

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

IN RE:)
RULES OF PRACTICE AND PROCEDURE OF)
THE COURT OF COMMON PLEAS, GENERAL)
DIVISION – AMENDMENT OF LOCAL)
RULE 7.04(H) ELECTRONIC FILING OF)
COURT DOCUEMNTS)

MISC. NO. 325

AMENDMENT
COURT RULES

ORDER

IT IS HEREBY ORDERED AND DECREED THAT THE RULES OF THE COURT OF COMMON PLEAS, GENERAL DIVISION, OF SUMMIT COUNTY IN REGARD TO CASE ADMINISTRATION AND DISPOSITION, LOCAL RULE 7.04(H) ELECTRONIC FILING OF COURT DOCUMENTS SHALL BE AMENDED TO READ AS FOLLOWS:

1. Internet Electronic Filings
 - a. Except as provided in this rule, in conformity with Ohio Revised Code, Civ.R. 5(E) and Crim.R. 12(B), pleadings and other papers in all general civil cases and criminal cases shall be filed with the Clerk of Courts electronically via the Internet. Pleadings and other papers in other civil cases may be filed with the Clerk of Courts electronically via the Internet.
 - b. Individuals who have been declared vexatious litigators, as defined below, will not be permitted to file documents electronically. The e-filing System will not provide an individual who has been declared a vexatious litigator with a user id and password to access the system. A vexatious litigator may only file in paper format, provided he/she has first obtained permission from the assigned Judge to file in that case. The Clerk's office will accept the filings from the vexatious litigators in paper format, as needed.
2. All Electronic Filings shall be Subject to the Following Conditions
 - a. Definitions: The following terms in this Rule shall be as follows:

- i. Electronic Filing (“e-filing” or “efiling”): The process of transmitting a digitized source document electronically via the Internet to the Clerk’s office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted.
 - ii. Court Initiated Filings: Official Court documents entered into the docket or register of actions, such as notices or orders. The term “Court initiated filings” is a simplification to indicate that documents will be submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the Court so desires.
 - iii. Electronic Mail (email or e-mail): Messages sent by a user and received by another through an electronic service system utilizing the public Internet.
 - iv. Source Document: The document created and maintained by the filer which is then electronically transmitted to the Court.
 - v. Original Document: The transmitted copy of the source document received by the Clerk of Courts that becomes part of the court record and is maintained in the Court’s file.
 - vi. Date and Time of Filing: The date and time the Clerk of Courts has received the entire transmission of the filing, unless rejected. (See filing acceptance below.)The date and time of receipt will be indicated on the sender’s computer screen after the document has been uploaded to the Clerk of Courts.
 - vii. Electronic Service (“eService”): The electronic transmission of an original document to all case participants who are registered users of the Court’s eFile system via the eFile system. Upon the completion of any transmission to the eFile system, an electronic receipt shall be issued to the sender acknowledging receipt by the eFile system.
 - viii. Electronic Signature: An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and that is executed or adopted by a party with the intent to sign the electronic record. Or signatures by an attorney or party indicated by the typewritten name of that person preceded by “s/”.
 - ix. Vexatious Litigators: Individuals who have been declared vexatious litigators pursuant to R.C.§2323.52.
 - x. Personal Identifiers: Shall have the same meaning as provided in Sup. R.44(H).
- b. Application of Rules and Orders: Unless modified by approved stipulation or order of the Court or a judicial officer, all applicable Federal Rules of Civil and Criminal Procedure, Ohio Rules of Civil and Criminal Procedure and Local Rules, and orders of the Court shall continue to apply to documents electronically filed.
- c. Filings: Any document filed electronically that requires a filing fee may be rejected by the Clerk of Courts unless the filer has complied with this rule concerning the payment of filing fees.
 - i. Any document and/or court action that requires payment of a Filing Fee will be made by using a valid credit card through the Clerk’s E-Filing

System.

