PROPOSED AMENDMENTS TO THE

RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS

Comments requested: The Supreme Court of Ohio will accept public comments until October 26, 2016, on the following proposed amendments to the Ohio Rules of Civil Procedure (4.2, 19.1, 30, 33, 34, 36, 62, and Civil Form 1), the Ohio Rules of Criminal Procedure (5, 6, 32.2, and proposed 42), the Ohio Rules of Evidence (103), the Ohio Rules of Appellate Procedure (11.1 and 19), and the Ohio Traffic Rules (16).

Authority: The proposed amendments are being considered by the Supreme Court pursuant to Article IV, Section 5(B) of the Ohio Constitution, as proposed by the Commission on the Rules of Practice and Procedure in Ohio Courts and pursuant to the document styled "Process for Amending the Rules of Practice and Procedure in Ohio Courts" as set forth on the following page.

Purpose of Publication: The Supreme Court has authorized the publication of the proposed amendments for public comment. The authorization for publication by the Court is neither an endorsement of, nor a declaration of intent to approve the proposed amendments. The purpose of the publication is to invite the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effect of the proposed amendments.

Comment Contact: Comments on the proposed amendments must be submitted in writing to Jess Mosser, Policy Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431 or Jesse.Mosser@sc.ohio.gov and received no later than October 26, 2016. Please include your full name and regular mailing address in any comment submitted by e-mail. Copies of all comments submitted will be provided to each member of the Commission on the Rules of Practice and Procedure and each Justice of the Supreme Court.

Comment Deadline: Comments must be submitted no later than October 26, 2016.

Staff Notes: A Staff Note may follow a proposed amendment. Staff Notes are prepared by the Commission on the Rules of Practice and Procedure. Although the Supreme Court uses the Staff Notes during its consideration of proposed amendments, the Staff Notes are not adopted by the Supreme Court and are not a part of the rule. As such, the Staff Notes represent the views of the Commission on the Rules of Practice and Procedure and not necessarily those of the Supreme Court. The Staff Notes are not filed with the General Assembly, but are included when the proposed amendments are published for public comment and are made available to the appropriate committees of the General Assembly.

PROCESS FOR AMENDING THE

RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS

In 1968 the citizens of Ohio approved proposed amendments to Article IV of the Ohio Constitution granting the Supreme Court, among other duties, rule-making authority for the judicial branch of Ohio government. These amendments are widely known as the Modern Courts Amendment.

Pursuant to this rule-making authority, the Supreme Court has created the Commission on the Rules of Practice and Procedure ("Commission"). The Commission consists of nineteen members, including judges as nominated by the six judges' associations, and members of the practicing bar appointed by the Supreme Court. The Commission reviews and recommends amendments to the Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, Rules of Juvenile Procedure, and Rules of Evidence.

In the fall of each year, the Commission submits to the Supreme Court proposed amendments to the rules of practice and procedure that it recommends take effect the following July 1. The Supreme Court then authorizes the publication of the rules for public comment. The authorization by the Court of the publication of the proposed amendments is neither an endorsement of, nor a declaration of, intent to approve the proposed amendments. It is an invitation to the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effect of the proposed amendments. The public comments are reviewed by the Commission which may withdraw, amend, or resubmit all or any provision of the proposed amendments to the Supreme Court. Pursuant to Article IV, Section 5(B) of the Ohio Constitution, if the proposed amendments are to take effect by July 1, the Supreme Court is required to file the proposed amendments with the General Assembly by January 15.

Once the proposed amendments are filed with the General Assembly they are published by the Supreme Court for a second round of public comment. The Court's authorization of a second round of publication for public comment is neither an endorsement of, nor a declaration of intent to approve the proposed amendments. As with the first round of publication, it is an approval inviting the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effects of the proposed amendments. Once the second round of public comments is ended, the comments are reviewed by the Commission which may withdraw, amend, or resubmit all or any provision of the proposed amendments to the Supreme Court for final consideration.

Pursuant to Article IV, Section 5(B) of the Ohio Constitution, the Supreme Court has until April 30 of each year to accept all or any provision of the proposed amendments, and file with the General Assembly the amendments which the Court approves. The General Assembly has until June 30 to issue a concurrent resolution of disapproval for all or any portion of a

proposed amendment the Supreme Court has proposed. If a concurrent resolution of disapproval is not issued by that date, the proposed amendments become effective July 1.

Below is a summary of the proposed amendments. In addition to the substantive amendments, nonsubstantive grammar and gender-neutral language changes are made throughout any rule that is proposed for amendment.

SUMMARY

1. OHIO RULES OF CIVIL PROCEDURE

Civ.R. 4.2—Allowing Service Through Secretary of State in Certain Instances

The Commission recommends amendments to Civ.R. 4.2 to allow for service to be made upon certain persons by serving the Secretary of State. These certain persons would be address confidentiality "program participants" as defined by the recently enacted R.C. 111.41 to 111.99. Program participants include victims of domestic violence and other persons who would be at risk of harm should their address be disclosed.

Civ.R. 19.1—Adding Adult Emancipated Child Loss of Consortium Cases to Compulsory Joinder List

The Commission recommends the amendment of Civ.R. 19.1 so as to include adult emancipated children making claims for loss of consortium with an injured parent. Parties holding such a claim would be joined in any personal injury case involving injury to the parent.

Civ.R. 30(C)—Any Party May Examine Deponent, at Any Deposition

The Commission recommends amendments to Civ.R. 30(C) which clarify that any party at a deposition may examine the deponent, regardless of who actually called the deposition. The proposed amendment also requires that the parties bear pro rata the recording and transcription costs of the deposition. The proposed amendment also strengthens language requiring that any objections be made in a nonargumentative and nonsuggestive manner.

Civ.R. 33, 34, and 36 —Eliminating the Service of Written Discovery at Same Time as Complaint

The Commission recommends amendments to Civ.R. 33, 34, and 36 that would disallow the service of written discovery requests contemporaneous with service of the initial complaint. Under the current rules, a party may submit to a clerk's office their complaint and any written discovery request to be served simultaneously. The proposed amendments would require that the initial complaint be served before any written discovery requests could be initiated.

