Clerk of Court without the cover page information listed above, then the document shall not be considered filed with the Clerk of Courts.
 - (XIII) The Clerk of Court will make one attempt to send notice to the sending party of a failed fax filing by faxing to the Senders transmitting fax number.
3. Documents or pleadings which require a fee (**including motions to continue**) pursuant to Struthers Municipal Court's schedule of fees shall not be considered "filed" or docketed until the fee is received by the office of the Clerk of the Struthers Municipal Court.
 4. Any person, attorney, or entity who files by fax a document or pleading with the Court attests thereby that the document or pleading transmitted is the original document or pleading.
 5. Any person, attorney, or entity who files by fax a document or pleading with the Court containing a signature attests thereby that the signature is genuine and that the document or pleading has not been altered since the signature was affixed.
 6. Pleas in Absentia may be filed by fax, but the original document with notary seal must be filed with the court within 7 days.
 7. A facsimile received in compliance with these rules shall be accepted for filing to the same extent as an original unless:
 - a. A genuine question is raised as to the authenticity of the original, or
 - b. The Struthers Municipal Court determines within its discretion that the filing of the original document or pleading will be required
 8. The time of filing of a subsequent original will relate back to the filing of the initial faxed duplicate unless the Court determines otherwise.
 9. EXHIBITS: Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by the paragraph may result in the court striking the document and/or exhibit.
 - a. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed, and

shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

10. **TIME OF FILING:** Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the fax transmission was received by the Clerk of Court. The office of the Clerk of Court will be deemed open to receive facsimile transmission of the documents during normal Court hours Monday Through Friday 8:00 AM to 4:00 PM. Fax filing may not be sent directly to the Clerk for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.
10. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

Rule 1.13 Court Security

- A. The Struthers Municipal Court is charged with dispensing justice, resolving disputes and protecting the constitutional rights of those who appear before the court. The court also recognizes, accordingly, that appropriate levels of security should exist in the court for the safety and security of those who visit and work therein, pursuant to the Rules of Superintendence.
- B. A local security advisory committee shall be established, appointed by the court, consisting of a representative of each of the following: the court, the Mahoning County Sheriff, Struthers City Council, the Clerk of Struthers Municipal Court, the city prosecutor, Struthers Police Department, employee organizations representing employees who work in the Struthers Municipal Court building and other bar association or community groups as deemed appropriate by the court. This advisory group shall meet at least once yearly to assist the court in meeting the Ohio Court Security Standards contained in the Rule 9 of the rules of Superintendence for the Courts of Ohio. The court's security policy and procedures manual is a protected document and is not a public record.

II

CIVIL CASE MANAGEMENT PLAN

**STRUTHERS MUNICIPAL COURT
CIVIL CASE MANAGEMENT PLAN
(Effective for all cases filed after April 1, 2019)**

RULE 2.01 Authority

Rule 5 (B)(1) of the Rules of Superintendence for the Courts of Ohio prescribe that - "A case management plan shall be established for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases."

RULE 2.02 Court Sessions

Thursdays unless otherwise stated.

RULE 2.02 Civil Case Management Plan

Notice: This Rule does not apply to Small Claims or Forcible Entry and Detainer actions.

(A) Filing of the Complaint/Service/Leave to Plead

(1) Upon filing of a civil case, the clerk shall within a period of five (5) days, serve a true and accurate copy of the complaint and summons to the defendant(s) in accordance with Rules 4.1-4.6 of the Ohio Rules of Civil Procedure. Thirty (30) days after the complaint is issued, the clerk shall check the docket to determine whether service was perfected on all parties. In the event service has not been perfected on some or all of the defendants, the clerk shall notify plaintiff or plaintiff's counsel and request that an alias summons be issued to the defendant(s) proper address or request personal service by the bailiff at a location the defendant(s) may be found. In the event that personal service fails, the plaintiff or plaintiff's counsel may issue notice by publication and file with the clerk, an affidavit showing publication was made, and a copy of the notice of the final publication.

(2) In the event a party defendant fails, refuses and/or neglects to answer a complaint within twenty-eight (28) days after service, the plaintiff or plaintiff's counsel shall file a motion for default judgment within a period of forty-five (45) days thereafter and the failure to do so may result in the court sua sponte dismissing plaintiff's action against the defendant.

(3) The clerk of Court shall deliver any motion to the judge within two (2) day after the filing and the judge shall enter his ruling thereon within seven (7) days thereafter, unless a responsive pleading is filed or the Court grants leave for a responsive pleading to be filed.

(4) Ohio R. Civ. Pro. 12 will be strictly enforced. However, parties may generally obtain one (1) extension of time without leave of court not to exceed thirty (30) days, in which to answer, plead or otherwise move, when no such prior extension has been granted, by filing a Journal Entry with the Clerk of Courts, thereon noting "First Leave" or words of similar import, with stipulation by

or notice to opposing counsel. If any additional extension is requested, the party desiring the extension must obtain the approval of the Court.

(5) The clerk shall pull all cases where there has been no activity for a period of six (6) months. Cases that have been on the docket for six (6) months without any proceedings taken in the case, except cases awaiting trial assignment, shall be dismissed after notice to counsel of record, for want of prosecution, unless good cause is shown to the contrary.

(B) Struthers Civil Case Management Order

This Order shall apply in all Civil proceedings pending before the Court and shall not be modified except by leave of the Court upon a showing of good cause.

Counsel for all parties and pro se litigants are expected to be fully aware of and comply with the directives set forth herein.

(1) Local Rules and Ohio Rules of Civil Procedure.

All counsel shall familiarize themselves with and follow the Ohio Rules of Civil Procedure and the Local Rules of the Struthers Municipal Court. Copies of the Local Rules are available on the Court's website at www.StruthersCourt.com or from the Clerk of the Struthers Municipal Court.

(2) Discovery.

A Pretrial conference shall be set upon the filing of the Defendant's Answer consistent with Ohio R. Civ. P. 26, whereby a discovery and case management plan shall take place. (SEE STRUTHERS COURT CIVIL CASE MANAGEMENT ORDER ATTACHED), Counsel is expected to comply with discovery requirements as notated in the case management Order. Counsel conducts "informal discovery" at his/her own peril because "informal discovery" is no substitute for the formal discovery process.

Discovery disputes may be brought to the Court's attention by appropriate motion, subject to the provisions of the Ohio Rules of Civil Procedures and other provisions of applicable law. The Court will consider appropriate sanctions to parties or their counsel for failure to respond to discovery requests. In the case of a corporate or partnership party, sanctions may be made applicable to officers, partners, agents or employees.

(3) Pre-Trial Hearings.

Upon the filing of an Answer, the Court will set a hearing whereby a case management plan will be entered into, unless the parties submit their own case management plan prior to the hearing.

(4) Final Pre-Trial Hearings.

The Court shall conduct a final pretrial in accordance with the Case Management plan.

