

Rule 33.1 Motion to Seal Eviction Record.

- (A) The Court may order the Clerk to seal an eviction record when the interests of justice in sealing the record outweigh the interests of the government and the public in maintaining a public record of the case, including, for example, in the following circumstances:
- (1) The court dismissed or entered judgment for the tenant/movant on the claim for possession; or
 - (2) The landlord dismissed the claim for possession before adjudication of that claim; or
 - (3) The landlord stipulates, in writing to the Court, to sealing the record, except that sealing of a record solely on the basis of the stipulation by the landlord shall be granted only once in any five-year period; or
 - (4) The landlord prevailed on the merits on the claim for possession, and all of the following occurred:
 - a. extenuating circumstances led to the eviction;
 - b. at least five years have passed since judgment was entered for the landlord and any monetary judgment was paid in full;
 - c. at least five years have passed since the tenant has had an adverse judgment granting an eviction in any jurisdiction.
- (B) Application to have an eviction record sealed must be made by motion. The following conditions apply:
- (1) The party seeking to have the record sealed must file a written motion, even if the landlord agrees to the sealing in a settlement agreement or agreed judgment entry.
 - (2) The moving party must serve that motion upon the opposing party in the case at that party's last known address, and endorse proof of service on the motion.
 - (3) The opposing party may file a response within the time specified by Loc. R. 26, *supra*.
 - (4) Either party may request an oral hearing on the motion.
 - (5) The Court, in its discretion, may order service of the motion or the notice of hearing upon the opposing party by certified mail.
- (C) The Court may consider all relevant factors when examining a Motion to Seal Eviction Record, which may include, but are not limited to:
- (1) The disposition of the first cause of action;
 - (2) Whether the sealing of the record is agreed to or disputed by the opposing party;
 - (3) If the landlord received judgment on the first cause of action, the grounds upon which the judgment was granted;
 - (4) Whether the movant has satisfied any money judgment issued in favor of the opposing party in the eviction case; and
 - (5) Any other information relevant to the determination of whether justice requires the sealing of the record.
- (D) If the Court grants a Motion to Seal Eviction Record, the Clerk shall forthwith cause the Tenant's name to be redacted from all public records it maintains, including the electronic case index system, to the same extent that it would for a criminal sealing of records (formerly known as expungement). The Clerk shall retain both the electronic record

of the action, and the physical file, should one exist, in accordance with its record retention policy. The Clerk shall ensure that the record of the case can be retrieved and unsealed, if ordered.

- (E) Sealing the record of an eviction does not authorize a tenant or former tenant to make a false statement regarding the filing or granting of the eviction.
- (F) Sealing the record restricts access to the case record; it does not remove the record from the Court's electronic or paper docket. Access to the sealed record shall be limited to the Clerk of Court, the Clerk's designee, the assigned and presiding Judges, and the said Judges'+ designee. A party to the original action may file a motion requesting access to the record or case file. The Court may provide access to the record as required by law enforcement officials, or others conducting official government business.
- (G) A party to the original action may file a motion seeking to unseal the eviction record, setting forth in the motion and attached affidavit or brief good cause why the record should be unsealed. Such good cause may include, for example, that the original movant was not truthful in the motion to seal, or that the sealing was procured through fraud. For good cause, the Court may unseal a record on its own motion, after notice to the parties to the case.

Comments can be emailed to info@ghmc.org

Or mailed to:

Garfield Heights Municipal Court

5555 Turney Rd

Garfield Heights, OH 44125