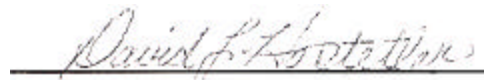


IN THE COSHOCTON MUNICIPAL COURT, COSHOCTON COUNTY, OHIO

**ADMINISTRATIVE ORDER**

Local Rules of Caseflow Management, as attached hereto and renumbered, specifically new page five (5) with regards to COMMUNITY SERVICE OPTION are hereby ORDERED amended as specified therein. Said amendment is to be effective immediately upon the filing of this ORDER.

A handwritten signature in cursive script, reading "David L. Hostetler", is written over a horizontal line.

David L. Hostetler, Municipal Judge

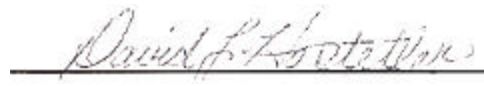
Dated at Coshocton, Ohio  
this 12th day of March, 1996

cc Supreme Court of Ohio  
All local attorneys  
Coshocton Municipal Court Clerk's office  
including deputies, bailiff, & probation officer  
Coshocton Municipal Judge Office & Bench  
Coshocton Municipal Prosecutor  
Coshocton Public Defender  
Hallway Bulletin Board

IN THE COSHOCTON MUNICIPAL COURT, COSHOCTON COUNTY, OHIO

ADMINISTRATIVE ORDER

Coshocton Municipal Court LOCAL RULES OF CASEFLOW MANAGEMENT are hereby ORDERED amended by new page number 13 to replace old page number 13 as it pertains to Coshocton Municipal Court fees to be assessed, specifically with regard to filing fees for garnishments as to personal earnings due to the passage of Senate Bill 770, which becomes effective March 30, 1999. This amendment is also to be effective March 30, 1999.

A handwritten signature in cursive script, reading "David L. Hostetler", is written over a horizontal line.

David L. Hostetler, Municipal Judge

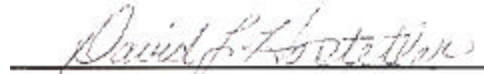
Dated at Coshocton, Ohio  
this 26 th day of March, 1999

cc      The Supreme Court of Ohio  
         Municipal Court Clerk's office  
         Municipal Judge (Office and Bench)  
         Hallway Bulletin Board  
         Any other interested parties

**IN THE COSHOCTON MUNICIPAL COURT, COSHOCTON COUNTY, OHIO**

**ADMINISTRATIVE ORDER**

Local Rules of Caseload Management, as attached hereto, are hereby ORDERED amended by the inclusion of attachments as to the electronically Monitored Home Arrest Program conditions and terms. said conditions and terms are self-explanatory. This amendment is to become effective immediately upon the filing of this ORDER.

A handwritten signature in cursive script, reading "David L. Hostetler", is written over a horizontal line.

David L. Hostetler, Municipal Judge

Dated at Coshocton, Ohio  
This 13<sup>th</sup> day of February, 1998

cc Supreme Court of Ohio

**LOCAL RULES OF CASEFLOW MANAGEMENT**

**COSHOCTON MUNICIPAL COURT**

**EFFECTIVE JULY 1, 1991**

**AS AMENDED: MARCH 12, 1996**

I. **CASEFLOW MANAGEMENT IN CRIMINAL CASES**

(A) **PURPOSE**

- (1) The purpose of -this rule is to establish, pursuant to Rule 18 of the Municipal Court Rules of Superintendence, a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the Court justice system.

(B) **FIRST TRIAL DATE**

- (1) Scheduling begins at arraignment. Each defendant who enters a plea of "not guilty" at arraignment or who files a written plea of "not guilty" pursuant to the Ohio Rules of Criminal Procedure, will immediately receive a trial date.