At the final pretrial conference, counsel shall be prepared to discuss:

- (a) the estimated time for presentation of its case-in-chief and/or defense;
- (b) any pre-trial motions, including motions *in limine*, the party anticipates filing;
- (c) each cognizable claim and/or defense;
- (d) exhibit and witness lists, which include a summary of the testimony to be presented by each witness;
- (e) the formulation and simplification of issues, including the elimination of frivolous claims and/or defenses;
- (f) the possibility of obtaining admissions of fact and stipulations regarding authenticity of documents;
- (g) the avoidance of unnecessary proof and of cumulative evidence;
- (h) the current status of settlement negotiations, the possibility of settlement and the use of alternative dispute resolution procedures; and
- (i) such other matters as may aid in the disposition of the action.

Unless otherwise instructed and/or so ordered by the Court, counsel **shall appear with clients at the final pretrial**. At the final pretrial conference, at least one of the attorneys for each party shall have authority to:

- (i) settle the case;
- (ii) enter into stipulations;
- (iii) make admissions regarding all matters that participants may reasonably anticipate will be discussed.

(C) Dispositive Motions

(1) Motions for Default Judgment

When a party against whom a judgment for affirmative relief is sought, has failed to plead or otherwise defend as provided by the civil rules, the party entitled to a judgment by default shall promptly apply in writing or orally to the trial judge within forty-five (45) days after the date upon which the defaulting party should have plead or otherwise defended. No judgment by defendant shall be entered against a minor or an incompetent person unless represented in the action by a guardian or other representative who has appeared. If a party against whom judgment by default is sought has appeared in the action, written notice of the hearing on the motion along with the date and time fixed by the assignment clerk with the concurrence of the trial judge shall be served upon that party. In order for the trial judge to award damages and enter judgment, to establish the truth of any averment by evidence, or to make inquiry of any other matter, the trial judge may conduct hearings or order references, as necessary and proper, and shall, when applicable, accord a right of trial by jury to the parties.

(2) Summary Judgment Motions

All motions for summary judgment filed pursuant to Rule 56 of the Ohio Rules of Civil Procedure shall be deemed submitted to the judge seventeen (17) days thereafter and referred to as the "hearing" date. The respondent shall reply with a memorandum contra and/or a cross-motion for summary judgment. All affidavits, depositions and other evidentiary material permitted by Rule 56 (C) of the Ohio Rules of Civil Procedure in support of or in opposition to the motion for summary judgment shall be filed with the motion or responsive pleading.

No motion for summary judgment shall be filed in any case after the dispositive motion date set at the initial pre-trial hearing unless the court, for good cause, determines otherwise.

(D) Withdraw of Counsel

An attorney who desires to withdraw from representing a client in a civil or criminal case shall file a written motion to withdraw together with a proposed Judgment Entry representing the reasons for the withdraw. In the motion, the attorney shall represent that he notified his client in writing that he is no longer willing to provide further legal services for his benefit; that counsel informed his client that his client should immediately secure the assistance of other competent counsel and further informed his client of any upcoming dates his client is required to attend.

Said motion shall be filed more than ten (10) days before the next scheduled appearance date.

RULE 2.03 Complaint in Forcible Entry and Detainer

A complaint in forcible entry and detainer filed with the clerk of the Struthers Municipal Court based upon a breach of a month to month tenancy shall specifically set forth the reason(s) for the eviction in the body of the complaint and attached thereto a thirty (30) day and three (3) day notice as is prescribed by law.

A complaint in forcible entry and detainer filed with the clerk of the Struthers Municipal Court based upon a breach of a written contract shall specifically set forth the reason(s) for the eviction in the body of the complaint and attach thereto a three (3) day notice as is prescribed by law.

In cases in which the Court has issued a writ of restitution in actions in forcible entry and detainer, it shall be the responsibility of the Plaintiff or his/her agents to provide for the actual moving out of the Defendant from the residence premises, including the post move-out storage of any personal property of the Defendant. The Clerk of Court shall schedule the move-out and a Bailiff shall actually be in attendance at the time of the execution of the writ of restitution but shall not make advance arrangements for movers or actually conduct the move-out. The Plaintiff or his/her agents shall at this time cause all the locks to be changed or have a locksmith. The Court is not responsible for any damage or injury resulting from executing the writ. Nothing in this rule shall prevent a party from recovering the costs of restitution of premises as damages or court costs in an appropriate case pursuant to law.

RULE 2.04 Trials on Forcible Entry and Detainer Action

Upon the filing of a complaint which includes a count in forcible entry and detainer, the clerk shall bifurcate the hearings by way of setting the forcible entry and detainer count within the time prescribed by law and setting the breach of contract count more than 30 days thereafter. Further, the clerk shall notify the tenant(s) in the body of the summons the date, time and place of each of said hearings.

RULE 2.05 Demand for Jury Trial-Forcible Entry and Detainer Cases

A demand for a jury trial in forcible entry and detainer cases shall be made in writing and filed with the clerk's office not less than three (3) days prior to the date of trial. Such filing shall be accompanied by a jury deposit of \$400.00 as prescribed in the cost structure of these rules.

In addition thereto, the tenant shall post a bond to secure future rent and damages in an amount prescribed by law. In the event all the foregoing conditions have been met, the clerk shall place the forcible entry and detainer case on the jury trial docket and notice each party of the date and time of trial.

RULE 2.06 Continuances – Forcible Entry and Detainer Cases

A motion to continue a forcible entry and detainer case shall be filed not less than three (3) days prior to the date of trial; shall be made in writing specifically setting forth the reason(s) for the request; and shall be accompanied by a motion fee as prescribed in the cost structure of these rules. Said motion shall not be effective unless and until approved by the Judge or Magistrate. Further, the Judge and Magistrate in their discretion may grant the motion subject to conditions including but not limited to requiring the movant to post a bond in a specific amount.

RULE 2.07 Action on Account

Any action filed upon an account shall have attached to the complaint a copy of such account, which account shall begin from a zero balance and indicate each and every charge against and every credit for the party to be charged; the dates each debit was charged and credit was applied and which shall be a complete itemization of the account to the date of the filing.

The court in its discretion may summarily dismiss, without prejudice, any complaint filed which is not in compliance with this rule.

RULE 2.08 Small Claims Division

The Struthers Municipal Court has established a small claims division and docket to serve the interests of those who desire access to the civil process of the court at reasonable costs. The monetary jurisdiction of the small claims division is \$6,000.00. The territorial jurisdiction of the court where defendants may be served is the City of Struthers; Townships of Springfield and Poland; and the Villages of: Poland, Lowellville and New Middletown, all situated in the County of Mahoning and State of Ohio.

RULE 2.09 Small Claim Complaint and Proceedings

Forms to file a small claim complaint can be secured from the clerk of the Struthers Municipal Court or in the near future to be printed from the court's internet cite found at www.StruthersCourt.com. The form must be completed in its entirety, signed in front of a notary, and delivered to the Clerk of Court together with a filing fee set forth in the cost structure of the rules. Each party will then be served a copy of the complaint by certified mail, together with a summons setting the date and time the small claim will be heard.

Any person who files a counterclaim or cross-claim shall file it with the Clerk of Courts and serve it on all other parties at least seven days prior to the date of the trial of the plaintiff's claim in the original action.

