

COURT RULES

FOR

HAMILTON MUNICIPAL COURT

March 01, 2010

RULE 1
EFFECTIVE DATE

(A) It is ordered that on and after 03-01-2011 the following be, and the same is hereby, adopted as the Rules of Court, regulating the practice and procedure of this Court until otherwise ordered. All other rules previously established are expressly revoked.

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

RULE 2
SESSIONS

(A) A session of this Court shall be from 8:00 a.m. until 4:00 p.m., Monday through Friday.

The office of the Clerk shall be open from 8:00 a.m. until 4:30 p.m., Monday through Friday.

(B) All times mentioned herein may be amended at the discretion of the Municipal Court Judge.

RULE 3
SECURITY

The Hamilton Municipal Court is charged with dispensing justice, resolving disputes and protecting the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of Court procedures, protect the rights of the individuals before it, deter those who would take violent action against the Court or litigants, sustain proper decorum and dignity of the Court, and assure that court facilities are secure for all those who visit and work there.

Therefore, pursuant to the Rules of Superintendence of the Supreme Court of Ohio, the Court establishes as follows:

The Court shall appoint a Local Security Advisory Committee, consisting of representatives of each of the following groups: Judge, Municipal Probation Department, City Managers Office, Building Maintenance Department, Municipal Court Staff, Law Enforcement and Magistrate.

The Court shall implement a local Security Policy and Procedure Plan which plan shall address the Ohio Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

The Local Security Advisory Committee shall adopt a Security Operations Manual, which manual shall establish written directives for the purpose of ensuring security with the Court while maintaining accessibility to the community.

The Court will not permit weapons in the court facility except those carried by court security officers or by law enforcement officers acting within the scope of their employment. Those persons entering the Court facility will be required to pass through the metal detector and can be subject to search.

RULE 4 DOCKETS AND RECORDS

The Clerk shall prepare and keep all dockets, books and public records as required by law.

RULE 5 CRIMINAL/TRAFFIC CASE MANAGEMENT

Pursuant to Sup.R.5, this rule is to establish a system for criminal and traffic case management. This system will ensure the prompt and fair administration of criminal/traffic cases, thus eliminating the unnecessary delay and expense for everyone involved.

After the initial appearance, the judge may conduct an early case management conference.

1. Pre-trials: Upon motion of the court or a written motion of any party, the court may order one or more conferences to consider matters pertinent to the cases. The pre-trial shall be conducted in accordance with Ohio Crim.R.17.1. The defendant and counsel shall be required to personally attend the pretrial hearing as well as other hearings. An arrest warrant will be issued upon failure of the defendant to appear at court proceedings.
2. All motions shall be made in writing and accompanied by a written memorandum containing the arguments supporting the motion. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure.
3. Each case not resolved pursuant to the above pre-trial conference procedure shall be set for trial to the court. If a written jury demand is timely filed then the case will be set for a jury trial.

RULE 6 JUDGMENT ENTRIES CRIMINAL/TRAFFIC CASES

Every final order made by a Judge shall be evidenced by a judgment entry, which shall be signed by the Judge. The judgment entry may be a separate instrument, or by docket sheet, signed by the Judge or Acting Judge, Magistrate or Acting Magistrate.

RULE 7
SATISFACTIONS

Satisfaction in whole or part of a judgment may be entered on the docket by the attorney of record, attested to by the Clerk or Deputy Clerk, or by judgment entry signed by the party or the attorney of record and approved by the Judge or Magistrate.

RULE 8
FEES AND COSTS

(A) No action or proceeding shall be accepted for filing by the Clerk of this Court unless there first shall be deposited the filing fee required by this Court in the latest revised schedule of costs, except that upon a representation of indigency, the Clerk shall investigate the accuracy of such representation and upon finding that such indigency does exist, the security for costs shall be waived. The Court shall maintain a current schedule of fees and costs for distribution to the public, not inconsistent with those of the Revised Code.