(C) **PRE-TRIALS**

- (1) Written requests for pre-trial, filed at least ten days before trial, will automatically be granted by the Court on all 1st 2nd, 3rd, & 4th degree misdemeanors. Said request for pre-trial will also be construed as a request for continuance of the current trial date unless the request specifically indicates otherwise. A new trial date, as necessary, will be provided at the pre-trial. The new trial date will be set on a date no sooner than ten days from the time of the pre-trial so that a request for a pre-trial will not operate as a waiver of the opportunity to timely demand a trial by jury.
- (2) A pre-trial will automatically be scheduled by the Court following any timely request for jury trial unless a pre-trial has already been held.
- (3) All discovery should be completed prior to pre-trial.
- (4) The pre-trial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon shall be filed in said case. Attorneys should be prepared to knowledgeably discuss potential issues for settlement, affirmative defenses, and any questionable evidence or legal issues as to the admissibility of evidence.
- (5) Any attorney who fails to appear for pre-trial without just cause being shown may be punished for contempt of Court. All defendants must be present for the pre-trial. Failure to appear without prior Court approval will be subject to forfeiture of any bond posted and a bench warrant shall issue for said defendant's arrest.

(D) **MOTIONS**

- (1) All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure.

(E) **JURY TRIALS**

- (1) If a jury demand is timely filed, then the case will be moved to the jury trial schedule.

(F) **SENTENCING**

- (1) Dispositional hearings shall be held immediately following determination of guilt unless a continuance of disposition is granted by the Court for good cause.

(G) **CONTINUANCES**

- (1) No party shall be granted a continuance of a trial or a hearing without a written motion from the party or his counsel stating the reason for the continuance.
- (2) Te absence of an unforeseeable emergency no continuance will be granted unless it is requested in writing at least seven days prior to the trial date.
- (3) When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial or hearing on the same date in the same or another trial ,court of this State., the case 'which was first set for trial shall have priority and shall be tried on the date assigned.
- (4) Criminal cases assigned for trial have priority over civil cases assigned for trial.

- (5) 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 Judge may require the trial attorney to provide a substitute trial attorney.
- (6) In the absence of extraordinary circumstances, as determined within the discretion of the Court, no continuances for lack of counsel, lack of preparedness, or for the reason that counsel has been recently retained, or substituted, shall be granted unless said continuance request is made in writing at least ten days prior to the scheduled trial date.
- (7) The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial Court.

**(H) FAX FILING**

- (1) All documents and pleadings may be filed with the Coshocton Municipal Court by fax as follows:

- (a) Documents and pleadings received prior to 4:00 P.M. Monday through Friday, excluding holidays, will be file-stamped and docketed on the day received.
- (b) Documents and pleadings received after 4:00 p.m. Monday through Friday, excluding holidays, will be file-stamped and docketed on the next Court day.
- (c) Documents and pleadings received on weekends or legal holidays when the Court is not in session will be file-stamped and docketed on the next Court day.
- (d) Any person, attorney, or entity who files by fax a document or pleading with the Court attests thereby that the document or pleading transmitted is the original document or pleading.
- (e) Any person, attorney, or entity who files by fax a document or pleading with the Court, containing a signature, attests thereby that the signature is genuine and that the document or pleading has not been altered since the signature was affixed.
- (f) A fax duplicate, in compliance with these rules, shall be accepted for filing to the same extent as an original unless:
  1. A genuine question is raised as to the authenticity of the original or,
  2. the Coshocton Municipal Court determines within its discretion that the filing of the original document or pleading will be required.
  3. The time of filing of a subsequent original will relate back to the filing of the initial faxed duplicate unless the Court determines that Rule (H)(1)(d) or Rule (H)(1)(e) has been violated.
- (g) Violation of Rules (H)(1)(d) or (H)(1)(e) may subject the sender to contempt of court proceedings or other penalties provided by law.

**I COMMUNITY SERVICE OPTION**

- (1) Any person against whom a fine and/or court costs have been imposed, who lacks resources to pay said fine and costs, or when such payment would create an economic hardship, may pay said fine and costs by performing community service at a \$5.00 credit per hour of community service performed.
- (2) A community service work schedule will be assigned by the clerk's office or the probation department to each person upon request. All such work assignments will be approved and enforced by court order.