The law requires that all small claim hearings shall be set no less than fifteen (15) days nor more than forty (40) days after the date of the filing.

RULE 2.10 Transfer of Small Claim Cases

A case duly entered on the docket on the small claims division shall be transferred to the regular docket of the court upon the motion of the court made at any stage of the proceedings; upon the motion of defendant, accompanied by an affidavit stating that a good defense to the claim exists; setting forth the grounds of the defense; setting forth the reason such transfer is requested; and the compliance of the defendant with any terms fixed by the court; or by the filing of a counterclaim in an amount greater than \$6,000.00.

If a case is ordered transferred to the regular docket by the judge or magistrate, the judge or magistrate in addition to any other appropriate condition(s) may order a party to pay additional costs within a period of time designated by the court.

In the event the defendant files a counterclaim in a sum in excess of \$6,000.00, the filing fee for a regular docket filing shall apply. (See Regular Docket Filing Fee in the cost structure portion of these rules).

RULE 2.11 Corporation: Presentation of Claim or Defense

A corporation who is named as a real party in interest shall be represented by counsel in all civil actions filed in the Struthers Municipal Court.

RULE 2.12 Judgment Entries and Settlements

When ordered or directed by the court, counsel for the party in whose favor an entry, order, judgment or decreed is entered in a civil case shall, within ten (10) days thereafter, unless the time is extended by the court, prepare an appropriate Judgment Entry and submit the same to counsel for the opposite party who shall approve or reject the same within three (3) days after its receipt and may in case of rejection, file objections thereto in writing with the court. In the event counsel fails to prepare and present a judgment entry within the time required, the court may prepare such judgment entry and journalize at its discretion.

In the event a matter set for trial is settled, counsel for the parties shall prepare and sign a judgment entry. Such judgment entry shall be presented to the court no later than ten (10) days after the parties reported to the court that the case had been settled. Should counsel fail to

present such entry within the ten (10) day period, the court may, in its discretion, dismiss all causes of action therein for failure to prosecute.

III

CRIMINAL CASE MANAGEMENT PLAN

STRUTHERS MUNICIPAL COURT

RULE III CRIMINAL CASE MANAGEMENT PLAN

RULE 3.01 Authority

Rule 5 (B)(1) of the Rules of Superintendence for the courts of Ohio prescribe that "A case management plan [shall be established] for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases."

RULE 3.02 Scheduling of Events

(A) Initial Appearance

Any person charged with a felony shall be brought to the court in person or via video arraignment with all due dispatch within (48) hours after his/her arrest. At the initial appearance, the court shall establish that the defendant has been properly served with a copy of the criminal complaint. The court then shall read the complaint to the defendant including the penalty and shall inquire whether said defendant understood the nature of the charges against him/her as well as the penalties; that in the event the defendant hesitates or does not understand the charges, the court shall engage the defendant into a dialogue to assure his/her understanding of the charges as well as the consequences.

Thereupon, the court shall inquire upon the issue of bond. The court shall consider all issues of bail at the time of the initial appearance pursuant to Rule 46 of the Ohio Rules of Criminal Procedure and other applicable statutory mandates. Statements made by the defendant during the inquiry of bond shall not be used against the defendant for any purpose whatsoever.

Thereupon, the court and/or clerk shall set the preliminary hearing within ten (10) days after defendant's arrest if the defendant remains incarcerated in lieu of bond or fifteen (15) days if the defendant makes bail. In the event the defendant waives his right to a speedy preliminary hearing, the court and/or clerk shall set the preliminary hearing within thirty (30) days.

Thereupon, the court shall recite for the benefit of the defendant, his/her Constitutional Rights. After the recitation of defendant's constitutional rights, the court shall inquire into whether the defendant actually understood said Rights. In the event the defendant indicates that he did not understand some or all of his/her Constitutional Rights, or in the event the court senses he/she did not understand said Rights, the court shall engage the defendant into a dialogue to assure that the defendant did actually understand his constitutional rights. In the event the defendant requests an attorney for the initial appearance, the hearing shall stop for a reasonable period of time in order to secure the assistance of counsel.

(B) Arraignment

Any person charged with a misdemeanor shall be brought to the Court in person or via video arraignment with all due dispatch within (48) hours after his/her arrest. At the initial appearance, the court shall establish that the defendant has been properly served with a copy of the criminal complaint. Then, the court shall read the complaint to the defendant including the penalty and shall inquire whether said defendant understood the nature of the charges against him/her as well as the penalties; that in the event the defendant hesitates or does not understand the charges, the court shall engage the defendant into a dialogue to assure his/her understanding of the charges as well as the consequences.

Thereupon, the court shall inquire upon the issue of bond. The court shall consider all issues of bail at the time of the arraignment pursuant to Rule 46 of the Ohio Rules of Criminal Procedure and other applicable statutory mandates. Statements made by the defendant during the inquiry of bond shall not be used against the defendant for any purposes whatsoever.

Thereupon, the court shall recite for the benefit of the defendant, his/her Constitutional Rights. After the recitation of defendant's constitutional rights, the court shall inquire into whether the defendant actually understood said Rights. In the event the defendant indicates that he did not understand some or all of his/her Constitutional Rights, or in the event the court senses he/she did not understand said Rights, the court shall engage the defendant into a dialogue to assure that the defendant did actually understand his/her constitutional rights.

Thereupon, the court shall advise the defendant that he/she shall tender a plea of "guilty," "not guilty," "no contest," or "not guilty by reason of insanity," and shall explain the ramifications of each said plea. After doing so, the court shall order the defendant to declare his/her plea. In the event the defendant refuses to tender a plea at this time, the court shall enter a plea of "not guilty: thereby preserving all of defendant's Constitutional Rights.

Thereupon, minor misdemeanors and misdemeanors of the third or fourth degree shall be set for trial within the speedy trial guidelines at the time of the arraignment. Further the court and/or clerk shall set the balance of the pre-trial hearings within twenty-one (21) days after defendant's arrest if the defendant remains incarcerated in lieu of bond or thirty (30) days if the defendant makes bail. In the event the defendant waives his right to a speedy trial, the court and/or clerk shall set the pre-trial within sixty (60) days.

(C) Written Pleas (Criminal Rule 10(B))

An arraignment without the appearance of the defendant is permitted only if the defendant is represented by counsel; the defendant's counsel orally or in writing secures the approval of the

prosecutor; the defendant's consent, plea of "not guilty," and waiver of his right to a speedy trial shall be reduced to a writing and duly signed by the defendant and defendant's counsel.

The tender of a plea set without the appearance of the defendant shall be filed prior to the time of the arraignment and accompanied with a \$25.00 motion fee.

(D) Pre-trial Conference

The clerk upon the filing of minor misdemeanors, misdemeanors of the fourth degree and misdemeanors of the third degree shall set same for trial within the speedy trial guidelines at the time of the arraignment. All other misdemeanors shall be set for pre-trial conference within thirty (30) days.