(B) Deposits and advance payments of fees and costs shall be returned only by order of the Court and only when the same have been paid by the party against whom they are assessed by the Court.

(C) When a jury trial in a civil case is demanded, the party demanding the same shall be forthwith required to make an advance deposit as security for costs in such sum as the Clerk determines as reasonable. The cost of summoning jurors and the fees of jurors shall be apportioned to the respective proceeding and shall be taxed as part of the Court costs. The minimum deposit for jury trial shall be \$350.00.

RULE 9
PLEADINGS AND MOTIONS

(A) Ohio Rules of Civil Procedure 7 through 15 shall govern the form and manner of pleadings in civil matters.

(B) All pleadings, orders, and entries must be presented and file stamped at the Clerk's office.

(C) No pleading after being presented to the Clerk's office shall be amended or altered without consent of the Court. (Subject to Ohio Rules of Civil Procedure on Amendment to Pleadings.)

(D) The original copy of all pleadings shall be the Court's copy, possession of which shall not leave the Court's premises.

(E) Only copies or certified copies of the files shall be taken from the Court.

- (F) Sufficient additional copies of all pleadings must be filed with the Clerk's office to secure adequate coverage of all necessary parties.
- (G) All requests shall be in writing or by written precipe signed by the requesting party in interest or their attorney.
- (H) Attorneys must subscribe legibly all pleadings, entries and motions or in the alternative print the spelling of their name beneath the signature. The address, telephone number and Supreme Court Number of the respective trial counsel shall be placed on all pleadings.
- (I) Upon filing and where appropriate, complaints shall have attached proof of unconditional assignment or assignments from the original creditor or original party in interest to the plaintiff establishing standing and jurisdiction of the Court. The assignment or assignments shall not be used as a ruse to prevent the action from being brought by the real party in interest. The assignment or assignments must be absolute and unconditional in order to prevent duplicity of payment. The Court may dismiss the complaint without prejudice if the proofs of assignment or assignments are not attached to the complaint upon filing.
- (J) The filing of a motion or a pleading shall be accompanied by proof of service signed and dated. The copy served upon the opposite party or his attorney shall be signed and dated.
- (K) All motions shall be accompanied by a brief or a memorandum of authorities in support of said motion. In default thereof, such motions may be stricken from the files. Opposing counsel shall have seven (7) days to file a response. The Court may extend or restrict response time, as it deems appropriate.

RULE 10 LEAVES TO MOVE OR PLEAD

- (A) Except in actions for forcible entry and detainer or in replevin, when a party in any case is not prepared to move or plead by answer day ONE extension of time may be had upon application to the Court and without the consent of the opposite party or counsel for a period not exceeding thirty (30) days. Any leave to move or plead thereafter may be had only with the approval of the Court and upon application to the Court, with notice to the opposite party or counsel, and for good cause shown, consent of opposing party or counsel shall not in and of itself constitute good cause.
- (B) After the expiration of the answer period, and if the defendant has failed to plead or otherwise defend, the plaintiff shall file a written motion for default judgment pursuant to the Ohio Rules of Civil procedure. A copy of an affidavit of current military status shall be attached to motions for default judgment for all persons named as defendant. The written motion shall include where appropriate, if not previously submitted to the Court, the following documents; proof of assignment or assignments from original creditor sent to the defendant if the case involves the recovery of credit card debt, or an affidavit explaining why any of the required documents are not available. Any request for a default judgment shall provide the necessary information or documentation on how the amount

requested is computed from the documents attached to the pleadings in the case, including any payments made by any defendant. The Court may deny the motion for default judgment for failure to comply with the requirements of this section. Otherwise, if all documents are included and satisfactory, the motion shall be granted without oral hearing unless the Court determines that additional information is needed to establish the truth of an averment in the complaint.

