

**IN THE COMMON PLEAS COURT OF ATHENS COUNTY, OHIO
GENERAL CIVIL AND CRIMINAL DIVISIONS**

**IN RE: ELECTRONIC FILING
OF COURT DOCUMENTS**

ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

In 2018, the Athens Common Pleas Court obtained a grant from the Ohio Supreme Court to implement e-Filing. On June 19, 2019, the Athens County Clerk of Courts and the Athens County Common Pleas Court began a phased implementation of a new electronic filing system ("the e-Filing System"). The phased implementation began with a pilot program that included selected participants and case types.

On September 1, 2019, the Athens County Clerk of Courts and the Athens County Common Pleas Court Division of Domestic Relations began "go-live" e-Filing for all domestic relations case types. On June 1, 2020, the Athens County Clerk of Courts and the Athens County Common Pleas Court Division of Domestic Relations began mandatory e-Filing for all divorce case types (with and without children).

On January 1, 2020, the Athens County Clerk of Courts and the Athens County Common Pleas Court then moved into the next phase of implementation by implementing e-Filing for the remaining civil case types except for civil stalking or sexually-oriented offense protection orders petitions for court-ordered motor vehicle and watercraft titles, and garnishment proceedings.

The Athens County Common Pleas Court will then implement mandatory e-Filing for the following case types as outlined below:

Civil Case Type	Mandatory e-File "Go-Live" Date
Foreclosure	January 1, 2021
Professional Tort	January 1, 2021
Products Liability	January 1, 2021
Personal Injury	January 1, 2021
Other Civil including any commercial docket and cognovit, but excluding civil stalking, domestic violence, or sexually-oriented offense protection orders	January 1, 2021
Workers Compensation	January 1, 2021
Administrative Appeals	January 1, 2021
Complex Litigation	January 1, 2021
All other case types except for petitions for court ordered motor vehicle and watercraft titles, and garnishment proceedings	January 1, 2021

In criminal proceedings, the parties may file electronically as of August 1, 2020 in accordance with the provisions set forth herein and subject to further modification.

Consistent with Ohio Sup.R. 27, Ohio Civ.R. 5(E), Ohio Civ.R. 2, Ohio Crim. R. 12(B), the Ohio Supreme Court Advisory Committee on Technology and the Court's draft Standards for Electronic Filing Processes, the Athens County Clerk of Courts ("the Clerk") and the Athens County Common Pleas Court ("the Court") hereby adopt the following Administrative Order governing electronic filing ("e-Filing").

If necessary, the Court may issue additional administrative orders or adopt local rules that supplement this Order and designate various other case types as mandatory e-File case types. Case types so designated shall be filed electronically after the effective date of such supplemental order or local rule.

This Administrative Order applies to all filers (party filers and non-party filers). Any and all persons or entities who need to file anything in a mandatory e-File case type, unless specifically excluded herein, shall file their documents electronically, as outlined herein.

II. DEFINITION OF TERMS

The following terms in this Order shall be defined as follows:

- A. Case Type.** A case type that has been designated by the Administrative Order or Local Rule as being a mandatory e-File case.
- B. Clerk.** The Clerk of Courts for the Athens County Common Pleas Court, as defined by the Ohio Revised Code.
- C. Clerk Review.** A preliminary review of electronically submitted documents by the Clerk in accordance with Court rules, policies, procedures and practices. Court clerks will preliminarily review the data and documents to ensure their compliance with Court rules, policies and procedures prior to accepting the documents and sending them to the Case Management System and Document Management System. If the submitted documents comply with the applicable Court rules, policies and procedures, they will be accepted by the Clerk for e-Filing. If the submitted documents do not comply with the applicable Court rules, policies and procedures, they will not be accepted for e-Filing and the Clerk shall notify the filer of the deficiency or problem with the submission.
- D. Case Management System ("CMS").** A system that manages the receipt, processing, storage and retrieval of data associated with a case and performs

actions on the data.

