FILED

JAN 25 2021

JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
MAHONING COUNTY, OHIO

IN THE MATTER OF:	)	**CASE NO.: 2014 MC 0038**
	)	
AMENDMENTS OF	)	**JUDGE ROBERT N. RUSU, JR.**
LOCAL RULES OF COURT	)	
	)	**JUDGMENT ENTRY**
	)	

The Court this day, *sua sponte*, considers the adoption of amendments to the Local Rules of Court pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio.

The Court previously proposed amendments and additions to its **Local Rules**. Specifically, the Court is proposing to amend **Local Rule 78.6 Case Management of Adversarial Proceedings**. In addition, the Court determines that there is a need to create a new local forms to facilitate the expeditious disposition of cases. (All set forth in attached Exhibits A, B, C, D, E, and F.)

The Court further provided notice and opportunity for public comment by posting the proposed amendments and additions on the Court's Website, publishing the proposed rules in a newspaper of daily circulation, and making copies of the Rules and Forms available to the public.

The Court further finds that the deadline providing public comment was **January 22, 2021** and after not receiving any public comments, the Court has accepted the proposed changes as originally published.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, that the Court this day hereby amends the Local Rules of Court as previously amended and adopted on December 23, 2015, by adopting **Local Rule 78.6** attached hereto as Exhibit "A" and made a part hereof

2014 MC
0038
00053886922
JE

and to implement new Local Forms M.C. Form 1.14 *"Report of Parties' Planning Meeting"* as set forth in Exhibit "B"; M.C. Form 1.15 *"Discovery Plan"* as set forth in Exhibit "C"; M.C. Form 9.4 *"Irrevocable Trust Agreement (Minor)"* as set forth in Exhibit "D" ; M.C. Form 9.5 *"Application to Create Trust and Approve Trust Form (Minor)"* as set forth in Exhibit "E"; and M.C. Form 9.5A *"Entry Creating Trust and Approving Trust Form (Minor)"* as set forth in Exhibit "F" and adopts the same to facilitate the expeditious disposition of cases pursuant to **Rule 5** of the *Rules of Superintendence* for the Courts of Ohio; the Court further Orders that a copy of said Local Rules be immediately filed with the Clerk of this Court and the Clerk of the Supreme Court of the State of Ohio; the Court further Orders the Clerk of this Court to post a copy of the Amended Local Rules of Court including these amendments on the Court Website and to make copies of the Amended Local Rules available to the public.

IT IS SO ORDERED.

Dated: January 25, 2021

Honorable Robert N. Rusu, Jr., Judge

FILED

JAN 25 2021

JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

Local Rule 78.6 Case Management of Adversarial Proceedings

This rule shall govern adversarial proceedings, which shall include, unless otherwise ordered by the Court, all actions commenced with the filing of a complaint and/or assigned a CI case number, except for land sale proceedings, concealment actions, and any actions where all parties have consented to the relief requested.

A. The Court will set the matter for a case management conference and an initial pretrial conference after the answer date of the defendant(s). No later than 21 days prior to the date of that conference, all counsel and unrepresented parties shall participate in a planning meeting. At that planning meeting, the Report of Parties' Planning Meeting (**Local Form – M.C. Form 1.14**) and the Discovery Plan (**Local Form – M.C. Form 1.15**) shall be completed. In addition, the parties shall discuss any issues that may exist as to preservation of discoverable information, consider the nature and basis of their claims, and also discuss all possibilities for promptly settling or otherwise resolving the case. The Report of Parties' Planning Meeting and the Discovery Plan shall be filed with the Court no later than 7 days prior to the scheduled conference.

a. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging and attending the planning meeting, for attempting to agree in good faith on the discovery plan, and for completing and filing both the Report of Parties' Planning Meeting and Discovery Plan.

b. Parties are required to make the initial disclosures required under Civ.R. 26(B) no later than 7 days prior to the case management conference and initial pretrial conference. If a party wishes to object to any required initial disclosures, it must do so as part of the Report of Parties' Planning Meeting.

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

c. In advance of the case management conference and initial pretrial conference, the Plaintiff(s) is required to make a demand upon the Defendant(s) with a written description and monetary breakdown of all damages claimed.

d. Failure to appear at the conference or to participate fully and completely in the parties' planning meeting may result in sanctions.

e. Parties shall come to the case management conference and the initial pretrial conference prepared to discuss all matters contained in Civ.R.

2014 MC
0038
00029777500
M

16(C)(2), in addition to all matters contained in both the Report of Parties' Planning Meeting and the Discovery Plan.

