

# **Perrysburg Municipal Court**

**Honorable Aram M. Ohanian**

Scott T. Howard, Court Administrator  
Carrie L. Mancuso, Clerk of Court



## **Local Court Rules**

## **PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES**

### **SECTION 1 - General Rules**

- 1.01 General Rule(s)
- 1.02 Territorial Jurisdiction of Perrysburg Municipal Court
- 1.03 Location & Hours of Operation
- 1.04 Citation Format
- 1.05 Court Record Book(s)
- 1.06 Record of Proceedings
- 1.07 Filing - Requirements & Service
- 1.08 Facsimile "Fax" Filing - Requirements & Service
- 1.09 Annual Physical Case Inventory
- 1.10 Courtroom Decorum & Attire
- 1.11 Media

### **SECTION 2 - Magistrate of the Perrysburg Municipal Court**

- 2.01 General Rule(s)
- 2.02 Civil Cases & Small Claims Court Cases
- 2.03 Criminal Cases
- 2.04 Traffic Cases
- 2.05 Supplementary Issue(s)

### **SECTION 3 - Jury Use & Management**

- 3.01 General Rule(s)
- 3.02 Jury Eligibility
- 3.03 Annual Jury List
- 3.04 Summoning a Jury
- 3.05 Exemptions, Excuses and Deferrals from Jury Service
- 3.06 Voir Dire
- 3.07 Jury Orientation
- 3.08 Jury Service Obligation Satisfied
- 3.09 Withdrawal of Trial Counsel

### **SECTION 4 - Civil Division**

- 4.01 General Rule(s)
- 4.02 Filing & Clerical Issue(s)
- 4.03 Civil Motion(s)
- 4.04 Civil Pre-Trial Hearings
- 4.05 Continuances
- 4.06 Judgment Entries
- 4.07 Landlord/Tenant Actions
- 4.08 Default Judgment in Civil Case
- 4.09 Cognovit Note Judgment
- 4.10 Satisfaction of Judgment
- 4.11 Post-Judgment Proceedings
- 4.12 Revivor of Judgment
- 4.13 Deposit of Court Costs for Jury

#### **SECTION 4 - Civil Division - continued**

- 4.14 Involuntary Dismissal of Action
- 4.15 Findings of Fact & Conclusions of Law
- 4.16 Trusteeship
- 4.17 Small Claims Court

#### **SECTION 5 - Criminal & Traffic Division**

- 5.01 General Rule(s)
- 5.02 Appearance
- 5.03 Warrant(s)
- 5.04 Waiverable Offense(s)
- 5.05 Jury Trial
- 5.06 Witness(es) & Subpoenas

#### **SECTION 6 - Mediation**

- 6.01 Definition(s)
- 6.02 General Rule(s)
- 6.03 Domestic Violence
- 6.04 Referral to Mediation
- 6.05 Mediation Case Summaries
- 6.06 Communication
- 6.07 Indemnification
- 6.08 Continuances
- 6.09 No Stay/No Suspension of Proceedings
- 6.10 Limited Discovery
- 6.11 Mediator Report
- 6.12 Settlement Agreement(s)

#### **SECTION 7 - Public Access Rules**

- 7.01 Definition(s)
- 7.02 General Rule(s)
- 7.03 Court Records - Public Access
- 7.04 Court Records - Remote Access
- 7.05 Omission of Personal Identifiers
- 7.06 Restricting Public Access to Case Document
- 7.07 Access to a Case Document Granted Restricted Public Access
- 7.08 Court Records - Bulk Distribution and New Compilations
- 7.09 Court Records - Application, Remedies & Liability

#### **SECTION 8 - Record Retention**

- 8.01 Definition(s)
- 8.02 General Rule(s)
- 8.03 Retention Schedule
- 8.04 Retention of Exhibits, Depositions & Transcripts
- 8.05 Extension of Retention Period
- 8.06 Destruction of Records

## **SECTION 9 - Court Security**

- 9.01 General Rule(s)
- 9.02 Court Security
- 9.03 Weapons Prohibited
- 9.04 Video Recording Prohibited
- 9.05 Search and Security Check
- 0.06 In-Custody Defendant(s)
- 9.07 Bail Bond Agent(s)
- 9.08 Incident Reporting
- 9.09 Service/Comfort Animal
- 9.10 Court Security Advisory Committee
- 9.12 Court Security Manual

## **SECTION 10 - Bond Schedule**

- 10.01 General Rule(s)
- 10.02 Bond Schedule
- 10.03 Officer Discretion (ORC Section 2935.10)
- 10.04 Officer Discretion (Ohio Criminal Rule 4 Warrant or Summons; Arrest)
- 10.05 Interpretation of Court

## **SECTION 11 - Probation**

- 11.01 General Rule(s)
- 11.02 Probation Supervision Fees
- 11.03 Presentence Investigation & Report
- 11.04 Dispute of Factual Information in Presentence Report
- 11.05 Presentence Report Confidentiality
- 11.06 Misdemeanor Community Control Sanctions
- 11.07 Concurrent Supervision of Defendant
- 11.08 Probation Services Fund Report


## **SECTION 12 - Court Costs, Form(s), Schedule(s)**

- 12.01 General Rule(s)
- 12.02 Civil Court Costs & Deposits
- 12.03 Traffic & Criminal Court Costs
- 12.04 Costs & Charges

## **SECTION 13 - Form(s)**

- 13.01 General Rule(s)
- 13.02 General Form(s)
- 13.03 Civil Form(s)
- 13.04 Form(s) Related to Operator's License & Vehicles
- 13.05 Warrant(s) & Orders of Arrest

## **PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES**

**SECTION:** 1  
**TOPIC:** General Rules of the Perrysburg Municipal Court  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### **Rule 1.01 - General Rule(s)**

#### **Rule 1.01(a)**

In accordance with the Ohio Rules of Superintendence, the following local rules have been adopted by the Municipal Court of the City of Perrysburg, Ohio, to promote the administration of justice, to expedite and facilitate the disposition of cases and to serve the public interest.

#### **Rule 1.01(b)**

The Rules of the Court set forth in Section 1 and bearing the designation "Rule 1 \_" pertain to procedures applicable to all proceedings of this Court in the exercise of its Civil, Criminal and Traffic jurisdiction. The following Rules are effective 01-01-2020. All prior Rules and Amendments of this Court are hereby rescinded.

### **Rule 1.02 - Territorial Jurisdiction of Perrysburg Municipal Court**

#### **Rule 1.02(a)**

Ohio Revised Code Section 1901.02 codifies the Perrysburg Municipal Court as having jurisdiction in all of the following municipal corporations and townships: Luckey, Millbury, Northwood, Rossford, Walbridge, Perrysburg Township, Lake Township and Troy Township.

#### **Rule 1.02(b)**

Ohio Revised Code Section 1901.20 further defines the Perrysburg Municipal Court as having jurisdiction over "any misdemeanor cases committed within its territory and has jurisdiction over the violation of any ordinance of any municipal corporation within its territory."

#### **Rule 1.02(c)**

The Perrysburg Municipal Court has jurisdiction to hear felony cases committed within its territory. The Court may conduct preliminary hearings and other hearings prior to the indictment of the defendant or prior to the court's finding there is probable and reasonable cause to hold or recognize the defendant to appear before the Wood County Common Pleas Court.

## **Rule 1.02 - Territorial Jurisdiction of Perrysburg Municipal Court - cont.**

### **Rule 1.02(d)**

The following law enforcement entities file charges at the Perrysburg Municipal Court: Perrysburg Police Division, Perrysburg Township Police Department, Lake Township Police Department, Rossford Police Department, Northwood Police Department, Walbridge Police Department, Luckey Police Department, Wood County Sheriff's Office, Ohio State Highway Patrol, Ohio Department of Natural Resources, Ohio Department of Taxation, Ohio Investigative Unit (Ohio State Highway Patrol) and the Ohio Department of Liquor Control (Department of Commerce).

## **Rule 1.03 - Location & Hours of Operation**

### **Rule 1.03(a)**

The Perrysburg Municipal Court is located at 300 Walnut Street, Perrysburg, OH 43551 in Wood County, Ohio. The Perrysburg Municipal Court's primary telephone number is 419-872-7900. The Perrysburg Municipal Court's website can be located at [www.perrysburgcourt.com](http://www.perrysburgcourt.com)

### **Rule 1.03(b)**

The Perrysburg Municipal Court is open Monday through Friday at 8:00 a.m. and closes every day, with the exception of Tuesday, at 4:30 p.m. On Tuesday, the Court closes at 6:30 p.m. The Court is closed on all legal holidays recognized in ORC Section 1.14(A)-(K). The Court may also be closed due to an emergency situation and/or inclement weather.

## **Rule 1.04 - Citation Format**

### **Rule 1.04**

These rules of practice shall be known as the Perrysburg Municipal Court - Local Court Rules and each rule shall be cited as "Rule 1 Section # Subsection #".

## **Rule 1.05 - Court Record Book(s)**

### **Rule 1.05(a)**

The Court shall maintain separate and distinct civil and criminal records and dockets as mandated by Ohio Revised Code Section 1901.31(E) (Clerk of Court). This Rule does not prohibit the recording and storage of the Court's dockets and records by microfilm or computerization as permitted by statute.

### **Rule 1.05(b)**

The orders of the Court, preserved in the dockets, shall be validated by the original or facsimile signature of the Judge. The dockets and the original papers filed shall be the final record of the cases of this Court. The Judge, or in his absence, one of the visiting or acting Judges, and the Court Administrator, shall authenticate records with their signature(s), with the Court's seal attached. Any forms and stamps used shall be authorized by the Court.

## **Rule 1.05 - Court Record Book(s) - continued**

### **Rule 1.05(c)**

The Court Administrator and/or the Clerk of Court may dispose of files of cases in accordance with Ohio Revised Code Section 1901.41 (Case Files Retention and Destruction).

## **Rule 1.06 - Record of Proceedings**

### **Rule 1.06(a)**

Court proceedings shall be recorded by the J.A.V.S. Suite 7 Digital Capture System. Upon request, the Court shall provide a visual/audio recording in the form of a generated Digital Versatile Disc (also known as D.V.D.). The requestor bears all responsibility for payment of transcribing the D.V.D. to text format unless the Court has declared the requestor indigent for such purposes.

### **Rule 1.06(b)**

A Court Reporter may be provided upon the request of any party or counsel. Such a request must be timely filed in writing a minimum of five (5) days prior to the hearing. The Court Reporter's costs shall be paid by the requesting party; costs are to be paid directly to the Court Reporter.

### **Rule 1.06(c)**

The Court shall secure the services of a Court Reporter for any Criminal or Civil Trial.

### **Rule 1.06(d)**

All digital recordings of Court proceedings shall be maintained for fifty (50) years.

## **Rule 1.07 - Filing(s) - Requirements & Service**

### **Rule 1.07(a)**

All documentation submitted to and filed with the Court shall be original(s) and legible copies. Documentation may be hand-written in ink or type-written. All documentation shall be filed on paper that is 8.5 inches by 11 inches in size and multiple pages of documentation must be fastened together. The Court will not accept documentation placed in a plastic binder or any other form of covering.

### **Rule 1.07(b)**

Any Motion, Complaint, Brief, Memorandum of Law, Proposed Judgment Entry or Proposed Order shall be filed and indicate the name, address, telephone number, fax number, e-mail address and Supreme Court Attorney Registration Number of the attorney filing same. Any Motion, Complaint, Brief, Memorandum of Law, Proposed Judgment Entry or Proposed Order shall include the names, addresses and zip codes for all parties and counsel. Any Motion, Complaint, Brief, Memorandum of Law, Proposed Judgment Entry or Proposed Order that fails to conform to these requirements may not be accepted by the Court and/or may be stricken from the Court's record.

## **Rule 1.07 - Filing(s) - Requirements & Service - continued**

### **Rule 1.07(c)**

Any Motion or Request for Relief shall be accompanied by a Proposed Order.

### **Rule 1.07(d)**

A Plaintiff or Plaintiff's attorney in a civil case shall file the respective Complaint with as many copies as defendant(s) to be served via summons. A response to the Complaint, a Counterclaim, a Cross Claim or a third party Complaint may be extended for a period of twenty-eight (28) days if a written application is filed with the Court. Additional requests for extension of time may be filed pursuant to Rule 6(B) of the Ohio Rules of Civil Procedure or by stipulation of the parties involved.

### **Rule 1.07(e)**

The Court shall effect proper service pursuant to the Ohio Rules of Criminal Procedure and/or the Ohio Rules of Civil Procedure. In civil cases, a Deputy Bailiff of the Court shall serve documentation requiring personal service.

## **Rule 1.08 - Facsimile "Fax" Filing(s) - Requirements & Service**

### **Rule 1.08(a)**

For purposes of this Section, "facsimile" shall be defined as the transmission of a source document by a facsimile machine that encodes a document into optical and electrical signals and transmits and reconstructs the signals to print a duplicate of the source document at the receiving end. A "facsimile machine" shall be defined as a machine that sends and receives facsimile transmissions. A "fax" is an abbreviation for "facsimile" and shall be defined as a facsimile transmission.

### **Rule 1.08(b)**

The Court may accept a facsimile filing of Motions and other documentation that are relevant to the underlying action before the Court. The Perrysburg Municipal Court shall maintain 419-872-7905 as a dedicated telephone line in order to receive facsimile filing(s).

### **Rule 1.08(c)**

Documentation filed by facsimile shall be accepted by the Perrysburg Municipal Court as the original filing. The individual filing the facsimile does not have to file the original or source document. However, the individual must have the original or source document available upon request, including the facsimile cover page. The source document shall be maintained by the individual that filed the facsimile until the case is closed and all opportunities for post-judgment relief are exhausted.



## **Rule 1.08 - Facsimile "Fax" Filing(s) - Requirements & Service - continued**

### **Rule 1.08(d)**

Any facsimile filing of a Motion or other documentation shall include a cover page with the following information: the name of court, the title of case, the case number, the assigned Judge, the title of document being filed, the date of facsimile transmission, the transmitting facsimile number and the number of pages included in the facsimile (including the cover page). The cover page shall include the name, address, telephone number, facsimile number, Supreme Court registration number and e-mail address of the individual filing the facsimile document.

### **Rule 1.08(e)**

Should a facsimile filing be transmitted without a cover page, the Court Administrator or Clerk of Court may: enter the filing into the case docket and the file the document or place the filing in a file of failed facsimile filing(s) and not file the document in the case docket. The Court Administrator and/or the Clerk of Court are not required to send any form of notice to the sending party of a failed facsimile filing.

### **Rule 1.08(f)**

If an individual wishes to file a signed source document via facsimile transmission, one of the following methods shall be utilized: send a facsimile transmission of the signed source document or send a copy of the source document without the signature and the notation "/s/" following the name of the signing individual where the signature appears in the source document. Any individual who files a signed document via facsimile transmission represents the signed source document is in their possession or control.

### **Rule 1.08(g)**

Any exhibit of a facsimile filing that cannot be transmitted via facsimile for any reason must be replaced by an insert page describing the exhibit and the reason for the omission. Unless otherwise ordered by the Court, the absent exhibit shall be filed as a separate document no later than five (5) days following the original facsimile filing. Failure to file the absent exhibit(s) as required by this Local Court Rule could result in the Court striking the document and/or exhibit. Any exhibit filed in this manner shall be submitted with a cover page containing the caption of the case that sets forth the name of the court, the title of the case, the case number, name of the Judge, the title of the exhibit being filed and shall be signed and served in conformity with the rules governing signing and service of pleadings in this Court.