RULE 11 DISMISSALS

- (A) If a party fails to comply with an order or decision of the Court, said case may be dismissed, or judgment may be rendered upon default as the case requires.
- (B) Cases assigned for trial, upon which no appearance is made on trial date may be dismissed for want of prosecution, or otherwise disposed of by the Judge or Magistrate.
- (C) In forcible entry and detainer cases, if the Plaintiff fails to appear at the time set for hearing, the cause shall be dismissed without prejudice at Plaintiff's cost.

RULE 12 JUDGMENT ENTRIES-CIVIL CASES

(A) When ordered or directed by the Court, counsel for the party in whose favor an entry, order, judgment or decree is entered in a civil cause shall, within ten (10) days thereafter, unless the time be extended by the Court, prepare a proper judgment entry and submit the same to counsel for the opposite party who shall approve or reject the same within three (3) days after it is received by him and may, in case of rejection, file objections thereto in writing with the court.

- (1) The judgment entry specified in Ohio Civil Rule 58 shall be journalized within thirty (30) days of the verdict, decree or decision. If such entry is not prepared and presented for journalization by counsel, then it shall be prepared and journalized by the Court.
- (2) The Court shall approve a judgment entry deemed by it to be proper, sign the same and cause it to be filed with the Clerk.

(B) When a request for finding of fact and conclusions of law is made, the Judge or Magistrate may direct the party making the written request to prepare, within five (5) days, proposed finding of fact and conclusions of law and submit them to the opposing counsel. Within ten (10) days after its receipt by the opposing counsel, the proposed findings shall be submitted to the Court with objections and counter proposals, if any, in writing; however, only those findings of fact and conclusions of law made by the Judge or Magistrate shall form part of the record.

(C) In non-magistrate cases and upon motions of a party made within ten (10) days after filing of the findings, the Judge may amend the findings, make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial. When findings of fact are made in actions tried by the Court without a jury, the questions

of sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made a motion to amend or a motion for judgment.

(D) The judgment entry shall state which party will pay the court costs.

RULE 13 COURT FILES AND PAPERS

No person (except the Judge or Magistrate of the Court) without consent of the Clerk of Courts shall remove any court papers, files of the Court or parts thereof from the custody of the Clerk.

RULE 14 CIVIL CASE MANAGEMENT

(A) For the purpose of insuring the readiness of civil cases for trial, the following rules shall be in effect. A scheduling conference shall be conducted in all civil cases prior to being scheduled for trial. In addition, the judge or magistrate assigned to the case may for good cause shown waive the requirement for a scheduling conference. At the scheduling conference, the Court will determine what issues need to be determined at trial, make an order regarding how discovery should proceed, set a cut-off date for the filing of any motions, and schedule the matter for hearing on motions, for pretrial, or for trial as the Court deems appropriate. The Court may also schedule the case for mediation if the Court determines it would be appropriate, and the scheduling of a case for mediation can be done without the consent of the parties. The Court will prepare a scheduling order at the time of the scheduling conference when appropriate, and give a copy of the order to the parties who appear at the scheduling conference, and any other parties when appropriate.

(B) The Court may schedule a pretrial at least thirty days prior to trial, and will do so in any case in which a jury trial is scheduled. The primary purpose of the pretrial is to explore any possibilities of settlement before the trial, and to discuss any remaining procedural or evidentiary issues before the trial is heard. The parties must be present for the pretrial if it is ordered, and, if insurance defense counsel is defending the case, the insurance adjustor who has authority to settle the matter must be present. A parties' appearance or the appearance of an insurance adjustor at the pretrial can be excused if that party or defense counsel gets prior approval of the Judge or Magistrate. The Judge or Magistrate may also allow the parties or the insurance adjustor to appear by phone at the pretrial when appropriate, and upon motion of that party.

(C) If the case is scheduled for a jury trial in a civil case, the Judge or Magistrate may order the parties to submit proposed jury instructions to the Court before the commencement of trial. The Judge or Magistrate may order the parties to submit either general and specific jury instructions, or just specific jury instructions that apply to the particular case, as the Judge or Magistrate elects. If the Judge or Magistrate orders the submission of proposed jury instructions, those instructions should be submitted to the other party or parties involved in the litigation by regular mail.

(D) Any party can file a motion to make an appearance at any hearing other than trial by telephone conference, if said motion is made at least three (3) days before the scheduled hearing, and the other party or parties are notified of this request at least three (3) days before the scheduled hearing, and the other party or parties do not object to conducting the hearing over the telephone. Any motion to conduct a hearing by telephone conference shall be accompanied by an entry allowing the telephone conference. The Judge or Magistrate may deny any such request where the Court deems it is not appropriate.

RULE 15 JURY MANAGEMENT PLAN

(A) All cases shall be tried by the Court unless a jury trial has been demanded in writing pursuant to the appropriate statutes and Rules of Civil and Criminal Procedure.

(B) In all civil cases said demand shall be accompanied by a deposit of \$350.00 for all cases. This rule shall be subject to the statutes regarding indigency.

(C) If a prospective juror is physically challenged, all reasonable efforts shall be made to accommodate them.

(D) All parties desiring specific jury instructions shall, at least seven (7) days prior to trial, file the proposed jury instruction with the Court and serve the same upon opposing counsel unless otherwise ordered by the Court.

(E) Persons may be deferred from service by the Judge or other authorized Court official upon application showing the necessity which shall be in writing or otherwise recorded. All such requests must be accompanied by supporting, appropriate documentation.

A person may be excused from jury service for the following factors:

1. Any person whose ability to reason and evaluate information is so impaired that they are unable to perform their duties as jurors.
2. Any person for whom service would be a continuing hardship to them or to members of the public.

The above is only a partial list and not meant to be exclusive. No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors.

(F) All prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such personnel for appropriate instruction.

(G) From the time of reporting to the Court through the completion of the case any and all communications between the Judge and member of the jury shall be in writing or placed on the records in open Court. The counsel for both parties shall be informed of any communications. Under no circumstances shall counsel, either party, or any witnesses, have any contact with the jury.

(H) All deliberations shall be held in the designated deliberating room. Appropriate Court personnel shall arrange and conduct all activities so as to minimize any chance of contact between all parties, as well as the public. All jurors shall remain in the care of Court personnel and shall not be permitted to leave the Court without permission.

(I) Use of all cell phones by jurors is prohibited unless authorized by the Court.

(J) When a jury of six (6) is demanded, not less than fifteen (15) names shall be provided and when a jury of eight (8) is demanded, not less than twenty (20) names shall be provided.

(K) If by challenge or otherwise, there shall not be left upon said venire a sufficient number of persons to make up the panel, of the array be challenged and set aside, the Court may order the Clerk to provide the desired panel from bystanders on the street.

RULE 16 MEDIATION

(A) At any time the Judge or Magistrate may order a case to mediation. A civil case may also be referred to mediation by agreement of the parties or by motion of any party upon order of the Court. When any case is referred to mediation, the Court shall enter an “Order for Mediation” (see Appendix M-1)

(B) All parties shall personally attend the mediation session prepared to discuss all relevant issues, including settlement terms. In the case of a party represented by counsel, counsel shall be present for the mediation. Insurance company representatives or any other person with decision making authority or otherwise necessary for settlement, must be present. An insured’s presence is not required if the insured’s consent is not necessary for settlement. If any individual identified in this paragraph fails to attend the mediation session without good cause, the Court may impose sanctions including assessment of court costs and/or an award of attorney fees in favor of the offended party or parties.

(C) Any party opposed to the mediation or the mediator appointed by the Court must file a written objection with the Court within seven (7) days of receiving notice of the Mediation Order. Said motion shall state and explain the grounds for said objection.

(D) Mediation communications are privileged as described in the Ohio Revised Code 2710.03-2710.05. All discussion between a party and the mediator are considered protected information and are not discoverable through deposition or any other discovery procedure. In the event the case does not settle at mediation, the mediator will not be permitted to be called as a witness.

