

**CIRCLEVILLE MUNICIPAL COURT
151 E. FRANKLIN ST.
CIRCLEVILLE, OHIO 43113**

CASE MANAGEMENT IN CIVIL CASES

(A) Purpose: The purpose of this rule is to establish, pursuant to M.C. sup. R18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

(1) Filing: Filing of a complaint shall be as per the Ohio Civil Rules of Procedure except as addressed in (A) (2) below.

(2) Attachments to Pleadings In Credit Card Cases: In any complaint on a credit card account, which under Civ. R. 10 (D)(1) requires an attachment in excess of 15 pages, the plaintiff shall aver that the entire account is not attached for the reason that the entire account is too voluminous to practically attach, but may be provided in discovery on request of the defendant. Any complaint based upon a credit card account with an attachment in excess of 15 pages as to the account itself shall be returned without being filed by the clerk to the plaintiff for modification of the pleading to conform to this rule and the costs of mailing shall be charged to the plaintiff in court cost calculations.

Any complaint based upon a credit card account should at a minimum state the contractual basis for the interest claimed and attach any documentation, which exhibits the defendant's agreement to the interest terms to satisfy Civ. R. 10 (D)(1).

(B) Scheduling of Events: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and five (5) judicial steps.

(C) Clerical steps:

(1) Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately for other instructions or complete regular mail service if an "unclaimed" or "refusal" is returned. If counsel fails to obtain service of summons within six (6) months from the date the cause of action has been

filed, then the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

(2) Upon appearance of service, the clerk shall notify counsel. Failure to submit an entry for default judgment within fifteen (15) days may result in the case being dismissed.

(3) After any responsive pleading is filed, the clerk shall immediately set said pleading and file for hearings. A "consolidated notice" shall set pretrial and trial dates. Those dates shall establish reasonable goals and should not be deviated from unless on motion approved by the parties and counsel.

(4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the moving party that the matter will be dismissed within fifteen (15) days unless good cause is shown.

(5) When either counsel notes that a "settlement entry to come" and the entry has not been received within thirty (30) days, then the clerk shall notify all parties that the case will be dismissed unless the entry is received within ten (10) days.

(D) Judicial steps:

(1) Status Management: After an answer is filed, the case will be assigned to the judge or magistrate and the clerk will forward the file to said judge or magistrate to set hearing dates noted above. The pretrial hearing may be heard in court or by phone. The purpose of the hearing is to assure discovery and motion deadlines so the trial schedule can be maintained.

(2) Motions: All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the court.

There will be no oral hearings granted in said motions unless the parties request an oral hearing in writing and the court deems it necessary.

(3) Pretrials: For the purpose of this rule, "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used hereinafter shall mean the party or parties to the action and/or, his, hers, or their attorney of record.

Any attorney for a party of the action who fails to attend a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this court or default may be granted.

Consolidated notices shall be given to all counsel of record by mail and/or by telephone from the assignment commissioner/clerk not less than thirty (30) days prior to the hearing date. Any application for continuance of the conference shall be addressed to the judge.

Counsel attending the pretrial conference must have complete authority to stipulate items of evidence, have documents in possession, a witness list and all other relevant information and must have full settlement authority.

The Court and the parties shall attempt 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 will file a written pretrial statement to become part of the record and the case embracing all stipulations, admissions and other matters which have come before it in the pretrial. The court and counsel shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.

Any judge or magistrate presiding at pretrial conference or trial shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of counsel to appear in person at any pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference or trial as required; and to make such other orders as the court may deem appropriate under all the circumstances.

If the case cannot be settled at pretrial, the case will be tried at the time previously scheduled to all parties.

(4) Continuances: No party shall be granted a continuance of a trial or a hearing without a written motion signed by the party and his counsel stating a substantial reason for the continuance.

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 first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

(5) Judgment entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal 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 journal entry shall be submitted to the judge, or, thereafter, the court will prepare the journal entry.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution.

Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution.

The journal entry shall state which party will pay the court cost, the interest rate and effective date of interest, if any.

(E) Effective date: These rules are effective August 27, 2008, and may be amended from time to time to enhance the efficient and effective operation of the Court.

GARY DUMM, JUDGE