**II. CASEFLOW MANAGEMENT IN CIVIL CASES**

**(A) PURPOSE**

- (1) The purpose of this rule is to establish, pursuant to Rule 18 of the Municipal Court Rules of Superintendence, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

**(B) SCHEDULING AND SERVICE**

- (1) Scheduling of a civil case commences immediately upon filing.
- (2) Summons shall be served in accordance with the Ohio Rules of Procedure. In the event that there is a failure of service, the clerk shall immediately notify counsel. If counsel fails to obtain service of summons within six (6) months from the date of filing, the Clerk shall notify counsel that the case will be dismissed in fifteen (15) days unless good cause is shown to the contrary.
- (3) Upon perfection of service, the clerk shall notify counsel of a default and advise that failure to submit a motion and entry within fifteen (15) days may result in dismissal of the case.
- (4) Upon the filing of an answer, the clerk shall immediately schedule the case for pre-trial and mail notice and pre-trial statement forms to counsel.

**(C) MOTIONS**

- (1) All motions must be in writing and accompanied by a written memorandum containing citations or arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter unless time, for good cause, is extended by the Court. There will be no oral hearings granted on said motions unless the parties request same, in writing, and the Court deems it necessary.
- (2) All questions relating to the listing, consolidating and severing of cases shall be submitted, by motion, to the Judge. The Court, however, on its' own motion, may consolidate or sever cases at any time before the taking of testimony begins.

**(D) PRE-TRIALS**

- (1) The primary purpose of the pre-trial conference shall be to achieve an amicable settlement of the controversy in suit. If the Court concludes that the prospect of settlement does not warrant further Court supervised negotiations, the Court shall act on any other matters which come before it at that time and efforts shall be made to narrow legal issues, to reach stipulations as to facts in controversy, and, in general, to shorten the time and expense of trial. The Court may enter a pre-trial ORDER, which will become part of the record of the case, embracing all stipulations, admissions, and other matters which have come before it. The Court shall, at that time, determine whether or not trial briefs and/or proposed jury instructions should be submitted and shall fix a date when they are to be filed.
- (2) At least one week prior to the scheduled pre-trial hearing, the Judge shall require counsel for both sides to completely execute and file a separate pre-trial statement with the Clerk, and with a copy to opposing counsel on behalf of their respective clients. Before the submission of such statements counsel must confer with each other and the statements must reflect the results of their conference. In the event of any unnecessary delay or failure to cooperate as required herein, the Judge shall invoke the sanctions authorized under Ohio Civil Rule 37
  - (a) The pre-trial statements will recite a brief description of the case and of the injuries involved; they will list, item by item, the ascertainable damages such as medical expenses, lost earnings, property damage, etc., they will indicate the status of depositions and physical examinations; and they will reflect the lowest demand and the highest offer.
  - (b) Since Civil Rule 16 authorizes the Court to require counsel to exchange the reports of medical and expert witnesses expected to be called by each party, the pre-trial statements shall indicate full compliance with this aspect of the rule. Expert witnesses whose reports have not been furnished prior to pre-trial permitted to testify at the trial.
- (3) The provisions of this rule shall apply to the extent to which they are appropriate to cases other than for the recovery of damages for injury to persons or property. A counterclaimant shall be considered a plaintiff and shall comply with the provisions applicable to plaintiffs.
- (4) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions and must have full settlement authority.

(5) After the pre-trial conference, counsel may engage in further discovery proceedings, provided they do not result in delay of trial of the case. In the event counsel request discovery proceedings that would cause a delay of trial, the right to such discovery shall be determined by the Court. The Court, however, reserves the right to set the case for trial before the completion of any further discovery and without additional pre-trials.

(6) The Judge presiding at a or trial shall have the authority:

(a) To dismiss an action for want of prosecution on motion of defendant upon the failure of plaintiff and/or his counsel to appear in person at any pre-trial conference or trial.

(b) To order plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of defendant and/or defense counsel to appear in person at any pre-trial conference or trial as required in these rules.