The criminal pre-trial conference shall be conducted between the prosecutor and the defendant or defendant's counsel. The judge shall not participate in the pre-trial conference. The prosecutor and the defendant and/or defendant's counsel shall negotiate in good faith and arrive at an amicable and just settlement. The prosecutor and defendant and/or defendant's counsel shall jointly present the settlement proposal in open court. In the event the court approves the settlement agreement tendered by the parties, the court will issue a disposition consistent with the agreement. In the event the court disapproves of the agreement tendered by the parties, the court will indicate same on the face of the written proposal and set the case for trial in the same manner as herein after provided.

In the event the prosecutor and the defendant and/or defendant's counsel cannot arrive at an agreement, the parties shall report same to the judge in open court at which time the court shall report on the record that the case was called for a pre-trial; that there was no disposition; that the clerk shall set the case for trial at a specified date and that defendant's bond is continued.

The court may call a status conference at any time prior to the trial date.

(E) Motions

All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel together with a filing fee in accordance with the court's cost structure. Motions shall be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall either be ruled upon sua sponte or, if necessary, set for oral hearing.

(F) Trials

Each case not resolved at pre-trial shall be set for trial before the court or before a jury. In the event the case is placed on the jury docket, a status conference shall be set one week prior to the

commencement of the jury trials. In the event the case is not settled prior to the jury call by way of a final judgment entry, then the defendant shall be assessed the costs of the jury.

The clerk shall schedule jury trials at least two (2) times per year which shall run for a period of two (2) weeks from Monday through Friday. The court, in its sound discretion, may increase or decrease the number of times a jury is called based upon need.

(G) Sentence

After trial and a finding of guilt, the court shall impose sentence without unnecessary delay in the manner set forth in Rule 32 (A)(1)(2)(3) of the Ohio Rules of Criminal Procedure.

(H) Bail Schedule

1) Commencing January 1, 2019, the following is adopted as the Struthers Municipal Court's Bail Schedule:

-All persons charged with felony charges require bond to be set by a Judge.

-All persons charged with misdemeanor offenses shall be released on their own recognizance bond, the below charges require the bond and conditions to be set by the Judge in order to be released from incarceration:

Assault, RC 2903.11
Obstructing Official Business, RC 2921.31
Falsification, RC 2921.13
Domestic violence, RC 2919.25
Aggravated Menacing, RC 2903.21
Menacing by Stalking, RC 2903.21.1
Violating a Protection Order, RC 2929.27
Resisting Arrest, RC 2921.33
Child Enticement, RC 2905.05
Coercion, RC 2905.12
Abduction, RC 2905.02
Failure to Comply RC 2921.331

**And all offenses involving the possession or use of a weapon/dangerous ordinance.

- All persons with Failure to appear/Capias warrants, at any stage of the Court proceedings, the bond schedule shall be as follows:

- For Unclassified Misdemeanor or Minor Misdemeanors, bond shall be \$1,500.00 10% cash or surety.
- For Misdemeanors of the first, second, third, or fourth (M1, M2, M3, M4), bond shall be \$2,500.00 10% cash or surety.

2) The accused may post a personal recognizance bond, an appearance bond in a sum equal to ten percent (10%) of the amount of the bond, or a bail bond duly executed by an authorized agent of an approved surety company.

3) In the event the accused utilizes an appearance bond, the Clerk shall deposit the ten percent (10%) portion in trust to the credit of each respective accused and upon performance of the conditions of the appearance bond shall apply the ten percent (10%) portion as costs and shall return the remaining ninety percent (90%) of such funds to the accused after applying same to his/her fines and costs, if any.

4) Property bonds and cash bonds are prohibited.

IV

JURY MANAGEMENT PLAN

STANDARD 1 OPPORTUNITY FOR SERVICE

- A. The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- B. Jury service is an obligation of all qualified citizens who reside in the City of Struthers, the Townships of Springfield and Poland, and the Villages of Lowellville, New Middletown, and Poland.
- C. Jury service is an obligation of all qualified citizens.

STANDARD 2 JURY SOURCE LIST

- A. The names of potential jurors should be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court jurisdiction.
- B. The jury source list should be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- C. The Court should periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
- D. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action should be taken.

STANDARD 3 RANDOM SELECTION PROCEDURES

- A. Random selection procedures should be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods should be documented.
- B. Random selection procedures should be employed in:
 - 1. Selecting persons to be summoned for jury service;
 - 2. Assigning prospective jurors to panels; and
 - 3. Calling prospective jurors for voir dire.
- C. Departures from the principle of random selection are appropriate:
 - 1. To exclude persons ineligible for service in accordance with Standard 4;
 - 2. To excuse or defer prospective jurors in accordance with Standard 6;

3. To remove prospective jurors for cause or if challenged peremptorily in accordance with Standards 8 and 9; and
4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13.

STANDARD 4 ELIGIBILITY FOR JURY SERVICE

- A. All persons shall be and hereby are declared to be eligible for jury service except those who:
1. Are less than eighteen years of age;
 2. Are not citizens of the United States;
 3. Are not residents of the jurisdiction in which they have been summoned to serve;
 4. Are not able to communicate in the English language; or
 5. Have been convicted of a felony and have not had their civil rights restored.

STANDARD 5 TERM OF AND AVAILABILITY FOR JURY SERVICE

- A. The time that persons are called upon to perform jury service and to be available shall be the shortest period consistent with the needs of justice.
- B. The clerk shall schedule jury trials in May and October for a period of time not to exceed two weeks for any one term depending on the amount and complexity of jury cases then pending; whenever a juror is excused or not otherwise selected to hear a case or all the jury cases are settled, the clerk shall immediately notify the panel that no further jury service will be required.

STANDARD 6 EXEMPTION, EXCUSE AND DEFERRAL

- A. Upon written documentation, the statutory exemptions shall be automatically excused from jury service. The statutory exemptions are as follows:
1. Firemen.
 2. A person currently performing jury service elsewhere.
 3. Certain officers and personnel of the Ohio National Guard.
 4. Member of the Ohio Military Reserve.
 5. Members of the Ohio Naval Militia.
- B. Upon written documentation subject to the approval of the Court, the statutorily recognized upon which this Court may temporarily excuse attendance are as follows:
1. Necessarily absent for the jurisdiction.
 2. The interests of the public or the juror would be materially impaired.
 3. Severe physical or mental impairment.
 4. Grieving spouse or close relative of descendent.

5. Other jury service performed in the past year.

- C. Upon written documentation, subject to the approval of the Court, jury service may be delayed for a period of no more than three days at a time where the exigencies of business so require.
- D. The clerk shall deliver all documented excuses and deferrals to the Commissioners of Jurors who shall insert said persons at the top of the next jury list.

STANDARD 7 VOIR DIRE

- A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- B. To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party on the day on which jury selection is to begin.
- C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- D. The judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. In criminal cases, the voir dire process shall be held on record. In civil cases, the voir dire shall be held on record unless waived by the parties.