Civ.R. 62—Allowing for Immediate Stay of Judgment

The Commission recommends amendments to Civ.R. 62 to provide that a court may issue a stay of judgment – or stay of proceedings to enforce that judgment – upon a party's motion any time after the judgment was issued. Under the current rule, a judgment cannot be stayed until a party files a motion for a new trial, judgment notwithstanding the verdict, or relief from judgment under Civ.R. 60(B). These amendments would allow the trial court to stay a judgment without a party having to prepare a full post-judgment motion.

Civil Form 1 —Summons

The Commission recommends that the Civil Form summons be amended to include information about attorney referral services and legal aid. Furthermore, portions of the form were translated into multiple languages. This form is found below in both a "strikethrough" version that shows any removed language and a "clean" version that shows only the proposed amendments.

2. OHIO RULES OF CRIMINAL PROCEDURE

Crim.R. 5—Clarifying a Full Transcript is Unnecessary in Bindover to Common Pleas Court

The Commission proposes an amendment to Crim.R. 5(B)(7) that would clarify that, in cases bound over from Municipal Court to Common Pleas Court, a verbatim written record of any proceedings is not required to be transmitted. This is done by replacing the term "transcript" with "record." A staff note is also proposed to elaborate on the reason for the word change.

Crim.R. 6—Reforming the Processes Used to Record Grand Jury Proceedings and Who May Access Those Records

The Commission proposes amendments to Crim.R. 6 that would address various pieces of the grand jury system. First, the amendments would establish a new procedure for obtaining grand jury records. In the event that a grand jury does not return an indictment, any person may request that the records from that case be released. Should the court determine that request meets certain benchmarks set forth in the rule, a hearing will be held as to the release of the records. The prosecutor shall have the opportunity to be heard at this hearing, and it will be conducted in camera. At such a hearing, the court will consider various factors set forth by the rule.

Additionally, these amendments would further specify exactly which grand jury functions – such as testimony, questions, or legal advice to jurors – is considered part of the "grand jury record." The amendments also clarify which office shall keep those records.

Crim.R. 32.2—Allowing for Waiver of Presentence Investigation

The Commission proposes an amendment to Crim.R. 32.2 that would allow the waiver of a presentence investigation upon the agreement of the defendant and the prosecutor before the

imposition of community control sanctions. The trial court would retain the ability to order a presentence investigation regardless of whether the parties agreed to waive. This amendment was proposed at the request of the General Assembly, which recently passed legislation allowing for such a waiver of the presentence investigation.

Crim.R. 42—Post-Conviction Review of Capital Cases; Appointment of Experts

The Commission recommends the creation of Crim.R. 42 to establish clear procedures for receiving and ruling upon motions for post-conviction relief in capital cases. This proposed rule makes clear the level of access parties would have to discovery materials in post-conviction capital cases.

The rule would also establish a new procedure for indigent defendants to request the appointment of experts in capital cases. The defendant would make the request for an expert – under seal and ex parte should they request as much – to the trial court. The trial court would then rule on the request and would be required to make specific written findings should they deny a request. Any appeal of an order related to appointed experts would be governed by App.R. 11.1, set forth below.

3. OHIO RULES OF EVIDENCE

Evid.R. 103—No Need to Repeat Objection Once Court Rules on the Record

The Commission recommends amendments to Evid.R. 103 to make explicitly clear that, once a court has ruled on an objection, on the record either before or after trial, that there no need to renew the objection for purposes of appeal.

4. OHIO RULES OF APPELLATE PROCEDURE

App.R. 11.1—Accelerated Appeal of Order for Experts in Death Penalty Case

The Commission presents proposed amendment to App.R. 11.1 that requires that any order appointing experts in a death penalty case, under the newly proposed Crim.R. 42, be placed on the appellate court's accelerated calendar. It also requires such an appeal, upon defense counsel's request, to be under seal and conducted ex parte.

App.R. 19—No Page/Word Limits for Appeals of Post-Conviction Review in Death Penalty Cases

The Commission presents proposed amendment to App.R. 19 that requires that no page limits or word counts be placed on briefs in proceedings for post-conviction review of a capital case, as defined in newly-proposed Crim.R. 42. Crim.R. 42 expressly excludes direct appeal to the Supreme Court from the definition of "post-conviction review of a capital case."

5. OHIO TRAFFIC RULES

Traf.R. 16—Addressing Judicial Conduct of Mayors Operating Mayor's Courts

The Commission recommends amendment of Traf.R. 16 so as to remove reference to the Ohio Code of Judicial Conduct. Instead, the amendment would require that all mayors comply with Mayor's Court Education and Procedure Rules 3(A)(1)(f) and 4(A)(1)(h). These are the specific rules that require ethics training for mayors who hear criminal cases in a mayor's court.

PROPOSED AMENDMENTS TO THE RULES OF PRACTICE AND PROCEDURE

OHIO RULES OF CIVIL PROCEDURE

RULE 4.2 Process: Who May be Served

[Existing language unaffected by the amendments is omitted to conserve space]

(O) Upon any governmental entity not mentioned above by serving the person, officer, group or body responsible for the administration of that entity or by serving the appropriate legal officer, if any, representing the entity. Service upon any person who is a member of the "group" or "body" responsible for the administration of the entity shall be sufficient.

Service of process pursuant to Civ.R. 4 through 4.6, except service by publication as provided in Civ.R. 4.4(A), may be made upon an address confidentiality program participant, as defined by R.C. 111.41 to 111.99, by serving the Secretary of State.

Proposed Staff Note (July 1, 2017 Amendment)

At the request made by the Legislature in Section 3 of H.B. No. 359, as introduced on October 6, 2015, the 2017 amendment adds a final paragraph to the rule to allow service of process to be made upon an address confidentiality program participant, as defined by R.C. 111.41 to 111.99, by serving the Secretary of State as the program participant's agent.

RULE 19.1 Compulsory Joinder

(A) Persons to be joined. A person who is subject to service of process shall be joined as a party in the action, except as provided in division (B) of this rule, if the person has an interest in or a claim arising out of the following situations:

(1) Personal injury or property damage to the person or property of the decedent which survives the decedent's death and a claim for wrongful death to the same decedent if caused by the same wrongful act;

(2) Personal injury or property damage to a spouse and a claim of the other spouse for loss of consortium or expenses or property damage if caused by the same wrongful act;

(3) Personal injury or property damage to a minor and a claim of the parent or guardian of the minor for loss of consortium or expenses or property damage if caused by the same wrongful act;

(4) Personal injury or property damage to an employee or agent and a claim of the employer or principal for property damage if caused by the same wrongful act;

(5) Personal injury to a parent and a claim of an adult emancipated child of the parent for loss of parental consortium if caused by the same wrongful act.

