

CAMBRIDGE MUNICIPAL COURT **FILED**
150 HIGHLAND AVENUE, SUITE 1 JAN 25 2018
CAMBRIDGE OH 43725 CLERK OF COURT
SUPREME COURT OF OHIO

PHONE 740-439-5585 / 740-439-1430

JOHN MARK NICHOLSON, JUDGE

LOCAL COURT RULES

REVISED JUNE 2, 2015

(CHANGED CIVIL/TR CR COSTS)

ADMINISTRATIVE RULES

1.00 SCOPE AND EFFECTIVE DATE

These rules are adopted as Local Rules of Court governing practice and procedure in the Cambridge Municipal court. They are adopted pursuant to the Court's inherent authority as set forth in the Rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as "C.M.C. Rule ()". They are effective as of June 1, 1997 (or as later amended) and shall govern all proceedings filed subsequent to that date.

2.00 COURT SESSIONS

The hours for court sessions and for the Clerk of Court's Office are 8:30 a.m. until 4:30 p.m. (Monday through Friday) unless otherwise ordered by the Judge, or a legal holiday. Pre-scheduled arraignments shall be held on Tuesdays, and Wednesdays. All other arraignments shall be held daily at 1:00 p.m.

3.00 MAGISTRATE AND ACTING JUDGES

The Magistrate shall be appointed by the presiding Judge and will have all the authority and power set forth in the Rules of Procedure and Statutes. The Magistrate will hear all matters referred to them by the Judge of this court, and as permitted by law.

Acting Judges shall be appointed pursuant to Section 1901.10 O.R.C. and shall serve at all times when the incumbent Judge is temporarily absent or incapacitated.

4.00 CLERK OF COURTS

- (a) The Clerk shall maintain such dockets, books of record and indices as are required by law or practical necessity as public record, utilizing microfilm and computers for storage whenever possible.
- (b) The Clerk shall permit any person to make a copy of any papers filed, but original papers filed in any case shall not be removed from the office without prior authority of the Clerk.
- (c) Officers or employees of this court shall not prepare or help to prepare any pleading, affidavit, entry or order in any civil matter, except as provided under Section 1925 of the Ohio Revised Code.
- (d) Except for good cause shown, the Clerk shall not be required to issue subpoenas, nor shall the Bailiff be required to serve the same, unless requests are filed with the Clerk at least three working days prior to the trial date.

5.00 COURT COSTS/FILING FEES

Costs shall be determined from time to time by the presiding Judge as appended to these Rules. (See Appendix B and Appendix C)

5.01 FILINGS BY ELECTRONIC TRANSMISSION

Please see attached FACSIMILE FILING RULE FOR CAMBRIDGE MUNICIPAL COURT as approved June 1, 2006.

6.00 COURT REPORTER/RECORDING OF ALL PROCEEDINGS

All proceedings shall be recorded by audio or video taping. If counsel or a party desires a court reporter then the counsel or party must make their own arrangements for the presence and payment of a court reporter. The Cambridge Municipal Court has an official court reporter whose presence is recommended; however, payment arrangements must be made by counsel or the party requesting her presence.

Parties appealing a decision of the trial court shall file a praecipe advising the court what portion(s) of the record they wish transcribed. The court, once a fee is paid, will provide a videotape to the attorney or party as the certified transcript of the proceeding.

If the party wishes a typewritten transcript, then payment arrangements can be made with the court's official court reporter who will then certify the typewritten transcript or the party may make arrangements with anyone else of their choosing to prepare a typewritten transcript subject to certification by the Court.

All audio and video tapes will be maintained on file for a period of one year. These tapes will be recycled and reused after one year unless there is an appeal pending.

7.00 FORM ENTRIES AND ABBREVIATIONS

The Court adopts abbreviations and/or symbols that may be used in entries as follows:

(See Appendix A)

The Court adopts special identifiers that will be used in cases with multiple counts or charges as follows;

(See Appendix A)

CRIMINAL/TRAFFIC DIVISION

8.00 DUTIES OF COUNSEL/PROSECUTION:

- (a) Designation of Trial Counsel: Attorneys and not parties will designate their capacity as trial counsel on all documents in criminal-traffic cases and shall include their office address, zip code, and telephone number. Prosecutors shall enter their appearance in writing no later than 5 (five) days after receipt of the initial notice of hearing. Normally, a law firm should not be named as trial attorney. However, substitution of counsel within the same law firm at hearings is authorized with prior approval of the Assigned Judge or Referee. Also, the attorney's Supreme Court registration number shall be included on all documents filed. For purposes of this rule, "attorneys" includes "prosecutors" and "law firms" includes "Prosecutor's Office".
- (b) Withdrawal of Counsel: Counsel shall be allowed to withdraw from trial counsel responsibility with the consent of the assigned Judge. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made prior to five (5) working days of the trial date except for good cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to his client's last known address.

- (c) **Traffic/Criminal Filings:** With the exception of traffic citations, minor misdemeanor citations and those complaints where the officer observed the offense take place, no criminal misdemeanor complaints shall be accepted for filing by the Clerk of Court until and unless the Prosecutor's Office has first approved the filing of the complaint. Prosecutors shall be present at all arraignments and available at the court from 8:00 a.m. to 9:00 a.m. each day to review the investigative reports and meet with law enforcement agencies wishing to file a complaint with the court.
- (d) **Arresting Officer Duties; Statements/Reports:** All law enforcement agencies shall leave a copy of their complete report including accident reports on DUI's with the Prosecutor's Office within twenty-four hours of arrest.

For all cases where the offender is incarcerated, the complete report, record check and recommendations on bond shall be left with the Court upon filing the complaint.

For those cases where a "not guilty" plea is entered at arraignment, a complete copy of the police report and accident report shall be left with the Prosecutor. Otherwise, all materials set forth in criminal R. 16, in possession of the arresting agency shall be provided to the Prosecuting Attorney's Office within five days of receipt of the trial notice by the arresting officer. Failure to provide this information to the Prosecuting Attorney may be cause for dismissal of the charges.

- (e) **Written "Not Guilty Pleas":** "Not Guilty Pleas" may be entered prior to the date of arraignment. If the written plea is entered, neither counsel nor the defendant need to appear at the arraignment. All telephone pleas must be followed by a written plea to be effective.

When filing written "Not Guilty Pleas" on multiple charges, it is counsel's duty to insure that a plea form is signed and completed and file stamped for each offense (incident) and to notify the clerk of the number of charges. If the plea form does not contain a case number, the following information shall be provided in the caption of the form:

- 1) Ticket number, if any;
- 2) Nature of Offense(s);
- 3) Code number of Offense(s);
- 4) Date of offense(s);
- 5) Date of arraignment(s).