## **Rule 1.08 - Facsimile "Fax" Filing(s) - Requirements & Service - continued**

### **Rule 1.08(h)**

All documents submitted via facsimile transmission and accepted by the Court Administrator or Clerk of Court shall be considered filed as of the time and date so indicated by the time-stamp. The time-stamp indication is the official record of filing; not the date and time from the filing. The Perrysburg Municipal Court shall be available to receive facsimile transmissions on a twenty-four (24) hour basis, seven (7) days a week. The Court Administrator and/or Clerk of Court shall be available to receive facsimile transmissions on the day(s) and time(s) the Court is open and in session. Any facsimile filings received after 4:30 p.m. shall be time-stamped the following day with the exception of Tuesday evenings when the Court is open until 6:30 p.m. Any facsimile filing received over the weekend, when the Court is closed, shall be time-stamped the following business day.

### **Rule 1.08(i)**

Facsimile filings shall not be transmitted directly to the Court; facsimile filings shall be sent through the Court's facsimile equipment. The Court Administrator and/or Clerk of Court is not required to acknowledge receipt of the facsimile transmission. The risk of submitting a document via facsimile transmission is borne exclusively by the transmitting party. It is good practice for anyone submitting a facsimile filing to contact the Court and verify the proper submission and filing of the document.

### **Rule 1.08(j)**

Any document filed by facsimile filing that requires a filing fee shall not be accepted by the Court. Facsimile filings shall be limited to motions and other documents that do not initiate the underlying action. Facsimile filings shall not exceed fifteen (15) pages in length. The page limit shall apply only to facsimile filings and not reports transmitted to the Probation Department; facsimile documentation submitted to the Probation Department shall have no page limit.

## **Rule 1.09 - Annual Physical Case Inventory**

### **Rule 1.09(a)**

Within three (3) months of the date of taking office, the Judge shall be responsible for the completion of a case inventory of all cases reported as pending on the applicable statistical report required by the Case Management Section of the Supreme Court of Ohio. If deemed necessary, the Judge may include in the case inventory all cases reported as closed or inactive on the applicable statistical report forms.

### **Rule 1.09(b)**

Following the time period described in Rule 1.11(a), the Judge shall perform an annual physical case inventory of all pending cases no later than March 1<sup>st</sup>.

## **Rule 1.09 - Annual Physical Case Inventory - continued**

### **Rule 1.09(c)**

A case inventory involves reviewing the physical case files if the Court maintains paper files or reviewing the case management system if the Court maintains electronic files. The goal(s) of the case inventory is as follows:

- Identify cases in which a conflict of interest exists and insure the said case is assigned to another Judge of the Court or a visiting Judge;
- Identify cases without a next scheduled event date;
- Identify cases that should be terminated or closed for purposes of reporting on the Supreme Court of Ohio Statistical Report Form(s);
- Identify cases that are ready for settlement or resolution prior to the next scheduled event date;
- Identify cases that have been incorrectly classified on a previous report.

### **Rule 1.09(d)**

The Judge shall document completion of the case inventory in the space provided on the applicable statistical report form by indicating the date the most recent case inventory was completed.

## **Rule 1.10 - Courtroom Decorum & Attire**

### **Rule 1.10(a)**

The commencement of the Court's docket shall be announced by the Courtroom Bailiff. Individuals in the Courtroom shall rise upon the entrance of the Judge and remain standing until advised to sit by the Judge or the Courtroom Bailiff.

### **Rule 1.10(b)**

The section of the Courtroom inside the railings is reserved for employees of the Court, counsel(s), parties to the hearing at hand and/or witnesses.

### **Rule 1.10(c)**

It is the responsibility of the Courtroom Bailiff to insure no one impedes or disrupts the orderly conduct of the Court's docket. Should individuals refuse to comport with proper Courtroom decorum following the Courtroom Bailiff's orders to do so, the Courtroom Bailiff shall contact the Chief Bailiff.

### **Rule 1.10(d)**

Proper attire is required of all individuals entering the Courtroom.

### **Rule 1.10(e)**

Any cellular telephone in Courtroom #1 or Courtroom #2 shall be silenced; turned off or placed on silent mode. Use of a cellular telephone for communication purposes (i.e. calling another) is prohibited. The Court may confiscate a cellular telephone that is not silenced and that has interrupted a hearing.

## **Rule 1.11 - Media**

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### **Rule 1.11(a)**

The term "Media" shall refer to local and national affiliate news stations, local and national newspapers and photographers requesting access to Courtroom #1 and/or Courtroom #2. This section governs the broadcasting, televising, recording and/or photographing of any public hearing in either Courtroom #1 or Courtroom #2.

### **Rule 1.11(b)**

"Media" personnel shall request permission to broadcast, televise, record or photograph any public hearing. Designated personnel shall submit a Motion for Media Access that may be obtained from the Court Administrator. The Motion for Media Access shall be submitted to the Judge prior to the hearing and the Judge's ruling shall be entered into the record.

### **Rule 1.11(c)**

The Judge shall permit "Media" access only when he has determined to do so would not distract parties involved, jeopardize the dignity of the proceedings or otherwise interfere with the guarantee of a fair trial.

### **Rule 1.11(d)**

The Judge shall specify the location or locations in the Courtroom where "Media" personnel and/or equipment are to be positioned. "Media" personnel shall wear appropriate attire in the Courtroom.

### **Rule 1.11(e)**

Filming, televising, recording or photographing victim(s) or witnesses who object shall not be permitted.

### **Rule 1.11(f)**

The Court shall permit only one (1) "Media" individual to film, televise or record a hearing and only one (1) "Media" individual to photograph a hearing. It is the responsibility of "Media" personnel to "pool" or share the footage and/or photographs.

### **Rule 1.11(g)**

"Media" personnel shall remain in designated areas and leave the Courtroom only during a recess, a lunch break or adjournment. "Media" personnel shall provide their own equipment and utilize only existing lighting. Any equipment utilized by "Media" personnel shall not produce any distracting light or sound.

### **Rule 1.11(h)**

The use of a video camera(s) shall be limited to one (1) and use of photographic camera shall be limited to two (2), with two (2) lenses. The use of audio equipment for radio transmission shall be limited to one (1) recording system.

**Rule 1.11 - Media - continued**

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**Rule 1.11(i)**

There shall be no recordings of any kind in the Judge's chambers or the jury deliberation rooms without the permission of the Judge. "Media" personnel shall not take any pictures of the jury.

**Rule 1.11(j)**

"Media" personnel shall not photograph or film any document and/or exhibit before or after such document and/or exhibit has been entered into evidence.

## **PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES**

**SECTION:** 2  
**TOPIC:** Magistrate of the Perrysburg Municipal Court  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian  
  
Signature

### **Rule 2.01 - General Rule(s)**

#### **Rule 2.01(a)**

In the interest of judicial economy and in order to effectively and expeditiously administer the duties of the Court, the authority authorized in Rule 53 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure and Rule 14 of the Ohio Traffic Rules are hereby authorized to the Magistrate of the Perrysburg Municipal Court.

#### **Rule 2.01(b)**

The Rules of the Court set forth in Section 2 and bearing the designation "Rule 2. \_" pertain to the incorporation of Rule 53 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure and Rule 14 of the Ohio Traffic Rules.

### **Rule 2.02 - Civil Cases & Small Claims Court Cases**

#### **Rule 2.02(a)**

In **Civil Cases** and in **Small Claims Court** cases, the Magistrate is hereby authorized:

- To rule on any post-judgment motion;
- To conduct a trial in any case that is not a jury trial;
- To conduct a trial in any case that is a jury trial subsequent to the unanimous, written consent of all parties to the action;
- To issue subpoena(s) compelling the appearance of witnesses and/or for the production of evidence;
- To rule upon the admissibility of evidence;
- To place witnesses under oath and examine them;
- To set bail for any individual held in direct or indirect contempt of the Court in order to secure the individual's appearance;
- To summon parties to the action and examine them under oath;
- To regulate all proceedings in every hearing as if by the Court;
- To take all acts and measures necessary and proper for the efficient performance of the Magistrate's duties;
- To enter orders without judicial approval in pretrial proceedings under Rule 26 through Rule 37 of the Ohio Rules of Civil Procedure;

## **Rule 2.02 - Civil Cases & Small Claims Court Cases - continued**

### **Rule 2.02(b)**

Any order of the Magistrate may be appealed by filing a motion to set the order aside, indicating the objections in particularity. The motion in objection shall be filed no later than ten (10) days following the Magistrate's order. The effect of the decision is not stayed unless a stay is granted by the Judge or Magistrate.

### **Rule 2.02(c)**

Findings of fact and conclusions of law are not required unless requested by a party to the action and under Rule 52 of the Ohio Rules of Civil Procedure.

### **Rule 2.02(d)**

Following the Magistrate's decision, any party may file an objection within fourteen (14) days. The other party may file an objection to the initial objection no later than ten (10) days following the filing of the first objection(s). If either party requests findings of fact or conclusions of law under Rule 52 of the Ohio Rules of Civil Procedure, the time for filing an objection to either begins when the Magistrate files a decision on the findings of fact or conclusions of law. The filing of objections to the findings of fact and conclusions of law operate as an automatic stay of execution to the judgment until the Court rules on said objections.

## **Rule 2.03 - Criminal Cases**

### **Rule 2.03(a)**

In **Criminal Cases**, the Magistrate is hereby authorized:

- To conduct Initial Appearance and Preliminary Hearings pursuant to Criminal Rule 5
- To conduct Arraignments pursuant to Rule 10 of the Ohio Rules of Criminal Procedure;
- To conduct hearings at which a plea may be entered pursuant to Rule 11 of the Ohio Rules of Criminal Procedure;
- To accept pleas of not guilty in misdemeanor and felony cases;
- To accept guilty pleas and pleas of no contest in misdemeanor cases;
- To determine guilt or innocence in misdemeanor cases;
- To receive statements of explanation or mitigation of sentence in misdemeanor cases;
- To recommend the imposition of a potential penalty if the offense carries the possibility of incarceration;
- To rule on motions filed pursuant to Rule 19 and Rule 47 of the Ohio Rules of Criminal Procedure;
- To conduct hearings for the issuance of a Temporary Protection Order;
- To conduct hearings to establish bail pursuant to Rule 46 of the Ohio Rules of Criminal Procedure;

### **Rule 2.03 - Criminal Cases - continued**

- To conduct a trial in a misdemeanor case not tried to a jury; if the offense carries the potential for local incarceration as a potential penalty, all parties involved shall stipulate, unanimously, to the Magistrate handling the case;
- To take all acts and measures necessary and proper for the efficient performance of the Magistrate's duties;
- To issue subpoena(s) compelling the appearance of witnesses and/or for the production of evidence;
- To rule upon the admissibility of evidence in misdemeanor cases;
- To place witnesses under oath and examine them;
- To set bail for any individual held in direct or indirect contempt of the Court in order to secure the individual's appearance;
- To issue search warrants to search and seize property located within the Court's territorial jurisdiction;
- To enter pre-trial orders without judicial approval which are necessary to regulate the proceedings and are not dispositive of a claim or a defense.

#### **Rule 2.03(b)**

Any pre-trial order of the Magistrate may be appealed by filing a motion to set the order aside, indicating the objections in particularity. The motion in objection shall be filed within fourteen (14) days following the Magistrate's order. The effect of the decision is not stayed unless a stay is granted by the Judge or Magistrate. A party's failure to appeal does not preclude review of the Magistrate's order following an objection to the decision.

#### **Rule 2.03(c)**

Following the Magistrate's decision, any party may file an objection within fourteen (14) days. The other party may file an objection to the initial objection no later than ten (10) days following the filing of the first objections. The Magistrate's decision shall become effective when adopted by the Judge; no sentence recommendation shall be enforced until the Judge has rendered judgment.

### **Rule 2.04 - Traffic Cases**

#### **Rule 2.04(a)**

In **Traffic Cases**, the Magistrate is authorized:

- Pursuant to Ohio Traffic Rule 14, to receive plea(s), statements in explanation and in mitigation of sentence;
- To recommend penalty to be imposed;
- To hear cases with contested admission of evidence, contested written reports of findings and contested recommendations, if consented to by the defendant.



## **Rule 2.04 - Traffic Cases - continued**

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### **Rule 2.04(b)**

Within fourteen (14) days of the Magistrate's decision, parties may file a written objection to the decision. If any party files an objection, the other party may also file an objection no later than ten (10) days following the filing of the initial objective.

### **Rule 2.04(c)**

The Magistrate's decision shall become effective when adopted by the Judge; no sentence recommendation shall be enforced until the Judge has rendered judgment.

## **Rule 2.05 - Supplementary Issue(s)**

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### **Rule 2.05(a)**

Nothing in Section 2 shall be construed as prohibiting the Magistrate from the entry of orders when authority is specifically authorized by statute.

### **Rule 2.05(b)**

Orders of the Magistrate shall be in writing, signed by the Magistrate and identified as a Magistrate's order in the caption. The Magistrate shall prepare reports of his work, recommendations and orders as directed by the Court.

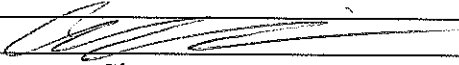
### **Rule 2.05(c)**

Proceedings before the Magistrate shall be in accordance with Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, Ohio Traffic Rules, any and all applicable statutes and the Perrysburg Municipal Court - Local Court Rules.

### **Rule 2.05(d)**

The Magistrate may impose an appropriate civil or criminal contempt sanction. Contempt sanctions may be imposed by a written order reciting the facts and certifying the Magistrate witnessed or heard the contemptuous conduct. The contempt order shall be filed by the Clerk of Court and a copy provided to the Judge. The individual charged with contempt may request a review by the Judge or the Judge or Magistrate may set bail pending judicial review.

## **PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES**

**SECTION:** 3  
**TOPIC:** Jury Use & Management  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### **Rule 3.01 - General Rules**

#### **Rule 3.01(a)**

The implementation and oversight of the Jury Use & Management rules shall be the responsibility of the Judge. The Judge shall initiate a periodic review of the jury source list for its appropriateness and sufficiency to meet the demands of the Court and the ends of justice. The periodic review shall also serve to examine the procedures utilized in selecting, notifying and utilizing jurors to assure efficiency in juror selection and the elimination of unnecessary inconvenience.

#### **Rule 3.01(b)**

The rules of Jury Use & Management are to ensure several objectives. One objective is to ensure qualified Wood County residents, residing within the Court's jurisdiction, shall meet their obligation for jury service when summoned to do so. Individuals summoned for jury service shall not be excluded due to improper or discriminatory practices, specifically in regard to race, national origin, gender or age.

#### **Rule 3.01(c)**

The Rules of the Court set forth in Section 3 and bearing the designation "Rule 3. \_" pertain to the incorporation of Rule 53 of the Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure and Rule 14 of the Ohio Traffic Rules.

### **Rule 3.02 - Jury Eligibility**

#### **Rule 3.02(a)**

Prospective jurors shall be informed of their duties and responsibilities prior to their call for service. Prospective jurors shall be summoned as necessary for the administration of justice. Prospective jurors with a disability shall receive special accommodations if such services are requested in advance. The Court shall employ reasonable efforts to accommodate prospective jurors with a physical handicap or special needs.