(E) In all mediation cases the mediator will prepare a “Mediation Report” (Appendix M-2) which will be forwarded to the Judge or Magistrate assigned to the case. If the mediation results in a settlement of the case, the parties (or counsel for the parties, if represented by counsel) shall prepare and execute a written memorandum of the agreement or may alternatively by agreement orally enter the settlement agreement into the court record. Cases successfully mediated shall be disposed of by the Judge or Magistrate by way of dismissal or otherwise as by agreement of the parties. An unsuccessful mediation shall be

immediatley referred back to the Judge or Magistrate for trial or other disposition of the case.

APPENDIX M-1

IN THE HAMILTON MUNICIPAL COURT
CIVIL DIVISION
HAMILTON, OHIO

CASE NO: _____

Plaintiff,

VS.

Defendant

ORDER FOR MEDIATION

.....
YOU ARE HEREBY NOTIFIED THAT MEDIATION HAS BEEN ORDERED FOR THE ABOVE CAPTIONED MATTER.

THE MEDIATION IS SCHEDULED FOR: _____.

THE MEDIATOR ASSIGNED TO THIS MATTER IS: _____.

THE MEDIATION WILL BE HELD IN : COURT ROOM B
HAMILTON MUNICIPAL COURT
ONE RENAISSANCE CENTER
345 HIGH STREET, SECOND FLR
HAMILTON, OHIO 45011
(513) 785-7330

A COPY OF THE COURT RULE FOR MEDIATION IS ATTACHED. PLEASE CAREFULLY READ PART "B" OF THE RULE PROVIDING FOR THE ATTENDANCE OF ALL NECESSARY INDIVIDUALS AT THE MEDIATION.

Judge / Magistrate

Plaintiff / Attorney for Plaintiff

Defendant / Attorney for Defendant

APPENDIX M-2

IN THE HAMILTON MUNICIPAL COURT
CIVIL DIVISION
HAMILTON, OHIO

Plaintiff, CASE NO: _____

VS.

Defendant MEDIATION REPORT

.....

THE MEDIATION OF THIS MATTER ORDERED BY THE COURT WAS:

- _____ HELD ON THE DATE ORDERED
- _____ NOT HELD ON THE DATE ORDERED
- _____ WAS TERMINATED WITHOUT SETTLEMENT
- _____ A SETTLEMENT WAS REACHED

THOSE IN ATTENDANCE INCLUDING PARTIES, ATTORNEYS AND NON-PARTIES:

MEDIATOR'S SIGNATURE

RULE 17
CONTINUANCES IN CIVIL AND CRIMINAL CASES

(A) All requests for the continuance of a trial must be by written motion. Continuances shall be granted only by the Judge or Magistrate to whom the case is assigned.

(B) If a party seeking affirmative relief, either in person or by counsel, fails to appear for trial, the Court shall enter an order dismissing the claim for want of prosecution. If a party defending a claim, either in person or by counsel, fails to appear for trial and the party seeking affirmative relief does appear, the Court shall order such party to proceed with the case and shall determine all matters at issue.

(C) If a case set for trial is settled, the trial counsel shall immediately notify the Court and thereafter, as provided by these rules, file a stipulation of dismissal or other proper entry within 30 days or the case may be dismissed for want of prosecution.

RULE 18
TRUSTEESHIPS

Pursuant to Ohio Revised Code Sections 2329.70 and 2329.71, both of which sections are fully incorporated herein, trusteeships may be established in accordance with the following rules.

1. Application shall be made in a form required by RC Section 2329.70 (See, Appendix 18A) along with proof that a demand has been made in accordance with RC Section 2716.02.
2. The Application must be accompanied by a sworn statement as required by RC Section 2329.70. (See, Appendix 18B)
3. The Clerk of Hamilton Municipal Court shall act as trustee without additional bond. (See, Appendix 18C)
4. Notice to the Creditors and Authentication and Proof of Claim shall be in the form of Appendix 18D.
5. Debtor's payments to the Court must be within 3 business days of the receipt of their paycheck and must be in cash, bank draft or money order. The payment must be accompanied with a current payroll check stub or payroll statement of earnings.
6. Debtor must at all times notify the Clerk of any change of address or change in employment.
7. Payment to the Creditors shall be made every three months beginning in the month provided in the Notice to Creditors.