- (f) **Continuances:** Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on the opposing counsel or the opposing party. The motion shall set forth the date from which a continuance is requested and reasons for the continuance. If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion. Entries shall accompany the motions with blanks for the new trial time and date, and if agreed to by opposing counsel.

No request for continuance will be considered if made less than seven(7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial. It is suggested that counsel provide available dates to the Assignment Commissioner.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was set first for trial shall have priority and shall be tried on the date signed. Criminal cases assigned for trial have priority over civil cases. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the Administrative

Judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the court, the court shall appoint a substitute trial attorney.

- (g) **Motions Practice:** All motions, except those normally made at the trial, shall be in writing, served on opposing council, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. (Copies of significant decisions shall be attached to the original filing only.) Unless the following statement appears prominently upon the first page of the motion, no oral hearing will be allowed: "Counsel Requests an Oral Hearing of Approximately _____ Minutes at Which Time _____ Witness will be Called."

A date and time for oral hearings on motions must be obtained from the Assignment Commissioner. Parties wishing to respond in writing to such motions shall do so not later than the fourteenth day following service of the motion or three (3) days prior to the oral hearing date, if an oral hearing has been requested. In Motions to Suppress, the grounds must be stated with particularity and the items of evidence in question shall be specified. Any motions filed which are not in compliance with this rule shall be summarily overruled. All motions where an oral hearing is not required, shall be accompanied by a proposed entry.

- (h) **Discovery:** Failure by the investigating officer to provide a discovery packet to the Prosecutor within five (5) days of the date of the notice will result in a dismissal of the charges. Failure by the Prosecutor to provide complete discovery within fifteen (15) days of the demand or by the pretrial, whichever is later, shall be cause for dismissal by the court, unless good cause is shown. Failure to demand discovery in a timely way will not be cause for a continuance. The defense shall provide reciprocal discovery within ten (10) days of the receipt of discovery from the Prosecutor or at the date of pretrial, whichever is later.

- (i) **Trials to Court-Scheduling:** Whereas, one-half hour is normally set aside for a minor misdemeanor Trial to court where the defendant is not represented and more time is necessary when the defendant is represented, it is counsel's duty when representing a defendant in a Trial to Court, to enter an appearance as soon as possible in order for Assignment Commissioner to schedule adequate time for trial. Counsel shall notify the Assignment Commissioner if a lengthy trial is anticipated.

If no Entry of Appearance is made seven (7) days before trial, then it shall be considered good cause for the Court to continue the trial to a date where suitable time exists for a more lengthy trial.

The period of time in which the accused shall be brought to trial pursuant to Section 2945.71 of the Ohio Revised Code shall be considered extended by the defendant pursuant Section 2945.72(E) (H) of the Ohio Revised Code.

- (j) **Pretrial Procedure:** No case, with the exception of minor misdemeanor cases or third and fourth degree misdemeanors where a speedy trial has not been waived or where a trial to court was initially scheduled, shall be called for trial unless a pretrial conference has been held. All pretrial hearings shall be conducted in the presence of a Referee or Judge, whenever possible. **DEFENDANT'S PRESENCE IS REQUIRED.**

The pretrial conference shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon shall be filed in said case.

- (k) **Jury Trial:** Whereas, Guernsey County is a rural county and jurors are summoned for a particular day on particular cases; When a jury trial has been requested, it is the duty of the trial counsel demanding trial by jury to notify the Assignment Commissioner at least seven (7) days prior to trial date if the jury is to be waived or the case has been settled. Failure to waive the jury trial in writing at least seven (7) days prior to trial and a plea of

guilty or no contest is entered to an original charge, a \$100.00 jury fee assessment will be taxed to the defendant.

Upon conviction after a jury trial in a Criminal/Traffic case, jury fees in the appropriate sums as set forth on the cost schedule will be taxed as court costs.

The Assignment Commissioner shall prepare a list of jury cases in the order in which they will be called for trial, seven (7) days in advance of the date scheduled for jury trial. This list will be posted in the Assignment Commissioner's Office. When cases are settled or when a jury is waived, the case will be crossed off as counsel notify the Court.

FAILURE OF COUNSEL TO NOTIFY THE ASSIGNMENT COMMISSIONER BY 2:00 P.M. THE DAY PRECEDING THEIR TRIAL, OF ANY LATE CHANGE IN PLEA OR JURY WAIVER, WILL RESULT IN JURY COSTS IN THE FULL AMOUNT BEING ASSESSED.

- (l) Views: A request for a view by the Judge or Jury shall be made at the time of the pretrial conference. It is within the discretion of the Judge whether or not to permit a view.
- (m) Pleas: Negotiated pleas shall be accepted no later than ten (10) days following the date of the pretrial conference or ten (10) days prior to trial, whichever is earlier. No negotiated pleas will be accepted on the morning scheduled for jury trial unless justice so requires. The time limits in Criminal Rule 12(c) shall be strictly enforced on all motions filed.

No request for the diversion program shall be accepted after the initial scheduled date of the pre-trial conference.

9.00 VIOLATIONS BUREAU

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13, with authority to process and dispose of those traffic offenses for which no court appearance is required by law or in the discretion of the arresting officer. In accordance with the Ohio Rules of Criminal Procedure Rule 4.1, there is hereby established a Minor Misdemeanor Violations Bureau, with authority to process and dispose of minor misdemeanors for which no court appearance is required by either at the discretion of the arresting officer or the Court. A schedule of fines has been adopted and is posted in the Clerk's Office.

10.00 CRIMINAL/TRAFFIC DIVISION CASE MANAGEMENT

- (a) Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for criminal/traffic case management which will provide the fair and impartial administration of criminal/traffic cases. These rules shall be construed and applied to eliminate unnecessary delay.
- (b) Clerical Steps:
 - (1) The clerk shall process all complaints filed for purposes of arraignment. All cases filed will be tracked by event in accordance with the Supreme Court reporting requirements utilizing the worksheet provided by the Ohio Supreme Court.
 - (2) Upon the filing of a not guilty plea (written or verbal) the clerk shall immediately forward the case to the Assignment Commissioner for scheduling.
 - (3) Upon the filing of a motion the clerk shall immediately forward the motion and case file to the office of the Assigned Judge for review.
- (c) Judicial Steps:

- (1) Motions: All motions not heard or decided prior to trial will be disposed of at trial.
- (2) Court Trials: In all cases where a jury has not been demanded a court trial shall be scheduled by the Assignment Commissioner to be heard within 28 days.
- (3) Pretrials/Jury Trials: In all cases where a jury demand has been filed, a pretrial shall be scheduled by the Assignment Commissioner to be heard within 35 days of the filing of the not guilty plea and the jury trial shall be scheduled to be heard within 28 days of the pretrial conference. (EXCEPTION: Third and Fourth Degree misdemeanors will be set for jury trial immediately if a speedy trial has been demanded.)
- (4) Sentencing: Upon a finding of guilty, sentencing shall occur immediately unless the court orders a pre-sentence investigation. In cases where a pre-sentence investigation is ordered, the Assignment Commissioner shall schedule a final disposition hearing to be heard within 35 days.