#### **Rule 3.02(b)**

All individuals are eligible for jury service with the exception of:

- Individuals under eighteen (18) years of age;
- Individuals residing outside the jurisdiction of the Perrysburg Municipal Court;
- Individuals that are not citizens of the United States;
- Individuals not able to communicate in the English language;
- Individuals convicted of a felony offense and not restored their civil rights;

### **Rule 3.03 - Annual Jury List**

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#### **Rule 3.03(a)**

In December, the Court Administrator shall request a list of prospective jurors from the Wood County Board of Elections. The Judge and the Court Administrator shall determine the number of prospective jurors needed based upon automated data processing.

#### **Rule 3.03(b)**

Prospective jurors shall be randomly selected from the list of names and addresses of registered voters in the Perrysburg Municipal Court's jurisdiction. The list shall be assembled by the Wood County Board of Elections and shall be known as the Annual Jury List. This procedure shall provide for the retention of names of individuals selected, but not utilized as jurors, the printing of venires containing the names and addresses of individuals drawn and reasonable safeguards against unlawful tampering or activation of the automated system.

#### **Rule 3.03(c)**

A duplicate of the Annual Jury List shall be certified by the Wood County Board of Elections and shall be maintained in the office of the Court Administrator. The Wood County Board of Elections may, by order of the Court, add to the list or enter a supplementary list of individuals qualified to serve as jurors.

### **Rule 3.04 - Summoning a Jury**

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#### **Rule 3.04(a)**

The Court shall utilize jury management techniques to adjust the number of individuals summoned for jury service and the number assigned to jury panels.

#### **Rule 3.04(b)**

The Deputy Bailiff and/or Administrative Assistant shall notify via standard mail the prospective jurors of their selection for jury service and their requirement to respond. The notice to prospective jurors shall indicate the period of time for which the juror was selected. The prospective juror shall be given a telephone number to obtain answers to any questions and a telephone number for trial verification to verify the day prior to the day the juror is instructed to report to Court.

#### **Rule 3.04(c)**

When a jury of eight (8) jurors or less is demanded, the Court shall select at least forty (40) prospective jurors from within the territorial jurisdiction of the Court as a proper venire.

#### **Rule 3.04(d)**

In the event there are an insufficient number of prospective jurors as required of a proper venire, the Court may fill the venire with bystanders if among individuals who reside in the Court's jurisdiction or the Court may summon additional jurors from the Annual Jury List.

### **Rule 3.04 - Summoning a Jury - continued**

#### **Rule 3.04(e)**

The Deputy Bailiff and/or Administrative Assistant shall send notice to prospective jurors regarding the date and time of the trial, the location of the Court and information regarding the Court's parking facilities.

#### **Rule 3.04(f)**

A departure from the random selection procedures may occur only by reason of challenges or other causes (such as an insufficient number of prospective jurors present to properly empanel a jury).

#### **Rule 3.04(g)**

Individuals summoned for jury service shall be paid a reasonable fee for each one-half day or full day. A full day of jury service is from 8:00 a.m. to 5:00 p.m. Any time served after 5:00 p.m. is to be considered an additional half-day.

### **Rule 3.05 - Exemptions, Excuses & Deferrals from Jury Service**

#### **Rule 3.05(a)**

There are no exemptions from jury service.

#### **Rule 3.05(b)**

Individuals eligible for jury service may be excused from service due to their ability to receive and evaluate information being so impaired they are unable to perform their duties as jurors.

#### **Rule 3.05(c)**

Individuals eligible for jury service may be excused from service by presenting a letter from a licensed physician stating the reason the individual is not physically or mentally capable of jury service.

#### **Rule 3.05(d)**

Individuals eligible for jury service may be excused by the Court due to an unusual and continuing hardship to oneself or others.

#### **Rule 3.05(e)**

Individuals eligible for jury service may be granted a deferral by the Court to another period within the same annual jury year, if good cause is shown.

### **Rule 3.06 - Voir Dire**

#### **Rule 3.06(a)**

The Judge may give the prospective jurors preliminary instructions of law prior to the voir dire process.

### **Rule 3.06 - Voir Dire - continued**

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#### **Rule 3.06(b)**

The Judge shall conduct a preliminary voir dire examination of prospective jurors. Counsel shall then be permitted to question the prospective juror panel for a reasonable period of time as determined by the Judge. In order to protect the privacy of prospective jurors, questioning during voir dire regarding information of a personal nature may be conducted in the Judge's chambers.

#### **Rule 3.06(c)**

In order to reduce the time required for voir dire, the background information contained in juror questionnaires shall be made available to counsel on the day of voir dire. The information contained in juror questionnaires shall be treated with the highest regard for privacy. When the initial oath is taken by prospective jurors, the oath shall indicate information provided in the jury questionnaire is true and accurate.

#### **Rule 3.06(d)**

Questioning by any counsel during voir dire shall be limited to the relevant determination of the prospective juror's ability to be fair and impartial. Counsel shall not question prospective jurors in regard to any matters of law and counsel shall not ask argumentative questions or elicit any assurances from prospective jurors.

#### **Rule 3.06(e)**

The voir dire process shall be held on the record in all criminal cases.

#### **Rule 3.06(f)**

The voir dire process shall be held on the record in all civil cases, unless waived by all parties involved in the action.

#### **Rule 3.06(g)**

If the Court determines a prospective juror is incapable or unwilling to hear the matter at issue in a fair and impartial manner, the prospective juror shall be removed from the venire. Such a determination may be made on motion of counsel or by the Judge.

#### **Rule 3.06(h)**

The use of peremptory challenges shall be in accordance with the Ohio Revised Code, the Ohio Rules of Criminal Procedure, Rule 24, Sections (B), (C), (D), (E) and (F), and the Ohio Rules of Civil Procedure, Rule 47, Sections (B) & (C). The Ohio Rules of Criminal Procedure indicate the number of peremptory challenges at three (3) in misdemeanor cases, four (4) in felony cases and six (6) in capital cases.

### **Rule 3.07 - Jury Orientation**

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#### **Rule 3.07(a)**

Jurors shall report for orientation on the date and time indicated on their summons for jury duty.

## **Rule 3.07 - Jury Orientation**

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### **Rule 3.07(b)**

Following impanelment of the jury, the Judge shall give instructions regarding the jury's role. The Judge shall also give instructions regarding the trial process, questioning of jurors, the nature of evidence, the issues to be addressed and basic, relevant legal principles. Prior to jury deliberations, the Judge shall instruct the jurors on the law, the appropriate procedures to be followed during deliberations and the appropriate method for reporting the results of deliberations. The Judge may provide such instructions to the jury in writing as well.

### **Rule 3.07(c)**

Upon their appearance for service, all prospective jurors shall be placed under the supervision of assigned Court personnel. Prospective jurors shall direct questions and communication to said Court personnel.

### **Rule 3.07(d)**

Any communication between the Judge and members of the jury panel shall be committed to writing or placed on the record in the Courtroom; this includes from the time the prospective jurors appear at Court until they are dismissed and relieved of their services as jurors. Counsel for either party shall be informed of any communication and shall be afforded the opportunity to address and be heard in regard to the communication.

### **Rule 3.07(e)**

Under no circumstances shall counsel, a party to the action or any witnesses have individualized, non-approved contact with the jurors.

### **Rule 3.07(f)**

All jury deliberation shall occur in Jury Room #1 or Jury Room #2. The Court shall provide a deliberation room including space, furnishings and facilities conducive to reaching a fair verdict. Court personnel shall secure the safety of all prospective jurors and shall arrange all activities so as to minimize potential contact between jurors and counsel, parties, witnesses and the general public.

### **Rule 3.07(g)**

Following commencement of jury deliberations, all jurors shall remain in the care of Court personnel and shall not be permitted to leave the Court without permission.

### **Rule 3.07(h)**

Subsequent to reaching a verdict, all jurors shall return to the Court and read the verdict(s) in the Courtroom. Following pronouncement of the verdict, counsel may request the jury be polled. Prior to dismissing the jury, the Judge shall release the jurors from their confidentiality obligation, explain their rights regarding inquiries from counsel or the "media," and advise them they are discharged from their jury service.

**Rule 3.08 - Jury Service Obligation Satisfied**

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**Rule 3.08**

Once a juror has been administered an oath and sworn in, they are discharged of all obligations for jury service for one (1) year. A juror is not subject to placement on the Annual Jury List for two (2) years following the year they were discharged after jury service.

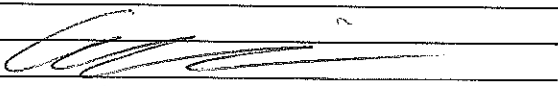
**Rule 3.09 - Withdrawal of Trial Counsel**

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**Rule 3.09**

After a trial has been scheduled, the Court shall not permit the withdrawal of counsel, except for good cause shown and upon determination by the Court the defendant will be adequately represented at trial.

## PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES

**SECTION:** 4  
**TOPIC:** Civil Division  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### Rule 4.01 - General Rule(s)

#### **Rule 4.01**

The Local Court Rules established in Section 4 and bearing the designation "Rule 4.01" pertain to procedures applicable to all civil proceedings, including Small Claims Court, in the Perrysburg Municipal Court.

### Rule 4.02 - Filing & Clerical Issue(s)

#### **Rule 4.02(a)**

A summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the result of a failure of service, the Clerk of Court shall notify counsel immediately. If counsel fails to obtain service within six (6) months from the date of the initial filing, the Clerk of Court shall notify the parties the case will be dismissed in thirty (30) days unless good cause is shown.

#### **Rule 4.02(b)**

After the filing of any responsive pleading, the Clerk of Court shall forward said pleading and the case file to the Judge for review and to schedule the matter for a hearing if applicable.

#### **Rule 4.02(c)**

After a period of six (6) months, and absent any proceedings, cases on the civil docket shall be considered inactive and removed from the active docket. Said cases shall be dismissed within thirty (30) days of removal from the active docket, following notice to counsel of record or plaintiff. Civil cases awaiting trial shall be excluded.

#### **Rule 4.02(d)**

Upon dismissal of a civil case without prejudice for want of prosecution or subsequent to failing to comply with a Court order or by voluntary dismissal of the plaintiff, any subsequent filings based on the same cause of action shall be stayed until court costs on the former action are paid in full; unless otherwise ordered by the Court.

#### **Rule 4.02(e)**

Civil cases dismissed in accordance with Local Court Rules stated above may be reinstated. The party requesting reinstatement shall file a motion for same no later than ninety (90) days following dismissal. At the time of filing, the party requesting reinstatement shall pay the appropriate filing fees.



## **Rule 4.02 - Filing & Clerical Issue(s) - continued**

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### **Rule 4.02(f)**

If a civil case is settled in pre-trial status, the party or parties shall present an entry indicating the same within thirty (30) days. If not received, the Clerk of Court shall notify the party the case will be dismissed unless the entry is received within thirty (30) days.

## **Rule 4.03 - Civil Motion(s)**

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### **Rule 4.03(a)**

All motions, unless presented during a hearing and/or trial, shall be submitted in writing and state, with particularity, the basis therefore and the relief or order sought. **All motions shall be submitted with a proposed order.**

### **Rule 4.03(b)**

All pre-trial motions shall be accompanied by a copy of each unreported case cited in the motion.

### **Rule 4.03(c)**

All motions, unless presented during a hearing and/or trial, shall be submitted and determined by the Court based upon the filed briefs; unless an oral hearing is required or allowed by the Court. Oral arguments shall be conducted only by parties identified prior to the submission of the motion.

### **Rule 4.03(d)**

All motions filed with the Court shall contain a brief citing the reason and authorities which support the motion. If consideration of facts not appearing on record is required, the party filing the motion shall serve and file copies of those documents, exhibits and affidavits offered in support of the motion at the same time the motion is filed.

### **Rule 4.03(e)**

Opposing counsel shall serve and file an answer brief within fourteen (14) days following the service of such motion. Opposing counsel's motion shall include as attachments any materials offered in opposition to the original motion.

### **Rule 4.03(f)**

Counsel filing the original motion shall file a reply brief only with permission of the Court. If permission is granted by the Court, the party filing the reply brief shall do so within seven (7) days of service of the answer brief.

### **Rule 4.03(g)**

Any motion to strike a pleading shall quote all words that are sought to be stricken.

### **Rule 4.03(h)**

Any motion to withdraw as attorney of record and to revive action shall be considered ex parte in nature and shall be accompanied by an order for signature by the Court.

## **Rule 4.04 - Civil Pre-Trial Hearings**

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### **Rule 4.04(a)**

In any civil case, the Court may order a pre-trial hearing. The Clerk shall notify all parties, including unrepresented parties, of the date and time of the pre-trial hearing. The parties shall appear at the date and time indicated and shall be prepared to discuss the following:

- The possibility of a settlement;
- If a jury demand has been filed, the possibility of a waiver of the jury demand;
- Any amendments to pleading and outstanding motions;
- Any existing discovery problems;
- Any stipulations to fact;
- The need for expert witnesses;
- The need of trial briefs;
- The determination of a trial date and the time required for the trial;
- The jury instructions.

### **Rule 4.04(b)**

The Court may prepare a written order recounting the action(s) taken during the pre-trial hearing. The order, once filed, shall control the subsequent proceedings in the case, unless it is modified in order to prevent manifest injustice to any of the parties.

### **Rule 4.04(c)**

The Court shall not refer to any settlement negotiations, either directly or indirectly, unless a settlement is agreed to during the pre-trial hearing.

## **Rule 4.05 - Continuances**

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### **Rule 4.05(a)**

No party shall be granted a continuance by the Court without written notice from the party or their counsel indicating the necessity for the continuance. In the case of an emergency or when good cause is shown, the Court may grant a continuance at its discretion.

### **Rule 4.05(b)**

If a case is scheduled for trial in the same or another jurisdiction at the same time as a trial in the Perrysburg Municipal Court, the case scheduled for trial first shall have priority and be tried on the assigned date. Criminal cases assigned for trial have priority over civil cases scheduled for trial. The Court retains discretion in granting a motion for continuance.

## **Rule 4.06 - Judgment Entries**

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### **Rule 4.06(a)**

The Court's judgment entry shall be filed within thirty (30) days of the judgment. If the judgment entry is not prepared by counsel, it shall be prepared by the Court and filed with the Clerk of Court.

## **Rule 4.07 - Landlord/Tenant Actions**

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### **Rule 4.07(a)**

In forcible entry and detainer actions (ORC Section 1923), the defendant shall be served with a summons as outlined in ORC Section 1923.06. The trial date shall be scheduled as close as possible to twenty-one (21) days from the filing of the forcible entry and detainer action. The service of summons shall be no later than seven (7) days prior to the trial date. The return of service of the summons shall be made by the individual making service within five (5) days of receiving the complaint.

### **Rule 4.07(b)**

No continuances shall be granted for longer than eight (8) days unless good cause is shown and in accordance with ORC Section 1923.08. At the date and time of trial, plaintiff and plaintiff's counsel shall be present in Court or the case may be dismissed.

### **Rule 4.07(c)**

If the defendant fails to appear at the forcible entry and detainer hearing, no default judgment shall be ordered unless testimony is taken from the plaintiff or a witness having personal knowledge of the proper form and service of the three (3) day notice upon defendant and regarding the grounds for request for restitution of premises.