B. All requests for continuances of the case management conference, any pretrial conference, a hearing, or a trial shall be by motion. The motion shall indicate whether counsel agrees or opposes the continuance. Counsel shall notify their respective clients and witnesses to any change in the date and time of any trial or pretrial.

C. Deposition excerpts or relevant portions of other discovery materials offered in support of or in opposition to a motion are to be filed with the party's memorandum of law and attached as properly identified exhibits thereto. Where deposition excerpts have been attached to a motion, the entire deposition transcript must also be separately, and simultaneously, filed.

D. Counsel shall provide the Court and all other counsel and unrepresented attorneys with copies of all exhibits to be admitted to the record.

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

Exhibit B

IN THE COURT OF COMMON PLEAS
DIVISION OF PROBATE
MAHONING COUNTY, OHIO

_____	)	
Plaintiff	)	**CASE NO.:** _____
	)	
vs	)	**JUDGE ROBERT N. RUSU, JR.**
	)	
_____	)	**Report of Parties' Planning Meeting**
Defendant(s)	)	

1. A meeting was held on _____ and was attended by:
   a. _____ counsel for Plaintiff(s)
   _____
   b. _____ counsel for Plaintiff(s)
   _____
   c. _____ counsel for Plaintiff(s)
   _____
   d. _____ counsel for Defendant(s)
   _____
   e. _____ counsel for Defendant(s)
   _____
   f. _____ counsel for Defendant(s)
   _____
   g. The following unrepresented parties:
   _____
   _____
   _____

2. The parties agree that the litigation should be:
   ☐ Expedited
   ☐ Standard
   ☐ Other: _____

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

2014 MC
0038
00071698563
M

3. This case ☐ is ☐ is not suitable for mediation.
4. Plaintiff(s) made initial disclosures as required by the Ohio Rule of Civil Procedure 26 on _____ and all other parties made initial disclosures as follows:

5. Objections to the initial disclosures ☐ are ☐ are not being made. If there are objections, they are specified along with the identity of the objecting party in an appendix to this plan.
6. A discovery plan as required by the Local Rules of the Mahoning County Probate Court ☐ is ☐ is not being completed simultaneously with this. If not, explain the reasons why a discovery plan cannot be formulated

7. The following are other matters that must be addressed by the Court:

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

_____
Counsel for Plaintiff
Printed Name: _____

_____
Counsel for Plaintiff
Printed Name: _____

_____
Counsel for Defendant
Printed Name: _____

_____
Counsel for Defendant
Printed Name: _____

_____
Counsel for Defendant
Printed Name: _____

_____
Unrepresented Party
Printed Name: _____

_____
Unrepresented Party
Printed Name: _____

_____
Unrepresented Party
Printed Name: _____

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

Exhibit C

IN THE COURT OF COMMON PLEAS
DIVISION OF PROBATE
MAHONING COUNTY, OHIO

_____	)	
Plaintiff	)	**CASE NO.:** _____
	)	
vs	)	**JUDGE ROBERT N. RUSU, JR.**
	)	
_____	)	**Discovery Plan**
Defendant(s)	)	

1. The parties agree to address the preservation of electronically stored information and other information held by the parties or third parties as follows:

2. The following issues remain as to the preservation of electronically stored information and other information held by the parties or third parties:

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

3. The parties agree to utilize the following methods of search for the discovery of documents and electronically stored information:

2014 MC
0038
00028066258
M

4. The parties agree to the following limitations for the discovery of documents and electronically stored information:

5. The following agreements have been made by the parties for how claims of privilege or the protection of designated materials after production will be addressed:

6. The parties have agreed to the following timeline and procedure for obtaining disclosure of known and reasonably available non-privileged, non-work product documents and things that support or contradict the specifically pleaded claims and defenses:

7. The parties have agreed to the following timetable and procedure for exchanging lists of lay witnesses, expert witnesses and exhibits for trial:

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

8. The parties have agreed to the following procedure for scheduling depositions:

9. If medical records are expected to be discovered, the parties have reached the following agreements as to how they will be exchanged and handled:

10. The following additional agreements as to discovery have been reached:

11. The following concerns about discovery in this matter continue to exist:

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

_____
Counsel for Plaintiff
Printed Name: _____

_____
Counsel for Plaintiff
Printed Name: _____

_____
Counsel for Defendant
Printed Name: _____

_____
Counsel for Defendant
Printed Name: _____

_____
Counsel for Defendant
Printed Name: _____

_____
Unrepresented Party
Printed Name: _____

_____
Unrepresented Party
Printed Name: _____

_____
Unrepresented Party
Printed Name: _____

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

Exhibit D

PROBATE COURT OF MAHONING COUNTY, OHIO
ROBERT N. RUSU, JR., JUDGE

IN THE MATTER OF _____

CASE NO. _____

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

IRREVOCABLE TRUST AGREEMENT (MINOR)

This Agreement, entered into this _____ day of _____, _____ by and between **Robert N. Rusu, Jr.**, Probate Judge, Court Of Common Pleas, Mahoning County, Ohio, as Grantor pursuant to the statutory authority of Ohio Revised Code Section 2111.182, and _____ as Trustee.