11:00 SPECIAL PROCEEDINGS CASE MANAGEMENT:

The purpose of this rule is to establish, pursuant to M. C. Sup. R. 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. Examples of special proceedings would include contempt hearings, preliminary hearings, extradition hearings, and bond hearings.

Cases that have time limits established by the Ohio Revised Code or the Ohio Rules of Criminal Procedure shall be set for hearing within those limits. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.

CIVIL DIVISION

12.00 DUTIES OF COUNSEL

- (a) Designation of Trial Counsel: Attorneys and not parties will designate their capacity as trial counsel on all documents in civil cases and shall include their office address, zip code, and telephone number. Normally, a law firm should not be named as trial attorney. However, substitution of counsel within the same law firm at hearings is authorized. Also, the attorney's Supreme Court registration number shall be included on all documents filed.
- (b) Withdrawal of Counsel: Counsel shall be allowed to withdraw from trial counsel responsibility with the consent of the assigned Judge. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made prior to five (5) working days of the trial date except for good cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to his client's last known address.
- (c) Continuances: Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on opposing counsel or party. The motion shall set forth the date from which a continuance is requested, reasons for the continuance and certificate of service on opposing counsel and/or client. If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion. Entries shall accompany the motions with blanks for the new trial time and date, and if agreed to by opposing counsel. No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial.

When a continuance is requested for a reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was set first for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases. The granting of any other request for continuances of a scheduled trial is a matter within the discretion of the trial court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the administrative judge may require the trial attorney to provide a substitute trial attorney.

- (d) Motions Practice: All motions, except those normally made at trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Civil Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. (Copies of significant decisions shall be attached to the original filing only.) Unless the following statement appears prominently upon the first page of the motions, no oral hearing will be allowed: "Counsel Requests an Oral Hearing of Approximately _____ Minutes at Which Time _____ Witness will be Called."

A date and time for oral hearings on motions must be obtained from the Assignment Commissioner. Parties wishing to respond in writing to such motions shall do so not later than the fourteenth day following service of motion or three (3) days prior to the oral hearing date, if an oral hearing has been requested, whichever is earlier. All motions not heard or decided prior to trial will be disposed of at trial. All motions where an oral hearing is not required, shall be accompanied by a proposed entry.

- (e) Status Hearing: After an answer is filed, the clerk shall immediately forward the case file to the Assignment Commissioner for scheduling of a status hearing. The status hearing

shall be conducted by telephone conference call initiated by Plaintiff's attorney. The purpose of the status hearing is to set discovery and motion deadlines and narrow issues in dispute so a formal pretrial can be scheduled.

(f) Pretrial procedure: No case with the exception of F. E. & D. cases shall be called for trial unless a pre-trial conference as been held. Counsel shall agree on a trial date with the Judge or Assignment Commissioner at the time of the pretrial conference. It shall be the duty of counsel to do the following at civil pretrial hearings:

(1) Appearance: The counsel who will be trial counsel and who is authorized to act and negotiate on behalf of the party must be present.

All parties in interest must be present at the pretrial unless such presence is excused by the Trial Judge. Telephone conferences may be arranged with approval of the Judge.

If the defense is being presented by an insurer, a representative of the casualty company should attend the pretrial conference and, in that event, it will not be necessary for the defendant to be personally present.

(2) Statements: Each counsel shall present to the Court in writing, three (3) days before a pretrial hearing, a statement of the issues involved; whether or not a jury trial previously demanded will now be waived and if not, the number of jurors demanded; whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages, if liability be found; estimate of trial time; discovery difficulties; exhibits; an itemization of special damages; witnesses; other matters which it is expected will be involved in the case; and whether a view is requested.

Counsel will have in their Pretrial Statement a list of all witnesses they expect to call to testify. In the absence of reasonable notice to opposing counsel to the contrary, only those witnesses listed in the Pretrial Order will be permitted to testify at the trial. The only exceptions will be witnesses solely for the purpose of impeachment, rebuttal or other witnesses permitted to be called upon the showing of good cause.

All Pretrial Statements must contain certificates of service.

(3) Discovery: All discovery shall be completed by the date of the pretrial conference, unless good cause is shown.

(4) Pretrial Order: Upon request of either party or the Judge, plaintiff's counsel shall prepare and tender to opposing counsel for signature a Pretrial Order and the same shall be filed within fourteen (14) days subsequent to the pretrial and shall control, the subsequent course of action unless modified at the trial to prevent manifest injustice.

(5) Exhibits: Each counsel shall bring to the pretrial conference all exhibits which are expected to be offered in evidence at the trial. Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the Pretrial Order, with the exception of exhibits to be used solely for the purpose of impeachment.

(6) Preliminary Conference: Counsel for all parties shall have a preliminary conference before the pretrial hearing at which time they will inspect exhibits and arrive at all possible stipulations and fully explore the question of settlement.

(g) Jury Trial: Whereas, Guernsey County is a rural county and jurors are summoned for a particular day on particular cases; an advance deposit of Four Hundred Dollars (\$400.00)

is required seven (7) days prior to the trial date or the jury is deemed waived. The Court will consider affidavits of hardship in appropriate circumstances.

- (h) Views: A request for a view by the Judge or Jury will be made at the time of the pretrial conference. It is within the discretion of the Judge whether or not to permit a view.

13.00 TRIAL BRIEFS AND JURY INSTRUCTIONS

Trial Briefs and Jury Instructions shall be filed in the Judge's Office on all jury cases, seven (7) days prior to trial and shall include the text of, and citations of authority for any instructions requested by counsel. If there is no compliance with this rule, the jury will be deemed waived. Trial Briefs are also required for non-jury cases when there is a substantial conflict of views as to specific questions of law or when the judge so requests.

14.00 DEFAULT JUDGMENT

All Motions for Default Judgment shall be in writing and clearly state the date the complaint was filed, how service was made, proof of service and answer date. All Motions for Default Judgment shall also contain a list of all damages supported by documentary or other evidence. A proposed entry shall accompany the motion. An oral hearing may be required in the discretion of the trial Judge or where an appearance has been made.

15.00 FORCIBLE ENTRY AND DETAINER ACTIONS

- (a) Appearance: Plaintiff's failure to appear will result in the case being dismissed without prejudice. Defendant's failure to appear after having been duly served will result in a Writ of Restitution for the premises.
- (b) Proceedings: The Referee or Judge may decide at the first hearing both causes of action. If the defendant appears, the Court shall inquire whether the defendant chooses to contest the second cause of action. If the defendant responds affirmatively, the Court shall grant leave for response to the second cause. If the defendant makes a knowing waiver of the right to respond to the second cause, the Court shall proceed to hear both causes. The Bailiff shall serve upon the plaintiff(s) and defendant(s), if they appear, a copy of the Judgment Entry and sign the return on the reverse side.