- ii. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
 - iii. All complaints in criminal cases shall comply with Ohio Crim.R. 3.
 - iv. All documents containing notarizations shall be electronically filed only as a hand-signed scanned PDF document. The notary seal shall be visible.
- d. Filings Not Accepted: Civil Protection Orders, Anti-Stalking Petitions, Miscellaneous Court Actions including Discovery Actions, Garnishments, Attorney Fee Applications, Sealed Cases, Certificate of Qualifications for Employment Actions, Court of Claims Complaints, Notary Public Commission or Notary Public Verification.
- e. Hours of Operation: Electronic filings may be submitted at any time. The electronically filed document will be considered filed as of the date and time that the Clerk of Courts receives the entire transmission. All electronically filed documents shall receive a confirmation date and time acknowledgement. Time at the Court (Eastern Standard or Daylight) governs, rather than the time zone from which the filing is made, subject to Section C of this Rule.
- f. Document Format: Documents submitted must be in a digitized format specified by the Clerk of Courts as set forth in the online guide to electronic filing.
- i. Size of Filing: All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF) on 8½ x 11 inch pages. Submissions shall be limited to 10 MB maximum file size per document and 30 MB maximum file size for one submission. Larger sized documents shall be broken down and filed according to the directions maintained on the Clerk of Courts website e-filing page.
 - ii. Proposed Entries and Orders: Proposed Entries and Orders must be submitted in Microsoft Word (.doc or .docx) format and reference the specific motion to which it applies. The eFiling system will electronically transmit the proposed orders to the assigned Judge or Magistrate.
 - iii. Attorney/Filing Party Signature: eFiled documents that require the signature of the attorney or filing party shall be signed with a conformed signature of “/s/ [name].” The correct format for an attorney’s conformed signature is as follows:
 - s/ Attorney Name
 - Typed Attorney Name
 - Ohio Supreme Court Number/Bar Number 1234567
 - Attorney for [Plaintiff/Defendant] XYZ Corporation
 - Law Firm Name
 - Address (Full Address)
 - Telephone
 - Email Address
 - Fax Number
 - iv. Signatures: The conformed signature on an eFiled document is deemed to

constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and any other law.

- v. Multiple Signatures: When a stipulation or other document requires two or more signatures, the filer shall:
 - 1. confirm that the content of the document is acceptable to all persons required to sign the document;
 - 2. indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line; and
 - 3. eFile the document, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.
- vi. Original Signatures: Documents requiring an original signature, such as an affidavit or other notarized documents shall be eFiled as a .pdf.
 - 1. The filer shall maintain the signed document in the filer's records and have it available for production upon request of the Court.
 - 2. The signed document shall be maintained until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief are exhausted.
- vii. Signature of Judge or Judicial Officer: eFiled documents may be signed by a Judge or judicial officer via a digital signature. All orders, decrees, judgments and other documents signed in this manner shall have the same force and effect as if the Judge had affixed his or her signature to a paper copy of the order and journalized it.
- g. Personal and Private Information in Documents Filed with the Clerk: Personal and private information includes, but is not limited to, social security numbers, financial account numbers, names of minors, information protected by law from public disclosure, and driver's license or other personal identification numbers.
 - i. Document Content: All documents e-filed shall omit personal identifiers as defined in Sup. R. 44(H). The responsibility for redacting personal identifiers rests solely upon the filer. The Clerk and the Court will not review each document for compliance with this rule. When the personal information is omitted from a case filing it shall be submitted or filed separately on a form provided by the Clerk.
 - ii. Redaction: If personal and private information is necessary and must be included in a document, the filer shall redact the personal and private information from the document in the following manner:
 - 1. For social security numbers, financial account numbers, and drivers; license or other personal identification numbers, all but the last four digits of the number shall be redacted.
 - 2. For minors, only the child's initials shall be included.
 - 3. For any other personal or private information, the information shall be replaced with "[REDACTED]".
 - iii. Responsible Party: The filer is responsible for redacting personal and private information. The Clerk shall not review each document for compliance with this Rule: however, the Clerk may refuse to accept any document that contains personal and private information that has not been redacted or submitted in accordance with this Rule.

iv. Sealed Documents: In accordance with Rule 45 of the Rules of Superintendence for the Courts of Ohio, a document may be filed under seal. The Order and its date must be noted on the e-filing under the document title (e.g., “Document filed under seal pursuant to Court Order of mm/dd/yyyy”).

h. Exceptions to eFiling

- i.** Exhibits, attachments, or other documents that may not be comprehensibly viewed in a .pdf shall be filed in their physical form with the Clerk.
- ii.** Pro se parties who are not registered users of the Court’s eFile system may file documents in paper form with the Clerk in person or by U.S. Mail. Documents filed in accordance with this Rule shall be deemed filed and shall become the Court’s Official Court Record when they are accepted by the Clerk in the Court’s eFile system.

3. Time, Effect and Process of eFiling

- a. Submission:** Any filing may be eFiled with the Clerk 24 hours a day, 7 days a week.
- b. Receipt:** Upon receipt, the Court’s eFile system shall issue a confirmation that the submission has been received.
- c. Clerk Review:** After Clerk Review, a filer will receive notification from the Clerk that the submission has been accepted or rejected by the Clerk.
 - i.** If the submission is rejected, the document shall not become part of the Court record and the filer shall be required to re-submit the document to meet the requirements. The re-submitted document shall receive a new submission date and time.
 - ii.** If the submission is accepted, the document shall be docketed and filed.
- d. Official Time Stamp:** Upon acceptance, the submission shall be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the Court’s eFile system.

