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COURT OF COMMON PLEAS
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GREGORY A. BRUSH
CLERK OF COURTS
MONTGOMERY COUNTY, OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

**IN RE: AMENDMENT TO LOCAL RULES OF
PRACTICE AND PROCEDURE OF THE
MONTGOMERY COUNTY COURT OF COMMON
PLEAS, GENERAL DIVISION**

ENTRY AND ORDER

It is hereby ORDERED that the following amendment to the local rules become part of the Rules of Practice and Procedure of the Montgomery County Court of Common Pleas, General Division, effective the term of court commencing August 9, 2010.

Rule 1.27 - Deposition Testimony

I. FILING OF WRITTEN DEPOSITION TRANSCRIPT:

- A. In addition to the requirements of Civil Rules 30 – 32 and Rule 13 of the Rules of Superintendence for the Courts of Ohio, unless otherwise ordered by the Court, no written deposition transcript shall be filed prior to the deadline for filing of any pretrial statement or seven (7) days prior to trial, whichever is later.
- B. All written deposition transcripts, including attachments and/or exhibits, shall be electronically filed by the attorney of record through the Court's authorized electronic filing system. Pursuant to Sup. R. 45(D), the attorney of record shall omit or redact all personal identifiers from the written deposition transcripts prior to filing the transcript.
- C. The Clerk shall not accept for filing any written deposition transcript unless it is accompanied by a Notice of Filing Deposition Transcript and Certification of Compliance.
 1. The Notice of Filing Deposition Transcript shall identify the deponent and the date the deposition was taken and include a certification that the written deposition transcript being filed is a true record of the deposition that was certified by the officer who took the deposition and that testimony has not been altered in any way.
 2. The Certification of Compliance shall include a certification from counsel that the written deposition transcript is being filed in compliance with this rule and Local Rule 2.09 (IV).

II. FILING OF AUDIO/VIDEO VERSION OF DEPOSITION TRANSCRIPT:

- A. If an audio/video version of a deposition transcript is to be presented during trial or hearing, the attorney presenting the audio/video version of the deposition transcript shall

submit the audio/video version of the deposition to the Court (not the Clerk) three (3) working days prior to the trial or hearing.

- B. The Court will not accept or permit the audio/video version of the deposition transcript to be presented during trial or hearing unless a written transcript of the deposition has been filed by the attorney of record through the Court's authorized electronic filing system.
- C. The audio/video version of the deposition transcript shall include an attached written certification from the officer who took the audio/video deposition. The certification shall state that the witness was fully sworn or affirmed by the officer and that the audio/video version of the deposition is a true record of the testimony given by the witness. The officer's log of the deposition shall be included with the certification.
- D. If the audio/video version of the deposition is presented at trial or a hearing and the proceedings are digitally recorded, the audio/video version of the deposition will be returned to the attorney upon completion of the proceedings. If the proceedings are recorded by a Court Reporter, the audio/video version of the deposition shall be marked as an exhibit of the party who presented the deposition and shall be retained as evidence in the trial or hearing.

III. PRETRIAL REQUIREMENTS:

- A. The Court has video equipment for use at trial. It is the responsibility of the using party to:
 - 1. Notify the Bailiff of intended use within three (3) working days prior to trial;
 - 2. Ensure that the format of the electronic version of the deposition is compatible with the Court's presentation equipment;
 - 3. Be able to operate the Court's presentation equipment.

SO ORDERED:

Barbara Polize Gerner

Dennis Lark

Timothy N. O'Connell

[Signature]

Mary Wisema

[Signature]

Frances E. Meyer

Michael T. Hall

[Signature]

Mary K. Huffman

[Signature]

[Signature]

JUDGES OF THE COMMON PLEAS COURT, GENERAL DIVISION
MONTGOMERY COUNTY