Trial by Jury will be deemed waived unless demand is made and the appropriate deposit paid before date of appearance, as set forth on the summons.

- (c) Praecipe for Writ of Restitution: The plaintiff shall file with the Clerk a praecipe for a Writ of Restitution within 15 days after the date of the judgment, unless the Magistrate or Judge issues the writ at the time of the hearing.
- (d) Writ of Restitution: Upon the receipt of the praecipe or order of the Court, the Clerk shall issue to the Bailiff a Writ of Restitution for the premises and the Bailiff shall execute the writ within ten days unless a written motion for stay has been filed.
- (e) Set-out Procedure: Should actual, physical eviction of property be required pursuant to a Writ of Restitution of premises, plaintiff shall arrange for sufficient workers to be present to accomplish the set out, under the supervision of the Bailiff, subject to the appropriate security deposits.

16.00 BMV PETITIONS

Counsel or a Petitioner who files a complaint appealing a BMV suspension shall attach an affidavit signed by the petitioner setting forth matters necessary to consider work related driving privileges. As examples only; home hours, business vehicles, and reasons for driving during work.

17.00 DISMISSAL FOR FAILURE TO PROSECUTE

Civil cases which have pended for sixty (60) days without any proceedings being taken shall be dismissed after written notice to counsel of record or to the parties for want of prosecution, unless good cause is shown to the contrary.

18.00 CIVIL CASE MANAGEMENT

- (a) Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.
- (b) Clerical Steps:
 - (1) Complaint: The Clerk shall process all complaints within seven (7) days for service of summons. All cases filed will be tracked by event in accordance with the Supreme Court reporting requirements, utilizing the worksheet provided by the Ohio Supreme Court.
 - (2) Summon: Summons shall be served in accordance with the Ohio Rules of Civil Procedure.
 - (3) Service: Upon perfection of service, the clerk shall notify counsel or the party in writing. If no action is taken within sixty (60) days, the case will be dismissed for want of prosecution pursuant to C.M.C. Rule 17.00.
 - (4) Failure of Service: In the event there is a failure of service, the clerk shall notify counsel immediately in accordance with Rule 4.1 of the Ohio Rules of Civil Procedure. If no action is taken within sixty (60) days, the case will be dismissed for want of prosecution pursuant to C.M.C. Rule 17.00.
 - (5) Responsive Pleading: After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Assignment Commissioner for scheduling.
 - (6) Administrative Dismissal: When a file has been marked "settled, hold for entry" and the entry has not been received within ten (10) days, then the clerk shall notify the party or counsel that the case will be dismissed unless the entry is received within fourteen (14) days. If no entry is received, the clerk shall forward the file to the assigned Judge for dismissal of the case without prejudice.
 - (7) Motions: Upon the filing of a motion, the clerk shall immediately forward the motion and case file to the assigned Judge's office for review by the assigned Judge.
- (c) Judicial Steps:
 - (1) Status Hearing: In all cases where an answer has been filed, a status hearing will be scheduled by the Assignment Commissioner to be heard within forty-five (45) days of completion of the pleadings. The status conference and pretrial conference can be combined in the discretion of the Assigned Judge.
 - (2) Motions: After review of motions filed, the Assignment Commissioner will assign for oral or non-oral hearing if appropriate or immediately forward said file to the assigned Judge for ruling.
 - (3) Pretrials: At the completion of the status hearing, a pretrial conference shall be scheduled by the Judge to be heard within fifty-six (56) days of the status conference.

- (4) Court Trials/Jury Trials: At the completion of the pretrial hearing, the trial date shall be scheduled by the Judge to be held within ninety (90) days of the pretrial conference.

19.00 FORCIBLE ENTRY & DETAINER CASE MANAGEMENT

- (a) Hearing: All forcible entry and detainer cases shall be set for hearing before the Magistrate or Judge, pursuant to the time limits set forth in the Ohio Revised Code. The Magistrate shall, at the conclusion of the hearing, file a written report within seven (7) days.
- (b) Approval of Magistrate Report: The Court shall review the report of the Magistrate and enter the appropriate Judgment Entry. For purposes of set-out, the magistrate report is effective upon filing unless an objection is immediately filed.
- (c) Answer/Jury Demand: If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall forward the file to the Assignment Commissioner for scheduling of the appropriate hearing.

20.00 SPECIAL PROCEEDINGS CASE MANAGEMENT:

The purpose of this rule is to establish, pursuant to M.C. Sup. R. 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. Examples of special proceedings would include default hearings, rent escrow, replevin, contempt hearings, garnishment hearings, debtor's exams, and B.M.V. hearings.

Cases that have time limits established by the Ohio Revised Code or the Ohio Rules of Civil Procedure shall be set for hearing within those time limits. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.

SMALL CLAIMS DIVISION

21.00 AUTHORITY

The Small Claims Division of The Cambridge Municipal Court is established and operated pursuant to Chapter 1925 of the Ohio Revised Code and the Rules of Court of The Cambridge Municipal Court.

All Magistrate proceedings shall be in accordance with Civil Rule 53, unless in conflict with Chapter 1925 of the Ohio Revised Code.

22.00 PURPOSE

The purpose is to allow the public to resolve minor money disputes quickly, inexpensively and fairly without requiring an attorney's involvement.

- (a) Types of Cases: The Small Claims Division handles all types of cases involving amounts less than \$_____. These include landlord-tenant, unpaid accounts, defective merchandise, minor traffic accident repair costs, overcharge of services, and minor property damage

23.00 JURISDICTION

- (a) Territorial: The defendant must live in Guernsey County, have his place of business in the county, or the transaction has taken place in the county.

- (b) Monetary: It must be for money only and not to exceed \$_____ on plaintiff's complaint or \$_____ on defendant's counterclaim.

24.00 DUTIES OF COUNSEL/PARTIES AND COURT

- (a) Filing of Complaint: A complaint is filed by the plaintiff along with supporting documents. The plaintiff must bring with him two (2) copies of any documents supporting his claim and plaintiff must have the current address of the defendant. The plaintiff shall also file, at the time of filing the complaint, a request for regular mail service in the event of failure of certified mail service.

No more than twenty-four (24) separate claims can be filed by one person in any one year.

A Deputy Clerk shall assist persons in filing claims, docketing the same, setting them for hearing and receiving court cost deposits. Also, the Deputy Clerk is responsible for scheduling and administering the conciliation conference. A Small Claims Magistrate or Judge shall hear and decide those cases which cannot be settled by conciliation. a Deputy Clerk of Bailiff or any person designated by the presiding Judge shall conduct the conciliation conferences.