Section 1. Trust Property. The Grantor desires to create a trust authorized by Ohio Revised Code Section 2111.182 for the purpose of receiving the sum of _____. Said sum is the proceeds from an ☐ inheritance, ☐ personal injury or ☐ other (specify): _____, and payable to _____, a minor child.

Section 2. Disposition of Trust Property. The sole beneficiary of said trust, _____ is to receive the principal and accumulated undistributed net income from the trust when he/she attains the age of twenty-five (25) years. The Trustee, may, if the beneficiary attends a college, technical school, or other accredited institution of higher education, use the trust estate to pay the tuition, fees room and board, and other expenses associated with the beneficiary attending such school only with the permission of the Court.

Additionally, the Trustee may also apply to the Court for permission to expend such amounts of the accumulated income and/or principal of the trust estate as the Trustee deems necessary to provide for the beneficiary's health, education, comfort, maintenance and support, or to meet any emergency expense of the beneficiary. Funds may be expended for the foregoing items in the paragraph only upon the approval of the Probate Court.

Section 3. Trustee's Responsibility and Authority. The Trustee shall invest the trust funds as provided under Ohio Revised Code Section 2109.37, 2109.371 and 2109.372. Further, the Trustee shall have the authority to pay all income annually as is necessary to pay taxes on said income, college tuition and expenses, and to pay any other expenses incurred as a result of

2014 MC
0038
00064587066
M

his/her duties under the Trust, including his/her fiduciary bond. The Trustee shall make accounts to the Court on a biennial basis, or at such other times as the Court may require. The Trustee shall incur no liability in handling the Trust estate, provided he/she exercises duties and responsibilities in a reasonable and prudent manner, and complies with the terms of this agreement. The Trustee accepts the Trust hereby created and agrees to carry out the provisions herein on her part to be done and performed, without compensation.

Section 4. Miscellaneous. The Trust being created shall be deemed to be an Ohio Trust, and shall be governed by the laws of the State of Ohio.

In witness whereof, the parties hereto have executed this Agreement in duplicate as of the day and year first above written.

WITNESSES:

_____ _____

Hob. Robert N. Rusu, Jr., Judge

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

_____

_____ _____

Trustee

_____ _____

Typed or Printed Name

Exhibit E

PROBATE COURT OF MAHONING COUNTY, OHIO
ROBERT N. RUSU, JR., JUDGE

IN THE MATTER OF _____

CASE NO. _____

APPLICATION TO CREATE TRUST AND APPROVE TRUST FORM (MINOR)

Applicant has received funds for the benefit of the minor as a result of an ☐ inheritance, ☐ personal injury or ☐ other (specify): _____. Applicant states that it would be in the best interest of the minor to create a Trust for the minor pursuant to R.C. 2111.182.

Applicant prays for an order of the Court authorizing the creation of a Trust and approval of the trust form.

Counsel for Applicant Signature	Applicant Signature
Typed or Printed Name	Typed or Printed Name
Street Address	Street Address
City, State, Zip Code	City, State. Zip Code
Telephone Number	Telephone Number
Email Address	Email Address

Registration Number: _____

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

2014 MC
0038
0007452783 5
M

Exhibit F

PROBATE COURT OF MAHONING COUNTY, OHIO
ROBERT N. RUSU, JR., JUDGE

IN THE MATTER OF _____

CASE NO. _____

ENTRY CREATING TRUST AND
APPROVING TRUST FORM (MINOR)

This cause came on to be heard upon an application to create a Trust.

The Court finds that _____ is the applicant and has received funds for the benefit of the minor and it would be in the best interest of the minor that the Court create a trust pursuant to R.C. 2111.182.

It is therefore ordered that a Trust be created for the benefit of the minor and trust is hereby approved as to form. The Trust shall be administered under Case No. _____.

IT IS SO ORDERED.

Date:_____

_____
Honorable Robert N. Rusu, Jr., Judge

FILED
JAN 25 2021
JUDGE ROBERT N. RUSU, JR.
MAHONING COUNTY PROBATE COURT
YOUNGSTOWN, OHIO

2014 MC
0038
0004803385 2
M