STANDARD 8 REMOVAL FROM THE JURY PANEL FOR CAUSE

- A. If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.
- B. The procedure for exercising challenges for cause shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

STANDARD 10 PEREMPTORY CHALLENGES

- A. Rules determining procedure for exercising peremptory challenges should be uniform throughout the state.
- B. Peremptory challenges should be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.
- C. In civil cases, the number of peremptory challenges should not exceed three for each side. If the court finds that there is a conflict of interest between parties on the same side, the Court may allow each conflicting party up to three peremptory challenges.
- D. In criminal cases, the number of peremptory challenge should not exceed:
 - 1. Six for each side when a death sentence may be imposed upon conviction;
 - 2. Four for each side when a sentence of imprisonment (state institution) may be imposed upon conviction; or
 - 3. Three for each side in all other prosecutions. One additional peremptory challenge should be allowed for each defendant in a multi-defendant criminal proceeding.
- E. In criminal and civil proceedings each side should be allowed one peremptory challenge if one or two alternate jurors are impaneled, two peremptory challenges if three or four alternates are impaneled, and three peremptory challenges if five or six alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

STANDARD 10 ADMINISTRATION OF THE JURY SYSTEM

- A. The responsibility for the administration of the jury system shall be and hereby is vested exclusively in the Judge of the Struthers Municipal Court.
- B. All procedures concerning jury selection and service shall be and hereby are governed by the Ohio Rules of Court.
- C. Responsibility for the administration of the jury system be and hereby is vested in the Chief Jury Commissioner under the supervision of the Judge of the Struthers Municipal Court.

STANDARD 11 NOTIFICATION AND SUMMONING PROCEDURES

- A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:
 - 1. Combined in a single document;
 - 2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - 3. Delivered by ordinary mail.

- B. The summons shall clearly explain when, where and how the recipient must respond and the consequences of a failure to respond.

- C. The questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for:
 - 1. Determining whether a person meets the criteria for eligibility;
 - 2. Providing basic background information ordinarily sought during voir dire examination; and
 - 3. Efficiently managing the jury system.

- D. The Bailiff shall report to the Court all failures to appear for jury service no later than 4:00 p.m. on the first day any panel is called. Thereupon, the Prosecutor shall issue notice to the recipient to show cause why he should not be held in contempt for his failure to appear and the clerk shall issue notice of hearing. In the event the juror shows just cause for his failure to attend, the Court may remit the fine required by division (B) of Section 2313.99 of the Revised Code by entering the reason therefore on the journal of the Court. In the event the juror fails to show just cause for his failure to attend, the Court shall issue a warrant for his arrest and the juror may be punished as for contempt of court.

STANDARD 12 MONITORING THE JURY SYSTEM

The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:

- A. The representativeness and inclusiveness of the jury source list;

- B. The effectiveness of qualification and summoning procedures;

- C. The responsiveness of individual citizens to jury duty summonses;

- D. The efficient use of jurors; and

- E. The cost effectiveness of the jury management system.

STANDARD 13 JUROR USE

- A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.
- C. Jury management and calendar management shall be coordinated to make effective use of jurors.

STANDARD 14 JURY FACILITIES

- A. The Court shall provide an adequate and suitable environment for jurors.
- B. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
- C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.
- D. Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching fair verdict. The safety and security of the deliberation rooms shall be ensured.
- E. To the extent feasible, jury facilities shall be arranged to minimize contact between jurors, parties, counsel and the public.

STANDARD 15 JUROR COMPENSATION

- A. Persons called for jury service shall receive a reasonable fee for their service & expenses.
- B. Such fees shall be paid promptly.
- C. Employers shall be and hereby are prohibited from discharging, laying off, denying advancement opportunities or otherwise penalizing employees who miss work because of jury service.

STANDARD 16 JUROR ORIENTATION AND INSTRUCTION

- A. Orientation programs shall be:
1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
 2. Presented in a uniform and efficient manner using a combination of written, oral and audiovisual materials.
- B. The Court shall provide some form of orientation or instructions to persons called for jury service;
1. Upon initial contact prior to service;
 2. Upon first appearance at the court; and
 3. Upon reporting to a courtroom for voir dire.
- C. The trial judge shall;
1. Give preliminary instructions to all prospective jurors.
 2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
 3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available for the jurors during deliberations;
 4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
 5. Recognize utilization of written instructions is preferable.
 6. Before dismissing a jury at the conclusion of a case:
 - A. Release the jurors from the duty of confidentiality;
 - B. Explain their rights regarding inquiries from counsel or the press;
 - C. Either advise them that they are discharged from service or specify where they must report; and
 - D. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of deliberation.
- D. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

STANDARD 17 JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

STANDARD 18 JURY DELIBERATIONS

- A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.
- B. The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with Standard 16C.
- C. The deliberation room shall conform to the recommendations set forth in Standard 14C.
- D. The jury shall not be sequestered except under the circumstances and procedures set forth in Standard 19.
- E. A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that the evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- F. Training shall be provided to personnel who escort and assist jurors during deliberations.

STANDARD 19 SEQUESTRATION OF JURORS

- A. A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- B. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- C. Training and procedures shall be provided to personnel who escort and assist jurors during sequestration.

V

TRAFFIC VIOLATION BUREAU

IV TRAFFIC VIOLATION BUREAU

A. Authority and Construction. These rules are promulgated pursuant to authority granted the Supreme Court by Section 2935.17 and Section 2937.46 of the Ohio Revised Code as adopted in Rule 13 of the Ohio Traffic Rules. They shall be construed and applied to secure the fair, impartial, speedy and sure administration of justice, simplicity and uniformity in procedure, and the elimination of unjustifiable expense and delay.

B. Establishment. A traffic violation bureau be and hereby is established as part of the operation of the Struthers Municipal Court. The clerk of court be and hereby is appointed as a violation clerk and the bailiff who is a law enforcement officer be and hereby is appointed as a deputy violations clerk during the time when the violation clerk is not on duty. The violations bureau, violation clerk and deputy violations clerk shall be under the direction and control of the court. All fines and costs shall be paid to, received by, and accounted for by the violation clerk, the deputy violations clerk and all deputy clerks. The violations bureau shall accept appearance, waiver of trial, plea of guilty, and payment of fine and costs for offenses within its authority.

C. Authority of Violations Bureau. All traffic offenses except those listed in division (C) (1) to (9) of this rule may be disposed of by the Struthers Municipal Court's traffic violations bureau in the normal course of business. The following traffic offenses shall not be processed by the traffic violations bureau of the Struthers Municipal Court.

- (1) Indictable offenses;
- (2) Operating a motor vehicle while under the influence of alcohol or drug abuse;
- (3) Leaving the scene of an accident;
- (4) Driving while under suspension or revocation of a driver's or commercial driver's license;
- (5) Driving without being licensed to drive, except where the driver's license had been expired for six months or less;
- (6) A third moving traffic offense within a twelve month period;
- (7) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- (8) Willfully eluding or fleeing a police officer;
- (9) Drag racing.

D. Schedule of Fines. The court hereby establishes and publishes a schedule of fines and costs for the offenses which is attached in Appendix 'A' and incorporated hereto by reference. The schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the court and shall be prominently displayed at a location in the violations bureau where fines are paid.