- (b) Failure of Service on Defendants: Upon failure of service on the defendant(s), the clerk shall notify the plaintiff that the case will be dismissed within sixty (60) days unless the plaintiff has a new address for the defendant(s).
- (c) Conciliation Conferences: A Deputy Clerk shall schedule the case for a conciliation conference. Summons shall be issued to the defendant(s) by certified mail or personal service. Notice to the plaintiff shall be by regular mail if actual notice is not given at the time of the filing of a complaint.

If the matter is not resolved at the conciliation conference, the mediator shall verbally notify the parties of a court date for a hearing before the Magistrate or Judge and shall personally serve notice on the parties. The procedure for a contested hearing shall be explained and copies of documents exchanged. No witnesses are required at the conciliation conference; however, documentation is recommended. The defendant(s)' failure to appear at the conciliation conference will result in a default judgment for the plaintiff. Plaintiff's failure to appear will result in dismissal without prejudice.

In cases where both parties are represented by counsel, there will be no conciliation conference. The matter will be scheduled for a pretrial conference before a Magistrate or Judge.

See C.M.C. Rule 12.00 (c) on continuances. Under no circumstance will a continuance be permitted less than four (4) days prior to the hearing without consent of the Magistrate or Judge and for good cause shown.

- (d) Counter-claims: Counter-claims are filed by the defendant against the plaintiff for a sum arising out of the same incident not to exceed \$2,000.00. A counter-claim must be filed no later than Seven (7) days prior to the conciliation conference. If you file a counter-claim with the court, you must serve the Plaintiff and all other parties with a copy of the counter-claim at least seven days prior to the date of the conciliation conference.
- (e) Contested Hearings: Proceedings are informal and shall be recorded by means of audio and/or video tape. **WITNESSES AND EXHIBITS, IF ANY, ARE NECESSARY FOR THIS HEARING.**

Plaintiff's failure to appear will result in dismissal without prejudice. Defendant(s)' failure to appear for the contested hearing will result in a default judgment for the plaintiff.

25.00 TRANSFER TO CIVIL DIVISION

A transfer to the Civil Division is accomplished pursuant to Section 1925.10 of the Ohio Revised Code and the payment of the appropriate filing fee. If more than one attorney becomes involved with the case, the case shall be transferred to the civil docket of the Court for purposes of scheduling only.

26.00 SMALL CLAIMS CASE MANAGEMENT

C.M.C. Rule 18 shall also apply to the management of small claims cases.

**FORM ENTRIES AND ABBREVIATIONS
APPENDIX A**

**CRIMINAL/TRAFFIC DIVISION
COURT COST SCHEDULE
APPENDIX B**

**CIVIL DIVISION
COURT COST SCHEDULE
APPENDIX C**

**COURT COST ADJUSTMENT RE: HB 1
APPENDIX D**

**CIVIL POUNDAGE
APPENDIX E**

**FACSIMILE FILING
APPENDIX F**

APPENDIX A

2270 – Immob Notice sent to BMV
A – Count 1
ADSGC – Alcohol and Drug Services of Guernsey County
ARR – Arraignment
ARRV – Arraignment by Video
B – Count 2
BB – Bond or Body due
BF – Bond Forfeiture
BMV – Bureau of Motor Vehicles
BO – Bound Over
BPO – Bond Posted
BW – Bench Warrant
BWI – Bench Warrant Issued
C – Count 3.
CF – Complaint Filed
CMOH – Coordinated Motion Hearing
COP – Change of Plea
CRA – Felony Filing
CRB – Misdemeanor filing
CRX – Miscellaneous Filing
CVF – Civil Filing/Contracts
CVG – Forcible Entry and Detention Filing
CVH – Other Civil
CVI – Small Claims Filings
DEF – Defendant
DFR – Case Deferred
DIP – Driver Intervention Program
DJE – Docket Journal Entry Filed
DS – Dismissed
DSP – Dismissed by Prosecutor
EXP – Expungement
FED – Forcible Entry and Detention
FORM ENTRIES AND ABBREVIATIONS
FRA – Financial Responsibility Act
G- Guilty
IH – Indigency Hearing
JT – Jury Trial
MAG – Magistrate
MH – Motion Hearing
MOH – Motion Hearing
NC – No Contest
NG – Not Guilty
OL – Operator's License
PLH – Preliminary Hearing
PT – Pre-trial
SAP – Sheriff's Alternative jail Program
SHOW – Show Cause Issued
TRC – OVI/Physical Control filing
TRD – Traffic Filing
WG – Waiver of Guilty

**CAMBRIDGE MUNICIPAL COURT
TRAFFIC/CRIMINAL DIVISION
ADMINISTRATIVE ORDER**

Effective APRIL 30, 2013

MISC. JOURNAL 8 PG _____

In accordance with Ohio Revised Code 1901.26, 2949.094, and 2951.021, the undersigned Judge of this court does hereby order that, notwithstanding any other rule of this court, the Traffic/Criminal costs/fees of the Cambridge Municipal Court shall be as follows:

LOCAL COSTS	24.00	MOVING VIOLATIONS	34.00	NON-MOVING VIOLATIONS*
STATE (50% IND DEF, 15% SCRAM, 35% DRUG LAW ENF)	10.00	MOVING VIOLATIONS ONLY		
LEGAL RESEARCH FEE	3.00			
COURT TECHNOLOGY FEE	4.00			
SPECIAL PROJECTS	30.00			
VICTIM OF CRIME	9.00			
STATE GENERAL FUND	20.00			
Appeal Filed	35.00			
Auto Club Billing	20.00			
Bench Warrant Issued	20.00			
Bench Warrant Cancelled	5.00			
Calling Jury	10.00			
Certified Copy	2.00			
Commitment to Jail	10.00			
Continuance Fee	5.00			
Credit Card Transaction Fee	3.00			
Driving Permit	40.00			
Driving Permit Reissued	10.00			
Expungement Filing Fee	100.00			
Expungement Filing Fee (Dismissals only)	50.00			
Fax Fee	5.00			
Immobilization Waiver Fee	50.00			
Indigent Application Fee	25.00			
Installment Pay Plan	25.00			
Interlock/SCRAM Court-Order	2.50			
License Cancellations to BMV	20.00			
License Forfeiture Releases	10.00			
License to Forfeit (30 day notice)	10.00			
Non-res. Violator Compact (20 day notice)	10.00			
Non-resident Violator Compact Cancel	20.00			
NVC Ordered by Judge	10.00			
NVC Release Fee	10.00			
Police Fee (Warrants, Summons)	5.00			
Probation Supervised Fee	150.00			
Probation Unsupervised Fee	10.00			
Recording Fee for Court Appearance	8.00			
Returned Ck/Credit Card fee	25.00			
Sheriff Fees (warrants, Summons)	to be determined by the Sheriff			
Show Cause Order	10.00			
Subpoena Fee (per subpoena)	2.00			
Video Arraignment	5.00			
Warrant Block to Issue	10.00			
Warrant Block to BMV	20.00			
Warrant Block Release Fee	10.00			
Warrant Returned Served by Court	10.00	plus mileage if applicable		

So Ordered.