### **Rule 4.07(f)**

A copy of all notices required to be served upon the tenants pursuant to ORC Section 5321, ORC Section 5313, ORC Section 4781 and ORC Section 1923 shall be attached to the complaint. A copy of all notices required to be served upon the tenants pursuant to federal regulations shall be attached to the complaint. Any documentation required pursuant to Rule 10 of the Ohio Rules of Civil Procedure shall be attached to the complaint as well.

### **Rule 4.07(g)**

If a second cause of action in forcible entry and detainer alleges monetary damages, after the issue of possession of premises has been determined, the case will be continued by the Court to allow for the defendant to answer. The defendant shall file an answer within twenty-eight (28) days from service of the summons. If the defendant files an answer, the case will be scheduled for trial assignment. If the defendant fails to appear, a default judgment may be entered.

## **Rule 4.07 - Landlord/Tenant Actions - continued**

### **Rule 4.07(h)**

If the forcible entry and detainer case is based upon failure to pay rent and a counterclaim has been filed, the defendant is entitled to a trial consolidating all claims (ORC Section 1923.061). The defendant shall file a counterclaim on the plaintiff before the trial date and shall deposit all or a portion of the past due rent and rent becoming due in a rent escrow account while the action is pending with the Clerk of Court. If the defendant complies with the above, the case shall be continued for not more than three (3) weeks for resolution of all issues between parties.

### **Rule 4.07(i)**

In a rent escrow case, the defendant may deposit all rent money due to a landlord. A hearing shall be held within fourteen (14) days, upon the request of the landlord or the tenant. At the hearing, the tenant must prove, by a preponderance of the evidence, that before filing the application for rent escrow:

- Reasonable, written notice was given to the landlord;
- The landlord violated a statutory or contractual duty justifying the request for rent escrow;
- The tenant was current on rent.

### **Rule 4.07(j)**

If the defendant fails to satisfy the burden of proof at a rent escrow hearing, the Court shall proceed in accordance with ORC Section 5321.09(C) or 4781.43 in releasing to the landlord the rent on deposit; less court costs.

## **Rule 4.08 - Default Judgment in Civil Case**

### **Rule 4.08(a)**

When the defendant is in default for appearance or for answer, the Court shall render judgment in accordance with Rule 55(A) of the Ohio Rules for Civil Procedure.

### **Rule 4.08(b)**

In a case involving a liquidated claim, if the defendant fails to plead or defend or appear, the Court may grant a default judgment immediately upon written or oral motion.

### **Rule 4.08(c)**

If the defendant has failed to plead or defend, the Court may grant a default judgment in the amount of the prayer if the action is for recovery of money arising out of damages to personal property and if an affidavit with supporting documentation signed by a party with actual knowledge is filed verifying the prayer of the complaint reflects a reasonable cost of repairing the property or its diminution in value; whichever is less.

## **Rule 4.08 - Default Judgment in Civil Case - continued**

### **Rule 4.08(d)**

If the defendant has failed to appear or defend in the second cause of a forcible entry and detainer action, the Court may grant default judgment upon a written or oral motion when judgment is based on a liquidated claim. The motion shall be accompanied by an affidavit with supporting documentation signed by a party with actual knowledge verifying the amount is accurate. A second cause of action claiming unliquidated damages shall be scheduled for an assessment hearing.

### **Rule 4.08(e)**

Any party seeking relief by default judgment shall file with the Clerk of Court an affidavit in compliance with the Soldier's & Sailor's Civil Relief Act, 50 USC Section 520(1).

### **Rule 4.08(f)**

In accordance with Rule 55(A) of the Ohio Rules of Civil Procedure, once a defendant has entered an appearance to a cause of action, the defendant or the defendant's representative shall be given at least fourteen (14) days notice before the hearing date.

### **Rule 4.08(g)**

A default judgment may only be vacated in accordance with Rule 60 of the Ohio Rules of Civil Procedure.

## **Rule 4.09 - Cognovit Note Judgment**

### **Rule 4.09(a)**

Any judgment based upon a warrant of attorney to confess judgment against the defendant contained in any instrument executed on or before 01-01-1974 shall be rendered by the Court unless:

- The complaint alleges the instrument containing such warrant did not arise out of a consumer loan or consumer transaction as defined in ORC Section 2323.13.
- The instrument executed on or after 01-01-1974 contains the warning required in ORC Section 2323.13.

### **Rule 4.09(b)**

The original instrument containing such a warrant shall be deposited and filed with the Court before a judgment by confession shall be rendered thereon unless the Court determines upon good cause shown the possession of the instrument should remain with the holder or the holder is unable to deliver said instrument.

## **Rule 4.10 - Satisfaction of Judgment**

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### **Rule 4.10(a)**

Satisfaction of any judgment, in whole or in part, shall be effected by:

- Filing an appropriate order or entry with the Clerk of Court following approval by the plaintiff or judgment creditor;

### **Rule 4.10(b)**

The payment of court costs, unless otherwise excused by the Court for good cause shown, shall be required prior to filing an order or endorsement of satisfaction.

## **Rule 4.11 - Post-Judgment Proceedings**

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### **Rule 4.11**

Proceedings in aid of execution shall be scheduled by the Clerk of Court. Judgment debtors who have been personally served and fail to appear may be held in contempt with a bench warrant issued for their arrest.

## **Rule 4.12 - Revivor of Judgment**

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### **Rule 4.12**

All court costs accrued in a case shall be paid prior to filing a conditional order or revivor of judgment.

## **Rule 4.13 - Deposit of Court Costs for Jury**

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### **Rule 4.13(a)**

Upon filing of a demand for a jury trial in a civil case and in accordance with Rule 38 of the Rules of Civil Procedure, the filing party shall pay a deposit of \$80.00 with the Clerk of Court for court costs.

### **Rule 4.13(b)**

In any civil jury case, the plaintiff shall file a trial brief with the Clerk of Court at least twenty (20) days prior to the date of the trial. Copies of the trial brief shall be certified to all opposing counsel or parties not represented by council.

### **Rule 4.13(c)**

Reply briefs shall be filed with the Clerk of Court at least ten (10) days prior to the date of trial with copies certified to all opposing counsel or parties not represented. All parties shall file proposed jury instructions and verdict forms at least ten (10) days prior to trial.

### **Rule 4.13 - Court Costs for Jury - continued**

#### **Rule 4.13(d)**

The court costs of a jury trial shall include the costs of jurors. The party filing the demand for a jury trial shall be required to remit payment of \$500.00 after receipt of the trial date. The party filing the demand for a jury trial shall be required to pay for service of the jurors unless a jury demand is withdrawn no less than two (2) business days prior to the scheduled trial date.

### **Rule 4.14 - Involuntary Dismissal of Actions**

#### **Rule 4.14(a)**

Any civil case remaining on the general civil docket for a period of six (6) months without any proceedings shall be dismissed for want of prosecution. Prior to the dismissal, the parties, including plaintiff or plaintiff's counsel, shall be notified. The dismissal shall not take effect if either party can demonstrate continuance for good cause shown.

#### **Rule 4.14(b)**

Any case remaining on the Small Claims Court docket for a period of four (4) months without any proceedings shall be dismissed for want of prosecution. Prior to the dismissal, the parties, including counsel, shall be notified. The dismissal shall not take effect if either party can demonstrate continuance for good cause shown.

### **Rule 4.15 - Findings of Fact & Conclusions of Law**

#### **Rule 4.15**

Parties requesting findings of fact and conclusions of law shall submit proposed findings of fact and conclusions of law with their filing for same.

### **Rule 4.16 - Trusteeship**

#### **Rule 4.16(a)**

Any individual entitled to benefits enumerated in ORC Section 2329.70 (Application for Appointment of Trustee) and ORC Section 2329.71 (Participation by Second Creditor in Trusteeship) and desiring to receive said benefits, may file with the Clerk of Court an application, sworn to under oath. The application shall contain an accurate account and complete statement of the names and addresses of their unsecured creditors, with liquidated claims and the amount due and owing each of them, and also the amount if any due and owing to each work, labor or necessities.

#### **Rule 4.16(b)**

The Clerk of Court shall notify such debtor said application would be presented to the Judge of the Perrysburg Municipal Court upon a date to be fixed by the Clerk of Court. The Clerk of Court shall instruct said debtor to be present for the hearing of said application.

## **Rule 4.16 - Trusteeship - continued**

### **Rule 4.16(c)**

Any proof of claim by a creditor shall be verified before an officer authorized to administer oaths. Such proof of claim shall state the creditor's address, the amount which such creditor believes to be due them, the consideration for such claim and the fact it is for work, labor or necessities if that is the fact.

### **Rule 4.16(d)**

Any claimant or debtor may, by motion, obtain a hearing to settle disputes concerning any proof of claim.

### **Rule 4.16(e)**

Pursuant to ORC Section 2329.70, the following rules of trusteeship are adopted by the Perrysburg Municipal Court:

- No payment shall be accepted from the debtor without a payroll check stub or payroll statement or earnings;
- Debtor payment shall be made in cash, with bank drafts, or by money order;
- Individuals with active trusteeship accounts shall immediately notify the trustee clerk of any change in their work status, job or personal address;
- A trusteeship account shall be cancelled if there have been no payments received or no change in work status reported within thirty (30) days of the last recorded payment;
- Debtors shall make a minimum payment of \$3.00 from each check received regardless of time worked;
- Interest on any interest-bearing account listed on the trusteeship account shall be paid outside of the trusteeship arrangement;
- The only creditors that may be added to an existing trusteeship account shall be:
  - Accounts that were past due and owing at the time of the trusteeship application and filing, but were not listed by mistake;
  - Medical bills acquired by the debtor before or after the trusteeship application and filing.

## **Rule 4.17 - Small Claims Court**

### **Rule 4.17(a)**

A plaintiff shall file no more than twenty-four (24) claims per calendar year in Small Claims Court. Claims shall be limited to the recovery of \$6,000.00 or less. Small Claims Court proceedings are governed by ORC Section 1925. Small Claims Court sessions may be heard before the Magistrate.

### **Rule 4.17(b)**

Any written document received from the defendant prior to trial shall be considered an answer and is to be considered an answer in any application for default judgment.



## **Rule 4.17 - Small Claims Court**

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### **Rule 4.17(c)**

In unliquidated damage claims when the defendant has failed to appear or answer, the plaintiff shall have judgment in the same manner as provided in Rule 55 of the Ohio Rules of Civil Procedure with regard to supporting documentation verified by affidavit or sworn testimony of the plaintiff.

### **Rule 4.17(d)**

Once a hearing has been scheduled before the Court, any motion for continuance shall be filed within seven (7) days prior to the hearing.

### **Rule 4.17(e)**

The Court shall conduct all Small Claims Court hearings in accordance with ORC Section 1925. The Ohio Rules of Evidence shall not apply, but certain rules of the Ohio Rules of Civil Procedure shall apply. No depositions or interrogatories shall be taken in Small Claims Court cases and relevant evidence shall be admitted at the discretion of the Magistrate.

### **Rule 4.17(f)**

If any defendant defaults on payments previously ordered by the Court, plaintiff may file for garnishment or execution.

### **Rule 4.17(g)**

Motions to transfer Small Claims Court cases to the Civil docket in accordance with ORC Section 1925.10 filed by either party or cross-claims or counterclaims in excess of \$6,000.00 shall be referred to the Court for a decision. When motions to transfer a case from the Small Claims Court docket to the Civil docket are filed, the party seeking the transfer shall pay the court costs associated with filing. A failure to pay the filing fee for the motion to transfer may result in the motion being denied.

### **Rule 4.17(h)**

Small Claims Court proceedings shall be governed and conducted in accordance with ORC Section 1925. Small Claims Court proceedings may be conducted by the Magistrate of the Perrysburg Municipal Court. Any individual may file as plaintiff no more than twenty-four (24) claims in any calendar year in Small Claims Court for the recovery of money wherein the amount sought does not exceed three thousand (\$3,000.00) dollars.

### **Rule 4.17(i)**

In un-liquidated damage claims where the defendant appears in person, or by and through their counsel, the case shall be assigned to the Small Claims Court docket without further deposit of court costs. Any written document received from the defendant prior to the Small Claims Court hearing shall be considered an answer and considered an answer to be considered in any application or request for default judgment.

## **Rule 4.17 - Small Claims Court - continued**

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### **Rule 4.17(j)**

In un-liquidated damage claims where the defendant has failed to appear or answer, the plaintiff shall receive judgment in the manner as provided in Civil Rule 55 with regard to supporting documentation verified by affidavit or sworn testimony of the plaintiff.

### **Rule 4.17(k)**

Following the scheduling of a Small Claims Court hearing before the Magistrate, a motion for continuance shall be filed within seven (7) days before said hearing.

### **Rule 4.17(l)**

The Magistrate shall conduct all Small Claims Court hearings in accordance with ORC Section 1925. In Small Claims Court hearings, the Ohio Rules of Evidence shall not apply; however, some of the Ohio Rules of Civil Procedure do apply. Depositions or interrogatories shall not be taken in Small Claims Court hearings and the admission of evidence during Small Claims Court hearings is solely at the discretion of the Magistrate.

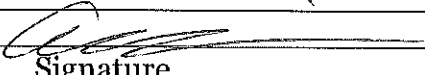
### **Rule 4.17(m)**

If the defendant defaults on payments that have been ordered by the Court, the plaintiff may file a garnishment or seek execution of judgment.

### **Rule 4.17(n)**

A motion to transfer a case from the Small Claims Court docket to the Civil Court docket filed by either party to the action, as well as any cross-claims or counter-claims in excess of \$3,000.00 shall be referred to the Magistrate for decision. In cases where such a motion has been granted, the party seeking the transfer shall bear the responsibility of payment of the filing fee. Failure to pay the filing fee may result in a denial of the motion to transfer.

## **PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES**

**SECTION:** 5  
**TOPIC:** Criminal & Traffic Division  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian  
  
Signature

### **Rule 5.01 - General Rule(s)**

#### **Rule 5.01**

The Local Court Rules established in Section 5 and bearing the designation "Rule 5. \_" pertain to procedures applicable to all criminal proceedings

### **Rule 5.02 - Appearance**

#### **Rule 5.02(a)**

Defendant(s) in criminal and traffic cases shall appear before the Court by notice to appear, the issuance of a summons to appear, arrest or upon a continuance from a prior Court hearing. Defendant(s) shall appear for arraignment and no waiver of arraignment shall be granted unless the defendant or their counsel appear before the Court with such a request or by request in the form of a written motion prior to their arraignment date.

#### **Rule 5.02(b)**

The Court shall provide a standardized traffic violation ticket or citation and a standardized criminal violation ticket or citation. The forms are available for the law enforcement agencies in the Court's jurisdiction. The issuance of the standardized violation tickets shall be the primary means of notifying defendants of their required Court hearing date.

### **Rule 5.03 - Warrant(s)**

#### **Rule 5.03(a)**

Defendant(s) who fail to appear for arraignment, having been properly notified via citation or summons for a mandatory appearance, may have a warrant issued for their arrest.

#### **Rule 5.03(b)**

Defendant(s) who fail to appear for a minor misdemeanor offense or defendant(s) who fail to pay the fines and court costs associated with a minor misdemeanor offense, shall have a warrant issued for their arrest after seven (7) days from the Court date.