E. Defendant's Appearance, Plea and Waiver of Trial.

(1) Within seven (7) days after the date of issuance of the ticket, a defendant charged with an offense that can be processed by a traffic violations bureau may do either of the following:

- (a) Appear in person at the traffic violations bureau, sign a plea of guilty and waiver of trial provision of the ticket, and pay the total amount of the fines and costs;
- (b) Sign the guilty plea and waiver of trial provision of the ticket and mail the ticket and money order, or other approved form of payment for the total amount of the fine and costs to the traffic violation bureau.

(2) Within seven days after the date of issuance of the ticket, a defendant charged with an offense that can be processed by a traffic violation bureau may enter his plea of guilty to the offense, waive his right to trial, and pay the total amount of the fine and costs with a credit and/or debit card either over the internet or at the window.

(3) Remittance of the fine and costs to the traffic violations bureau by any means other than personal appearance by the defendant at the bureau constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are signed by the defendant.

F. Records. All cases processed in the bureau shall comply with the case numbering system consistent with Rule 43 of the Rules of Superintendence for the Court

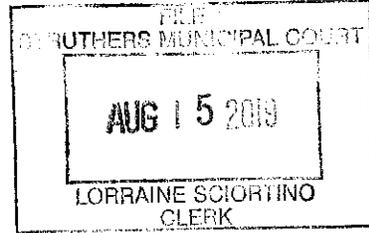
IN THE STRUTHERS MUNICIPAL COURT

In Re: Adoption of Amended Appendix
as attached to the Local Rules of Court

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JUDGMENT ENTRY

The Struthers Municipal Court herewith adopts and amends Appendix A to the Local rules of Court effective August 15, 2019. A copy of this Entry was filed with the Ohio Supreme Court in accordance with Civil 83 and Criminal Rule 57.



APPENDIX A

COST STRUCTURE

CIVIL COST STRUCTURE

PLEADINGS

Complaints: Third – Party Complaints; and Complaints on Cognovit Notes	\$105.00
\$43.00 To the City of Struthers	
\$49.00 To the Special Projects Fund	
\$3.00 To Legal Research	
\$10.00 To Computer Fund	
Small Claim Complaints and Small Claim Counterclaims	\$75.00
\$75.00 To the City of Struthers	
Counterclaims and Cross Claims	\$50.00
\$50.00 To the City of Struthers	
Trusteeships	\$100.00
\$100.00 To the City of Struthers	
Rental Escrow Actions	1% of Deposits
Security for Jury Demands	\$400.00
Jury deposits shall accompany any pleading containing a jury demand. Failure to pay the jury deposit constitutes a waiver of the party's right To a jury trial and shall be stricken. If the case is settled prior to jury call, The deposit shall be returned. If the case is not settled prior to jury call, The deposit shall be taxed as costs.	

POST-JUDGMENT REMEDIES

Debtor Exams; Motions to Show Cause in Contempt; Wage/*Bank Garnishment; Writ of Restitution; Writ of Execution/Attachment	\$51.00
\$50 To the City of Struthers	
\$1 From Judgment Creditor Made out to Bank	
Order and Affidavit of Financial Status	\$10.00
\$10.00 To the City of Struthers	
Deposits Required for Writ of Execution/Order of Attachment	
(1) For motor Vehicle	\$200.00
(2) For other personal property	
\$150.00	

Reasonable costs of advertisement, appraiser fees, and expenses incurred
In driving, towing, carting, storing, keeping, preserving and notices shall be
Taxed as costs.

SERVICE FEES (To the City of Struthers)

Notice of Appeal	\$50.00
Objection to Magistrate's Decision	\$25.00
Motions	\$25.00
Filing of a Certificate of Judgment	\$10.00
Issuance of Certificate of Judgment	\$10.00
Issuance of a Subpoena	\$12.00
<p>A separate check or money order payable to the perspective witness in the Sum of \$12 for a full day or \$6 for a half day plus .58 cents per mile the Witness is expected to travel to and from court shall accompany the Praecipe for subpoena.</p>	
Service of Process	
By Certified Mail in excess of one defendant	\$10.00
By Alias Service Regular Mail	\$10.00
By Personal Service	\$25.00
Photocopy Expenses	
0 – 10 Photocopies	\$0.00
10 + Photocopies	\$0.10 per page
Certified copies with Seal	\$10.00 each
Exemplified seal/triple seal	\$20.00

CRIMINAL/TRAFFIC COST STRUCTURE

COURT COSTS	\$105.00
Traffic Local Costs	\$25.00
Legal Research	\$3.00
Computer Fund	\$10.00
Special Projects Fund	\$28.00
Victim of Crime	\$9.00
DEFC (Drug Enforcement Fund)	\$3.40
IATC (Indigent Alcohol Treatment Fund)	\$1.50
IDFC (Indigent Defense Support Fund)	\$25.00
JPSF (Justice Program Service Fund)	\$0.10
Criminal Local Costs	\$25.00
Legal Research	\$3.00
Computer Fund	\$10.00
Special Projects Fund	\$37.00
Victim of Crime	\$9.00
Crime Stoppers	\$1.00
IDFC (Indigent Defense Support Fund)	\$20.00

Seat Belt Local Costs	\$25.00
Legal Research	\$3.00
Computer Fund	\$10.00
Special Projects Fund	\$26.00
IDFC (Indigent Defense Support Fund)	\$100.00
ADMINISTRATIVE COSTS (accessed on companion cases)	\$45.00
\$20.00 To Special Project Fund	
\$25.00 To Local Costs	
Probation Services – non-refundable	
Probation	\$30.00 per month
Drug Test	\$15.00 each
EMHA/GPS (includes attachment/activation)	\$385.00 first month \$360.00/month after
S.L.I.P. Court	\$248.00
Diversion	\$300.00
Notice of Probation Violation	\$50.00
Public Defender Fund, Mahoning County	\$25.00
Bond/Fee for Posting Bond	\$25.00
Discovery Costs	\$20.00
Arrest Warrants	\$100.00 each
Capias/Bench Warrants	\$100.00
Order to Show Cause in Contempt Proceeding	\$60.00
BMV Forfeiture or Warrant Blocks	\$15.00
Collection Costs	30%
Jury Costs	\$15.00 per day
Witness Costs	\$12.00 per day \$6.00 per half day
Miscellaneous Cost (Copies)	Per Order
Payment plans	\$25.00
Jail transports per day (Special Projects Fund Only)	\$25.00
MOTIONS (Apply as Local Costs)	
Motions for Continuance	\$30.00
Motions for Driving Privileges	\$75.00
Motions Appealing Administrative License Suspension	\$30.00
Motions for the Release of Seized Vehicles	\$25.00
Motions to Vacate Plea	\$30.00
Motions for Modification/Reconsideration	\$30.00
Motions for Sealment/Expungement of Records	\$100.00