JOHN M. NICHOLSON, JUDGE

*ADJUSTMENT MADE 7-1-10 SEE ADMIN ORDER ATTACHED – END OF LOCAL RULES

**CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY, CAMBRIDGE, OHIO
ADMINISTRATIVE ORDER**

MISC. JOURNAL 7 PG _____

January 24, 2018

**RE: HB 1 State Court Costs Increase
§2949.091, §2937.22A, §2937.22B**

Effective 10-16-09, passage of HB 1 changes and redirects state costs from the General Fund to the Indigent Defense Support Fund. The rate is increased from \$15 to \$20 for misdemeanors and adds a \$10 cost to traffic offenses that are non-moving violations.

§2937.22B adds \$25.00 surcharge to bail bonds which applies to any offense other than a traffic offense that is not a moving violation. ... "if the person is convicted, pleads guilty, or forfeits bail, the clerk shall transmit the twenty-five dollars on or before the twentieth...if the person is found not guilty or the charges are dismissed, the clerk shall return the twenty-five dollars..".

Therefore, the clerk's office shall assess this surcharge as a cost due to the case whenever bond is posted in lieu of appearance. This fee shall also apply to surety bonds but shall not apply to personal recognizance bonds. *

All monies referred to herein shall be transmitted to the Treasurer of State to the credit of the Indigent Defense Support Fund.

SO ORDERED.

JOHN M. NICHOLSON, JUDGE

Upon agreement with Common Pleas Court Clerk, the \$25 bond surcharge for felony bonds (including bonds) will be assessed upon receipt at Common Pleas Court

CAMBRIDGE MUNICIPAL COURT GUERNSEY COUNTY, CAMBRIDGE, OHIO CIVIL AND SMALL CLAIM DIVISION EFFECTIVE 03-14-2013 MISC JOURNAL 8 PAGE ____

REQUIRED DEPOSITS

EXECUTION	\$300.00
PEACE WARRANT.....	105.00
PERSONAL SERVICE (within Guernsey County)	40.00
PERSONAL SERVICE (outside Guernsey County).....	60.00
SUBPOENA (within city) PER PERSON	25.00
SUBPOENA (within Guernsey County) PER PERSON	30.00
SUBPOENA (outside Guernsey County) PER PERSON.....	60.00
SUBPOENA (outside of Guernsey County). A check must be included payable to the person being subpoenaed. The amount is calculated on one-half day of service (\$6.00), or one full day (\$12.00) plus mileage at the rate of 50.5 cents per mile pursuant ORC 1901.26.	

FEES/COSTS

APPEAL PREPARATION	\$40.00
ASSET FORM	30.00
BMV APPEAL INCLUDING OCCUPATIONAL (OUT-OF-STATE) ORC 4507.16.9(E).....	105.00
CERTIFICATE OF JUDGMENT	20.00
CERTIFICATE OF MAILING	5.00
CERTIFIED COPIES	2.00
CIVIL COMPLAINT (one defendant).....	105.00
Additional defendants	each 10.00
COGNOVIT ACTION W/OUT CERTIFICATE.....	105.00
COGNOVIT ACTION W/CERTIFICATE	125.00
CONTEMPT OF EMPLOYER.....	50.00
COUNTERCLAIM/CROSSCLAIM w/service.....	85.00
DEBTOR EXAM	50.00
DRIVING PRIVILEGES (during FRA or while paying Reinstatement fees).....	40.00
EXEMPLIFIED COPY	15.00
FORCIBLE ENTRY & DETAINER.....	115.00
GARNISHMENT WAGES	100.00
(2% Administrative Fee assessed on continuous garnishments)	
GARNISHMENT BANK.....	55.00
(Include additional \$1.00 payable to garnishee)	
HEARING FOR DOG DESIGNATION.....	60.00
JUDGMENT TRANSFER	50.00
JURY DEMAND	250.00
MARRIAGE	20.00
MODIFICATION OF JUDGMENT	40.00
MOTION FOR CONTEMPT	50.00
OBJECTION TO REFEREE REPORT	25.00
PETITION TO VACATE JUDGMENT.....	50.00
REPLEVIN/ATTACHMENT	200.00
REVIVOR OF JUDGMENT	50.00
SMALL CLAIM TRANSFER TO CIVIL DIVISION	105.00
SATISFACTION OF JUDGMENT	20.00
SMALL CLAIM.....	70.00
SUMMONS (ALIAS ADDL REQUEST FOR CERTIFIED MAIL SERVICE PER OCCURENCE).....	10.00
TRUSTESHIP	115.00

SO ORDERED

 JOHN M. NICHOLSON, JUDGE

**CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY, CAMBRIDGE, OHIO
ADMINISTRATIVE ORDER**

MISC. JOURNAL PG _____

RE: WAIVERABLE TRAFFIC VIOLATIONS
TO INCLUDE ONLY ONE SET OF COURT COSTS

DT: November 5, 2009

EFFECTIVE: IMMEDIATELY

This order is to memorialize the court's policy regarding waiverable traffic violations.

When a defendant has been cited for a primary minor traffic offense along with additional waiverable citations from the same incident, the amount of money that will be accepted as payment is to be governed by the court's bond/waiver schedule. The amount due will be calculated as one set of court costs plus the fine amount due for each waiverable offense charged from the same incident.

The above procedure would avoid situations where those who choose to waive their appearance would have to pay the equivalent of court costs for each additional charge filed. (These were the issues addressed in the case Middleburg Heights v. Quinones 120 Ohio St. 3d534, 2008 Ohio LEXIS 3715.)

SO ORDERED.

JOHN M. NICHOLSON, JUDGE

**IN THE CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY, CAMBRIDGE, OHIO**

ADMINISTRATIVE ORDER

MISC. JOURNAL 7 PG _____

AUGUST 27, 2009

IN RE: THE MATTER OF ADMINISTRATIVE FEES (COMMISSION/POUNDAGE) ON JUDGMENT
ENFORCEMENT

Effective October 1st 2009, the Clerk of this court, pursuant to Ohio Revised Code §2303.31 and §2303.20(V), shall charge a commission of two per cent (2%) on the first Ten thousand dollars (\$10,000.00) and one percent (1%) on all exceeding ten thousand dollars for receiving and disbursing money paid to or deposited with the Clerk of this Court pursuant to an order of Court or on Judgments, including money invested by order of this court and interest earned on them.

This order shall apply to continuous garnishments only and shall not apply to any assessment of Civil costs and or filing fees.

