

BEDFORD MUNICIPAL COURT

MOTION TO SEAL EVICTION INSTRUCTIONS

**BEFORE YOU FILE A MOTION TO SEAL EVICTION RECORD,
READ THE INSTRUCTIONS CAREFULLY.**

Bedford Municipal Court Local Rule 33.01 and Superintendence Rule 45(E) explains fully the process for filing a Motion to Seal Eviction Record(s), the factors the Court considers when ruling on a Motion to Seal, and the circumstances under which a motion may be granted.

If you have questions regarding your eligibility, how to fill out this form, and/or the sealing process, consult with an Attorney BEFORE you file the motion.

Steps to Reviewing and Filing Your Motion to Seal:

Attached is a blank "Motion to Seal Eviction Record" form. This form is provided as a courtesy; however you are not required to use this form. Neither the Court nor the Clerk's Office can provide you with legal advice regarding this form. You are responsible for anything contained in the Motion to Seal so make sure you understand it fully before filling it out, signing and filing.

Fill out the Motion to Seal form **truthfully, accurately and completely**; filling in all of the applicable blanks.

Attach to the motion all evidence you would like the Court to consider. Do not assume that you will have a hearing or another chance to submit additional evidence. The Court may review the motion and rule on it without a hearing.

Before you file your motion, make two copies of the completed motion with all attachments. The original is for the Clerk of Court, one copy is for your records, the additional copy can be used for you to serve the Plaintiff/Landlord (see below).

You are required to **serve a copy of your motion** with all attachments **to the Plaintiff/Landlord(s)** in your case. You will also need to certify that you provided the Plaintiff/Landlord(s) a copy using the **Certificate of Service page** on the blank form. Make sure this is filled out properly and that a copy is properly served to the Landlord(s) as the Court cannot consider any filings that are not properly served to all parties.

Within 3 days of serving the Landlord, you must **file the original**, completed motion with the Clerk of Court. There is a \$30.00 charge for filing a Motion to Seal Eviction Record, which must be paid at the time of filing.

After your motion is filed:

- The Court is not required to but may schedule a hearing on your motion. If a hearing is scheduled, be sure to arrive on time for the hearing, and bring all your paperwork, evidence and witnesses with you.
- The Court will notify you in writing of its decision on your motion. Make sure we have your current address in your motion, so we can notify you of the results. If you change residences while the motion is pending, file a Notice of Change of Address with the Court.

The effect if your motion is granted:

- The Court will redact (take off) your name from all public records (electronic and physical) it maintains pertaining to the eviction case. Sealing the record restricts access of the public to the case record; it does not remove the record from the Court's electronic or paper docket.
- The Court may provide access to the record as required by law to law enforcement officials, or others conducting official government business.
- Sealing the record of an eviction does not authorize you to make a false statement regarding the filing or granting of the eviction.
- The Court on its own motion or a party to the original action may file a motion seeking to unseal the eviction record, if there is good cause shown that the record should be unsealed (for example, that the sealing was procured through fraud).

Also keep in mind:

- The Court typically will consider only ONE MOTION TO SEAL EVICTION RECORD on any given case. You have ONLY ONE OPPORTUNITY to convince the Court to seal your eviction record. Include ALL documentation with your motion.
- In general, the Court will consider a Motion to Seal Eviction Record only under specific, limited circumstances.

**IN THE BEDFORD MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO**

_____, et al) CASE NO _____
Plaintiff(s))
v.)
_____, et al) JUDGE: _____
Defendant(s))

MOTION TO SEAL RECORD OF EVICTION

NOW COMES the Defendant and states as follows:

1. I am the named Tenant/Defendant in the above case number.
2. I have read the instructions provided by the court **before** filling out this motion and I believe that I am eligible for sealing of my eviction case.
3. I am asking this Court to seal my eviction case because (**choose one**):

- The Court dismissed the eviction or entered judgment in my favor after a hearing;
- The landlord dismissed the eviction as part of an agreement before any judgment was entered by the court;
- The landlord agreed, in writing, to seal the eviction record (a copy of that agreement is attached);
- The landlord prevailed at a hearing and I was evicted, however all of the following apply:
 - a) At least five years have passed since judgment was entered for the landlord in this and any monetary judgement (second cause damages) was been paid in full; and
 - b) At least five years have passed since I have had an eviction judgment entered against me in any court; and
 - c) There were extenuating circumstances in my life or surrounding the situation that led to my eviction:

_____.

Other grounds not listed above: _____
_____.

4. (Optional) I have attached additional documentation in support of my request.
5. I certify that the information provided in this motion is true and accurate to the best of my knowledge. I understand that filing a false document with the court is a criminal offense and grounds for denial of my Motion.
6. The presumption of public access is outweighed by the risk of injury to me by not being able to reasonably rent affordable housing and/or the following other potential injuries:

7. I am requesting, pursuant to Local Rule 33.01 and Superintendence Rule 45(E), this Honorable Court restrict public access to my eviction case.
8. (Choose one) If the court will allow, I would like the court to decide the motion without my having to appear in court for an oral hearing. I am requesting an oral hearing on my motion.

Respectfully submitted,

Signature: _____

Name: _____

Address: _____

Email: _____

Telephone.: _____

CERTIFICATE OF SERVICE

BY SIGNING BELOW I CERTIFY that I provided a copy of this Motion and all attached documents on this ____ day of _____, 20__, by regular mail in person, to the Plaintiff.

_____ Plaintiff Name, Address, Phone Number

Signature:

Name:
