

RULE 1 OF THE ATHENS COUNTY JUVENILE COURT

Pursuant to Ohio Traffic Rule 13.1, there is hereby established a traffic violations bureau for juvenile traffic offenders to be operated in the manner prescribed by Ohio Traffic Rules 13, 13.1, and as prescribed herein. The Judge of the Juvenile Division of the Athens County Court of Common Pleas shall serve as violations clerk, and shall appoint deputy clerks to conduct the business of said bureau as necessary. The violations bureau shall accept appearance, waiver of adjudicatory hearing, plea of admit, and payment of fine and costs for offenses within its authority.

All juvenile traffic offenses may be disposed of by said violations bureau, except as follows:

- (A) Indictable offenses;
- (B) Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
- (C) Leaving the scene of an accident;
- (D) Driving while under suspension or revocation of a driver's or commercial driver's license;
- (E) Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less;
- (F) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- (G) Willfully eluding or fleeing a police officer;
- (H) Drag racing;
- (I) A second or subsequent moving offense;
- (J) An offense that involves an accident;
- (K) Any traffic offense, otherwise eligible to be disposed of by said violations bureau, that the Court, in its discretion and upon a case-by-case basis, determines should not be disposed of by said violations bureau.

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RULE 2 OF THE ATHENS COUNTY JUVENILE COURT

The provisions of this local rule govern facsimile filings in the Athens County Court of Common Pleas, Juvenile Division, and are adopted pursuant to Article IV, Section 5(B) of the Ohio Constitution, Rules 8 and 45(A) of the Ohio Rules of Juvenile Procedure, and the Rules of Superintendence promulgated by the Supreme Court of Ohio.

Where permitted by this Rule, pleadings and other papers may be filed with the Clerk of Court by facsimile transmission to 1-740-592-3268.

APPLICABILITY

- 1.01** These rules apply to civil, criminal, and juvenile proceedings in the Athens County Court of Common Pleas, Juvenile Division.
- 1.02** No document filed by fax that requires a filing fee shall be accepted by the Clerk for filing.

ORIGINAL FILING

- 2.01** Subject to Rule 1.02, a document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.
- 2.02** The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

DEFINITIONS

As used in these rules, unless the context requires otherwise:

- 3.01** A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals to print a duplicate of the source document at the receiving end.
- 3.02** A "facsimile machine" means a machine that can send and receive a facsimile transmission.
- 3.03** "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

4.01 The person filing a document by fax shall also provide therewith a cover page containing the following information [See appendix for sample cover page form.]

- (I) the name of the court;
- (II) the title of the case;
- (III) the case number;
- (IV) the assigned judge;
- (V) the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion To Dismiss);
- (VI) the date of transmission;
- (VII) the transmitting fax number;
- (VIII) an indication of the number of pages included in the transmission, including the cover page;
- (IX) if a judge or case number has not been assigned, state that fact on the cover page;
- (X) the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
- (XI) if applicable, a statement explaining how costs are being submitted.

4.02 If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:

- (I) enter the document in the Case Docket and file the document; or
- (II) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document *shall not* be considered filed with the Clerk of Courts.

4.03 The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

SIGNATURE

5.01 A party who wishes to file a signed source document by fax shall either:

- (I) fax a copy of the signed source document; or
- (II) fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

5.02 A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

EXHIBITS

6.01 Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

6.02 Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g. Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

TIME OF FILING

7.01 Subject to the provisions of these rules, all documents sent by fax and Accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the fax transmission was received by the Clerk of Court. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date

and time imprinted on the document will determine the time of filing, provided the document is deemed accepted by the Clerk.

- 7.02 Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.
- 7.03 The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.
- 7.04 The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

FEES AND COSTS

- 8.01 No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing.
- 8.02 No additional fee shall be assessed for facsimile filings.

LENGTH OF DOCUMENT

- 9.01 Facsimile filings shall not exceed twenty pages in length. The filer shall not transmit service copies by facsimile.

EFFECTIVE DATE

- 10.01 These local rules shall be effective August 16, 2004, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

APPENDIX

Sample Facsimile Filing Cover Page

FACSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: _____

FAX NUMBER: _____

SENDING PARTY INFORMATION:

NAME: _____

SUPREME COURT
REGISTRATION NO. (if applicable): _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NO. _____

FAX NUMBER: _____

E-MAIL ADDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER: _____

TITLE OF THE DOCUMENT: _____

JUDGE: _____

FILING INFORMATION:

DATE OF FAX TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED, IF APPLICABLE:

*If a judge or case number has not been assigned, please state that fact in the space provided.

LOCAL RULE 4 OF THE ATHENS COUNTY, OHIO, JUVENILE COURT

(A) General Purpose

The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

(B) Expedited Hearings

Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

(C) Notice

Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

(D) Stay of Proceedings

Upon the filing of a motion for a determination regarding a child's competency or upon the court's own motion, the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

FILED
ATHENS COUNTY OHIO

OCT 04 2011

Judge, Court of Children Matters
Athens County, Ohio

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OCT 04 2011

FILED
ATHENS COUNTY OHIO

SEP 22 2014

Robert W. Clark
Judge, Court of Common Pleas
Juvenile Division

LOCAL RULE 5 OF THE ATHENS COUNTY, OHIO, JUVENILE COURT

In all juvenile traffic offender proceedings, the Court generally will allow (1) filing of the Ohio Uniform Traffic Ticket in the form of an electronic generated paper citation or (2) filing of the Ohio Uniform Traffic Ticket by electronic submission. At its discretion, and on a case by case basis, the Court may require the use of any other lawful form or procedure for commencement of juvenile traffic offender proceedings.

JOURNALIZED BY *3401078*

SEP 22 2014

JUN 13 2016

Richard S. ...
Judge, Court of Common Pleas
Juvenile Division

RULE 6 OF THE ATHENS COUNTY JUVENILE COURT

(Eff. July 1, 2016)

RULE 6. Child Restraint Rule.

This Rule shall govern the use of physical restraints on children appearing in court proceedings before the Athens County, Ohio, Juvenile Court.

(A) There shall be a presumption that physical restraint not be utilized unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

(1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;

(2) There is a significant risk the child will flee the courtroom.

(B) The judge or magistrate shall permit any party, as defined in Juv.R. 2(Y), to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.

(C) If physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

FEB 20 2008

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Richard St.
Judge, Court of Common Pleas
Probate Division

Richard St.
Judge, Court of Common Pleas
Juvenile Division

**ATHENS COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION**

**Rule 3 (amended)
Mediation**

Introduction

The Athens County Court of Common Pleas, Juvenile Division, adopts Local Rule 3, originally effective June 18, 2007, and amended effective 2-20-08, 2008. Through Local Rule 3 the Court incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA), R.C. 3109.052 concerning mediation of differences as to allocation of parental rights and responsibilities, and Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Ohio.

(A) Definitions

All definitions found in the UMA, R.C. 2710.01, are adopted by the Court through this local rule including, but not limited to, the following:

- (1) "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- (2) "Mediator" means an individual who conducts a mediation.
- (3) "Mediation communication" means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- (4) "Proceeding" means either of the following:
 - (a) Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery.

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(b) A legislative hearing or similar process.

(B) Purpose

Through mediation the Court will provide an alternative method for the resolution of disputes that come before the Athens County Court of Common Pleas, Juvenile Division.

(C) Scope

At any time, any action under the Court's jurisdiction may be ordered to mediation, providing there is no applicable statutory prohibition of same.

(D) Case Selection

(1) Referral Process

The Court, on its own motion, or the motion of any party, may order disputed issues to mediation in whole or in part by "Notice of Scheduled Mediation," which shall, at a minimum, indicate the date, time, place and contact information regarding the mediation. All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

(2) Eligibility of Cases

The mediator will screen mediation candidates for the capacity to mediate prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

(3) Mediator Selection and Assignment

The following methods may be used to determine the mediator for the case:

(a) A court-employed mediator, if any, may facilitate the mediation.

(b) The Court may randomly assign a contract

mediator to the case from the Court's roster of approved mediators.

(c) Specific appointments may be made by the Court, taking into consideration the qualifications, skills, expertise, and case load of the mediator in addition to the type, complexity, and requirements of the case.

(d) Parties may select a mediator from the Court roster.

(E) Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the mediator, mediation will be scheduled. The mediator may meet with the parties individually prior to bringing them together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

(1) The Court shall utilize procedures for all cases that will:

(a) Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.

(b) Screen for domestic violence both before and during mediation.

(c) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

(d) Prohibit the use of mediation in any case of the following:

(i) As an alternative to the prosecution or adjudication of domestic violence.

(ii) In determining whether to grant, modify, or terminate a protection order.

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(iii) In determining the terms and conditions of a protection order.

(iv) In determining the penalty for violation of a protection order.

Nothing in this division of this rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection order.

(2) Mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children shall abide by all provisions set forth in division (E)(1) of this rule, and mediation may proceed when violence or fear of violence is alleged, suspected, or present only if the mediator has specialized training set forth in "Qualifications" section (H) of this rule, and all of the following conditions are satisfied:

(a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.

(b) The parties have the capacity to mediate without fear of coercion or control.

(c) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.

(d) Procedures are in place for the mediator to terminate the mediation if the mediator believes there is continued threat of domestic violence or coercion between the parties.

(e) Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

(3) Mediation in child abuse, neglect, or dependency cases shall abide by all provisions outlined in divisions (E)(1) and (E)(2) of this rule and shall proceed only if the mediator has specialized training set forth in "Qualifications" section (H) of this rule and utilizes

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procedures by the Court that will:

(a) Ensure that parties who are not represented by counsel attend mediation only if they have waived the right to counsel in open court, and that parties represented by counsel attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. A waiver of counsel can be rescinded at any time.