SO ORDERED

JOHN M. NICHOLSON, JUDGE

APPENDIX F

FACSIMILE FILING RULE FOR CAMBRIDGE MUNICIPAL COURT

The provisions of this local rule are adopted under [Civ.R. 5(E)]
[Civ.R. 73(J)][Crim.R. 12(B)] [Juv.R. 8] [App.R. 13(A)].

Pleadings and other documents may be filed with the clerk by facsimile transmission to 740-439-5666 as provided in this rule.

APPLICABILITY

1.01 This rule applies to civil, criminal and small claims, proceedings in the Cambridge Municipal Court

ORIGINAL FILING

2.01 A document filed by fax shall be accepted as the effective original filing. The person filing a document by fax is not required to file any source document with the clerk. The person filing the document shall maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, and the source copy of the facsimile cover sheet used for the subject filing.

2.02 The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

DEFINITIONS

As used in these rules:

3.01 “Facsimile transmission” means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end. “Facsimile transmission” does not include transmission by e-mail.

3.02 “Facsimile machine” means a machine that can send and receive a facsimile transmission.

3.03 “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

4.01 The person filing a document by fax shall also include a cover page containing all of the following information: [See appendix for sample cover page form.]

- (A) name of the court;
- (B) title of the case;
- (C) case number;
- (D) name of the judge to whom the case is assigned, if any;
- (E) title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss);
- (F) date of transmission;
- (G) transmitting fax number
- (H) indication of the number of pages included in the transmission, including the cover page;
- (I) if a judge or case number has not been assigned, state that fact on the cover page;
- (J) name, address, telephone number, fax number, Supreme Court registrations number, if applicable, and e-mail address of the person filing the fax document if available;
- (K) if applicable, a statement explaining how costs are being submitted .

4.02 (A) If a document is sent by fax to the clerk without the cover page information listed above, the clerk may do either of the following:

- (1) enter the document in the case docket and file the document;
- (2) deposit the document in a file of failed faxed documents with a notation for the reason for the failure.

(B) If the clerk acts pursuant to division (A)(2) of this section, the document shall not be considered filed with the clerk.

4.03 The clerk may inform the sending party of a failed fax filing.

SIGNATURE

5.01 A party who wishes to file a signed source document by fax shall do either of the following;

- (A) fax a copy of the signed source document;
- (B) fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

- 5.02 A party who files a signed document by fax represents that the physically signed source document is in his or her possession or control.

EXHIBITS

- 6.01 Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason shall be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five court days following the filing of the facsimile document. The Court may strike any document or exhibit, or both, if missing exhibits are not filed as required by this section.
- 6.02 Any exhibit failed pursuant to Section 6.01 shall include a cover sheet containing the caption of the case that sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss). The exhibit and cover sheet shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. [See appendix for sample exhibit cover sheet.]

TIME OF FILING

- 7.01 Subject to the provisions of these rules, all documents sent by fax and accepted by the clerk shall be considered filed with the clerk as of the date and time the fax transmission was received by the clerk. The office of the clerk will be open to receive facsimile transmission of documents on the basis of twenty-four hours per day seven days per week including holidays. Each page of any document received by the clerk shall be automatically imprinted with the date and time of receipt. The date and time imprinted on the document shall determine the time of filing, provided the document is deemed accepted by the clerk.
- 7.02 Fax filings may be transmitted only through the facsimile equipment operated by the clerk.
- 7.03 The clerk may acknowledge receipt of a facsimile transmission.
- 7.04 The sending party bears the risk of transmitting a document by fax to the clerk. The sending party is urged to verify receipt by the clerk of a fax filing through whatever technological means are available.

FEES AND COSTS

- 8.01 No document filed by facsimile that requires a filing fee shall be accepted by the clerk for filing until court costs and fees have been paid. Documents tendered to the clerk without payment of court cost and fees or that do not conform to applicable rules will not be filed.
- 8.02 No additional fee shall be assessed for facsimile filings

LENGTH OF DOCUMENT

9.01 Facsimile filings shall not exceed 30 pages in length. The filer shall not transmit service copies by facsimile.

EFFECTIVE DATE

10.01 These local rules shall be effective immediately, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

SO ORDERED.

John M. Nicholson, Judge

Dated: June 1, 2006

FACSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: CAMBRIDGE MUNICIPAL COURT

FAX NUMBER: 740-439-5666

SENDING PARTY INFORMATION:

NAME: _____

SUPREME COURT REGISTRATION NO. (if applicable): _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NO.: _____

FAX NUMBER: _____

E-MAIL ADDRESS (if applicable): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER: _____

TITLE OF THE DOCUMENT: _____

JUDGE: JOHN M. NICHOLSON

FILING INFORMATION:

**CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY, CAMBRIDGE, OHIO**

DATE OF
FAX

ADMINISTRATIVE ORDER

TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED, IF
APPLICABLE: _____

*If a case number has not been assigned, please state that fact in the space provided.

MISC. JOURNAL 7 PG _____ 190

DATE: 07-01-10

**RE: COURT COSTS REALLOCATION
TRAFFIC/CRIMINAL DIVISION AND CIVIL FILING FEES**

In August of 2001, local costs were increased by \$5.00 in order for the City to supplement the anticipated bond debt service resulting from the construction of a new Municipal Court which would house the City Law Director. Funds were transferred to the Restricted Capital Improvement Fund for the specific purpose of funding the construction of a Municipal Court. In 2004 that fund was "frozen" along with construction, and was no longer funded. The additional \$5.00 revenue was then directed to the City's general fund.

Due to the fact that the full amount of bond debt service is currently being funded entirely by Court receipts, **EFFECTIVE IMMEDIATELY**, local costs shall be reduced by \$5.00 and redirected. Pursuant to ORC 1901.26, the clerk's office shall increase the Special Projects fee from

\$22.00 to \$25.00 and shall increase the Court Technology fee from \$1.00 to \$3.00.

Because this is an internal fee adjustment, the court's waiver/ bond lists shall not be affected.

SO ORDERED.

JOHN M. NICHOLSON, JUDGE

**CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY, CAMBRIDGE, OHIO**

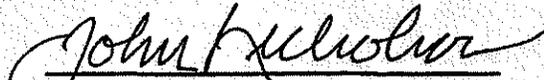
**ADMINISTRATIVE ORDER
MISC J 6 PAGE 11-13**

RE: COURT RECORDS RETENTION

It is hereby ordered that the Clerk of the Cambridge Municipal Court implement Rule 26.05 of the Supreme Court of Ohio, as it applies to the Municipal Court records retention.

THIS ORDER IS EFFECTIVE JULY 26, 2004 AS DEFINED BY THE ATTACHED SCHEDULE PROVIDED BY THE SUPREME COURT OF OHIO.

(SEE ATTACHED RULE 26.05).