- E. Confidentiality or Confidential.** All documents submitted for e-Filing shall be confidential until accepted by the Clerk.
- F. Court Electronic Record.** Any document received in electronic form, recorded in the Court's Case Management System and stored in the Document Management System. "Court Electronic Record" will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by practitioners and parties. "Court Electronic Record" will not include physical evidence or exhibits that are not able to be captured in electronic format.
- G. Document.** A filing made with the Court or by the Court in either electronic format or in paper format that is then converted to an electronic record, not to include electronic media.
- H. Document Management System ("DMS").** A system that manages the receipt, indexing, storage and retrieval of electronic documents associated with a case.
- I. Electronic.** Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities. "Electronic" is not meant to encompass activities involving facsimile transmission.
- J. Electronic Filing (e-Filing).** The electronic transmission, acceptance and processing of data, one or more documents and/or images. This definition of electronic filing does not apply to facsimile or email.
- K. Electronic Service (e-Service).** The electronic transmission of notice of a filing to all other electronically registered case participants via the e-Filing System.
- L. Electronic Signature.** An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record.
- M. Electronic Record.** A record created, generated, sent, communicated, received or stored by electronic means.
- N. Filer/Filing Party.** Any person, agency or entity that is filing a document in a case pending in the Athens County Common Pleas Court. The use of the words "filer" and "filing party" shall include party and non-party filers.

O. Case Types – Mandatory and Non-Mandatory.

Civil: All civil cases designated as follows shall be mandatory e-File cases: Professional tort, product liability, other torts, workers' compensation, foreclosure, administrative appeal, complex litigation and other civil cases; excluding civil stalking, domestic violence or sexually-oriented offense protection orders.

All other cases including those docketed as BR, TL, TF, CQE, CJ shall also be mandatory e-File cases (except for petitions for court-ordered motor vehicle and watercraft titles, and garnishment proceedings).

Criminal: E-filings may be made in criminal cases but are non-mandatory at this time.

P. Original Document. A document that becomes part of the Court record.

Q. Pro se Party. A person in the case representing themselves in court without the assistance of an attorney.

R. Registered User. A person who has read and agreed to the terms of the e-Filing System' s User Agreement, has provided his/her credentials through the e-Filing System proving his/her identity, and has been provided with a user name and password through the e-Filing System.

III. ELECTRONIC FILING IN MANDATORY E-FILE CIVIL CASE TYPES

Pursuant to the schedule listed in Section I and as of the "go-live" dates listed therein, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents submitted in designated mandatory e-File case types shall be filed electronically through the e-Filing System. Subject to the exceptions listed in Section XI, the Clerk shall not accept for filing or file any documents in paper format in mandatory e-File case types.

Persons represented by an attorney are mandatory filers and shall electronically file their documents by registering to use the Court's e-Filing System. If a mandatory filer does not have internet access, the filer can use the Clerk's public access computer stations to register to use the e-Filing System and to then file his/her/its documents electronically.

As of the dates listed below, the Clerk stopped accepting any documents for filing via facsimile in these case types:

Civil Case Type	Last Day for Facsimile Filing
Foreclosure	January 1, 2021
Professional Tort	January 1, 2021
Products Liability	January 1, 2021
Personal Injury	January 1, 2021
Other Civil including any commercial docket and cognovit, but excluding civil stalking, domestic violence, or sexually-oriented offense protection orders	January 1, 2021
Workers Compensation	January 1, 2021
Administrative Appeals	January 1, 2021
Complex Litigation	January 1, 2021
All other case types except for petitions for court ordered motor vehicle and watercraft titles, and garnishment proceedings	January 1, 2021

Criminal Case Type	Last Day for Facsimile Filing
All cases	December 31, 2020

IV. REGISTERED USERS AND AUTHORIZATION IN MANDATORY E-FILE CASE TYPES

All persons filing documents in case types designated as mandatory e-File case types shall be registered as users in the e-Filing System unless exempted by local rule.

A. DOCUMENTS SUBMITTED IN PERSON.

If an attorney representing a party, or an attorney's employee, or any other person/filer on behalf of an attorney presents a document in person to the Clerk's office for filing in hard-copy/paper format, and that person/filer is not a registered user of the e-Filing System, the filer shall be directed to a computer station in the Law Library for registration purposes provided they have an email address that they can readily access and view documents. Once the filer is a registered user of the e-Filing System, the document(s) can be submitted through the e-Filing System.

B. DOCUMENTS RECEIVED BY MAIL OR FACSIMILE FROM ATTORNEYS.

1. If the Court or Clerk receives, via mail, documents to be filed from an attorney, the documents will be returned to the filer with instructions on how to register as a user of the e-Filing System and how to submit the documents electronically.

