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RULE 28 - ELECTRONIC FILING

RULE 28.1 – DEFINITION OF TERMS - The following terms in this Rule shall be defined as follows:

- (a) Case Management System (“CMS”): The Court CMS manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
- (b) Clerk Review: A review of Documents by the Clerk in accordance with Court rules, policies, procedures, and practice. The Clerk shall review the data and documents electronically submitted to ensure compliance with Court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
- (c) E-file ID Number: A number that is assigned to a document upon submission to the CMS. A Registered User may log into his/her/its account to review the status of documents filed on cases on which the Registered User is a filer, and view the number assigned to each filing for receipting/verification purposes.
- (d) Court Electronic Record: Any document received in electronic form, recorded in the CMS and stored in the DMS. This includes Court initiated filings as well as pleadings, other documents and attachments created by parties or their counsel. It does not include physical exhibits brought into the courtroom for the Court or jury’s edification that cannot be captured in electronic form.
Document: A filing made with the Clerk in either electronic format or scanned from paper, becoming the Court’s official record.
- (e) Document: A filing made with the Clerk in either electronic format or scanned from paper, becoming the Court’s official record.
- (f) Document Management System (“DMS”): A DMS manages the receipting, indexing, storage and retrieval of electronic and non-electronic documents associated with a case.
- (g) Electronic Filing (“e-File”): The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and images. This definition of e-File does not apply to facsimile or email.
- (h) Public Access Terminal: A terminal located in the Clerk’s office for use by the public during regular business hours. Users shall be charged for printed copies of documents at rates permitted by law.
- (i) Registered User: A person who has read and agreed to the terms of the CMS’s User Agreement, has provided his/her credentials through the CMS proving his/her identity, and has been provided with a User ID and password through the CMS. A Registered User, by virtue of his/her registration with the CMS, expressly assents to service by email as the default method of service for all documents except Complaints. A Registered User may log into his/her account 24/7 to review cases on which he/she is a

party, and shall use the CMS to file any documents electronically, at any time of the day, from any location he/she chooses, use his/her User ID and password.

- (i) Service of Documents: All pleadings (unless excluded herein), motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents filed electronically with the Clerk shall be served by the parties to a case in accordance with Ohio Civil Rule 5.
- (j) System Error: When the Court's e-File system is not operational.
- (k) Vexatious Litigators - Individuals who have been declared vexatious litigators pursuant to R.C. §2323.52.
- (l) Personal Identifiers - Shall have the same meaning as provided in Sup. R.44(H).

RULE 28.2 - REGISTRATION IN E-FILE SYSTEM

- (a) All counsel of record wishing to utilize the e-file system shall register with the Court to file, serve, receive, review and retrieve copies of e-Filed pleadings, orders and other documents in the case. Registration shall be in accordance with the procedure established by the Clerk as set forth on the Clerk's website.
- (b) Pro Se parties may, but are not required to, register with the Court's e-File system.

RULE 28.3 - CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

- (a) The Court's e-File system shall assign an individual who has registered pursuant to Subsection (B) of this Rule a confidential and unique electronic identifier that shall be used to file, serve, receive, review, and retrieve e-Filed pleadings, orders, and other documents in the case.
- (b) Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier.
- (c) All e-Filed documents shall be deemed to be made with the authorization of the party who is assigned the specific unique electronic identifier, unless the party proves to the satisfaction of the Court, by clear and convincing evidence, that the contrary is demonstrated.

RULE 28.4 - DESIGNATION OF ELECTRONIC FILING CASES

- (a) All e-file case types not excluded (refer to 28.11) may be filed electronically. By definition, parties filing electronically or receiving electronic service of any documents filed must become registrants with the Court's electronic filing system.

RULE 28.5 - OFFICIAL COURT RECORD

- (a) For case types designated for electronic filing, parties shall file all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, notices, orders, or other documents electronically through the court's electronic filing system. Except as provided in Subsection (K) of this Rule, the Clerk shall not accept or file any document in paper form in mandatory e-File cases from litigants represented by counsel
- (b) For documents that have been e-Filed pursuant to Subsection (G) of this Rule or documents filed in paper format pursuant to Subsection (K) of this Rule that have been scanned and uploaded to the e-File system by the Clerk, the electronic version constitutes the Official Court Record. E-Filed Documents have the same force and effect as those filed by traditional means.

