

Rule 11. Small Claims Practice

- 11.01 Pleadings. All pleadings may be written in concise non-technical form. Answers and other responsive pleadings are permitted but not required unless specifically ordered by a judge or a magistrate. When any claim or defense is based on an account, invoice or other written document, a copy of the account, invoice or written instrument must be attached to the pleading. If the account, invoice or written document is not attached, the reason why it is not attached must be explained in the pleading.
- 11.02 Transfer to the General Division.
- (A) The requesting party shall file a request to transfer at least five (5) court days prior to trial. It is within the discretion of the assigned magistrate to grant leave to a requesting party seeking transfer less than five (5) court days prior to trial.
 - (B) No transfer shall be accomplished until filing costs are paid. The cost of transfer is the difference between the filing fee required for a case in the General Division and the filing fee for a case filed in the Small Claims Division.
 - (C) A small claims case that has been transferred to the General division shall not be assigned to a judge until an answer or other pleading or motion has been filed. Once a case has been transferred to the General Division, a party required to file an answer or other responsive pleading or motion under the Rules of Civil Procedure shall do so no later than 28 days after the date the small claims case is transferred to the General division.
- 11.03 Request for continuance. A request for continuance by a party shall be made in writing and shall meet the following requirements: (1) It shall be directed to the Small Claims Division at least ten (10) days prior to trial. (2) It shall ask for a continuance of not more than thirty (30) days. (3) It shall include the date and time for the current trial. It is solely within the discretion of the magistrate to grant or deny a request that does not comply with these requirements.
- 11.04 Trial. The court shall administer an oath to the witnesses, and proceed to a trial on the merits. Unless all parties are represented by counsel, trial shall be conducted in an informal manner with the purpose of accomplishing substantial justice. Substantive rules of evidence shall apply to the proceedings; however, the court may consider as evidence estimates, bills or other statements which purport to show monetary loss in issues relevant to proof of damages.
- 11.05 Collection of judgments. The employees of the court shall assist judgment creditors in the

preparation of these proceedings in aid of execution, garnishments, bank account attachments, certificates of judgments, cash register attachments, and judgment debtor examinations.

11.06 Conciliation procedure. When requested by a party or ordered by a judge or magistrate and approved by the Small Claims Division Manager, the Small Claims Division shall conduct a mediation in an effort to assist the parties in resolving the dispute.

11.07 Cases to be assigned to magistrates individually.

- A. The Small Claims Division Manager shall cause each case to be assigned to a particular magistrate by lot, and to schedule each case for trial within the time set forth in Section 1925.04 of the Ohio Revised Code.
- B. The magistrate to whom a case is assigned shall be responsible for hearing all issues raised therein prior to and during trial, and shall prepare a decision as required by Civil Rule 53(D).
- C. If both magistrates agree a case assigned to a magistrate may be transferred to and heard by another magistrate in the interest of judicial economy.