4. Service

- a. Instructions for Service:** For all documents that require service by the Clerk or documents for which a party is requesting that service be made by the Clerk, Instructions for Service shall be filed as a separate document. The Clerk shall not accept Instructions for Service that do not designate the names and addresses of the parties to be served. If the address of the party to be served is unknown, the filer shall substitute “unknown” for the address.
- b. Complaint and Related Documents in Civil Cases:**
 - i.** Upon filing the original complaint or any counterclaim, crossclaim, or third party complaint, in addition to the Instructions for Service required by this Rule, the filer shall include the address of the plaintiff(s) and defendant(s) in the caption of the document. If the address of any plaintiff or defendant is unknown, the filer shall substitute “unknown” for the address in the caption.
 - ii.** Unless an attorney or party has obtained permission signed by the assigned Judge to defer service of summons for a specific period of time, the Instructions for Service filed with the original complaint or any

counterclaim, crossclaim or third party complaint shall indicate a method of service pursuant to Civ. R. 4.

- iii. The Clerk shall issue a summons and process the method of service in accordance with the Ohio Rules of Civil Procedure.

c. Documents Filed Subsequent to Complaint:

- i. In accordance with Civ. R. 5 and Crim. R. 49, unless the filer requests service by the Clerk and files the Instructions for Service required by this Rule, the filer, not the Clerk, shall be responsible for serving all documents filed subsequent to the original complaint on all parties or their attorneys.

1. When a submission is deemed filed pursuant to this Rule, the eFile system shall generate a Notification of Electronic Filing to the filer and any other party who is a registered user of the eFile system. The Notification of Electronic Filing shall constitute service under Civ. R. 5 and Crim. R. 49.
2. eService of documents subsequent to the complaint or indictment shall be considered valid and effective service and shall have the same legal effect as an original paper document.
3. The filer shall serve a paper copy of the document on all pro se parties who are not registered users of the Court's eFile system in accordance with Civ. R. 5 and Crim. R. 49.

- ii. Entries and Orders

1. The Court's eFile system shall generate a Notification of Electronic Filing for all entries and orders signed by the Judge. This Notification of Electronic Filing shall constitute service under Civ. R. 5 and Crim. R. 49.
2. After the order or entry has been signed and filed, the filer, not the Court or Clerk, shall serve on all pro se parties who are not registered users of the Court's eFile system copies of all entries and orders submitted to the Court for signature in accordance with Civ. R. 5 and Crim. R. 49.

- d. Certificate of Service: Proof of service of all documents required or permitted to be served shall be made in compliance with Civ. R. 5(B)(4) and Crim. R. 49(C). The Certificate of Service shall be signed in accordance with applicable Ohio court rules and laws, including these Rules, and shall contain the following language for each party entitled to service: "I hereby certify that on [date] this document was eFiled via the Court's eFile system which shall send notifications of this filing to the following: [list parties or their counsel who are registered users of the Court's eFile system]. 14 I hereby certify that on [date] I served this document in accordance with [Civ. R. 5 or Crim. R. 49] on the following: [list pro se parties who are not registered users of the Court's eFile system]."

- e. Service Date and Time to Respond or Act: For *pro se* parties who are registered users of the Court's eFile system and counsel of record, service shall be deemed complete at the time the Notification of Electronic Filing is generated by the Court's eFile system.

- f. Failure of eService: If the eFile system fails to generate the Notice of Electronic Filing, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.

5. Disposition and Maintenance of Source Documents

A document electronically filed shall be accepted as the original filing, consistent with Ohio Revised Code Civ. R. 5(E) and Crim.R. 12(B) if the person filing electronically complies with all of the requirements set forth in this Local Rule. The person filing electronically need not file any original copy with the Clerk of Courts but must maintain the source document in his or her records, and have available for production on request by the Court, the Clerk of Courts or other counsel, the signed source document that was electronically filed. The filer must maintain this source document for five years after the final disposition of the case, including final disposition of all appeals.

6. Public Method of Access to Electronically Filed Public

Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper. Public access to electronically filed public documents will be available via the Internet web site of the Clerk of Courts as soon as the Clerk of Courts has processed the document. If Internet web site access is unavailable or is not provided by the Clerk of Courts, or if the Clerk of Courts is prohibited by the Court or by any law from making the document available via the Internet web site, the document will be available at one or more offices of the Clerk of Courts, either by computer terminal or in paper form in the case jacket or on microfilm. However, if a document or case record is sealed or expunged it is unavailable for public disclosure.

7. User or Technical Errors

Any e-filer whose filing is made untimely as the result of a technical failure of the Clerk of Court's system, or of the filer's computer hardware or software, phone lines or internet service provider (ISP), may move for leave to file instanter or for other appropriate relief from the court. Such technical failures cannot extend jurisdictional deadlines. The motion shall be accompanied by an affidavit stating the circumstances of and reason for missing the deadline, and must be filed no later than noon of the first day on which the Clerk of Courts is open for business following the original filing deadline. The Court will consider the matters stated in the affidavit and order appropriate relief.

8. Operating Procedures and Instructions

The Clerk of Courts is authorized to prepare and maintain operating procedures and instructions for electronic filing. These are available online at the Clerk's website.