(c) To make such other ORDER as the Court may deem appropriate under all the circumstances.

(7) At all pre-trial conferences:

(a) Plaintiffs must be present if within the jurisdiction of the Court. If not within the jurisdiction of the Court, plaintiff's counsel must have authority to discuss all phases of the case and power to settle the case.

(b) If within the jurisdiction of the Court, defendant must be present, except where the real party in interest is an insurance company, common carrier, corporation, or other artificial legal entity in which case a representative thereof with authority to negotiate and power to settle the case must be present.

(c) Counsel must have full authority to negotiate and must have conferred with each other prior to the pre-trial conference.

(8) Any attorney for a party to the action who fails to attend a scheduled pre-trial conference, or who otherwise fails to comply as set forth in these rules, without just cause being shown, may be punished as in contempt of this Court.

#### **(E) CONTINUANCES**

(1) No party shall be granted a continuance of a trial or a hearing without a written motion from the party or his counsel stating the reason for the continuance.

(2) In the absence of an unforeseeable emergency, no continuance will be granted unless it is requested, in writing, at least seven (7) days prior to the trial date.

(3) When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial or hearing on the same date in the same or another trial Court of this State, the case which was first set for trial shall have priority and shall be tried on the date assigned.

(4) Criminal cases assigned for trial over civil cases assigned for trial.

(5) 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 Judge may require the trial attorney to provide a substitute trial attorney.

(6) In the absence of extraordinary circumstances, as determined within the discretion of the Court, no continuance for lack of counsel, lack of preparedness, or because counsel has been recently retained, or substituted, shall be granted unless said request is made in writing at least ten (10) days prior to the scheduled trial date.

(7) The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial Court.

#### **(F) JUDGMENT ENTRIES**

(1) When a file has been marked "settlement entry forthcoming" and said entry has not been received within thirty (30) days, the Clerk shall notify the parties that the case will be dismissed for want of prosecution unless the entry is received within fifteen (15) days.

(2) Counsel for the party in whose favor an ORDER of judgment is rendered shall prepare the judgment entry. That entry shall be submitted to opposing counsel within five (5) days of the decision. opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the judgment entry shall be submitted to the Judge with any objections noted. Thereafter the Court will prepare the judgment entry.

(3) Judgment entries shall state which party is to pay the costs of the proceeding.

**(G) FAX FILING**

(1) All documents and pleadings may be filed with the Coshocton Municipal Court by fax as follows:

(a) No documents or pleadings which require a filing fee pursuant to the Coshocton Municipal Court's schedule of fees will be file-stamped or docketed until the filing fee is received by the office of the Clerk of the Coshocton Municipal Court.

(b) Documents and pleadings received prior to 4:00 p.m. Monday through Friday excluding holidays will be file-stamped and docketed on the day received except as provided in subsection (a)

(c) Documents and pleadings received after 4:00 p.m. Monday through Friday excluding legal holidays will be file-stamped and docketed on the next court day except as provided in subsection (a)

(d) Documents and pleadings received on weekends or legal holidays when the Court is not in session will be file-stamped and docketed on the next court day except as provided in subsection (a)

(e) Any person, attorney, or entity who files by fax a document or pleading with the Court attests thereby that the document or pleading transmitted is the original document or pleading.

(f) Any person, attorney, or entity who files by fax a document or pleading with the Court containing a signature attests thereby that the signature is genuine and that the document or pleading has not been altered since the signature was affixed.

(g) A fax duplicate in compliance with these rules shall be accepted for filing to the same extent as an original unless:

(1) a genuine question is raised as to the authenticity of the original, or

(2) the Coshocton Municipal Court determines within its discretion that the filing of the original document or pleading will be required.

(3) The time of filing of a subsequent original will relate back to the filing of the initial faxed duplicate unless the Court determines that Rule (G)(1)(e) or Rule (G)(1)(f) has been violated.

(h) Violation of Rules (G)(1)(e) or (G)(1)(f) may subject the sender to contempt of Court proceedings or other penalties provided by law.