JOHN M. NICHOLSON, JUDGE

REC'D BY CLERK ON 07-26-04


JANE PATTERSON, CLERK

FILED
JUL 26 2004
CLERK COURT

**CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY, CAMBRIDGE, OHIO**

ADMINISTRATIVE ORDER

MISC. JOURNAL8 PG _____

December 7, 2011

RE: Court Cost Adjustment

Upon careful consideration, the Clerk Computer Fund (15) being sufficiently funded at this time, and considering the future obligation to satisfy bond debt service for the construction of the Municipal Court project, effective 12-06-11, and pursuant to ORC 1901.26(B), the Court shall INCREASE the Special Projects Court Cost from \$25.00 to \$30.00 on the filing of each cause of action including civil filings.

Offsetting this adjustment, pursuant to ORC1901.261(A)(1), the Court shall DECREASE the Clerk Computer Fund Court Cost from \$9.00 to \$4.00 on the filing of each cause of action including civil filings.

SO ORDERED.

**_____
JOHN M. NICHOLSON, JUDGE**

**CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY, CAMBRIDGE, OHIO**

ADMINISTRATIVE ORDER

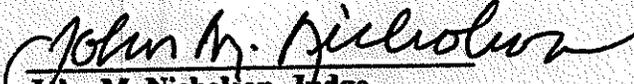
MISC. JOURNAL9 PG 19

**RE: Court Records Management Retention
Electronic Imaging**

DT: April 30, 2014

All Court Records may be maintained in an electronic format.
All cases electronically scanned or imaged by the Court will be either in a "Portable Document Format" (PDF), "Tagged Image File Format" (TIF) or in a format that meets the requirements set down in Sup. R. 26 and will be retained accordingly.

SO ORDERED.


John M. Nicholson, Judge

CAMBRIDGE MUNICIPAL COURT
CAMBRIDGE, OHIO
LAURIE ENGLISH
CLERK OF COURT
MAY - 1 4 11: 34

**CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY**

CAMBRIDGE MUNICIPAL COURT
CAMBRIDGE, OHIO

2015 MAY 29 F 3:06

LAURIE ENDLY
CLERK OF COURT

**ADMINISTRATIVE ORDER
MISC. JOURNAL 9 PAGE _____**

Date: May 29, 2015

Re: Dormant Judgments - Garnishments - Motions for Revivor

The effective date for the Court's policy on dormant judgments, garnishments, and Motion for Revivor is effective May 1, 2015.

Refer to the attached memorandum of law for the specific issues.

It is the Court's intention to incorporate this policy into an upcoming review of the Court's Local Rules.

SO ORDERED.


JOHN M. NICHOLSON, JUDGE

CC: Civil Department

MEMO

TO: Judge John M. Nicholson

FROM: Magistrate Andrew Warhola

DATE: April 23, 2015

RE: Revival of Dormant Judgments

I have completed research on the revival of dormant judgments and how the process effects certificates of judgment and future executions upon revived judgments. The issue is whether a certificate of judgment can legally be "renewed" in the Clerk of Courts Office in the Common Pleas Court and thereby "revive" a dormant judgment originally rendered by the Municipal Court. Can the Plaintiff proceed with an action in aid of execution in the Municipal Court upon a dormant judgment that has allegedly been "revived" by the "renewal" of the certificate of judgment in the Common Pleas Court?

Based upon my review of the Ohio statutes and case law, it is my opinion that Ohio Law does not allow for the revival of a dormant judgment by the renewing of a certificate of judgment after dormancy has occurred. A dormant judgment will remain dormant unless and until a motion for revivor of the dormant judgment is filed in the original Municipal Court case and properly served upon the judgment debtor according to law. There is no legal authority for the revivor of a dormant judgment by the filing of a "renewed" certificate of judgment with the Clerk of Courts. The Municipal Court cannot and should not allow actions in aid of execution upon dormant judgments unless they are revived by the approved statutory procedures outlined above. Leslie McCauley and Cindy Thompson should be advised that this Court will not authorize actions in aid of execution upon dormant judgments that are not revived according to the above statutory procedures. The Clerk of Courts and Judge Ellwood should be notified accordingly.

The basis for my opinion is as follows:

1. The Ohio Legislature regulates the exercise of the right to enforce legal judgments in this state.
2. A judgment becomes dormant within five years of such judgment or within five years of the date of issuance of the last execution thereon, or the issuance and filing of the last certificate of judgment, whichever is later. See R.C. 2329.07(A).
3. Dormancy of a judgment destroys its legal force and effect. Execution may not be issued thereon until it is legally revived.
4. Revivor of a dormant judgment is controlled by statute. See R.C. 2325.15 to 2325.20.
5. The exclusively prescribed method in Ohio for reviving a dormant judgment is by motion in the original case. R.C. 2325.15; R.C. 2325.17; 62 O. Jur. 3d, Judgments, Sections 155, 160 and 161. There is no statute that authorizes revivor of dormant judgments by renewing a certificate of judgment by the Clerk of Courts
6. The original judgment debtor must be served with the motion for revivor according to law in order to afford them the opportunity to present any relevant defenses to the motion for revivor. 62 O. Jur. 3d, Judgments, Section 163.
7. After 28 days from the date of service of the motion for revivor upon the judgment debtor, the judgment "shall stand revived" if sufficient cause is not shown to the contrary by the judgment debtor. R.C. 2325.17.
8. The revivor of a dormant judgment does not automatically revive the previously filed certificate of judgment, but allows for the filing of a new certificate of judgment. Columbus Check Cashers, Inc. v. Cary (2011), 196 Ohio App. 3d 132; Thompson v. Slone (1991), 68 Ohio App. 3d 575.

If the court has any further questions regarding these issues, please advise.

cc: Leslie McCauley, Chief Civil Clerk
Cindy Thompson, Civil Clerk

**CAMBRIDGE MUNICIPAL COURT
GUERNSEY COUNTY**

CAMBRIDGE MUNICIPAL COURT
CAMBRIDGE, OHIO

OCT 21 P 2 41

AURIE ENDLY
CLERK OF COURT

**ADMINISTRATIVE ORDER
MISC. JOURNAL 9 PAGE 59**

Date: October 21, 2014

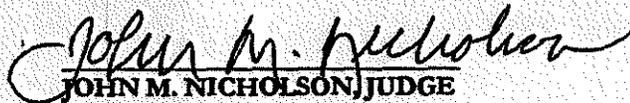
Re: ELECTRONICALLY PRODUCED TICKET

After a period of public comment and in consideration of any comments received, the Court hereby adopts the following local rule:

10.01 ELECTRONICALLY PRODUCED TICKET

In accordance with amendments to Traffic Rules 3 and 25 effective January 1, 2014, the use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Cambridge Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a printed copy of the ticket, in compliance with Traffic Rule 3(F) (1) and (2).

SO ORDERED.


JOHN M. NICHOLSON, JUDGE