(b) Notify parties and non-party participants of the mediation.

(c) Provide for the selection and referral of a case to mediation at any point after the case is filed.

(4) Party/Non-party Participation

(a) Parties who are ordered into mediation shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time.

(b) A judge, magistrate, and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.

(c) If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

(d) If the opposing parties to any case are (1) related by blood, adoption, or marriage; (2) have resided in a common residence; or (3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their attorneys have a duty to disclose such information to the mediator and have a duty to participate in any screening required by the Court.

(e) By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and

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2710.04(A)(2).

(5) Stay of Proceedings

All remaining Court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written Court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

(6) Continuances

It is the policy of the Court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only by the judge, magistrate, or mediator, where applicable, for good cause shown. Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the Court that the extension will not interrupt the scheduled movement of the case. Requests for continuances and extensions, and their dispositions, will be recorded in the file of the case.

(7) Mediation Case Summary

Attorneys may, at their option, or must if required on a specific case by the judge or magistrate, submit a "Mediation Case Summary" to the mediator that shall contain the following:

- (a) A summary of material facts.
- (b) A summary of legal issues.
- (c) The status of discovery.
- (d) A list of special damages and a summary of injuries or damages.
- (e) Settlement attempts to date, including demands and offers.

(8) Mediation Memorandum of Understanding

The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The mediation memorandum may be signed by

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the parties and counsel. If the mediation memorandum is signed it will not be privileged pursuant to R.C. 2710.05(A)(1). The written mediation memorandum of understanding may become an order of the Court after review and approval by the parties and their attorneys, if applicable. No oral agreement by counsel or with parties or an officer of the Court will be regarded unless made in open court.

(9) Mediator Report

At the conclusion of the mediation and in compliance with R.C. 2710.06 the Court shall be informed of the status of the mediation including all of the following:

- (a) Whether the mediation occurred or was terminated.
- (b) Whether a settlement was reached on some, all, or none of the issues.
- (c) Attendance of the parties.
- (d) Future mediation session(s), including date and time.

(F) Confidentiality/Privilege

All mediation communications related to or made during the mediation process are subject to and governed by the UMA R.C. 2710.01 to 2710.10, R.C. 3109.052, the Rules of Evidence, and any other pertinent judicial rule(s).

(G) Mediator's Duty

(1) Inform the Court

The mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. No other information shall be directly or indirectly communicated by the mediator to the Court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such

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disclosure.

(2) Give No Advice

The efforts of the mediator shall not be construed as giving legal advice. The Court may have materials concerning legal or other support services available in the community. The mediator is authorized to provide such resource information to the parties or their attorneys. However, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

(3) Mediator Conflicts of Interest

In accordance with R.C. 2710.08(A) and (B), the mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts of interest that may affect the mediator's impartiality as soon as such a conflict becomes known to the mediator. If counsel or a mediation party requests that the assigned mediator withdraw because of the facts disclosed, the assigned mediator should withdraw and report the conflict to the judge or magistrate. The parties shall be free to retain the mediator by an informed, voluntary, written waiver of the conflict(s).

(H) Qualifications

(1) Qualifications for Mediators

A mediator employed by the Court or to whom the Court makes referrals for mediation of allocation of parental rights and responsibilities; the care of, or visitation with, minor children; abuse, neglect and dependency; or juvenile perpetrated domestic violence cases shall satisfy all of the following:

(a) Possess a bachelor's degree or equivalent education or experience as is satisfactory to the Court, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law

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matters, or such other equivalent experience satisfactory to the Court.

(b) Complete at least twelve (12) hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court.

(c) After completing the above training, complete at least forty (40) hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.

(2) Specific Qualifications and Training: Domestic Abuse

A mediator employed by the Court or to whom the Court makes referrals for mediation of any case shall complete at least fourteen (14) hours of specialized training in domestic abuse and mediation through a training program approved by the Supreme Court of Ohio Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he or she co-mediate with a mediator who has completed the specialized training.

(3) Specific Qualifications and Training: Abuse, Neglect, and Dependency Cases

In addition to satisfying the requirements outlined above, a mediator employed by the Court or to whom the Court makes referrals for mediation of abuse, neglect, or dependency cases shall satisfy both of the following:

(a) Possess significant experience in mediating family disputes.

(b) Complete at least thirty two (32) hours of specialized child protection mediation training through either a formal training session or through a mentoring program approved by the Supreme Court of Ohio Dispute Resolution Section.

(I) Sanctions

If any individual ordered by the Court to attend mediation fails to attend mediation without good cause, the Court may impose sanctions which may include, but are not limited to, the award of attorney fees and other costs, contempt, or other

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appropriate sanctions at the discretion of the assigned judge or magistrate.

(J) Model Standards

Mediators providing services for the Court shall comply with the Model Standards of Practice for Family and Divorce Mediation, and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set forth in Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Ohio.

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