If the person has not been so joined, the court, subject to division (B) of this rule, shall order that the person be made a party upon timely assertion of the defense of failure to join a party as provided in Civ.R. 12(B)(7). If the defense is not timely asserted, waiver is applicable as provided in Civ.R. 12(G) and (H). If the person should join as a plaintiff but refuses to do so, the person may be made a defendant, or, in a proper case, an involuntary plaintiff. In the event that such joinder causes the relief sought to exceed the jurisdiction of the court, the court shall certify the proceedings in the action to the court of common pleas.

(B) Exception to compulsory joinder. If a party to the action or a person described in ~~s~~ division (A) shows good cause why that person should not be joined, the court shall proceed without requiring joinder.

(C) Pleading reasons for nonjoinder. A pleading asserting a claim for relief shall state the names, if known to the pleader, of any persons as described in divisions (A)(1), (2), (3), or (4) of this rule who are not joined, and the reasons why they are not joined.

(D) Exception of class actions. This rule is subject to the provisions of ~~Rule~~Civ.R. 23.

Proposed Staff Note (July 1, 2017 Amendment)

Civ.R. 19.1(A)(5). Claims of adult emancipated children for loss of parental consortium.

In *Rolf v. Tri State Motor Transit Co.*, 91 Ohio St.3d 380, 2001-Ohio-44, the Supreme Court of Ohio held that adult emancipated children may recover under Ohio law for the loss of parental consortium caused by injuries to a parent. The 2017 amendments add those claims to the claims enumerated under Civ.R. 19.1(A). The amendments also make other nonsubstantive changes.

RULE 30. Depositions upon oral examination

[Existing language unaffected by the amendments is omitted to conserve space]

(C) Examination and cross-examination; record of examination; oath; objections; written questions.

(1) Examination and cross-examination. Each party at the deposition may examine the deponent without regard to which party served notice or called the deposition, each party to bear pro rata the recording and transcription costs of that party's examination. In all other respects the examination and cross-examination of ~~witnesses~~ a deponent may proceed as ~~permitted~~ they would at ~~the~~ trial under the Ohio Rules of Evidence, except Evid.R. 103 and Evid.R. 615. ~~The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and~~

~~personally, or by someone acting under the officer's direction and in the officer's presence, shall record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means designated in accordance with division (B)(3) of this rule. If requested by one of the parties, the testimony shall be transcribed.~~ After putting the deponent under oath or affirmation, the officer shall record the testimony by the method designated under Civ.R. 30(B)(3). The testimony shall be recorded by the officer personally or by a person acting in the presence and under the direction of the officer.

(2) Objections. ~~All objections made~~ An objection made at the time of the examination ~~to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings,~~ whether to evidence, a party's conduct, to the officer's qualifications, to the manner of taking the deposition, or to any other aspect of the deposition shall be noted ~~by the officer upon the deposition. Evidence objected to shall be taken subject to the objections~~ on the record, but the examination still proceeds, the testimony taken subject to any objection. An objection shall be stated concisely in a nonargumentative and nonsuggestive manner. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by a court, or to present a motion under Civ.R. 30(D).

(3) Participating through written questions. ~~In lieu~~ Instead of participating in the oral examination, ~~parties~~ a party may serve written questions in a sealed envelope on the party ~~taking~~ noticing the deposition~~, and require him to transmit~~ who must deliver them to the officer~~, who shall propound them to the witness~~. The officer must ask the deponent those questions and record the answers verbatim.

[Existing language unaffected by the amendments is omitted to conserve space]

Staff Notes (July 1, 2017 Amendments)

Civ.R. 30(C). Examination and cross-examination; objections.

The 2017 amendments adopt the 2007 stylistic changes to Fed.R.Civ.P. 30(c). In adopting those federal stylistic changes, the amendments also add provisions of the federal rule addressing the manner of making objections and the circumstances under which an instruction not to answer a question may be given. These additional provisions are consistent with the guidelines entitled: *Professionalism Dos and Don'ts: Depositions*, first published by the Ohio Supreme Court's Commission on Professionalism in 2012.

The amendments also add an introductory sentence to Civ.R. 30(C), which specifies that each party at the deposition may examine the deponent without regard to which party served notice or called the deposition, each party to bear the recording and transcription costs of that party's examination. Although this introductory sentence is not found in the current federal rule, the provision is consistent with federal practice. See, *Powell v. Time Warner Cable, Inc*., Case No. 2:09-CV-00600 (S.D.Ohio Nov. 2, 2010) (order partially granting motion to compel); *Smith v. Logansport Community School*, 139 F.R.D. 637, 642 (N.D.Ind 1991).

RULE 33. Interrogatories to Parties

(A) Availability; procedures for use. Any party, without leave of court, may serve upon any other party up to forty written interrogatories to be answered by the party served. A party serving interrogatories shall serve the party with an electronic copy of the interrogatories. The electronic copy shall be reasonably useable for word processing and provided on computer disk, by electronic mail, or by other means agreed to by the parties. A party who is unable to provide an electronic copy of the interrogatories may seek leave of court to be relieved of this requirement. A party shall not propound more than forty interrogatories to any other party without leave of court. Upon motion, and for good cause shown, the court may extend the number of interrogatories that a party may serve upon another party. For purposes of this rule, any subpart propounded under an interrogatory shall be considered a separate interrogatory.

(1) If the party served is a public or private corporation or a partnership or association, the organization shall choose one or more of its proper employees, officers, or agents to answer the interrogatories, and the employee, officer, or agent shall furnish information as is known or available to the organization.

(2) Interrogatories, without leave of court, may be served upon the plaintiff after commencement of the action and upon any other party ~~with or~~ after service of the summons and complaint upon the party.

(3) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The party upon whom the interrogatories have been served shall quote each interrogatory immediately preceding the corresponding answer or objection. When the number of interrogatories exceeds forty without leave of court, the party upon whom the interrogatories have been served need only answer or object to the first forty interrogatories. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers and objections within a period designated by the party submitting the interrogatories, not less than twenty-eight days after the service of the interrogatories or within such shorter or longer time as the court may allow.

(B) Scope and use at trial. Interrogatories may relate to any matters that can be inquired into under Civ. R. 26(B), and the answers may be used to the extent permitted by the rules of evidence.

The party calling for such examination shall not thereby be concluded but may rebut it by evidence.

Proposed Staff Note (July 1, 2017 Amendments)

Civ.R. 33(A)(2). Service of interrogatories.

The rule is amended to permit service of interrogatories on parties other than the plaintiff only after service of the summons and complaint upon that party and to disallow service of interrogatories with service of the summons and complaint.

RULE 34. Producing documents, electronically stored information, and tangible things, or entering onto land, for inspection and other purposes.

(A) Scope. Subject to the scope of discovery provisions of Civ. R. 26(B), any party may serve on any other party a request to produce and permit the party making the request, or someone acting on the requesting party's behalf (1) to inspect and copy any designated documents or electronically stored information, including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained that are in the possession, custody, or control of the party upon whom the request is served; (2) to inspect and copy, test, or sample any tangible things that are in the possession, custody, or control of the party upon whom the request is served; (3) to enter upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation on the property.

(B) Procedure. Without leave of court, the request may be served upon the plaintiff after commencement of the action and upon any other party ~~with or~~ after service of the summons and complaint upon that party. The request shall set forth the items to be inspected either by individual item or by category and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. The request may specify the form or forms in which electronically stored information is to be produced, but may not require the production of the same information in more than one form.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2017 Amendments)

Civ.R. 34(B). Service of requests for production.

The rule is amended to permit service of requests for production on parties other than the plaintiff only after service of the summons and complaint upon that party and to disallow service of requests for production with service of the summons and complaint.

RULE 36. Requests for Admission

(A) Availability; procedures for use. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Civ.R. 26(B) set forth in the request, that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party ~~with or~~ after service of the summons and complaint upon that party. A party serving a request for admission shall serve the party with an electronic copy of the request for admission. The electronic copy shall be reasonably useable for word processing and provided on computer disk, by electronic mail, or by other means agreed to by the parties. A party who is unable to provide an electronic copy of a request for admission may seek leave of court to be relieved of this requirement.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2017 Amendments)

Civ.R. 36(A). Requests for admission.

The rule is amended to permit service of requests for admission on parties other than the plaintiff only after service of the summons and complaint upon that party and to disallow service of requests for admission with service of the summons and complaint.

RULE 62. Stay of Proceedings to Enforce a Judgment

(A) Stay on motion ~~for new trial or for~~ after judgment. In its discretion and on such conditions for the security of the adverse party as are proper, the court may, upon motion made any time after judgment, stay the execution of ~~any~~ that judgment or stay any proceedings to enforce the judgment ~~pending the disposition of a motion~~ until the time for moving for a new trial under Civ.R. 59, ~~or a motion~~ moving for relief from a judgment or order ~~made pursuant to Rule~~ under Civ.R. 60, ~~or of a motion~~ moving for judgment notwithstanding the verdict ~~made pursuant to Rule~~ under Civ. R. 50, or filing a notice of appeal, and during the pendency of any motion under Civ.R. 50, Civ.R. 59, or Civ.R. 60.

(B) Stay upon appeal. When an appeal is taken the appellant may obtain a stay of execution of a judgment or any proceedings to enforce a judgment by giving an adequate supersedeas bond. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is approved by the court.

(C) Stay in favor of the government. When an appeal is taken by this state or political subdivision, or administrative agency of either, or by any officer thereof acting in his representative capacity and the operation or enforcement of the judgment is stayed, no bond, obligation or other security shall be required from the appellant.

(D) Power of appellate court not limited. The provisions in this rule do not limit any power of an appellate court or of a judge or justice thereof to stay proceedings during the pendency of an appeal or to suspend, modify, restore, or grant an injunction during the pendency of an appeal or to make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered.

(E) Stay of judgment as to multiple claims or multiple parties. When a court has ordered a final judgment under the conditions stated in Rule 54(B), the court may stay enforcement of that judgment until the entering of a subsequent judgment or judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.

Proposed Staff Note (July 1, 2017 Amendments)

Civ.R. 62(A). Stay on motion after judgment.

The rule is amended to allow a party to move to stay execution of judgment, or any proceedings to enforce the judgment, at any time after entry of judgment, including before any relief under Civ.R. 50, 59, or 60 is sought or an appeal is filed, as well as during the pendency of any motion seeking relief under Civ.R. 50, 59, or 60.

OHIO RULES OF CRIMINAL PROCEDURE

RULE 5. Initial Appearance, Preliminary Hearing

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Preliminary hearing in felony cases; procedure.

(1) In felony cases a defendant is entitled to a preliminary hearing unless waived in writing. If the defendant waives preliminary hearing, the judge or magistrate shall forthwith order the defendant bound over to the court of common pleas. Except upon good cause shown, any misdemeanor, other than a minor misdemeanor, arising from the same act or transaction involving a felony shall be bound over or transferred with the felony case. If the defendant does not waive the preliminary hearing, the judge or magistrate shall schedule a preliminary hearing within a reasonable time, but in any event no later than ten consecutive days following arrest or service of summons if the defendant is in custody and not later than fifteen consecutive days following arrest or service of summons if the defendant is not in custody. The preliminary

hearing shall not be held, however, if the defendant is indicted. With the consent of the defendant and upon a showing of good cause, taking into account the public interest in the prompt disposition of criminal cases, time limits specified in this division may be extended. In the absence of such consent by the defendant, time limits may be extended only as required by law, or upon a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice.

(2) At the preliminary hearing the prosecuting attorney may state orally the case for the state, and shall then proceed to examine witnesses and introduce exhibits for the state. The defendant and the judge or magistrate have full right of cross-examination, and the defendant has the right of inspection of exhibits prior to their introduction. The hearing shall be conducted under the rules of evidence prevailing in criminal trials generally.

(3) At the conclusion of the presentation of the state's case, defendant may move for discharge for failure of proof, and may offer evidence on the defendant's own behalf. If the defendant is not represented by counsel, the court shall advise the defendant, prior to the offering of evidence on behalf of the defendant:

(a) That any such evidence, if unfavorable to the defendant in any particular, may be used against the defendant at later trial.

(b) That the defendant may make a statement, not under oath, regarding the charge, for the purpose of explaining the facts in evidence.

(c) That the defendant may refuse to make any statement, and such refusal may not be used against the defendant at trial.

(d) That any statement the defendant makes may be used against the defendant at trial.