2. If the Court or Clerk receives, via facsimile, documents to be filed from an attorney, a fax will be sent back to the attorney informing him/her that facsimile filing in the applicable mandatory e-File case type(s) will no longer be accepted once the last day for facsimile filing date has passed. Instructions on how to register as a user of the e-Filing System and how to submit the documents electronically will also be provided in that fax.
3. However, the Clerk may process, subject to Clerk review, pro se documents including Notices of Appeals to initiate an appeal, provided that the required deposit and/or filing fees have been paid. All subsequent filings in any case so initiated, may be similarly filed.

C. DOCUMENTS RECEIVED FROM PRO SE LITIGANTS.

Please refer to Section G.

D. DOCUMENTS RECEIVED FROM INDIGENT LITIGANTS.

Please refer to Section T.

E. AUTHORIZATION.

Parties to an assigned e-File case, who are represented by counsel, shall promptly take steps to allow their counsel to file, serve, receive, review and retrieve copies of the pleadings, orders and other documents filed in the case(s) electronically. By definition, parties filing electronically or receiving electronic service of any documents filed shall become participants in the e-Filing System.

F. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

Upon registration, the e-Filing System shall assign to the party and/or the party's designated representative(s), who will now become registered user(s) of the system, a confidential and unique electronic identifier, i.e., a user name. Registered users will also choose a password that will be used, along with the user name, to file, serve, receive, review and retrieve electronically filed pleadings, orders and other documents filed in the assigned case.

Each person who is a registered user of the e-Filing System shall be responsible for the security, use and confidentiality of his/her unique user name and password.

All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the Court otherwise, by clear and convincing evidence.

G. *PRO SE* LITIGANTS

Pro-se litigants (persons representing themselves without an attorney) are exempted from mandatory e-Filing and may file in the traditional method of providing their paper documents to the Clerk for filing.

Pro se litigants who present to the Clerk in person, for filing purposes, documents in hard-copy/paper format, shall be accommodated as follows:

1. *Pro se* litigants are exempted from mandatory e-Filing. If the Court or Clerk receives, via mail, paper documents to be filed from a *pro se* party, the clerk will file the documents provided they are in compliance with all other rules, including payment of deposit and/or filing fees.
2. For those *pro se* litigants who have provided an email address AND have submitted proper payment of deposit and/or filing fees, the Clerk will process the documents and note their e-mail address in the case management system.
3. All subsequent filings in any case so initiated, subject to the Clerk's review, may be similarly process by the Clerk.
4. *Pro se* litigants may use the E-Filing system by registering as an e-Filer with the Clerk of Courts and following the local rules set forth for mandatory filers.
5. If the *pro se* litigant has not provided an e-mail address for themselves, the Clerk will note in the e-Filing System that the *pro se* party will not receive electronic notification. If the *pro se* litigant has provided such an e-mail address, the *pro se* litigant will receive electronic service and notification.

H. FORMAT OF DOCUMENTS ELECTRONICALLY FILED

All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings and in any other format as the Court may require. All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF) with the exception of proposed orders. Proposed orders shall be submitted in a Microsoft Word compatible format and shall reference the specific motions to which they apply. The e-Filing System will electronically transmit the proposed orders to the assigned Judge or Magistrate.

1. **Size of Filing.** Submissions shall be limited to five megabytes (5MB) in size. No combination of PDF files in one transmission may accumulate to more than 25 megabytes (25MB) in size.

2. **Font Style and Size.** Documents created for e-Filing shall be double-spaced, in either Times New Roman or Ariel font style and at least 12 point type.

3. **Signatures.**

a. **Attorney's/Filer's Signature.** Any document filed electronically with the Clerk that requires an attorney's or a filer's signature shall be signed with a conformed signature of "/s/ (name) or electronic signature " which will be accepted as if signed by hand for purposes of e-filing. All information listed below shall be included. The attorney's signature may be displayed as follows and the information following the signature is preferred in the following format:

/s/Attorney
Attorney Name
Supreme Court ID Number 1234567
Attorney for (Plaintiff or Defendant) XYZ Corporation
ABC Law Firm
Address
Telephone
Fax
E-mail

The conformed signature on an electronically filed document, submitted through the use of the attorney's/filer's unique username and password, is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and/or any other law.

The attorney/filer who signs the electronically filed document shall be the attorney/filer whose unique username and password are used to file the document, with the exception of a *pro se* inmate filing in a civil action, who may have someone else electronically file the document on their behalf, after the document has been signed by hand by the inmate litigant.

b. **Multiple Signatures.** When a stipulation or other document requires two or more signatures:

i. The filing party or attorney shall sign the stipulation or document him/herself as follows: *"/s/ John Smith."*

ii. The filing party or attorney shall then confirm in writing that the contents

of the document are acceptable to all persons required to sign the document. The filer will indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.

iii. The filing party or attorney shall then file the document electronically, identifying all of the other signatories as follows: /s/ Jane Doe, per written authorization, by John Smith," etc.