All other Motions

\$30.00

TRAFFIC VIOLATIONS BUREAU
SCHEDULE OF FINES AND COSTS WHERE APPEARANCE MAY BE WAIVED

SPEED OFFENSES

Where Speed is:	Fine	Cost	Total
1 – 09 MPH over limit	35.00 +	\$105.00 =	\$140.00
10 – 15 MPH over limit	40.00 +	\$105.00 =	\$145.00
16 – 20 MPH over limit	45.00 +	\$105.00 =	\$150.00
21 – 29 MPH over limit	50.00 +	\$105.00 +	\$155.00

OTHER OFFENSES – See below:

OFFENSE CODE	VIOLATION	POINTS	OHIO REVISED CODE SECTION	
01	Perjury/Falso Info	0	4507.16	Must Appear
02	OVI-Alcohol/Liquor	6	4511.19A	Must Appear
03	DR w/o Owner Consent	6	2913.03	Must Appear
04	MTR Vehicle Felony	6	2913.02	Must Appear
05	Vehicular Homicide	6	2903.07	Must Appear
06	Hit Skip/Leave Scene	6	4549.02/021	Must Appear
07	Driving Under Susp/Rev	6	4507.02	Must Appear
08	Drag Racing	6	4511.251	Must Appear
09	Flee/Elude Officer	6	4507.021G	Must Appear
10	Stop Sign	2	4511.43	\$140.00
11	Traf Control Lights	2	4511.13-15	\$140.00
13	Vio – RR Crossing	2	4511.61-64	\$140.00
14	Traf Cont Dev/Signs	2	4511.12	\$140.00
16	Hit Skip – Private Prop	2	4549.03	Must Appear
18	No Child Restraint	0	4511.81	\$175.00
19	Vehicular Assault	6	4507.021	Must Appear
20	Speed	2	4511.21	per schedule
21	Slow Speed	2	4511.22	\$145.00
22	Driving Under FRA Susp	2	4507.02B1	Must Appear
23	Following too close	2	4511.34	\$140.00
24	Speed hwy/expwy/freewy)	vary	4511.21	per schedule
25	Speed Commercial	vary	4506.16	per schedule
26	OVI 0.04 Commercial	vary	4506.15	Must Appear
28	Disregard of Safety	4	4511.20	Must Appear

29	Disregard Saf Priv/Prop	4	4511.201	Must Appear
30	Viol – One Way Traffic	2	4511.32	\$140.00
31	Driving Left of Center	2	4511.29	\$140.00
32	FTY Pedestrian/Blind	2	4511.46-47	\$140.00
33	Crossing Yellow Line	2	4511.30	\$140.00
34	FTY Emerg Veh/Funeral	2	4511.451	\$140.00
35	Rt Side of Roadway	2	4511.25	\$140.00
36	Crossing Divided Hwy	2	4511.35	\$140.00
37	Vio- Traffic Lanes/Lines	2	4511.35	\$140.00
38	FTY Right of Way	2	4511.41-42	\$140.00
39	Opp Veh Traff Viol	2	4511.26	\$140.00
40	Improper Passing	2	4511.28-31	\$140.00
41	Vio – When Being Passed	2	4511.27	\$140.00
42	Stopped School Bus Vio	2	4511.75	Must Appear
45	W/O Due Regard Priv Prop	2	4511.201	Must Appear
46	Unsafe Oper – Priv Prop	2	4511.201	Must Appear
47	Reckless Oper – Priv Prop	2	4511.201	Must Appear
48	Without Due Regard	2	4511.20	Must Appear
49	Unsafe Operation	4	4511.20	Must Appear
50	Reckless Operation	4	4511.20	Must Appear
51	Disobey Police Officer	2	4511.02A	Must Appear
52	Assured Clear Distance	2	4511.34	Must Appear
53	Vio – Starting/Backing	2	4511.38	\$140.00
54	Driving on Closed Hwy	2	4511.71	\$140.00
55	Drop Material on Rdwy	2	4511.74	\$140.00
56	Vio of Restriction	2	4507.14	Must Appear
58	No Driver License	0	4507.02A1	Must Appear
59	Lost Control of Vehicle	2	4511.79-80	Must Appear
60	Prohibited U-Turn	2	4511.37	\$140.00
61	Improper/Prohib Turn	2	4511.37	\$140.00
62	Vio – Turn Signals	2	4511.39	\$140.00
63	Failure to Turn	2	4511.36	\$140.00
64	Fail – Control	2	4511.202	Must Appear
65	Aggr Vehicular Homicide	6	2903.06B	Must Appear
66	Operating Unsafe Veh	0	4513.02	Must Appear
67	Vio – Equip Regulation	0	4501.15/19	\$140.00
68	Vio – Slow Mvg Veh Signs	0	4513.11	\$140.00
69	Equipment Misuse	0	4513.02	\$140.00
70	Disabled Veh Warning	0	4513.28	\$140.00
71	Vio Out of Service Order	vary	4506.16	Must Appear
73	Driving Under OVI Susp	6	4507.02D2	Must Appear
74	Overweight Violation	0	4513.33	Statutory
75	Agg Veh Assault w/ Alcohol	6	2903.08C	Must Appear
76	Aggravated Veh Assault	6	2903.08	Must Appear
77	Veh Homicide w/ Alcohol	6	2703.07A	Must Appear
78	Invol Manslghtr w/ Alcohol	6	2903.04D	Must Appear

79	Vio – Dr Lic Req	0	4507.35	Must Appear
80	Dr Lic Misrep	0	4507.30/163	Must Appear
82	Fail – File Req Rept	0	4509.74-99	\$140.00
84	Vio – Seat Belt Law	0	4513.263	DR- \$104.00 PASS- \$94.00
85	Vio – Brake Req	0	4513.20	\$140.00
86	Impaired Alertness (CDL)	0	4511.79A	Must Appear
87	OVUAC	4	4511.19B	Must Appear
88	Juvenile Misc	vary	N/A	
89	Wrongful Entrustment	0	4507.33	Must Appear
90	Endanger Child/OP Veh	0	2919.22C1	Must Appear
91	Fail Cont – Weaving	2	MUNI	\$140.00
93	4 th OVI – Felony	6	4511.19/99	Must Appear
94	Consume Alcoh in Vehicle	0	4301.64	Must Appear
97	Ohio Turnpike	0	N/A	
98	Highway Use Tax	0	5728.02	Must Appear
99	Miscellaneous	0	N/A	



Dominic R. Leone, III, Judge

APPENDIX B

**CASE MANAGEMENT
AND
TRIAL ORDER**

IN THE STRUTHERS MUNICIPAL COURT
MAHONING COUNTY, OHIO

_____)	CASE NO. _____
PLAINTIFF(S))	
VS.)	JUDGE
_____)	CASE MANAGEMENT AND
DEFENDANT(S))	TRIAL ORDER

The Court hereby **GRANTS** the Plaintiff's Motion to Continue and sets the following dates. **IT IS ORDERED AS FOLLOWS:**

(1) The scheduled **JURY TRIAL** date for this case is _____, on a stand-by basis, beginning _____, **for a period of one week.**

(2) Plaintiff to identify expert witnesses and provide reports (if they exist) from the expert witnesses to all counsel on or before _____.

Defendants to identify expert witnesses and provide reports (if they exist) from the expert witnesses to all counsel on or before _____.