(4) Upon conclusion of all the evidence and the statement, if any, of the accused, the court shall do one of the following:

(a) Find that there is probable cause to believe the crime alleged or another felony has been committed and that the defendant committed it, and bind the defendant over to the court of common pleas of the county or any other county in which venue appears.

(b) Find that there is probable cause to believe that a misdemeanor was committed and that the defendant committed it, and retain the case for trial or order the defendant to appear for trial before an appropriate court.

(c) Order the accused discharged.

(d) Except upon good cause shown, any misdemeanor, other than a minor misdemeanor, arising from the same act or transaction involving a felony shall be bound over or transferred with the felony case.

(5) Any finding requiring the accused to stand trial on any charge shall be based solely on the presence of substantial credible evidence thereof. No appeal shall lie from such decision and the discharge of defendant shall not be a bar to further prosecution.

(6) In any case in which the defendant is ordered to appear for trial for any offense other than the one charged the court shall cause a complaint charging such offense to be filed.

(7) Upon the conclusion of the hearing and finding, the court or the clerk of such court, shall, within seven days, complete all notations of appearance, motions, pleas, and findings on the criminal docket of the court, and shall transmit a ~~transcript~~ record of the appearance docket entries, together with a copy of the original complaint and affidavits, if any, filed with the complaint, the journal or docket entry of reason for changes in the charge, if any, together with the order setting bail and the bail including any bail deposit, if any, filed, to the clerk of the court in which defendant is to appear. Such ~~transcript~~ record shall contain an itemized account of the costs accrued.

(8) A municipal or county court retains jurisdiction on a felony case following the preliminary hearing, or a waiver thereof, until such time as a ~~transcript~~ record of the appearance, docket entries, and other matters required for transmittal are filed with the clerk of the court in which the defendant is to appear.

Proposed Staff Note (July 1, 2017 Amendments)

Crim. R. 5(B)(7)

The term "record" has been substituted for the previous term "transcript" in describing the compilation of appearance docket entries that the court or clerk of courts shall transmit in connection with a felony bindover. This is not a substantive change. The previous term "transcript" was potentially confusing because it was not being used in the common parlance of a verbatim written record of the words actually spoken in court.

RULE 6. The Grand Jury

(A) Summoning grand juries. The judge of the court of common pleas for each county, or the administrative judge of the general division in a multi-judge court of common pleas or a judge designated by him, shall order one or more grand juries to be summoned at such times as the public interest requires. The grand jury shall consist of nine members, including the foreman, ~~plus not more than five~~ and a number of alternates as provided in division (G) of this rule.

(B) Objections to grand jury and to grand jurors.

(1) Challenges. The prosecuting attorney, or the attorney for a defendant who has been held to answer in the court of common pleas, may challenge the array of jurors or an individual juror on the ground that the grand jury or individual juror was not selected, drawn, or

summoned in accordance with the statutes of this state. Challenges shall be made before the administration of the oath to the jurors and shall be tried by the court.

(2) Motion to dismiss. A motion to dismiss the indictment may be based on objections to the array or on the lack of legal qualification of an individual juror, if not previously determined upon challenge. An indictment shall not be dismissed on the ground that one or more members of the grand jury were not legally qualified, if it appears from the record kept pursuant to subdivision (C) that seven or more jurors, after deducting the number not legally qualified, concurred in finding the indictment.

(C) ~~Foreman~~ Foreperson and deputy ~~foreman~~ foreperson. The court may appoint any qualified elector or one of the jurors to be ~~foreman~~ foreperson and one of the jurors to be deputy ~~foreman~~ foreperson. The foreperson shall be a member of the grand jury for all purposes, including voting. The ~~foreman~~ foreperson shall have power to administer oaths and affirmations and shall sign all indictments. ~~He~~ The foreperson or another juror designated by ~~him~~ the foreperson shall keep a record of the number of jurors concurring in the finding of every indictment and shall, upon the return of the indictment, file the record of concurrence with the clerk of court~~, but the~~ for inclusion with the record of the proceedings filed pursuant to division (I)(2) of this rule. The record of concurrence shall not be made public except ~~on order of the court~~ as provided in division (J) of this rule. During the absence or disqualification of the ~~foreman~~ foreperson, the deputy ~~foreman~~ foreperson shall act as ~~foreman~~ foreperson.

(D) Who may be present. The prosecuting attorney, the witness under examination, interpreters when needed, and~~,~~ a court reporter or other person designated by the court for the purpose of taking the evidence~~, a stenographer or operator of a recording device~~ and preparing a record of the proceedings may be present while the grand jury is in session, but no person other than the jurors may be present while the grand jury is deliberating or voting.

(E) ~~Secrecy of proceedings and disclosure.~~ ~~Deliberations of the grand jury and the vote of any grand juror shall not be disclosed. Disclosure of other matters occurring before the grand jury may be made to the prosecuting attorney for use in the performance of his duties. A grand juror, prosecuting attorney, interpreter, stenographer, operator of a recording device, or typist who transcribes recorded testimony, may disclose matters occurring before the grand jury, other than the deliberations of a grand jury or the vote of a grand juror, but may disclose such matters only when so directed by the court preliminary to or in connection with a judicial proceeding, or when permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury. No grand juror, officer of the court, or other person shall disclose that an indictment has been found against a person before such indictment is filed and the case docketed. The court may direct that an indictment shall be kept secret until the defendant is in custody or has been released pursuant to Rule 46. In that event the clerk shall seal the indictment, the indictment shall not be docketed by name until after the apprehension of the accused, and no person shall disclose the finding of the indictment except when necessary for the issuance of a warrant or summons. No obligation of secrecy may be imposed upon any person except in accordance with this rule.~~

~~(F)~~ **Finding and return of indictment.** An indictment may be found only upon the concurrence of seven or more jurors. When so found the ~~foreman~~ foreperson or deputy ~~foreman~~ foreperson shall sign the indictment as ~~foreman~~ foreperson or deputy ~~foreman~~ foreperson. The indictment shall be returned by the ~~foreman~~ foreperson or deputy ~~foreman~~ foreperson to a judge of the court of common pleas and filed with the clerk who shall endorse thereon the date of filing and enter each case upon the appearance and trial dockets. If the defendant is in custody or has been released pursuant to ~~Rule~~ Crim.R. 46 and seven jurors do not concur in finding an indictment, the ~~foreman~~ foreperson shall so report to the court forthwith.