8. The Trusteeship shall be terminated upon failure of the Debtor to make a payment within thirty days of the last recorded payment unless for good cause shown to the Court. (See, Appendix 18E)

Appendix 18 - B

IN THE HAMILTON MUNICIPAL COURT
HAMILTON, OHIO

STATEMENT AS TO UNSECURED CREDITORS

Case No. _____

Debtor

Employer

Employer's Address

City State ZIP

\$ _____
Gross Pay - Pay Period

The following is a full, accurate and complete statement, to the date of filing hereof of the names of the unsecured creditors with liquidated claims, their addresses and the amount due and owing to each for work or labor or for necessities:

NAME	ADDRESS	AMOUNT DUE
------	---------	------------

STATE OF OHIO, COUNTY OF BUTLER, ss.

The undersigned being duly sworn states that the foregoing statement is full, accurate and complete.

Debtor

Sworn to me and signed in my presence this _____ day of _____,
201_____

Clerk, Hamilton Municipal Court

By:_____

Appendix 18 - C

IN THE HAMILTON MUNICIPAL COURT
HAMILTON, OHIO

JOURNAL ENTRY - ORDER DESIGNATING CLERK TO ACT AS TRUSTEE

In the Matter of) Case No. _____
)
)
)
_____)
Debtor

ORDER

It is hereby ordered that the Clerk of the Hamilton Municipal Court, be and is hereby designated to act as Trustee in the above captioned matter, to serve without additional compensation.

Said Clerk as such Trustee to receive that portion of the personal earnings of the debtor not exempt from execution, the attachment of proceedings in aid of execution, and such additional sum the debtor may voluntarily pay or assign to such Trustee; and to distribute such funds pro-rata to the unsecured creditors in the manner as provided by law.

Dated this _____ day of _____, 201____

JUDGE DANIEL J. GATTERMEYER
HAMILTON MUNICIPAL COURT

Appendix 18 – D

IN THE HAMILTON MUNICIPAL COURT
HAMILTON, OHIO

In the Matter of:

Case No. _____

Debtor

**NOTICE TO
CREDITOR**

TO: _____

You are hereby Notified that the Clerk of the Hamilton Municipal Court, 345 High Street, Hamilton, OH 45011 has been appointed Trustee for the above named Debtor. This Trusteeship is in accordance with Section 2329.70 of the Ohio Revised Code. You have been listed as a Creditor in the approximate amount of \$ _____.

“No proceedings in garnishment, attachment, or aid of execution or other action to subject the personal earnings of the debtor to the payment of claims shall be brought or maintained by any creditor as long as at least the amount of the personal earnings of the debtor that is not exempt from execution, garnishment, attachment or proceedings in aid of execution is paid to the trustee at regular intervals.”

Debtor is required to deposit assigned earnings with the Clerk of this Court, each pay period and to furnish proof of gross earnings. Failure to do this will result in the Termination of the Trusteeship. Creditors will be notified and may then take such action against the Debtor as they choose.

Disbursement of the monies deposited will be made pro-rata to the Creditors beginning in the month of _____ and every three months thereafter.

Creditors are required to mail signed statement of indebtedness by return mail.

Dated this _____ day of _____, 201_____

CLERK HAMILTON MUNICIPAL COURT

By: _____
Deputy Clerk

For your convenience you may complete and return the attached Statement of Claim

STATEMENT OF CLAIM

TO: Clerk of Hamilton Municipal Court

CASE NO. _____

In the Matter of:

Debtor

The correct amount due and owing from the above Debtor is \$ _____.

