

- Vandalia Municipal Court -

RULES OF CIVIL PRACTICE

Rule 11.00 CIVIL RULES

The Municipal Court shall follow the rules governing the Courts of Ohio and Rules of Superintendence.

Rule 12.00 CIVIL PROCEDURE

The civil procedure of this Court shall be that which is prescribed by the Ohio Rules of Civil Procedure and amendments thereto. The Court shall follow Chapters 1923 and 5321 of the Ohio Revised Code as to Forcible Entry and Detainer Actions and Chapter 1925 of the Ohio Revised Code as to Small Claims Actions.

Rule 13.00 CIVIL COSTS AND FEES

Costs in civil cases shall be assessed and payable on filing according to the Schedule of Costs, a copy of which is available upon request in the civil division of the Clerk of Courts Office.

No fee shall be charged by any officer or employee of the Municipal Court to notarize affidavits or any other matter pertinent to the business of the Court.

Rule 14.00 EXTENSIONS FOR FILINGS

Upon Motion, for good cause shown, and in accordance with the Civil Rules, the time for filing pleadings or other matters may, at the Court's discretion, be extended for such reasonable time as the Court may provide by written order.

Rule 15.00 PRE-TRIAL CONFERENCE

In any civil action the Court may, in its discretion, assign such cause for pretrial conference. If a pretrial is ordered, the pretrial conference shall be conducted in person, unless otherwise specified by the Court.

Notice of the date, time and place of such pretrial conference shall be given by the assignment commissioner to all counsel of record and parties not represented by counsel. Trial counsel, or the parties themselves if not represented by counsel, are to be fully prepared to discuss the following matters at the conference:

1. The possibility of settlement;
2. If a jury has been timely requested, a decision as to whether the case is to be tried by a jury or whether a jury is to be waived;
3. The setting of discovery, motion filing and other cut-off dates;
4. A narrowing of any issues, factual or legal, by means of stipulation;
5. Determination of the trial date and the probable length of time for trial.

Rule 16.00
CIVIL JURY TRIAL DEMAND AND DEPOSIT

A party desiring a jury trial shall file a jury demand in writing in accordance with Civ. R. 38 and 39. The party making a demand for a jury shall deposit with the Clerk of Courts a sum as set forth in the Schedule of Costs. Said deposit may be made at the time the demand is filed, but in any event no later than seven days following the pretrial conference. The jury shall not be drawn unless there is available in a fund, subject to the control of the Clerk, sufficient money to pay the fees of jurors and related costs.

The failure of a party demanding the jury to comply with any of the provisions of this rule shall constitute a waiver of the jury and the matter shall be submitted to, and decided by, the Court or Magistrate.

Rule 17.00
BRIEFS

In all cases of trial by jury, the parties shall be required to file final pretrial briefs. All pretrial briefs shall be filed by a date set by the Judge or Magistrate and shall include a recitation of the undisputed facts; a recitation of disputed legal and factual issues, stipulations, if any; relevant case law and statutory authority; a list of witnesses to be called to testify; and, any proposed jury instructions.

Rule 18.00
NOTICE OF TRIAL

When a civil case is assigned for trial, the Clerk shall mail a notice containing the date, time and place of trial to attorneys of record, or to parties if unrepresented by counsel, and shall file a copy of such notice with the original papers. It shall be the responsibility of each party, or their attorney of record, to timely notify this Court of any change in address.

The notice shall be mailed at least ten (10) days before the date of trial, except in Forcible Entry and Detainer cases (see Vand. R. 24)

Rule 19.00
MOTIONS

All Motions, other than those made in open court on the record, must be in writing, accompanied by a written memorandum containing the arguments of counsel and pertinent law and filed in accordance with the Ohio Rules of Civil Procedure. Opposing memoranda shall be filed not later than fourteen (14) days from the service of the motion or on the day prior to the trial or hearing on the motion, whichever is earlier. Motions shall be deemed submitted when opposing memoranda are filed or the time for filing expires, whichever is earlier. No oral hearing shall be held unless otherwise ordered by the Court. If the court schedules a motion for oral hearing, failure of the movant to appear for such hearing may be deemed an abandonment of the Motion.

Rule 20.00
ENTRIES AND ORDERS

- A. JUDGMENT ENTRIES: Counsel for the party in whose favor an Order or Judgment is rendered shall prepare a Judgment Entry and submit it to the Court within fourteen (14) days of said decision. No Entry shall be accepted for filing unless signed by a Judge or Magistrate. ALL ENTRIES SHALL DESIGNATE THAT A COPY OF SAME HAS BEEN ISSUED TO THE OPPOSING COUNSEL OR PARTY, IF UNREPRESENTED.
- B. SUBMISSION: Entries and Orders shall not be submitted while Court is in trial. Entries and Orders, endorsed by all counsel involved, may be left with the Clerk's Office.
- C. CONTENT: Entries shall be drawn in language that is appropriate to the specific facts of the case in which it is to be filed. Nothing in this Rule precludes the Court from preparing and filing a Judgment Entry sua sponte.

D. AGREED JUDGMENT ENTRIES: Entries of settlement may be filed at any time; however, the avoidance of trial by settlement shall be allowed only upon submission of an Agreed Judgment Entry before commencement of the trial, or by placing the agreement on the record on the scheduled date for trial. Any variance from this rule is subject to Court approval.

Rule 21.00
CONTINUANCES

This Court is opposed to needless delay in the handling of its business and where a court date has been cleared with the parties, or their counsel, requests for continuances of such matters are discouraged. Every request for continuance shall be by written Motion & Entry, unless made on the record in open court. The Motion shall set forth the date from which a continuance is requested and the reasons for such request. MOTIONS MADE FOR CONTINUANCE DUE TO SCHEDULING CONFLICTS WITH ANOTHER COURT OF RECORD MUST HAVE ATTACHED A COPY FROM SAID COURT OF THE SCHEDULING NOTICE WHICH SET THE MATTER IN CONFLICT.

Attorneys submitting motions for continuance are encouraged to contact opposing counsel to obtain consent for said request. The movant shall submit an entry indicating the outcome of such efforts and shall provide blanks for the new trial or hearing date, time and courtroom.

This rule does not restrict the court's exercise of discretion in granting or denying continuances.

Rule 22.00
DISMISSAL FOR WANT OF PROSECUTION

All cases, not reduced to Judgment, which have remained on the docket for six (6) months without the filing of any motion, pleading or entry shall be dismissed by the Court, at Plaintiff's cost, upon giving of proper notice.