ALL EXPERTS ARE TO BE IDENTIFIED BY NOTICE FILED WITH THE COURT.

(3) The discovery cut-off date is _____.

(4) Dispositive Motions are due on or before _____. Responses to Dispositive Motions are due **within 14 days of filing Dispositive Motions**, unless otherwise ordered by the Court.

(5) **All Motions dealing with issues related to the trial of this matter shall be submitted one (1) week prior to the final pre-trial.**

- (6) **A TELEPHONIC STATUS CONFERENCE** is scheduled for _____, before _____. All parties are to provide a direct telephone number prior to the telephone conference.
- (7) **A FINAL PRE-TRIAL HEARING**, which will include a hearing on all pending Motions filed pursuant to Paragraph 5 of this Order, is scheduled for _____. **All parties to this action are required to be present. The Court will not conduct the final pre-trial hearing by telephone with counsel and/or their clients.**

MOTIONS

- (8) The Court specifically orders all parties to comply with the time limits for serving answers and replies set forth in Ohio Civil Rule 12(A). Memoranda in opposition to any Motion shall be filed within fourteen days, unless otherwise ordered by the Court. See Mahoning County Local Rule 10.03.
- (9) All Motions must be made in writing. The Court will not consider Oral Motions.
- (10) **No brief in support of a Motion of responsive brief, excluding appendices and table of cases, shall exceed twenty (20) pages, unless, upon Motion requesting an increase of a specific number of pages and the showing of good cause, this Court orders otherwise. No reply brief shall exceed twelve (12) pages. All Motions and briefs shall be double-spaced. Any Motion of brief which does not comply with the aforementioned directions shall be stricken by the Court.**
- (11) Motions to add parties shall not be made more than sixty days after the filing of the complaint unless written leave of Court is first obtained.

- (12) If a party intends to rely upon Deposition testimony in support of, or in opposition to a Motion for Summary Judgment, that party must file the entire original Deposition with the Court. The Court strongly recommends that any reference to briefs to Deposition testimony include a full quotation of the testimony relied upon with regard to any matter of importance.
- (13) A party seeking an extension of time within which to file a responsive pleading or brief, or within which to complete discovery, must file a written motion, which demonstrates with particularity the good cause that justifies the granting of an extension.
- (14) Unless otherwise ordered by the Court, the Court considers Motions to be at issue as soon as the non-moving party or parties have filed responsive briefs of fourteen days after the Motion was filed.
- (15) Counsel are requested to provide the Court with copies of cited authorities that are particularly relevant to arguments made. The Court request that such materials be submitted as a separate appendix. The Court appreciates your cooperation with this request if at all possible.

TRIAL

- (16) Counsel shall confer at least ten (10) days prior to the scheduled **FINAL PRE-TRIAL HEARING** to determine whether they can enter into stipulations relative to the facts or the issues.
- (17) Written stipulations, if any, agreed to by all counsel, shall be submitted to the Court no later than the date of the final pre-trial hearing.

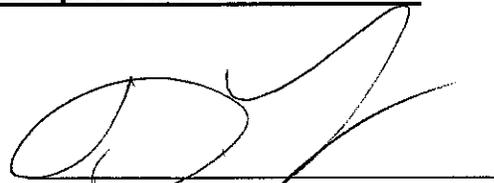
- (18) A list of proposed witnesses, together with a description of their expected testimony, shall be furnished to the Court no later than two (2) working days before the scheduled trial date.
- (19) One (1) copy of all exhibits proposed to be introduced at trial, along with an index of the exhibits containing a brief description of each exhibit, shall be furnished to the Court no later than two (2) working days before the scheduled trial date.
- (20) Counsel shall exchange copies of all exhibits and exhibit indices no later than two (2) working days before the scheduled trial date.
- (21) All exhibits shall be marked before trial with official exhibit stickers. The Plaintiff shall mark exhibits with numbers and the Defendant shall mark exhibits with letters. If there are multiple parties, numbers or letters shall be used followed by the parties' last name, i.e., "1-Miller" or "A-Jones." If the Defendant has more than twenty-six exhibits, double letters shall be used, i.e. AA, BB, CC, etc.
- (22) **In all jury cases, any proposed jury instructions to be included in the charge of the Court shall be submitted to the Court at least one (1) week before the scheduled trial.** Proposed jury instructions filed outside the foregoing time limit will not be accepted by this Court absent a showing that unexpected testimony and/or issues necessitated a later filing. (Counsel are required to exchange copies of the proposed jury instructions). All proposed instructions shall include a supporting OJI or case citation.
- (23) In all jury cases, counsel shall confer and agree upon a short statement of the case to be read by the Court to the jury during jury selection. Said agreed upon statement

shall be submitted to the Court at least two (2) working days before the scheduled trial.

- (24) Any proposed verdict forms or interrogatories must be submitted to the Court at least four (4) working days before the scheduled trial date.
- (25) Any Deposition to be ruled on by the Court shall be submitted to the Court one (1) week prior to the scheduled trial date and shall include reference to objections and the reason therefore. Each objection shall be flagged for easy location by the Court.
- (26) Counsel are encouraged to file trial briefs at least one (1) week before the scheduled trial date listed above. Trial briefs should include: (A) a statement of facts; (B) a discussion of the controlling law, (C) a list of proposed witnesses along with a brief description of the subject matter of the testimony of each witness; (D) an index of all proposed exhibits containing a brief description of each exhibit, and (E) a discussion of any evidentiary issues likely to arise at trial.

SCHEDULING/MISCELLANEOUS

- (27) **If the parties reach a settlement in the case, counsel are directed to notify _____, as soon as a settlement has been reached, but no later than the day before scheduled final pre-trial and/or trial dates.**



Honorable Dominic Leone

APPENDIX B

**CASE MANAGEMENT
AND
TRIAL ORDER**

IN THE COURT OF STRUTHERS
MAHONING COUNTY, OHIO

_____)	CASE NO. _____
PLAINTIFF(S) (
VS.)	JUDGE
(CASE MANAGEMENT AND
(TRIAL ORDER
_____)	
DEFENDANT(S) (

The scheduled JURY TRIAL date for this case is _____, on a stand-by basis, beginning _____, for a period of one week.

- (1) Plaintiff to identify expert witnesses and provide reports (if they exist) from the expert witnesses to all counsel on or before _____. Defendants to identify expert witnesses and provide reports (if they exist) from the expert witnesses to all counsel on or before _____.

ALL EXPERTS ARE TO BE IDENTIFIED BY NOTICE FILED WITH THE COURT.

- (2) The discovery cut-off date is _____.
- (3) Dispositive Motions are due on or before _____. Responses to Dispositive Motions are due **within 14 days of filing Dispositive Motions**, unless otherwise ordered by the Court.
- (4) **All Motions dealing with issues related to the trial of this matter shall be submitted one (1) week prior to the final pre-trial.**
- (5) **A TELEPHONIC STATUS CONFERENCE** is scheduled for _____, before _____. All parties are to provide a direct telephone number prior to the telephone conference.
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MOTIONS

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TRIAL

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Honorable Dominic Leone