- c. **Third-Party Signatures.** A document containing the signature of a third party who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.) shall be electronically filed only as a hand-signed scanned-in PDF document.
- d. **Pro-Se Signatures.** If e-Filed, a document that needs to be signed by an unrepresented/pro se party but that also needs to be signed by the Judge shall be filed in word format, with the "/s/ name" signature for the *pro se* party, as so signed by the filing party. (Ex: "/s/ Jane Doe *Pro Se* Litigant, per authorization, by John Smith, attorney"). However, a copy of the same proposed order or document, hand-signed by the *pro se* party, shall also be filed, simultaneously and in PDF format, as an exhibit associated with the proposed order that is submitted in word format. This exhibit shall be clearly marked as an exhibit accompanying the proposed order, even though filed as a separate document, and shall contain the complete name and caption of the case in which it is filed.

Otherwise, the pro se document may be submitted signed by the pro se party in conventional paper format and given to the assigned Judge's office for the Judge's review.

- e. **Judge/Magistrate's Signature.** Electronic documents may be signed by a Judge or Magistrate via a digitized image of his or her signature and may be superimposed over the Court seal. All decisions, orders, decrees, judgments and other documents signed in this manner, through the use of the Judge's or judicial officer's unique username and password, shall have the same force and effect as if the Judge or judicial officer had affixed his or her signature to a paper copy of the document. Because proposed orders and entries submitted via the Court's e-Filing System may be signed electronically, the proposed orders and entries shall not contain a blank signature line for the Judge's/Magistrate's signature. All proposed orders must be uploaded in Microsoft Word Doc format for the system to utilize the above method. Any order sent in PDF Format may be rejected and sent back for correction.

Word docs shall contain the exact following phrase for any proposed e-Filed order for the Judge or Magistrate's signature as follows:

<{Judge Signature}> or <{Magistrate Signature}>

where the Judge's/Magistrate's signature line would normally be located. If this is not on your proposed order it will be rejected.

Examples:

SO ORDERED.

<{Judge Signature}>

SO ORDERED.

<{Magistrate Signature}>

-Or-

SO ORDERED.

<{Judge Signature}>

SO ORDERED.

<{Magistrate Signature}>

4. Document Types

- a. All motions shall be filed in a PDF format, and they may either be signed by hand and scanned-in or they may be signed electronically with the "/s/ name" electronic signature.
- b. Proposed orders and entries shall be filed in word document format, with no mail merge fields embedded in the documents. Proposed orders/entries also cannot contain picture boxes, which are actually in PDF format, but have been copied and pasted into the word document (with the exception of legal descriptions, which are typically "attached" as exhibits to judgment entries in foreclosure cases, but are actually submitted as a part of the proposed judgment entries).

All proposed orders/entries shall be signed by the attorney/filer submitting the same, indicating the attorney/filer has approved the order/entry.

Proposed orders/entries will be transmitted by the e-Filing System to the assigned Judge or Magistrate, with the exception of entries withdrawing properties from a Sheriff's Sale, which shall be forwarded to the Assigned Judge. Proposed orders/entries may be modified or replaced by the Court prior to acceptance. Counsel are advised to read and review the signed orders for any revisions or additions thereto.

- c. All exhibits shall be filed in PDF format and shall, to the extent possible, be filed along with the motion or brief to which they apply. Exhibits that must be filed separately (ex: Commitment for Title Insurance - Preliminary/Final Judicial Report, miscellaneous exhibits accompanying a motion that exceed the filing size limitations, etc.) shall be accompanied with a cover page that contains the full case caption and case number of the case in which they are filed. If filed in multiple parts, exhibits shall be clearly marked to identify which part of the submission they contain (Ex: "Exhibits A through J - Part 1 of 3"). To avoid confusion, and unless necessary to the argument being made, exhibits previously filed in other cases shall not bear any case numbers associated with the previous cases.
- d. All dismissal entries shall include a "cc:" section after the judges/magistrate's signature that includes attorney name, party represented, address and/or email address and any pro se parties name, party designation, address and/or email address for purposes of service.

I. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS

Documents may be submitted to the Clerk for e-Filing 24 hours a day, seven days a week. Documents may be deemed filed, however, 24 hours a day, five days a week - Monday through Friday. Documents electronically submitted for e-Filing shall be deemed filed on the date and time as outlined below. All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.

The Clerk's Office typically receives e-filings in a virtual queue in the chronological order they are filed. Monday through Friday from 8:00 a.m. to 4:00 p.m. e-filings are then reviewed and "file stamped" and accepted into the system typically within 24 hours of submission but some submissions may take up to 48 hours to process based upon volume and staffing. Electronic notices are usually sent out to parties electronically registered the same day or the day after filing is accepted by the clerk. Paper copies to unregistered filers in the e-filing system are mailed a copy of orders within three days of clerk's approval and posting of the filing.

Instructions for registering with the e-filing system and how to e-file may be found at the Courtview homepage for the Athens Ohio Common Pleas Clerk of Courts at <https://coc.athensoh.org/eservices/home.page.2>

The e-Filing System is hereby appointed the agent of the Clerk for purposes of electronic filing, receipt, service and retrieval of electronic documents.

1. Upon receipt of an electronic document submitted for filing, the e-Filing System

shall issue to the e-Filer a confirmation that the submission has been received. The confirmation notice shall include the date and time of receipt and shall serve as proof of receipt of the submission. The confirmation notice shall also inform the e-Filer that, if the document is accepted for filing, the date and time reflected in the confirmation notice shall serve as the date and time of filing, unless the document was submitted for filing after 11:59 p.m. on a Friday or after 11:59 p.m. on a business day before a Court holiday. In that case, the document will be deemed filed on the following business day.

2. An e-Filer will receive subsequent notification from the Clerk indicating that the submission has been accepted or rejected by the Clerk's office for docketing and filing into the Court's Case Management System.
3. If a document submitted for e-Filing has been accepted by the Clerk after Clerk Review, the document will receive an electronic stamp. This stamp will include the date and time that the filer transmitted the document to the e-Filing System (i.e., date and time of receipt outlined in Section A above). Subject to the exceptions noted in Section F below, the date and time reflected on the electronic stamp shall become the filing date and time for that document.
4. In the event the Clerk rejects a submitted document following Clerk Review, the document shall not become part of the official Court record and the e-Filer will be required to re-file the document to meet necessary filing requirements. Once a submitted document is rejected, the date and time associated with its initial submission to the Clerk of Courts, which would have been the date and time on the time-stamp in the event the document was accepted for filing, becomes void.
5. If a document is submitted for e-Filing prior to 11:59 p.m. on a Friday or prior to 11:59 p.m. on a business day that is not a Court holiday, and that document is then accepted for filing after Clerk Review, the date and time reflected on the electronic stamp on the document (i.e., the date and time of receipt of submission, as outlined in Section A above), shall be the date and time the document is deemed to have been filed.
6. If a document is submitted for e-Filing after 11:59 p.m. on a Friday or after 11:59 p.m. on a business day before a Court holiday, and that document is then accepted for filing after Clerk Review, the document shall be deemed to have been filed on the following business day, even though the electronic stamp on the document will bear the date and time of submission of said document. This does not in any way alter the provision in Civ.R. 6 that filing deadlines that fall on a Saturday, a Sunday, or a legal holiday run until the

end of the following day that is not a Saturday, a Sunday, or a legal holiday.

7. Unlike non-Court filers, Judges and Magistrates do not receive confirmation notices that their decisions and orders have been received by the Clerk. Nonetheless, the e-Filing System tracks the date and time of receipt of all electronic submissions, as described in Paragraph A above. Any documents submitted for e-Filing by the Court, after having been signed electronically, shall be deemed to have been filed as of the date and time of receipt of the same by the Clerk through the e-Filing System. Although such filings must still be reviewed and accepted by the Clerk, which may delay the posting of the signed, time-stamped image of the documents onto the Court's CMS and DMS, the electronic transmission of a document with an electronic signature by a Judge or Magistrate, executed and submitted in compliance with procedures outlined herein, shall, upon the complete receipt of the same by the Clerk, constitute filing of the document for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence, and the Local Rules of this Court.
8. **Motions Withdrawing Properties From Sheriff's Sale.** It is not uncommon for parties and/or attorneys to file motions requesting that properties be withdrawn from Sheriff's Sales as late as the morning of the sale. Sheriff's Sales are usually held Wednesday mornings at 10:00 a.m.. Whereas such motions and proposed orders/entries were usually walked through by the filers to the assigned Judge, and then filed and walked over to the location of the Sheriff's Sale, that process will no longer be feasible with e-Filing. Just like all other e-Filed motions, motions requesting that properties be withdrawn from Sheriff's Sales will follow the same process and will need to be routed through the Clerk Review, and then through the individual chamber's assigned gatekeeper's queue, then reviewed and forwarded to the Judge's queue for signature, and they will then be recorded in the Court's Case Management System and stored in the Document Management System. Therefore, and notwithstanding the provisions above with respect to the 24/7 nature of e-Filing, motions requesting that properties be withdrawn from Sheriff's Sales shall be filed no later than 4:00p.m. on the day prior to the Sheriff's Sale to allow for sufficient time for the motions and proposed orders/entries to follow the process outlined above.