#### **Rule 5.03(c)**

Defendant(s) who have previously posted bond and fail to appear at the Court hearing, shall have a warrant issued for their arrest. If the previous bond has been satisfied, the Court may order that bond forfeited.

### **Rule 5.03 - Warrant(s) - continued**

#### **Rule 5.03(d)**

Defendant(s) who fail to appear following the granting of a stay of execution of a sentence to local incarceration, shall have a warrant issued for their arrest. The Court shall order the previously stayed sentence enforced.

### **Rule 5.04 - Waiverable Offense(s)**

#### **Rule 5.04(a)**

Defendant(s) charged with a minor misdemeanor offense may, in lieu of appearance in Court and within the timeframe specified on the ticket/citation, appear personally at the Court and sign a waiver of trial, plead guilty in writing and pay the fine and court costs established in Section 12 of the Perrysburg Municipal Court - Local Court Rules.

#### **Rule 5.04(b)**

Defendant(s) charged with a waiverable traffic offense may, in lieu of appearance in Court and within the timeframe specified on the ticket/citation, appear personally at the Court and sign a waiver of trial, plead guilty in writing and pay the fine and court costs established in Section 12 of the Perrysburg Municipal Court - Local Court Rules.

### **Rule 5.05 - Jury Trial**

#### **Rule 5.05(a)**

Defendant(s) charged with a violation other than a minor misdemeanor are entitled to a jury trial of eight (8) jurors pursuant to Rule 23(A) of the Ohio Rules of Criminal Procedure. Unless a jury demand has been properly filed with the Court, a defendant will be tried by the Court.

#### **Rule 5.05(b)**

A demand for a jury trial shall be filed no less than ten (10) days prior to when the trial date is scheduled and three (3) days after notice of the trial date is received or the defendant is deemed to have waived their right to a jury trial. Upon filing a written demand for a jury trial, the Clerk of Court shall send notice to the proposed venire.

#### **Rule 5.05(c)**

Should the defendant later withdraw their demand for jury trial, costs of \$55.00 for notifying the proposed venire shall be assessed to the defendant if they are found guilty or plead guilty to the offense. Any extraordinary expenses in connection with a jury shall be assessed to the party against whom a verdict or finding is rendered.

#### **Rule 5.05(d)**

Counsel(s) shall file proposed jury instructions and verdict forms at least ten (10) days before jury trial.

## **Rule 5.05 - Jury Trial - continued**

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### **Rule 5.05(e)**

Costs assessed for jury trial(s) shall include the costs for juror service. The defendant shall be charged jury costs in full unless a jury demand is withdrawn at least two (2) business days in advance of the scheduled trial date.

## **Rule 5.06 - Witness(es) & Subpoenas**

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### **Rule 5.06(a)**

Witnesses shall answer to their name or otherwise claim their attendance each day of trial or hearing in order to receive witness fee(s).

### **Rule 5.06(b)**

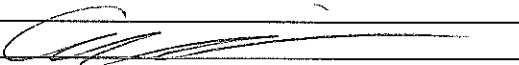
Witnesses shall be reimbursed for round-trip mileage at the standard business mileage rate of the Internal Revenue Service (2019 IRS Mileage Rate = \$0.58 cents per mile).

### **Rule 5.06(c)**

The Clerk of Court shall process subpoenas from a praecipe properly filed at least ten (10) days in advance of the trial date. Subpoenas shall be served as follows:

- If a subpoena praecipe has been properly filed at least ten (10) days before the trial date, individuals shall be served via regular U.S. Postal Service. The envelope shall bear a request for return to the Clerk of Court if it is not delivered at once. The Clerk of Court shall prepare a return on the reverse side of the subpoena displaying the name and address where the subpoena was served or attempted to be served. If the subpoena is returned by the U.S. Postal Service displaying a failure of delivery, the Clerk of Court shall attach the envelope to the complaint.
- If a subpoena praecipe is received less than ten (10) days before the trial date, service of the subpoena shall be made by personal or residential service by a Deputy Bailiff of the Court or other duly appointed process server.
- If subpoena service is to a member of a law enforcement agency, the subpoena shall be delivered to a command officer of the law enforcement agency. The command officer shall make service to the appropriate officer and return the service in an appropriate manner.
- Service of subpoena may be made by an attorney at law or by any individual designated by the Court pursuant to Rule 45(C) of the Ohio Rules of Civil Procedure or Rule 17(D) of the Ohio Rules of Criminal Procedure.

## PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES

**SECTION:** 6  
**TOPIC:** Mediation  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### **Rule 6.01 - Definition(s)**

#### **Rule 6.01(a)**

Mediation is defined as any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.

#### **Rule 6.01(b)**

A mediator is any neutral and impartial individual who conducts a mediation pursuant to an order of the Court.

### **Rule 6.02 - General Rule(s)**

#### **Rule 6.02(a)**

The Local Court Rules established in Section 6 and bearing the designation "Rule 6.," pertain to the incorporation of ORC Section 2710 Uniform Mediation Act and Rule 16 of the Ohio Rules of Superintendence.

#### **Rule 6.02(b)**

Mediation services are provided by the Perrysburg Municipal Court at no cost to the public. The mediation process is voluntary. However, since the process operates after the proper filing of a small claims or civil complaint, it is necessary for all parties to consent to mediation. The only fee charged is the original filing fee for the small claims or civil complaint. If the dispute is not settled via mediation, the matter may be referred to the Court for a hearing or trial. If mediation is successful and the matter is resolved, the parties avoid a trial and the risk of having the Court decide against their action.

#### **Rule 6.02(c)**

Attorney representation is not necessary during the mediation process; however, all parties have the right to have an attorney present to advise them during the mediation process.

#### **Rule 6.02(d)**

Pursuant to ORC Section 2710.03, ORC Section 2710.04 & ORC Section 2710.05, the mediation process is confidential and considered privileged communication. The mediator shall not convey any information shared by one party to another party without authorization. The mediator and the parties shall not disclose information regarding the mediation process or the settlement terms with others unless otherwise agreed upon.

## **Rule 6.02 - General Rule(s) - continued**

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### **Rule 6.02(e)**

The mediator and the parties shall furnish information concerning the mediation process for the sole purpose of process evaluation and improvement. Information furnished for this purpose shall not contain the names of parties or the issues involved in any dispute and shall be kept confidential except to the extent necessary to evaluate the mediation process.

### **Rule 6.02(f)**

The mediation process shall be considered a compromise negotiation for purposes of the Federal Rules of Evidence and the Ohio Rules of Evidence. The mediator is disqualified as a witness, a consultant or an expert in any pending or future action relating to the dispute between the parties, including actions between persons not parties to the mediation process.

## **Rule 6.03 - Domestic Violence**

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### **Rule 6.03**

No case involving the charge of Domestic Violence shall be mediated.

## **Rule 6.04 - Referral to Mediation**

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### **Rule 6.04(a)**

All civil and small claims cases may be referred to mediation. All small claims cases shall be reviewed by the Judge or his designee for referral to mediation. Mediation is voluntary and non-binding; however, the parties are encouraged to participate in the mediation process. The Court may issue an order to refer the case for mediation on his own motion or upon motion of counsel.

### **Rule 6.04(b)**

Prior to the initial pre-trial conference, counsel shall discuss the appropriateness of mediation with their clients and with opposing counsel. At the initial pre-trial conference, counsel shall advise the Court of the results of their discussions regarding mediation. At the initial pre-trial conference and at subsequent conferences, the Court may explore with the parties and counsel the possibility of utilizing mediation.

### **Rule 6.04(c)**

A party opposed to either a referral to mediation or to the appointed mediator shall file a written objection with the Court within seven (7) days of receiving notice of mediation and explain the reasons for their opposition. The party shall provide a copy of the objection to all parties. A party may withdraw from the mediation process upon application to the Judge or Magistrate provided written notification is provided to all parties.

## **Rule 6.05 - Mediation Case Summaries**

### **Rule 6.05(a)**

Prior to the initial mediation conference, each party shall submit to the mediator a summary of facts and circumstances of the dispute along with any arguments in support of their respective position(s). Each party shall also provide any additional information and materials they deem desirable to aid the mediator in understanding the dispute. The mediator may request the parties provide additional information or clarification.

## **Rule 6.06 - Communication**

### **Rule 6.06**

Unless otherwise agreed upon, the mediator is free to meet with and communicate with each party separately. The mediator shall decide when to hold separate meetings with one or more of the parties and when to hold joint meetings. The mediator shall schedule the time, place and agenda of the meetings with the parties.

## **Rule 6.07 - Indemnification**

### **Rule 6.07**

The actions of the mediator shall not be construed or interpreted as legal advice. The Court may have materials for legal or other support services available for the community; however, the distribution of those materials by the mediator shall not be considered an endorsement of or referral to said resources. The utilization of those materials or resources is the sole responsibility of the recipient.

## **Rule 6.08 - Continuance(s)**

### **Rule 6.08**

Continuances shall be granted only for good cause shown and after a mutually agreed upon date has been determined. A continuance shall not be granted if the mediation process cannot be scheduled prior to the final pre-trial conference.

## **Rule 6.09 - No Stay/No Suspension**

### **Rule 6.09**

No order of the Court shall be stayed or suspended during the mediation process; all Court orders shall remain in effect.

## **Rule 6.10 - Limited Discovery**

### **Rule 6.10**

Limited discovery may be conducted under the supervision of the mediator and in accordance with a schedule approved by the mediator. The parties shall agree to limited discovery.



## **Rule 6.11 - Mediator Report**

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### **Rule 6.11(a)**

In accordance with ORC Section 2710.06, the mediator shall inform the Court of who participated in the mediation process and whether the case was settled via mediation. The mediator shall also advise the Court if the mediation process is continuing or if the case is being returned to the Court for further proceedings.

### **Rule 6.11(b)**

No other information shall be directly or indirectly communicated by the mediator to the Court unless all those within the mediation privilege, including the mediator, have consented to such a disclosure. The mediator shall maintain the confidentiality of all mediation communication, unless all those within the mediation privilege have consented to a disclosure.

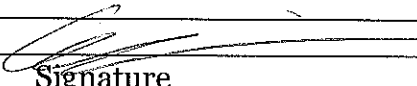
## **Rule 6.12 - Settlement Agreement(s)**

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### **Rule 6.12**

If a settlement agreement is reached, the mediator shall write a settlement agreement listing all the settlement terms. The document shall be signed by the parties and the mediator. If the settlement agreement calls for a monetary judgment or other action, the appropriate document shall be signed by the parties and submitted to the Judge for final disposition.

## PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES

**SECTION:** 7  
**TOPIC:** Public Access Rules  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### Rule 7.01 - Definition(s)

#### **Rule 7.01(a)**

In accordance with Rule 44 of the Ohio Rules of Superintendence the following terms are defined as:

- “Court Record” is both a case document and an administrative document, regardless of physical form or characteristic, manner of creation or method of storage;
- “Court Record” is NOT:
  - A document or information in a document exempt from disclosure under a State, Federal or Common Law;
  - A document or information in a document exempt from public access pursuant to Rule 45(E) of the Ohio Rules of Superintendence;
  - Personal Identifiers
    - Social Security Numbers, except the last four numbers;
    - Financial Account Numbers;
    - Debit Card Numbers;
    - Credit Card Numbers;
    - Employee Identification Numbers;
    - Juvenile’s name in abuse, neglect or dependency case(s), with the exception of the juvenile’s initials or generic abbreviations such as “CV” or “child victim”;
  - A juvenile’s previous disposition in a neglect, abuse or dependency case, a previous disposition in civil commitment, a post-adjudicatory residential treatment facility report or a post-adjudicatory release of social history;
  - Notes, drafts, recommendations, advice and research of judicial officers and/or Court staff;
  - Forms containing personal identifiers;
  - Information obtained from or located on the Ohio Courts Network with the exception the information may be available from the original source if not otherwise exempt from public access;
  - Health care documents including, but not limited to, physical health, psychological health, psychiatric health, mental health or counseling;
  - Drug or alcohol use assessments or pre-disposition treatment facility reports;
  - Guardian ad litem reports, including collateral source documents attached to or filed with guardian ad litem reports;
  - Home investigation reports, including collateral source documents attached to or filed with home investigation reports;

### **Rule 7.01(a) - Definition(s) - continued**

- Child custody or home investigation reports, including collateral source documents attached to or filed with child custody or home investigation reports;
- Domestic Violence Risk Assessment(s);
- Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
- Financial disclosure statement(s) regarding property, debt, taxes, income, expenses, including collateral source documents attached to or filed with financial disclosure statement(s);
- “Public Access” is both direct access and remote access;
- “Direct Access” is the ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours at the location the record is made available;
- “Remote Access” is the ability of any person to electronically search, inspect and copy a court record at a location other than where the record is made available;
- “Case File” is a compendium of case documents in a judicial action or proceeding;
- “File” is the action of submitting a document with the Clerk of Court upon which the Clerk shall stamp the date and/or time and docket;
- “Submit” is the action of delivering a document to the custody of the Court for consideration by the Court;
- “Actual Costs” is the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, transmitting costs, any direct equipment or operating costs, including costs paid to private contractors for copying services.

### **Rule 7.02 - General Rule(s)**

#### **Rule 7.02**

The Local Court Rules established in Section 7 and bearing the designation “Rule 7\_” pertain to the incorporation of Rule 44 through Rule 47 of the Ohio Rules of Superintendence regarding public access to court records.

### **Rule 7.03 - Court Records - Public Access**

#### **Rule 7.03(a)**

Rule 45(A) of the Ohio Rules of Superintendence establishes court records are presumed open to public access.

#### **Rule 7.03(b)**

The Court shall make a court record available for direct access. The Court shall promptly acknowledge any person’s request for direct access to court records. The Court shall respond to the request within a reasonable amount of time.

### **Rule 7.03 - Court Records - Public Access - continued**

#### **Rule 7.03(c)**

The Court shall mail, transmit or deliver copies of a requested court record to the requestor in a reasonable time from the request, provided the Court may adopt a policy allowing it to limit the number of court records it will mail, transmit or deliver per month, unless the requestor certifies in writing the requestor does not intend to use or forward the records or the information contained in them for commercial purposes. For purposes of this Section, "commercial" shall be narrowly interpreted and does not include news reporting, the gathering of information to assist citizens in the understanding of court activities or non-profit educational research.

#### **Rule 7.03(d)**

The Court may charge its actual costs incurred in responding to a request for direct access to a court record. The Court may require a deposit of the estimated actual costs.

### **Rule 7.04 - Court Records - Remote Access**

#### **Rule 7.04(a)**

The Court may offer remote access to a court record. If the Court offers remote access to a court record and the record is also available by direct access, the version of the record available through remote access shall be identical to the version of the record available by direct access. However, the Court may exclude an exhibit or attachment that is part of the record if the Court includes notice the exhibit or attachment exists and is available by direct access.

#### **Rule 7.04(b)**

Nothing in Rule 7.04(a) shall be interpreted as requiring the Court offering remote access to a case document in a case file to offer remote access to other case documents in the same case file.

#### **Rule 7.04(c)**

Nothing in Rule 7.04(a) shall be interpreted as prohibiting the Court from making available on a website any court record that exists only in electronic form, including an on-line journal or register of actions.