RULE 28.6 - FORM OF DOCUMENTS

- (a) Format: All pleadings, motions, briefs, and other documents shall be formatted in accordance with the following:
1. Typewritten or printed, double spaced, on 8 ½" x 11" paper, not less than 11-point and not greater than 12-point regular type font, paginated sequentially.
 2. A filed document shall not contain links to other documents or references to the CMS, unless they are incorporated into the filed documents. External links are prohibited.
 3. Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size. The formatting requirements and limitations set forth in section 1.03 of these rules apply to electronically filed documents.
- (b) Portable Document Format (".pdf"):
1. Except as provided in Subsection (F)(2)(b) of this Rule, all e-Filed documents, pleadings, and papers shall be filed with the Clerk in .pdf.
 2. A proposed order or proposed entry shall be submitted in Word [.doc] format and reference the specific motion to which it applies.
- (c) Signatures:
1. Attorney/Filing Party Signature: e-Filed 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
Attorney Name
Bar Number 1234567
Attorney for [Plaintiff/Defendant] XYZ Corporation
ABC Law Firm
Address
Telephone
Fax and/or E-mail address
 2. The conformed signature on an e-Filed 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 or rule of court.
 3. Multiple Signatures: When a stipulation or other document requires two or more signatures, the filer shall:
 - confirm that the content of the document is acceptable to all persons required to sign the document;
 - indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line; and
 - e-File the document, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc. with the manner and date of approval.
 4. Original Signatures: Documents requiring an original signature, such as an affidavit or other notarized documents shall be e-Filed as a .pdf.
 - The filer shall maintain the signed document in the filer's records and have it available for production upon request of the Court.
 - 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.

5. Signature of Judge or Judicial Officer: e-Filed 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.

RULE 28.7 - TIME, EFFECT AND PROCESS OF E-FILING

- (a) Submission: Any filing may be e-Filed with the Clerk 24 hours a day, 7 days a week.
- (b) Receipt: Upon receipt, the Court's e-File system shall issue a confirmation that the submission has been received. The confirmation shall include the date and time of receipt and serve as proof of receipt.
- (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.
 1. If the submission is accepted, the document shall be docketed and filed.
 2. If the Clerk's review finds the submission does not comply with Court rules, policies, procedures, and practice, the filer shall be notified and have forty-eight (48) hours to remedy the compliance issues.
 3. If the compliance issues are not timely resolved, the submission will be rejected and the document shall not become part of the Court record.
- (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 e-File system. Once accepted the document will be deemed filed for purposes of Ohio Law and relevant Rules of Court Procedure.
- (e) . System Errors: If a submission is not received by the Court because of System Error, the Court may, upon its discretion, enter an order permitting the document to be filed *nunc pro tunc* to the date it was submitted.

RULE 28.8 - 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 a party to be served is unknown, the filer shall substitute "unknown" for the address.
- (b) Complaint and Related Documents in Civil Cases:
 1. Upon filing the original complaint or any counterclaim, cross claim, or third party complaint, in addition to the Instructions for Service required by Subsection (H)(1) of 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.
 2. 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, cross claim or third party complaint shall indicate a method of service pursuant to Civ. R. 4. 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 or Indictment:
 1. In accordance with Civ. R. 5(B)(2) and Crim. R. 49, the filer, not the Clerk, shall be responsible for serving all documents, including proposed orders, filed subsequent to the original complaint on all parties or their attorneys.
 2. Certificate of Service by attorneys or pro se parties:
 - Proof of service of all documents required or permitted to be served shall be made in compliance with Civ. R. 5(B) (2) and Crim. R. 49(C).
 3. Entries and Orders

- After the order or entry has been signed and filed, the Clerk shall serve copies of all entries and orders.

RULE 28.9 – PERSONAL AND PRIVATE INFORMATION IN DOCUMENTS FILED WITH THE CLERK

- (a) Documents filed through the e-File system shall comply with Local R. 3.09 regarding the omission of personal identifiers and private information included therein.

RULE 28.10 – COLLECTION OF FILING DEPOSIT AND FEES

- (a) The Clerk of Courts shall assess normal filing fees, and case deposits which will be collected via a financial transaction device (electronic means) at the time the filing is processed in order to achieve a valid filing status
- (b) Any document filed electronically that requires a filing fee shall be rejected by the clerk of court unless the filer has complied with the mechanism established by the court for the payment of filing fees in accordance with Ohio Civ. R. 5(E)(3).

RULE 28.11 – EXCEPTION TO E-FILING

- (a) Exhibits, attachments, or other documents that may not be comprehensibly viewed in a .pdf shall be filed in their physical form with the Court
- (b) All documents related to Certificates of Judgments and Executions of Judgment shall be filed in paper form with the Clerk.
- (c) All documents submitted by vexatious litigators.
- (d) Bonds filed in criminal and civil cases shall be filed in paper form with the Clerk.
- (e) Subpoenas which are to be issued by the Clerk shall be filed in paper form with the Clerk.
- (f) Criminal case documents filed at arraignment and prior to arraignment.
- (g) Motion, Entry, and Certification for Appointed Counsel Fees.
- (h) Garnishments.
- (i) Pre and Post Judgement Replevins
- (j) Pro se litigants and indigent affidavits.