Signed _____

Address _____

City State ZIP _____

Appendix 18 - E

IN THE HAMILTON MUNICIPAL COURT
HAMILTON, OHIO

JOURNAL ENTRY - TERMINATING TRUSTEESHIP

In the Matter of _____) Case No. _____
)
)
)
 _____)
 Debtor

ORDER

Upon representation by the Clerk of the Hamilton Municipal Court that the above captioned debtor has failed to make payments to the Trustee as required by Section 2329.70 of the Ohio Revised Code.

It is the order of this Court, that said Trusteeship is terminated effective as of this date.

Dated this _____ day of _____, 201____

JUDGE DANIEL J. GATTERMEYER
HAMILTON MUNICIPAL COURT

Approved by:

Clerk, Hamilton Municipal Court

RULE 19
AUTOMATIC BANKRUPTCY STAY

Upon written notification to the Court of any pending bankruptcy proceeding and the bankruptcy case number affecting any litigant in this Court, there shall be a judgment entry as follows:

“Defendant having filed a Petition in the U.S. Bankruptcy Court, the Bankruptcy Act establishes an automatic stay of proceedings against the debtor, in 11 U.S.C. 362 (a). It is hereby ordered that the commencement or continuation of any action to obtain or enforce any judgment against the Defendant/Debtor or his property is hereby stayed until the bankruptcy case is closed, dismissed, or a discharge is granted or denied, or until Defendant/Debtor’s property is no longer property of the bankruptcy estate or until the Bankruptcy Court grants relief from its stay. Clerk to send a copy to counsel of record.”

Unless motion to the contrary is filed, the pending action will be dismissed after one hundred eighty (180) days.

RULE 20
APPEARANCE AND WITHDRAWALS OF COUNSEL

An attorney, having entered an appearance or being of record in a case, shall be deemed responsible to appear in all hearings pursuant to notices or call therefore, unless a Court entry of withdrawal is timely filed and approved by a Judge or Magistrate of the Court. The proposed entry of withdrawal shall indicate that the client and opposing counsel have been served with a copy of the entry and notice of the hearing date.

RULE 21
RECORDINGS OF COURT PROCEEDINGS

All recordings of proceedings, trials, and hearings in the Court shall remain in the exclusive care and control of the Judge and Bailiff of said Court. A transcript of the recordings may be obtained by a certified court reporter obtaining permission of the Court to transcribe the recording into a printed transcript. Transcription of original recordings shall not be permitted without Court approval.

RULE 22
SMALL CLAIMS CASES

(A) A small claim action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served, then a default judgment will be entered against said defendant. All pleadings will be construed to accomplish substantial justice.

(B) Upon filing of motion and affidavit, as required by ORC 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.

(C) The hearing in small claims court shall be conducted by the Magistrate. The Magistrate shall place all parties who plan to offer evidence under oath and then allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not apply to a hearing in small claims court.

RULE 23
CELL PHONES, COMPUTERS, ELECTRONICS, WIRELESS
DEVICES AND PERSONAL COMMUNICATION DEVICES

The use of any cell phone, computer, electronic devices or other personal communication device is prohibited in the Courtroom, probation offices and Clerk of Courts offices. Failure to turn off the device referenced to in this rule will result in the device being confiscated.

RULE 24
FACSIMILE FILINGS

(A) No document that requires a fee be paid at the time of filing will be accepted via facsimile.

(B) A document filed by fax shall be accepted as the original filing. The person making the filing shall not need to file an “original” document with the Court but should maintain the document with original signatures in his or her records.

(C) As in all filings the document must contain the proper heading on the case including names of the parties and the case number.

(D) All documents sent by fax and accepted for filing shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission.

(E) The Clerk of Courts need not acknowledge receipt of fax filing. The risk 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.

(F) No additional fee shall be assessed for facsimile filings.

RULE 25
RECORD RETENTION AND DESTRUCTION

Effective August 1, 2010 the Hamilton Municipal Court hereby adopts Rule 26 of the Rules of Superintendence along with ORC 1901.41 with regard to record mangagement, retention and destruction.