### **Rule 7.05 - Omission of Personal Identifiers**

#### **Rule 7.05(a)**

When submitting a document to the Court or submitting a document to be filed by the Clerk of Court, a party to the action or proceeding shall omit personal identifiers from the document.

## **Rule 7.05 - Omission of Personal Identifiers - continued**

### **Rule 7.05(b)**

When personal identifiers are omitted from a case document, the party shall submit or file that information on a separate form. The Court may provide a standard form for use. Redacted or omitted personal identifiers shall be provided to the Court upon request or a party to the action upon the filing of a motion.

### **Rule 7.05(c)**

The responsibility for omitting personal identifiers from a case document submitted to the Court shall not rest solely upon the party. The Court is not required to review the case document to confirm the omission of personal identifiers and the Court shall not refuse to accept or file the document on that basis.

## **Rule 7.06 - Restricting Public Access to a Case Document**

### **Rule 7.06(a)**

Any party to an action or proceeding or any party that is the subject of information in a case document may request, by written motion, the Court restrict public access to the information in the case document or, if necessary, the entire document.

### **Rule 7.06(b)**

The Court may restrict public access to the information in a case document on its own order. The Court shall give notice of the motion or order to all parties to the action. The Court may schedule a hearing on the motion.

### **Rule 7.06(c)**

The Court shall restrict public access to information in a case document or the entire document, if it finds by clear and convincing evidence the presumption allowing public access is outweighed by a higher interest after considering the following:

- If public policy is served by restricting public access;
- If any federal, state or common law exempts the document or information from public access;
- If factors that support restriction of public access exist, including the risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety and fairness of the adjudicatory process.

## **Rule 7.06 - Restricting Public Access to a Case Document - continued**

### **Rule 7.06(d)**

When restricting public access to a case document or information in a case document, the Court shall utilize the least restrictive means available, including, but not limited to the following:

- Redacting the information rather than limiting public access to the entire document;
- Restricting remote access to either the document or the information while maintaining its direct access;
- Restricting public access to either the document or the information for a specific period of time;
- Using a generic title or description for the document or the information in a case management system or register of actions;
- Using initials or other identifiers for the parties proper names.

### **Rule 7.06(e)**

If the Court orders information redacted from a case file, the redacted version of the document shall be filed in the case file along with a copy of the Court's order. If the Court orders the entire case document be restricted from public access, a copy of the Court's order shall be filed in the case file. A judgment entry shall reflect the Court's order. Case documents ordered restricted from public access or information in documents ordered redacted shall not be available for public access and shall be maintained separately in the case file.

## **Rule 7.07 - Access to Document(s) Granted Restricted Public Access**

### **Rule 7.07(a)**

Any individual, by written motion to the Court, may request access to a case document or information in a case document that has been granted restricted public access. The Court shall give notice of the motion to all parties to the action and, when possible, to the non-party individual who requested public access be restricted. The Court may schedule a hearing on the matter.

### **Rule 7.07(b)**

The Court may permit public access to a case document or information in a case document if it finds by clear and convincing evidence the presumption of allowing public access is no longer outweighed by a higher interest. When making this determination, the Court shall consider whether the original reason for the restricted public access to the case document or information in the case document no longer exists or is no longer applicable and whether any new circumstances have arisen which would require the restriction of public access.

## **Rule 7.08 - Requests for Bulk Distribution and New Compilations**

### **Rule 7.08(a)**

Any individual, upon request, shall receive bulk distribution of information in Court records, provided the bulk distribution does not require creation of a new compilation. The Court shall permit the requestor to choose bulk distribution be provided on paper the same medium upon which the Court keeps the information, or upon any other medium the Court determines it can be reasonably duplicated as an integral part of its normal operations, unless the choice requires a new compilation.

### **Rule 7.08(b)**

The bulk distribution shall include a time and/or date stamp indicating the compilation date. Any individual who receives bulk distribution of information in court records for redistribution shall keep the information current and delete inaccurate, sealed or expunged information in accordance with Rule 26 of the Ohio Rules of Superintendence.

### **Rule 7.08(c)**

The Court may create a new compilation customized for the convenience of an individual who requests a bulk distribution of information in court records.

### **Rule 7.08(d)**

The Court may consider if creating a new compilation is an appropriate expenditure of available Court resources and consistent with the principles of public access. If the Court creates a new compilation, it may require personnel costs in addition to actual costs. The Court may require a deposit of the estimated actual and personnel costs to create the new compilation.

### **Rule 7.08(f)**

The Court shall maintain a copy and provide public access to the new compilation. After the Court regains the personnel costs from the original requestor, the Court may later assess only actual costs.

## **Rule 7.09 - Court Records - Application, Remedies & Liability**

### **Rule 7.09(a)**

The provisions of Section 7 of the Perrysburg Municipal Court - Local Court Rules shall apply only to actions commenced after July 1, 2009. Access to case documents prior to July 1, 2009, shall be governed by state and federal law.

### **Rule 7.09(b)**

The provisions of Section 7 of the Perrysburg Municipal Court - Local Court Rules restricting access to administrative documents shall apply to all documents regardless of when created.

**Rule 7.09 - Court Records - Application, Remedies & Liability - continued**

**Rule 7.09(c)**

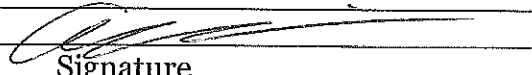
An individual aggrieved by the failure of the Court to comply with the requirements of Section 7 of the Perrysburg Municipal Court - Local Court Rules may pursue an action in mandamus pursuant to ORC Section 2731.

**Rule 7.09(d)**

Section 7 of the Local Court Rules of the Perrysburg Municipal Court does not affect any immunity or defense to which the Court or its employees may be entitled under ORC Section 2744.



## **RULES OF PRACTICE OF THE PERRYSBURG MUNICIPAL COURT**

**SECTION:** 8  
**TOPIC:** Record Retention  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### **Rule 8.01 - Definition(s)**

As defined in Ohio Rules of Superintendence Section 26(B):

“Administrative Record” is defined as a record not related to a case of the Court; an administrative record documents the administrative, fiscal, personnel or managerial functions of the Court.

“Case File” is the compendium of source documents filed in an action or proceeding in a Court, including pleadings, motions, orders and judgments of the Court.

“Index” is a reference record used to categorize and locate journal, docket and case file records.

“Journal” is a verbatim record of every order or judgment of a Court.

“O.H.S.” is the Ohio Historical Society; State Archives Division.

“Record” is any document, device or item, regardless of physical form or characteristic, created, received by or coming under the jurisdiction of the Court that serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the Court.

### **Rule 8.02 - General Rule(s)**

#### **Rule 8.02(a)**

The Court may combine indexes, dockets, journals and case files provided the combination contains the components of the indexes, dockets, journals and case files. The Court may replace any paper bound books with electronic medium or microfilm in accordance with this rule. Paper media may be destroyed following its conversion to other, approved media.

#### **Rule 8.02(b)**

The Court may create, maintain, record, copy or preserve a record on traditional paper media, electronic media, including text or digital images, microfilm, including computer output to microfilm.

## **Rule 8.02 - General Rule(s) - continued**

### **Rule 8.02(c)**

The Court may create, maintain, record, copy or preserve a record using accepted records and information management processing, including photography, microfilm and electronic data processing, as an alternative to paper media. The process may be utilized on source documents or copies of a record if the process is able to produce an accurate record and conform to the standards and guidelines of the American National Standards Institute.

### **Rule 8.02(d)**

If the Court creates, maintains, records, copies or preserves a record utilizing a records and information management process, the Court shall periodically record a copy of or "back up" the information. If the records in question require permanent retention, a copy or "back up" shall be retained in a separate location.

### **Rule 8.02(e)**

Court records shall be maintained in a conveniently accessible and secure facility or facilities. The Court shall provide for the inspection and copying of any public records. The Court shall provide equipment necessary to inspect and copy public records.

### **Rule 8.02(f)**

The Court may acquire equipment, software and related supplies and services for record and information management processing.

### **Rule 8.02(g)**

The Rules of the Court set forth in Section 8 and bearing the designation "Rule 8. \_\_\_" pertain to the incorporation of Rule 26 of the Ohio Rules of Superintendence.

## **Rule 8.03 - Retention Schedule**

### **Rule 8.03(a)**

Civil case files shall be retained for **two (2) years** following the issuance of an audit report by the Auditor of the State of Ohio.

### **Rule 8.03(b)**

Traffic case files shall be retained for **twenty-five (25) years** following the final order of the Court or one (1) year following the issuance of an audit report by the Auditor of the State of Ohio.

### **Rule 8.03(c)**

Criminal case files shall be retained for **fifty (50) years** following the final order of the Court or one (1) year following the issuance of an audit report by the Auditor of the State of Ohio.

### **Rule 8.03 - Retention Schedule - continued**

#### **Rule 8.03(d)**

Operating Vehicle Under the Influence of Alcohol or Drugs (O.V.I.) case files shall be retained for **fifty (50) years** following the final order of the Court.

#### **Rule 8.03(e)**

Minor misdemeanor traffic and criminal case files shall be retained for **five (5) years** following the final order of the Court or **one (1) year** following the issuance of an audit report by the Auditor of the State of Ohio.

#### **Rule 8.03(f)**

Search warrant records shall be indexed and retained in their original form for **five (5) years** after the date of service of the search warrant or last service attempt of the search warrant.

#### **Rule 8.03(g)**

Parking ticket records shall be retained until the parking ticket is paid and the issuance of an audit report by the Auditor of the State of Ohio.

### **Rule 8.04 - Retention Schedule of Exhibits, Depositions & Transcripts**

#### **Rule 8.04**

The Court shall notify in writing the party that presented an exhibit, deposition and/or transcript that they may retrieve said item within sixty (60) days of the written notification. The written notification shall inform the party the items will be destroyed if not retrieved within said sixty (60) days. The written notification shall inform the party of the location to retrieve said items.

### **Rule 8.05 - Extension of Retention Period**

#### **Rule 8.05**

The Court may order an extension of any retention period upon motion of any party to the action or on the Court's own initiative (Sua Sponte).

### **Rule 8.06 - Destruction of Records**

#### **Rule 8.06(a)**

In accordance with any notification requirements and/or transfer requirements of the Ohio Historical Society, a record and or "back up" record may be destroyed following the applicable retention period has expired.

#### **Rule 8.06(b)**

If the applicable retention period was longer than ten (10) years or if the record was created prior to 1960, the Court shall notify the Ohio Historical Society in writing of the Court's intention to destroy the record at least sixty (60) days prior to the scheduled destruction of the record.

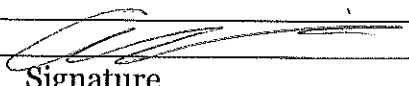
**Rule 8.06 - Destruction of Records - continued**

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**Rule 8.06(c)**

Following submission of a written notice to the Ohio Historical Society, the Court shall, upon request of the Ohio Historical Society, transfer the record in the media and format designated, to the Ohio Historical Society.

## **PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES**

**SECTION:** 9  
**TOPIC:** Court Security  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### **Rule 9.01 - General Rule(s)**

#### **Rule 9.01**

The Rules of the Court set forth in Section 9 and bearing the designation "Rule 9. \_" pertain to the incorporation of Appendix C of the Ohio Rules of Superintendence.

### **Rule 9.02 - Court Security**

#### **Rule 9.02(a)**

The Perrysburg Municipal Court is mandated to dispense justice, to resolve disputes between litigants and to protect the Constitutional rights of individuals who appear before the Court. Accordingly, appropriate levels of security shall exist to protect the integrity of Court proceedings and procedures, to protect the rights of individuals before the Court and to deter individuals who would attempt violent action. Appropriate levels of security shall exist to sustain proper order and decorum in the Courtroom(s) and the Courthouse and to insure the Courthouse is safe for all citizens who visit the Court or are employed therein.

#### **Rule 9.02(b)**

The Court shall utilize a duress/panic alarm system throughout all areas of the Court. The duress/panic alarm system shall include the ability to enunciate.

#### **Rule 9.02(c)**

The Court shall utilize a closed-circuit video monitoring system for surveillance of court areas including courtroom(s), parking facilities, entrance(s) to the courthouse, lobbies, holding cell(s) and other areas accessed by the public.

#### **Rule 9.02(d)**

The Court shall restrict access to "work" areas around the courthouse; thereby restricting access between the Judge and court personnel and the participants of the judicial process.

### **Rule 9.03 - Weapons Prohibited**

#### **Rule 9.03(a)**

No individual, except as expressly permitted in Section 9, Rule 9.03(b), shall convey, attempt to convey, possess or have under their control a deadly weapon or dangerous ordnance in the Perrysburg Municipal Court. This prohibition includes individuals licensed to carry a concealed weapon pursuant to Ohio Revised Code Section 2923.125 and Ohio Revised Code Section 2923.1213.

### **Rule 9.03 - Weapons Prohibited - continued**

#### **Rule 9.03(b)**

The following individuals are permitted to convey, possess or have under their control a deadly weapon and/or deadly ordnance in the Perrysburg Municipal Court:

- A Judge or Magistrate of a Court of record in Ohio;
- A certified Peace Officer authorized to carry a deadly weapon or dangerous ordnance as a requirement of their duties and acting within the scope of their duties;
- An individual conveying, possessing or having a deadly weapon or dangerous ordnance as evidence in a proceeding before the Perrysburg Municipal Court;
- A Bailiff or Deputy Bailiff authorized to carry a firearm pursuant to Ohio Revised Code Section 109.77 and acting within the scope of their duties;
- A Prosecuting Attorney or Assistant Prosecuting Attorney authorized to carry a firearm and acting within the scope of their duties;

#### **Rule 9.03(c)**

The Perrysburg Municipal Court shall not provide facilities or services for the securing of a deadly weapon or dangerous ordnance with the exception of those individuals identified in Rule 9.03(b).

### **Rule 9.04 - Videorecording Prohibited**

#### **Rule 9.04**

The use of video recording or videotaping devices and the use of still photography devices inside the Perrysburg Municipal Court shall be prohibited. The use of still photography or video recording devices may be approved pursuant to Perrysburg Municipal Court - Local Court Rule Section 1.11 (Media). Video recording or videotaping by means of DSLR Camera, Sports/Action Cameras (including wearable action cameras), Digital Camcorders (including handheld cameras), Point-and-Shoot Cameras, Mirrorless Cameras, Professional Grade Cameras and cellular telephones is prohibited. Still photography by means of Point-and-Shoot Cameras and cellular telephones is prohibited.

### **Rule 9.05 - Search and Security Check**

#### **Rule 9.05**

Any individual entering the Perrysburg Municipal Court shall be subject to search via a walk-through magnetometer and a hand-held security wand. Any purse, briefcase, bag, box, case or parcel is subject to search via an x-ray machine. Any individual attempting to convey a deadly weapon or dangerous ordnance into the Perrysburg Municipal Court is subject to arrest and/or prosecution. Any deadly weapon or dangerous ordnance discovered during a search or x-ray scan is subject to temporary or permanent seizure.

### **Rule 9.06 - In-Custody Defendant(s)**

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#### **Rule 9.06(a)**

No less than two (2) Deputy Bailiffs shall transport defendants from the Wood County Justice Center to the Perrysburg Municipal Court. All defendants transported from the Wood County Justice Center shall be secured in restraints on their legs/ankles and wrists/hands. In the Courtroom(s), wrist/hand restraints shall be removed only at the direction of the Judge. In the Holding Lobby, wrist/hand restraints shall be removed at the discretion of the Deputy Bailiffs.