~~(G)~~**(F) Discharge and excuse.** A grand jury shall serve until discharged by the court. A grand jury may serve for four months, but the court upon a showing of good cause by the prosecuting attorney may order a grand jury to serve more than four months but not more than nine months. The tenure and powers of a grand jury are not affected by the beginning or expiration of a term of court. At any time for cause shown the court may excuse a juror either temporarily or permanently, and in the latter event the court may impanel another eligible person in place of the juror excused.

~~(H)~~**(G) Alternate grand jurors.** The court may order that ~~not more than five grand~~ jurors, in addition to the regular grand jury, be called, impaneled, and sit as alternate ~~grand~~ jurors. Unless provided otherwise by local court rule, the number of alternate jurors shall not exceed five. Alternate ~~grand~~ jurors, in the order in which they are called, shall replace ~~grand~~ jurors who, prior to the time the grand jury votes on an indictment, are found to be unable or disqualified to perform their duties. Alternate ~~grand~~ jurors shall be drawn in the same manner, shall have the same qualifications, shall be subjected to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular ~~grand~~ jurors. Alternate ~~grand~~ jurors may sit with the regular grand jury, but shall not be present when the grand jury deliberates and votes.

(H) Secrecy of matters occurring before the grand jury.

(1) General. Except as provided in divisions (H)(2) through (4) and (J)(1) through (3) of this rule, matters occurring before a grand jury shall not be disclosed.

(2) Disclosure to prosecuting attorney. Matters occurring before a grand jury, other than the deliberations of the grand jury and the vote of a juror, may be disclosed to the prosecuting attorney for use in the performance of the duties of the prosecuting attorney, provided the prosecuting attorney shall not disclose such matters unless ordered or directed otherwise by a court.

(3) Disclosure by direction or permission of the court. A grand juror, prosecuting attorney, interpreter, court reporter, operator of a recording device, or typist who transcribes recorded testimony may disclose matters occurring before the grand jury, other than the deliberations of the grand jury and the vote of a juror, when directed by the court in either of the following instances:

(a) Preliminary to or in connection with a judicial proceeding;

(b) At the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury.

(4) Disclosure of indictment. A juror, officer of the court, or other person shall not disclose that an indictment has been found against a person before the indictment is filed and the case docketed pursuant to division (E) of this rule. The court may direct that an indictment shall be kept secret until the defendant is in custody or has been released pursuant to Crim.R. 46. No obligation of secrecy may be imposed upon any person except in accordance with this rule.

(I) Record of the Grand Jury Proceedings.

(1) Creation.

(a) A court reporter or other person designated by the court shall prepare a record of the grand jury proceedings. The record shall consist of a recording of the proceedings prepared by stenographic means, phonogramic means, photographic means, audio electronic recording devices, or video recording systems. The record shall include all of the following information:

(i) The name and number of the proceedings;

(ii) The charge to the grand jury;

(iii) The names of witnesses appearing before the grand jury;

(iv) Instructions given or statements made by the court and the prosecuting attorney;

(v) Each question asked of and response given by a witness;

(vi) Statements or questions made by a juror during the proceeding, provided the name or identity of the juror shall not be recorded.

(b) The record of the grand jury proceedings shall not include a recording of the deliberations of the grand jury, the vote of individual jurors, or the names of the jurors.

(2) Filing. The court reporter or other person designated by the court shall file the record of the grand jury proceedings under seal with the clerk of the court after the conclusion of the proceedings.

(J) Release of the Record of Grand Jury Proceedings.

(1) Public access exemption. The record of the grand jury proceedings shall be exempt from public access pursuant to Sup.R. 44 through 47 and not released, except as provided in divisions (J)(2) and (3) of this rule.

(2) Release to prosecuting attorney. A clerk of the court may release the record of the grand jury proceedings or portions thereof to the prosecuting attorney for use in the performance of the duties of the prosecuting attorney, provided the prosecuting attorney shall not release the record or portions thereof unless ordered or directed otherwise by a court.

(3) Other release.

(a) After the record of the grand jury proceedings in which a no-true bill was returned or the proceedings concluded without an indictment is filed with a clerk of the court pursuant to division (I)(2) of this rule, any person may file a written petition seeking the release of the record or portions thereof of the proceedings in which a no-true bill was returned or the proceedings concluded without an indictment. The petition shall state with particularity the reason for which it is made and how the presumption of secrecy is outweighed by the public interest in disclosure and transparency.

(b) If the prosecutor sought to indict two or more suspects in the grand jury proceedings for the same offense or offenses and at least one suspect is indicted, the court shall not consider the petition until the offense or offenses have been resolved by dismissal; plea, including a plea to a lesser offense; finding of guilt; or acquittal.

(c) If the court finds the petition does not meet the requirements of division (J)(3)(a) of this rule, the court shall deny the petition.

(d) If the court finds the petition meets the requirements of division (J)(3)(a) of this rule, the court shall schedule a hearing on the petition. The court shall notify the requestor and the prosecuting attorney. The court shall hold the hearing in camera so as to prevent unnecessary disclosure of a matter occurring before the grand jury.

(e) Following the hearing, the court may order release of the record or portions thereof if it finds by clear and convincing evidence that each of the following conditions are met:

(i) The presumption of secrecy is outweighed by the public interest in disclosure and transparency;

(ii) A significant number of members of the general public in the county in which the grand jury was drawn and impaneled are currently aware that a criminal investigation was conducted in connection with the subject matter of the grand jury proceedings;

(iii) A significant number of members of the general public in the county in which the grand jury was drawn and impaneled are currently aware of the identity of the suspect in the grand jury proceedings.

(f) Prior to releasing the record or portions thereof, the court shall give the prosecuting attorney a reasonable opportunity to request redaction of any information the release of which could do any of the following:

(i) Identify grand jurors;

(ii) Endanger the health, safety, or welfare of witnesses appearing before the grand jury, the members of the grand jury, other persons who are part of the proceedings, or other persons who may be endangered by the release of the record;

(iii) Compromise an ongoing criminal investigation or other criminal proceeding that is not yet public;

(iv) Alert the suspect in a grand jury investigation of that investigation or the existence of an indictment not yet perfected;

(v) Create a miscarriage of justice;

(vi) Prejudice the right of a co-defendant to a fair trial.

(g) The court may charge its actual costs, as defined by Sup.R. 44(A), incurred in releasing the record of the grand jury proceedings or portions thereof. The court may require a deposit of the estimated actual costs.