#### **Rule 9.06(b)**

Defendants shall be transported within the Court facility in areas that are not accessible to the general public. Deputy Bailiff(s) in direct contact with in-custody defendants shall not carry a firearm.

#### **Rule 9.06(c)**

In-custody defendants shall be housed in the Court's holding cell(s). The Court's holding cell(s) shall be monitored by a closed-circuit video monitoring system.

### **Rule 9.07 - Bail Bond Agent(s)**

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#### **Rule 9.07(a)**

Bail Bond Agents shall obtain permission from the Court Administrator or the Chief Bailiff prior to bringing any defendant, in custody or not in custody, to the Perrysburg Municipal Court. If the defendant is in custody, the Bail Bond Agent shall not attempt to enter the Perrysburg Municipal Courthouse via the front entrance. Any defendant in custody shall be turned over to the custody of the Court's Deputy Bailiffs for placement in the Court's holding facilities. **Bail Bond Agents, regardless of licensure or certification, shall not be permitted to convey a weapon into the Perrysburg Municipal Court.**

### **Rule 9.08 - Incident Reporting**

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#### **Rule 9.08(a)**

Any violation of the law that occurs within the Court facility shall be reported to the Perrysburg Police Division or, if unavailable, to the Court Administrator.

#### **Rule 9.08(b)**

Security incidents, other than violations of the law, shall be reported to the Chief Bailiff and a Security Incident Form shall be completed and maintained in a file by the Chief Bailiff. The Chief Bailiff shall prepare a report at the end of every calendar year, outlining the security incidents occurring throughout the year.

## **Rule 9.09 - Service/Comfort Animal**

### **Rule 9.09**

Any individual attempting to enter the Perrysburg Municipal Court with a service or comfort animal shall be permitted access. The only permissible questions a Deputy Bailiff may ask are if the animal is required due to a disability and what task or "work" has the animal been trained to perform. The Deputy Bailiff shall not inquire as to the nature of the individual's disability.

## **Rule 9.10 - Court Security Advisory Committee**

### **Rule 9.10**

The Court shall appoint a Court Security Advisory Committee consisting of the Judge of the Perrysburg Municipal Court, the City of Perrysburg Administrator, the City of Perrysburg Chief of Police, the City of Perrysburg Fire Chief, an attorney who actively practices in the Perrysburg Municipal Court, the City of Perrysburg Director of Public Services, various Chiefs of Police from the Court's jurisdiction, the Director of the Wood County Emergency Management Agency, the Perrysburg Municipal Court's Clerk of Court and the Perrysburg Municipal Court's Court Administrator. Individuals appointed to the Court Security Advisory Committee may assign a designee(s) to the Committee. The Court Security Advisory Committee shall meet one (1) time during the calendar year.

## **Rule 9.11 - Court Security Manual**

### **Rule 9.11(a)**

The Court has adopted a local policy and procedure manual with regard to Court Security. The Court Security Manual was originally adopted on 01-01-1995 and revised on 03-16-1995. The Court Security Manual was revised again on 05-01-2015 and the current Court Security Manual became effective 02-01-2019. **The Court Security Manual is not defined as a "public record" and not subject to public access.** The Court Security Advisory Committee has adopted the Court Security Manual in order to provide written directives and guidelines to insure security within the Courthouse and Courtroom(s), while maintaining Court accessibility for all citizens.


### **Rule 9.11(b)**

The Court Security Manual shall address various topics related to the general security of the Courthouse and Courtroom(s) and the transportation of defendants to and from the Wood County Justice Center. The topics to be addressed in the Court Security Manual shall include, but are not limited to, the following: Security of Court Facility, Entrance Security, Perimeter Security, Common Area Security, Restricted Access Security, Courtroom Security, Transportation of Defendant(s) in Custody, Security of Prisoners, Firearms, Use of Deadly Force, Incident Reports, Duress Alarm System, High Risk Hearing and/or Trial, Bomb Threats, Emergency Evacuation and Continuity of Operations Plan (C.O.O.P.).

03-20-2019/sth



## **RULES OF PRACTICE OF THE PERRYSBURG MUNICIPAL COURT**

**SECTION:** 10  
**TOPIC:** Bond Schedule  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian  
  
Signature

### **Rule 10.01 - General Rule(s)**

#### **Rule 10.01**

The Local Court Rules established in Section 10 and bearing the designation "Rule 10.\_" pertain to the incorporation of the Perrysburg Municipal Court Bond Schedule, ORC Section 2935.10(C) and Rule 4 of the Ohio Criminal Rules of Procedure.

### **Rule 10.02 - Bond Schedule**

#### **Rule 10.02**

The Perrysburg Municipal Court Bond Schedule is attached to Section 9 of the Local Court Rules. The Bond Schedule is as follows:

- All Felony Offenses = NO BOND (until 1<sup>st</sup> appearance before Court)
- All Crimes of Violence or Attempted Crimes of Violence = NO BOND (until 1<sup>st</sup> appearance before Court)
- Misdemeanors of the 1<sup>st</sup> Degree = \$7,500.00 w/ 10%
- Misdemeanors of the 2<sup>nd</sup> Degree = \$5,000.00 w/ 10%
- Misdemeanors of the 3<sup>rd</sup> Degree = \$2,500.00 w/ 10%
- Misdemeanors of the 4<sup>th</sup> Degree = \$1,500.00 w/ 10%
- Minor Misdemeanors = Cite & Release
- Unclassified Misdemeanor = Cite & Release
- O.V.I. (M1) (1<sup>st</sup> Offense in 10 years) = \$1,500.00, no 10%
- O.V.I. (M1) (2<sup>nd</sup> Offense in 10 Years) = \$5,000.00, no 10%
- O.V.I. (M1) (3<sup>rd</sup> Offense in 10 Years) = \$10,000.00, no 10%

### **Rule 10.03 - Officer Discretion (ORC Section 2935.10)**

#### **Rule 10.03**

Pursuant to ORC Section 2935.10(C), "If the affidavit is filed by, or the complaint is filed pursuant to an affidavit executed by, a peace officer who has, at his discretion at the time of commission of the alleged offense, notified the person to appear before the Court or Magistrate at a specific time set by such officer, no process need be issued unless the defendant fails to appear at the scheduled time."

#### **Rule 10.04 - Officer Discretion (Crim R 4 Warrant or Summons; Arrest)**

##### **Rule 10.04**

Pursuant to Crim R 4 Section (A)(2) of the Ohio Rules of Criminal Procedure, "In misdemeanor cases where a warrant has been issued to a law enforcement officer, the officer, unless the issuing authority includes a prohibition against it in the warrant, may issue a summons in lieu of executing the warrant by arrest, when issuance of a summons appears reasonably calculated to ensure the defendant's appearance. The officer issuing the summons shall note on the warrant and the return that the warrant was executed by issuing a summons, and shall also note the time and place the defendant shall appear."

#### **Rule 10.05 - Interpretation of Court**

##### **Rule 10.05**

It is the interpretation of the Perrysburg Municipal Court that ORC Section 2935.10 and Ohio Criminal Rule 4 expressly grant law enforcement officers within the Court's jurisdiction the discretion to cite and summons defendants for misdemeanor traffic and criminal offenses in lieu of arrest.



# PERRYSBURG MUNICIPAL COURT

## BOND SCHEDULE

### CRIMES OF VIOLENCE OR ATTEMPTED VIOLENCE NO BOND UNTIL NEXT DAY VIDEO ARRAIGNMENT Domestic Violence, TPO/CPO Violation, Assault, Menacing, Stalking

**\*\*However, if an accused will remain in custody for a period greater than 48 hours (i.e. weekends, holidays, etc.) your department should contact Judge Ohanian for a review and setting of bond. Please be prepared to provide a criminal history of the accused so that the Court may better assess the appropriate bond amount. \*\***

**Please contact Judge Ohanian if there is a request to deviate from bond schedule for felonies, crimes of violence, or attempted violence.**

#### DEGREE OF CHARGE

#### BOND AMOUNT

#### All Felonies\*\*

**NO BOND** (Bond to be set at first appearance)

Misdemeanor of the First Degree (Non-Violent)

\$7,500

Misdemeanor of the Second Degree (Non-Violent)

\$5,000

} with 10%

Misdemeanor of the Third Degree (Non-Violent)

\$2,500

Misdemeanor of the Fourth Degree (Non-Violent)

\$1,500, with 10% or Cite & Release\*\*

\*\* (Officer's Discretion)

Minor Misdemeanor

Cite & Release

Unclassified Misdemeanor

Cite & Release

**A surcharge of \$25.00 must be imposed on any posted bond pursuant to O.R.C. section 2937.22**

Non-Violent Misdemeanor violation(s): In the event a defendant needs to be released for medical treatment or if a situation warrants immediate release, the Officer in charge is permitted to authorize the release of the defendant on an OR bond or other bond reasonably sufficient to ensure defendant's presence in Court. The defendant shall be given the next scheduled arraignment date for the arresting community.

#### OVI BOND SCHEDULE

#### FELONY OVI – NO BOND

1<sup>st</sup> OVI

\$1,500

2<sup>nd</sup> OVI

\$5,000

3<sup>rd</sup> OVI

\$10,000

} in 10 years

## R.C. § 2935.10

## 2935.10 Procedure upon filing of affidavit or complaint; withdrawal of unexecuted warrants

## Currentness

(A) Upon the filing of an affidavit or complaint as provided by section 2935.09 of the Revised Code, if it charges the commission of a felony, such judge, clerk, or magistrate, unless he has reason to believe that it was not filed in good faith, or the claim is not meritorious, shall forthwith issue a warrant for the arrest of the person charged in the affidavit, and directed to a peace officer; otherwise he shall forthwith refer the matter to the prosecuting attorney or other attorney charged by law with prosecution for investigation prior to the issuance of warrant.

(B) If the offense charged is a misdemeanor or violation of a municipal ordinance, such judge, clerk, or magistrate may:

(1) Issue a warrant for the arrest of such person, directed to any officer named in section 2935.03 of the Revised Code but in cases of ordinance violation only to a police officer or marshal or deputy marshal of the municipal corporation;

(2) Issue summons, to be served by a peace officer, bailiff, or court constable, commanding the person against whom the affidavit or complaint was filed to appear forthwith, or at a fixed time in the future, before such court or magistrate. Such summons shall be served in the same manner as in civil cases.

(C) If the affidavit is filed by, or the complaint is filed pursuant to an affidavit executed by, a peace officer who has, at his discretion, at the time of commission of the alleged offense, notified the person to appear before the court or magistrate at a specific time set by such officer, no process need be issued unless the defendant fails to appear at the scheduled time.

## Crim R 4 Warrant or summons; arrest

## Currentness

**(A) Issuance.**

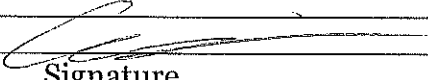
(1) *Upon Complaint.* If it appears from the complaint, or from an affidavit or affidavits filed with the complaint, that there is probable cause to believe that an offense has been committed, and that the defendant has committed it, a warrant for the arrest of the defendant, or a summons in lieu of a warrant, shall be issued by a judge, magistrate, clerk of court, or officer of the court designated by the judge, to any law enforcement officer authorized by law to execute or serve it.

The finding of probable cause may be based upon hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. Before ruling on a request for a warrant, the issuing authority may require the complainant to appear personally and may examine under oath the complainant and any witnesses. The testimony shall be admissible at a hearing on a motion to suppress, if it was taken down by a court reporter or recording equipment.

The issuing authority shall issue a summons instead of a warrant upon the request of the prosecuting attorney, or when issuance of a summons appears reasonably calculated to ensure the defendant's appearance.

(2) *By Law Enforcement Officer With Warrant.* In misdemeanor cases where a warrant has been issued to a law enforcement officer, the officer, unless the issuing authority includes a prohibition against it in the warrant, may issue a summons in lieu of executing the warrant by arrest, when issuance of a summons appears reasonably calculated to ensure the defendant's appearance. The officer issuing the summons shall note on the warrant and the return that the warrant was executed by issuing summons, and shall also note the time and place the defendant shall appear. No alias warrant shall be issued unless the defendant fails to appear in response to the summons, or unless subsequent to the issuance of summons it appears improbable that the defendant will appear in response to the summons.

## **RULES OF PRACTICE OF THE PERRYSBURG MUNICIPAL COURT**

**SECTION:** 11  
**TOPIC:** Probation  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### **Rule 11.01 - General Rule(s)**

#### **Rule 11.01(a)**

The Local Court Rules established in Section 11 and bearing the designation "Rule 11. \_" pertain to the incorporation of Ohio Revised Code Section 2951.

### **Rule 11.02 - Probation Supervision Fee(s)**

#### **Rule 11.02**

If the Court places a defendant on probation supervision or under a community control sanction, the Court shall specify the defendant is required to pay a fee of \$50.00 to the Probation Supervision Fund. The fee shall be included in the defendant's court costs. The Probation Department shall not use the failure to pay the fee as a basis for any supervision violation.

### **Rule 11.03 - Presentence Investigation & Report**

#### **Rule 11.03(a)**

The Court may order the Probation Department to prepare a presentence investigation and report. The Probation Officer preparing the presentence report shall inquire into the circumstances of the offense before the Court, as well as research the defendant's criminal history. The Probation Officer preparing the presentence report shall also inquire into the defendant's social history and their behavioral health history.

#### **Rule 11.03(b)**

The Court shall permit the State of Ohio, the defendant and/or the defendant's counsel to review the presentence report prior to sentencing. However, the following sections are considered "confidential" and neither counsel shall be permitted to review:

- Any recommendation(s) as to sentence;
- Any diagnostic opinion the Court believes, if disclosed, would disrupt a program of rehabilitation for the defendant;
- Any sources of information obtained upon a promise of confidentiality;
- Any information the Court believes, if disclosed, could result in physical harm to the defendant or any other person;

#### **Rule 11.03(c)**

Prior to sentencing, the Court shall permit the defendant and/or counsel for the defendant to comment on the presentence report. The Court may, at its discretion, permit the defendant or defendant's counsel to introduce testimony or other information as it relates to any alleged inaccurate information contained in the report.

### **Rule 11.03 - Presentence Investigation & Report - continued**

#### **Rule 11.03(d)**

The Court may, in its discretion, decide not to disclose any portion of the presentence report for sentencing. The Court shall permit the defendant or defendant's counsel to comment on the oral or written report. Any information disclosed to the defendant or defendant's counsel shall be disclosed to the State of Ohio.

### **Rule 11.04 - Dispute of Factual Information in Presentence Investigation**

#### **Rule 11.04(a)**

If the testimony, information or comments introduced by the defendant or the defendant's counsel allege any factual inaccuracy in the presentence report or summary of the report, the Court shall do either of the following with regard to the alleged factual inaccuracy:

- Make a finding as to the allegation;
- Make a determination a finding is not necessary as the information in the alleged factual inaccuracy will not be taken into consideration when sentencing.

#### **Rule 11.04(b)**

The information in the summary of the presentence report is solely within the Court's discretion and is not an appealable issue and the result of that decision on the Court's part shall not be the basis for a reversal of the sentence imposed pursuant to ORC Section 2951.03(C).