RULE 32.2 Presentence Investigation

~~In~~ Unless the defendant and the prosecutor in the case agree to waive the presentence investigation report, the court shall, in felony cases ~~the court shall, and in misdemeanor cases the court may~~, order a presentence investigation and report before imposing community control sanctions or granting probation. The court may order a presentence investigation report notwithstanding the agreement to waive the report. In misdemeanor cases the court may order a presentence investigation before granting probation.

RULE 42. Capital Cases and Post-Conviction Review of Capital Cases

(A) Definitions. As used in this rule:

(1) "Capital cases" means all cases in which an indictment or count in an indictment charges the defendant with aggravated murder and contains one or more specifications of aggravating circumstances listed in R.C. 2929.03(A).

(2) "Post-conviction review of a capital case" means any post-conviction proceedings reviewing the conviction or sentence in any case in which the death penalty has been imposed, other than direct appeal to the Supreme Court of Ohio.

(B) General.

(1) This rule shall apply to all capital cases and post-conviction review of a capital case.

(2) The clerk shall accept for filing, and the court shall rule on, any properly presented motion.

(3) In all proceedings involving a post-conviction review of a capital case, both of the following shall apply:

(a) The court shall state specifically why each claim was either denied or granted;

(b) There shall be no page limitations or word count limitations for the petition filed with the common pleas court.

(C) Access file material. In a capital case and post-conviction review of a capital case, the prosecuting attorney and the defense attorney shall, upon request, be given full and complete access to all documents, statements, writings, photographs, recordings, evidence, reports, or any other file material in possession of the state related to the case, provided materials not subject to disclosure pursuant to Crim.R 16(J) shall not be subject to disclosure under this rule.

(D) Pretrial and post-trial conferences. In a capital case and post-conviction review of a capital case, the trial court shall conduct all pretrial and post-trial conferences on the record.

(E) Experts.

(1) The trial court is the appropriate authority for the appointment of experts for indigent defendants in all capital cases and in post-conviction review of a capital case.

(2) All decisions pertaining to the appointment of experts shall be made on the record at a pretrial conference. Upon request by defense counsel, the demand for the appointment of an expert shall be made in camera and ex parte, and the order concerning the appointment shall be under seal.

(3) Upon establishing counsels' respective compliance with discovery obligations, the trial court shall decide the issue of appointment of experts, including projected expert fees, the amount of time to be applied to the case, and incremental fees as the case progresses. The trial court shall make written findings as to the basis of any denial.

(4) The appeal of an order regarding appointment of experts shall be governed by App.R. 11.1.

OHIO RULES OF EVIDENCE

Evid R. 103 Rulings on evidence

(A) Effect of erroneous ruling

Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected; and

(1) Objection. In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record, stating the specific ground of objection, if the specific ground was not apparent from the context; or

(2) Offer of proof. In case the ruling is one excluding evidence, the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked. Offer of proof is not necessary if evidence is excluded during cross-examination.

Once the court rules definitely on the record, either before or at trial, a party need not renew an objection or offer of proof to preserve a claim of error for appeal.

(B) Record of offer and ruling

At the time of making the ruling, the court may add any other or further statement which shows the character of the evidence, the form in which it was offered, the objection made, and the ruling thereon. It may direct the making of an offer in question and answer form.

(C) Hearing of jury

In jury cases, proceedings shall be conducted, to the extent practicable, so as to prevent inadmissible evidence from being suggested to the jury by any means, such as making statements or offers of proof or asking questions in the hearing of the jury.

(D) Plain error

Nothing in this rule precludes taking notice of plain errors affecting substantial rights although they were not brought to the attention of the court.

OHIO RULES OF APPELLATE PROCEDURE

RULE 11.1 Accelerated Calendar

(A) Applicability. If a court of appeals has adopted an accelerated calendar by local rule, cases designated by its rule shall be placed on an accelerated calendar. The Ohio Rules of Appellate Procedure shall apply with the modifications or exceptions set forth in this rule.

The accelerated calendar is designed to provide a means to eliminate delay and unnecessary expense in effecting a just decision on appeal by the recognition that some cases do not require as extensive or time consuming procedure as others.

In all capital cases, as defined in Crim.R. 42, the appeal of an order regarding appointment of experts shall, upon request by defense counsel, be under seal and conducted ex parte and shall be handled pursuant to an accelerated calendar under this rule and local rules adopting an accelerated calendar.

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 19. Form of Briefs and Other Papers

(A) Form of briefs. Briefs may be typewritten or be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on white paper. Carbon copies of briefs may not be submitted without permission of the court, except in behalf of parties allowed to proceed in forma pauperis. All printed matter must appear in at least a twelve point type on opaque, unglazed paper. Briefs produced by standard typographic process shall be bound in volumes having pages 6 1/8 by 9 1/4 inches and type matter 4 1/6 by 7 1/6 inches. Those produced by any other process shall be bound in volumes having pages not exceeding 8 1/2 by 11 inches and type matter not exceeding 6 1/2 by 9 1/2 inches, with double spacing between each line of text except quoted matter which shall be single spaced. Where necessary, briefs may be of such size as required to utilize copies of pertinent documents.

Without prior leave of court, no initial brief of appellant or cross-appellant and no answer brief of appellee or cross-appellee shall exceed thirty-five pages in length, and no reply brief shall exceed fifteen pages in length, exclusive of the table of contents, table of cases, statutes and other authorities cited, and appendices, if any. A court of appeals, by local rule, may adopt shorter or longer page limitations. In all proceedings involving post-conviction review of a capital case, as defined in Crim.R. 42, there shall be no page limitations or word count limitations.

The front covers of the briefs, if separately bound, shall contain: (1) the name of the court and the number of the case; (2) the title of the case [see App. R. 11(A)]; (3) the nature of the proceeding in the court (e.g., Appeal) and the name of the court below; (4) the title of the document (e.g., Brief for Appellant); and (5) the names and addresses of counsel representing the party on whose behalf the document is filed.

[Existing language unaffected by the amendments is omitted to conserve space]

OHIO TRAFFIC RULES

RULE 16. Judicial Conduct

~~The Code of Judicial Conduct as adopted by the Supreme Court applies to all judges and mayors.~~

It shall be the obligation of each mayor to conduct ~~his~~ court and ~~his~~ any professional and personal relationships in accordance with the same standards as are required of judges of courts of record. Mayors shall comply with Mayor's Court Education and Procedure Rules 3(A)(1)(f) and 4(A)(1)(h).