### **Rule 11.05 - Presentence Report Confidentiality**

#### **Rule 11.05**

Pursuant to ORC Section 2951.03(D), the presentence investigation and report are considered confidential information and **not public record**. The defendant and/or defense counsel shall return all copies of the presentence report or a summary of the report immediately following imposition of sentence. The presentence investigation and report or a summary of the report shall remain in the Court's possession.

### **Rule 11.06 - Misdemeanor Community Control Sanctions**

#### **Rule 11.06(a)**

In sentencing a defendant for a misdemeanor offense, other than a minor misdemeanor offense, the Court may do either of the following: impose one or more community control sanctions or impose a jail term. The Court may impose a jail term in combination with one or more community control sanctions.

## **Rule 11.06 - Misdemeanor Community Control Sanctions - continued**

### **Rule 11.06(b)**

The Court shall not impose any community control sanction or combination of sanctions that exceed five (5) years. Upon the issuance of a warrant for a defendant's arrest, the period of supervision shall be tolled. The period of supervision shall remain tolled until such time as the defendant is apprehended and the warrant returned. The period of time a defendant spends on "warrant" status shall be added to the totality of their period of supervision.

### **Rule 11.07(c)**

At sentencing, the Court shall advise the defendant a violation of the community control sanctions imposed could result in:

- the imposition of a longer term under community control sanctions (not to exceed the statutory maximum period of five (5) years);
- the imposition of a more restrictive community control sanction;
- the imposition of the suspended period of local incarceration;
- the imposition of a portion of the suspended period of local incarceration;

## **Rule 11.08 - Concurrent Supervision of Defendant**

### **Rule 11.08(a)**

Any defendant placed on community control supervision or probation supervision in one or more Municipal Courts or one or more Common Pleas Courts or one Municipal Court and one Common Pleas Court shall be considered a defendant under "concurrent" supervision.

### **Rule 11.08(b)**

In general, the Court with the longest period of supervision shall supervise the defendant's period of probation supervision or community control supervision. In the instance the defendant is sentenced to a period of supervision equal among all Courts, the Court with closest, territorial proximity to the defendant shall supervise.

### **Rule 11.08(c)**

In deciding whether to transfer supervision to another jurisdiction, the Court shall consider:

- the safety of the community;
- the defendant's risk of recidivism;
- the nature of the offense;
- the likelihood the defendant will reside in the jurisdiction;
- the defendant's ability to travel;
- the rehabilitation resources available in the jurisdiction;
- any other factors relevant to sentencing.



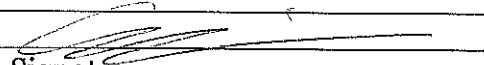
## **Rule 11.09 - Probation Services Fund Report**

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### **Rule 11.09**

No later than the first day of December of each year, the Chief Probation Officer shall submit a report to the Perrysburg City Council in regard to the use of the Probation Services Fund. Pursuant to Ohio Revised Code Section 2951.021(E)(1), the report shall be submitted to the Court's legislative authority and account for the funds appropriated from the Probation Services Fund to the Probation Department. The report shall estimate the amount of funds that will be expended for the remainder of the year and provide a summary of how funds were expended during the year. The report shall also state the amount in the Probation Services Fund and provide an estimate as to the funds that will be added during the following year.

## PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES

**SECTION:** 12  
**TOPIC:** Court Costs  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian  
  
Signature

### Rule 12.01 - General Rule(s)

#### **Rule 12.01(a)**

The Local Court Rules established in Section 12 and bearing the designation "Rule 12. \_" pertain to court costs and deposits associated with civil cases, court costs associated with traffic and criminal cases and various costs and charges of the Court.

### Rule 12.02 - Civil Court Costs & Deposit(s)

#### **Rule 12.02(a)**

Civil court costs and deposit(s) shall be paid at the time of filing. The following are a list of "basic" civil court costs and deposits as of 01-01-2020.

Complaint for Money Only - Up to 2 Defendants	\$95.00
• Including 3 <sup>rd</sup> Party Complaint, Cross-Claims, Counter-Claims Involving New Parties; Excluding Cognovit Complaints	
• 3 or More Defendants	\$10.00
Complaint for Money Only - Up to 2 Defendants	\$110.00
• Requiring Commercial Carrier Service	
• 3 or More Defendants	\$10.00
Complaint for Money Only - Up to 2 Defendants	
• Small Claims Court - Original Filing	\$55.00
• Small Claims Court - Amended Filing/Counter-Claim	\$8.00
Complaint in Forcible Entry & Detainer - Up to 2 Defendants	
• Ejectment Cause Only	\$105.00
• Ejectment Cause w/ 2 <sup>nd</sup> Cause for Rent and/or Damages	\$115.00
o Each Additional Defendant	\$8.00
• Writ of Restitution	\$15.00
Complaint in Replevin - Up to 2 Defendants	\$95.00
BMV Petitions	\$95.00
All Other Complaints & Petitions	\$95.00

**Rule 12.02 - Civil Court Costs & Deposit(s) - continued**

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Application for Court Trusteeship	\$55.00
• Each Additional Creditor	\$7.00
Petition/Motion to Revive Judgment	\$15.00
Motion to Vacate Judgment	\$15.00
Certificate of Judgment	
• Filing & Docket Certificate from Another Court	\$10.00
• Issuance from Perrysburg Municipal Court	\$10.00
• Exemplified Transcript	\$10.00
Post-Judgment Proceeding(s)	
• Proceeding in Aid of Execution	\$20.00
• Garnishment (Personal Earnings)	\$75.00
• Garnishment (Other Than Personal Earnings)	\$20.00
Respondent/Garnishee Fee	\$1.00
• Execution of Judgment/Attachment of Property	\$25.00
Subpoena	\$15.00
Marital Fee	\$15.00
Jury Demand	\$80.00
Jury Deposit	\$500.00
Process Service Following Initial Issuance of Process	
• Certified Mail	\$8.00
• Bailiff Service (Plus Mileage)	\$8.00
• Publication	Calculated Per Case
Appraisal Fee	Calculated Per Case
• Attachment & Replevin Cases	
Transfer Fee	\$40.00
• From Small Claims Court to Civil Court	
Order Granting Execution & Transfer of Title	\$15.00
• Mobile Home	
• Notification of Interested Party & Certificate of Mail	
Certification of Case (Civil Case)	
• File Preparation	\$25.00

## **Rule 12.02 - Civil Court Costs & Deposit(s) - continued**

### **Rule 12.02(b)**

The failure of a party to advance the security deposit for jury costs indicated above at least ten (10) days before the date of trial shall constitute a waiver of trial by jury.

### **Rule 12.02(c)**

In any instance it is necessary to seize, move, remove, store or provide a custodian for any goods or property seized under any writ or order issued by the Perrysburg Municipal Court, the Court Administrator shall require an additional deposit as may be necessary to cover estimated costs to implement such a writ or order. The party requesting such a writ or order shall be required to supply labor at their expense.

### **Rule 12.02(d)**

In circumstances necessitating extraordinary costs, the Court Administrator may require costs in excess of any amounts indicated before in this Section. The Court Administrator shall estimate the probable costs and require an additional deposit commensurate with the estimate. Upon written motion of any party and upon demonstrating the probable costs may exceed the deposit, the Court may order a further deposit to be made before additional proceedings are had.

## **Rule 12.03 - Traffic & Criminal Court Costs**

### **Rule 12.03(a)**

The following are a list of "basic" traffic and criminal court costs and deposits as of 01-01-2020.

### **Rule 12.03(b)**

"Basic" court costs in traffic cases that are not "moving violations" are hereby established at \$88.00. The "basic" court costs consist of \$40.00 in general court costs, \$39.00 in state court costs, a \$3.00 fee for computerized legal research and \$6.00 for an administrative computer fee.

### **Rule 12.03(c)**

"Basic" court costs in criminal cases are hereby established at \$83.00. The "basic" court costs consist of \$40.00 in general court costs, \$34.00 in state court costs, a \$3.00 fee for computerized legal research and \$6.00 for an administrative computer fee.

### **Rule 12.03(d)**

"Basic" court costs in seat belt violations and child restraint violations are hereby established at \$73.00. The "basic" court costs consist of \$50.00 in general court costs, \$10.00 in state court costs, a \$3.00 fee for computerized legal research and \$10.00 for an administrative computer fee.

**Rule 12.03 - Traffic & Criminal Court Costs - continued**

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**Rule 12.03(e)**

“Basic” court costs in parking violations are hereby established at \$53.00. The “basic” court costs consist of \$40.00 in general court costs, a \$3.00 fee for computerized legal research and \$10.00 for an administrative computer fee.

Court Costs - Traffic	\$88.00
Court Costs - Criminal	\$83.00
Court Costs - Seat Belt Violation	\$73.00
Call Jury	\$55.00
Court Costs - Parking	\$53.00
Probation Supervision Fee	\$50.00
Sealing/Expungement	\$50.00
Appeal	\$25.00
Ex-Parte/TPO	\$25.00
Public Defender Application Fee	\$25.00
Property Bond	\$25.00
Warrant(s)	\$25.00
Sheriff/Commitment Fee(s)	\$10.00
FRA	\$15.00
Driving Privileges Letter	\$15.00
Compact Notice	\$15.00
Forfeiture	\$15.00
Warrant/Record Check(s)	\$12.00
JA/OVI/DV Programs	\$10.00

**Rule 12.03 - Traffic & Criminal Court Costs - continued**

Renewal Letter for O/L	\$10.00
Certified Mail	\$10.00
Witness Fee	\$6.00 (plus round-trip mileage)
Notice(s)	\$5.00
Driving Petition	\$15.00
PR/Unsecured/Bail Bond	\$25.00
Subpoena	\$5.00
Plea Agreement	\$5.00
Certified Court Entry	\$5.00
Motion	\$4.00
Deferred Payment Plan	\$3.00
Supplemental Summons	\$1.00
Facsimile Filing (Per Page)	\$1.00
Copies	\$0.10

**Rule 12.04 - Costs and Charges**

**Rule 12.04**

Fees and costs assessed in any action or proceeding in the Perrysburg Municipal Court shall be consistent with fees and costs associated in Common Pleas Courts and in accordance with the Ohio Revised Code. The following expenses shall be assessed in all civil and criminal cases:


Copies	\$0.10
• Per Page; One Sided Only	
• Cost Per Copy	
Form(s)	\$0.50
• Pre-printed; Blank	
• Cost Per Form	

**Rule 12.04 - Costs and Charges - continued**

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Letter(s) & Written Notice(s)	\$5.00
• Except Driving Letters	
Certified Copy of Court Entry	\$5.00
Motion - Filing, Docketing & Issuing	\$5.00
Supplemental Summons	
• Certified	\$8.00 \$10.00??
• Sheriff Fee	Set by L.E. Agency
• Commercial Carrier (FedEx)	Calculated Per Case
• Publication	Calculated Per Case
Capias/Warrant	
• Each Copy	\$5.00
Appeal	
• File Preparation	\$25.00
Record Check	
• Conducted by Court Personnel	\$3.00
Closed/Store File(s)	
• Each Case File	\$15.00
Computerized Legal Research Fee	
• Each Cause, Judgment & Appeal	\$5.00

## PERRYSBURG MUNICIPAL COURT - LOCAL COURT RULES

**SECTION:** 13  
**TOPIC:** Forms  
**EFFECTIVE:** 01-01-2020  
**APPROVED BY:** Hon. Aram M. Ohanian   
Signature

### **Rule 13.01 - General Rule(s)**

#### **Rule 13.01**

The Local Court Rules established in Section 13 and bearing the designation "Rule 13.\_\_\_\_" provides an index and copies of the Court's frequently utilized forms.

### **Rule 13.02 - General Form(s)**

Notice of Assignment (Court Form)  
Personal Recognizance Bond (Court Form)  
Motion for Continuance - Order and Notice of Assignment (Court Form)  
Notice NSF Check (Court Form)  
Advisory of Non-Dischargeable Debt (Court Order)  
Fingerprint Order (Court Form)  
Declaration of Forfeiture or Registration Block (Court Form)  
Initial Appearance - Order and Notice of Assignment (Court Form)  
Commitment – Bindover (Court Form)  
Commitment - Case Continued (Court Form)  
Commitment – Sentenced (Court Form)  
Commitment - Sentenced Probation Violation (Court Form)  
Release from Incarceration (Court Form)  
Conditional Release (Court Form)  
Agreement for Payment Plan (Court Form)  
Summons for Probation Violation Hearing (Court Form)  
Summons to Appear for Probation Review (Court Form)  
Summons Upon Complaint (Court Form)  
Appearance, Plea of Guilty & Waiver (Court Form)  
Declaration of Registration Block (Court Form)  
Release of Registration Block (Court Form)  
Release of Forfeiture (Court Form)  
Release of BMV Warrant Block (Court Form)  
Notification of Expedited Record Check Update Service (Court Form)  
Order to Seal Records Upon Dismissal or Not Guilty (Court Form)  
Order to Seal Records of Eligible Offender (Court Form)  
Judgment Entry (Court Form)  
Order - Set Case for Hearing and Notice of Assignment (Court Form)  
Transcript of Criminal Docket (Court Form)  
Notice of Bond Forfeiture Hearing (Court Form)  
Waiver of Time for Trial (Court Form)  
Notice of Deposit of Bail Bond Card (Court Form)



### **Rule 13.03 - Civil Form(s)**

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Affidavit of Indigency (Waiver of Court Costs)  
Small Claims Complaint  
Notice of Court Proceeding to Collect Debt for Wage Garnishment  
Statement as to Creditor (Secured and Unsecured)  
Application for the Appointment of Trustee  
Application of Tenant to Deposit Rent w/ Clerk  
Notice to Leave Premises  
Forcible Entry & Detainer Complaint  
Praecipe for Writ of Execution  
Magistrate's Decision Agreed Judgment Entry for F.E.D.  
Proceeding & Aid Motion  
Resolution

### **Rule 13.04 - Form(s) Related to Operator's License & Vehicles**

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Application for Driving Privileges (Court Form)

- Application for Modification of Driving Privileges
- Application for Additional Driving Privileges

Limited Driving Privileges (Court Form)  
Unlimited Driving Privileges (Court Form)  
BMV Renewal/Retest Authorization (Court Form)  
Non-Resident Violator Compact Notice of Suspension (Court Form)  
Notice Withdrawal of Non-Resident Violator Compact Notice of Suspension (Court Form)  
Ohio License Forfeiture Ordered - Failure to Appear (Court Form)  
Failure to Pay Court Ordered Vehicle Registration Block (BMV Form)  
Reinstate Fee Plan (BMV Form)  
Application for BMV Fee Installment Plan (BMV Form)  
Mobile Device - Proof of Insurance (Court Form)  
Administrative License Suspension (BMV Form)  
Appeal Administrative License Suspension (Court Form)

### **Rule 13.05 - Warrant(s) & Orders of Arrest**

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Order for Bench Warrant (Court Form)  
Order for Bench Warrant w/ Bond Forfeiture (Court Form)  
Order for Bench Warrant w/ Bond Forfeiture and Judgment (Court Form)  
Order for Issue Bench Warrant for Failure to Report (Court Form)  
Order for Bench Warrant - Failure to Appear (Court Form)  
Bench Warrant (Court Form)  
Waiver of Extradition (Court Form)  
Waiver of Extradition to Ohio (Court Form)  
Warrant(s) Recalled (Court Form)

04-09-2019/sth