FORM 1. CAPTION AND SUMMONS

COURT OF COMMON PLEAS
~~FRANKLIN~~ _____ COUNTY, OHIO

~~A.B.~~ _____	)	Case No. _____
~~221 E. West Street~~ [Street Address]	)	Judge _____
~~Columbus, Ohio 43215~~ [City, State Zip]	)	
Plaintiff	)	~~No.~~ _____
v.	)	SUMMONS
~~C.D.~~ _____	)	
~~122 W. East Street~~ [Street Address]	)	
~~Columbus, Ohio 43214~~ [City, State Zip]	)	
Defendant	)	

To the following named ~~defendants~~ defendant(s):

Name:	Address:

You have been named ~~defendant(s) in a complaint filed in _____ County Court of Common Pleas, _____ County Court House, _____ Ohio 43215, by~~ as a defendant in this Court. The Plaintiff(s) has filed a lawsuit against you. A copy of the Complaint is attached. The Plaintiff's attorney and that attorney's address are:

~~Name~~	~~Address~~

~~plaintiff(s). A copy of the complaint is attached hereto. The name and address of the plaintiff's attorney is _____~~

~~_____~~

~~_____~~

~~You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint within twenty-eight days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three days after the service of a copy of the answer on the plaintiff's attorney.~~

~~If you fail to appear and defend, judgment by default will be rendered against you for the relief demanded in the complaint.~~

You must deliver to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) a written Answer to the Complaint within 28 days; Civil Rule 5 explains the ways that you may deliver the Answer (http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf). You must then file a copy of the Answer with this Court within three days after you serve it on the Plaintiff(s). If you fail to serve and file an Answer, the Court may enter judgment against you for the relief requested in the Complaint.

You may wish to hire an attorney to represent you. Because this is a civil suit, the Court cannot appoint an attorney for you. If you need help to find a lawyer, contact a local bar association and request assistance.

_____

~~Clerk, Court of Common Pleas,~~
~~_____County, Ohio~~

Date: _____ ~~By~~ Clerk: _____
~~Deputy~~

***Multilingual notice:

You have been named as a defendant in this Court. You must file an answer within 28 days; if you fail to answer, the Court may enter judgment against you for the relief stated in the Complaint. Seek assistance from both an interpreter and an attorney. Your inability to understand, write, or speak English will not be a defense to possible judgment against you.

1. Spanish (US)

***Aviso multilingüe:

Este Tribunal lo ha declarado como acusado. Debe presentar una respuesta en un plazo de 28 días. Si no contesta en dicho plazo, el Tribunal podrá dictar sentencia en su contra por el amparo que se detalla en la demanda. Solicite la ayuda de un intérprete y de un abogado. Su incapacidad para comprender, escribir o hablar inglés no se considerará como defensa ante una posible sentencia en su contra.

2. Somali

***Ogeysiis luqadda badan ah:

Waxaa laguu magacaabay sida eedeysane gudaha Maxkamadan. Waa in aad ku soo gudbisaa jawaab 28 maalmood gudahood; haddii aad ku guuldareysto jawaabta, Maxkamada laga yaabo in ay gasho xukun adiga kaa soo horjeedo ee ka nasashada lagu sheegay Cabashada. Raadi caawinta ka timid labadaba turjubaanka iyo qareenka. Karti la'aantaada aad ku fahmo, ku qoro, ama ku hadasho Af Ingiriisiga ma noqon doonto difaacida xukunkaaga suuralka ah ee adiga kugu lidka ah.

3. Russian

***Уведомление на разных языках:

Вы были названы в качестве ответчика в данном суде. Вы должны предоставить ответ в течение 28 дней; если Ваш ответ не будет получен, суд может вынести решение против Вас и удовлетворить содержащиеся в жалобе требования. Воспользуйтесь услугами переводчика и адвоката. Тот факт, что Вы не понимаете английскую речь и не можете читать и писать по-английски, не является препятствием для возможного вынесения судебного решения против Вас.

4. Arabic

***ملاحظة متعددة اللغات:

لقد تم اعتبارك مدعى عليه في هذه المحكمة. يجب أن تقدم ردًا خلال 28 يومًا؛ وإذا لم تقم بالرد، فقد تصدر المحكمة حكمًا ضدك بالتعويض المنصوص عليه في هذه الشكوى القضائية. اطلب المساعدة من مترجم فوري ومحام. فلن تُعد عدم قدرتك على فهم اللغة الإنجليزية أو كتابتها أو تحدثها دفاعًا لك أمام الحكم المحتمل ضدك.

5. Chinese (Simplified)

***多語版本通知：

您在本法庭已被列为被告。您必须于 28 **日内**递交答辩状；如果没有递交答辩状，法庭会针对诉状中声明的补救措施对您作出不利判决。请向口译人员和律师寻求帮助。您无法理解、书写或说英语的情况不能作为对您可能作出不利判决的辩护理由。

Note

The caption above designates the particular paper as a "SUMMONS." The particular pleading or paper should contain an appropriate designation, thus: "COMPLAINT," "ANSWER," etc. A more specific designation in a caption is also appropriate, thus: "MOTION TO INTERVENE AS A DEFENDANT."

* *

[Existing language unaffected by the amendments is omitted to conserve space]

FORM 1. CAPTION AND SUMMONS

COURT OF COMMON PLEAS
_____ COUNTY, OHIO

_____	)	Case No. _____
[Street Address]	)	Judge _____
[City, State Zip]	)	
Plaintiff	)	
v.	)	SUMMONS
_____	)	
[Street Address]	)	
[City, State Zip]	)	
Defendant	)	

To the following named defendant(s):

Name:	Address:
_____	_____
_____	_____
_____	_____

You have been named as a defendant in this Court. The Plaintiff(s) has filed a lawsuit against you. A copy of the Complaint is attached. The Plaintiff's attorney and that attorney's address are: _____
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You must deliver to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) a written Answer to the Complaint within 28 days; Civil Rule 5 explains the ways that you may deliver the Answer (http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf). You must then file a copy of the Answer with this Court within three days after you serve it on the Plaintiff(s). If you fail to serve and file an Answer, the Court may enter judgment against you for the relief requested in the Complaint.

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Date: _____ Clerk: _____

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