J. ELECTRONIC FILING AND ELECTRONIC SERVICE BY THE COURT OF COURT-CREATED DOCUMENTS

In all e-File case types, the Court shall issue, file and serve all notices, decisions, orders and other documents that are created by the Court electronically, through the

Court's e-Filing System, subject to the applicable provisions in the Court's local rules. The Court shall serve *pro se* litigants and parties who are not registered users of the Court's e-Filing System with paper copies of all notices, decisions, orders and other documents that are created by the Court.

The electronic transmission of a document that has been electronically signed by a Judge or Magistrate in compliance with procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk, constitute filing of the document for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence, and the Local Rules of this Court.

K. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

Subject to the exceptions noted in Section A below, it shall be the responsibility of the filing party to serve all filings subsequent to the pleadings on all other parties in an e-File case. The filing party shall make service upon all other registered users of the e-Filing System electronically via the Court's authorized e-Filing System. Parties, or their designated counsel, shall receive all documents electronically filed and electronically served upon them via access to the e-Filing System.

1. Service of Original Complaint or Third-Party Complaint.

When submitting any Complaint or Third-Party Complaint for electronic filing, the filing party shall also request service through the e-Filing System in accordance with the Ohio Rules of Civil Procedure. The Clerk shall issue a summons and process the method of service requested in accordance with the applicable Rules of Procedure. E-Service shall not replace the methods of service of pleadings prescribed in the applicable Rules of Procedure. When submitting a re-filed Complaint for electronic filing, the filing party shall also submit a case designation/information sheet, identifying the judge assigned to the original action.

Service Copies.

When serving a pleading as outlined in Section (a) above, or if directed by Court Order, Rule or service instructions to serve paper copies of any other court documents, the Clerk shall cause service copies to be produced in lieu of service copies being furnished by the parties. In those situations, the Clerk shall charge a fee of ~~\$1.00~~ \$0.25 per service copy page produced and shall assess those fees as costs against the funds on deposit.

2. Service of Filings Subsequent to the Complaint.

- a. When a document (other than and subsequent to a Complaint or Third-Party Complaint) is filed electronically in accordance with these procedures, the e-

Filing System will generate a "Notice of Electronic Filing" to the filing party and to any other party who is a registered user of the e-Filing System who has also requested electronic service. If the recipient is a registered user, a courtesy "Notice of Electronic Filing" e-mail will be delivered to the user's e-Filing-designated e-mail account and a similar notification will appear on the user's notifications page in the e-Filing System. This electronic notice through the e-Filing System shall constitute service of that document upon that party in accordance with the applicable rules of the Court. It is the responsibility of the registered user to check his/her notifications page in the e-Filing System for notices pertaining to recent filings, and to not rely solely on the courtesy e-mails delivered to the user's designated e-Filing e-mail account. It is also the responsibility of the registered user to ensure the courtesy e-mails with notices of electronic filings are not blocked by the spam filter of his/her designated e-Filing e-mail account.

- b. A Certificate of Service is still required when a party files a document electronically. The Certificate of Service shall state the manner, including by e-Service if applicable, in which service or notice was accomplished on each party entitled to service. The Certificate of Service shall set forth the date on which the attached document is being submitted for e-Filing, and shall designate that date as the date of service of said document.
- c. A party who is not a registered user of the e-Filing System is entitled to a paper copy of an electronically filed document. The filing party shall serve the non-registered party with the document in accordance with the applicable rules of the Court. Upon notification that its document has been accepted for e-Filing, the filing party shall print out a copy of the e-Filed document and mail it to the non-registered user at said user's last known address.
- d. The filing party is also responsible for the service of any proposed orders and entries submitted to the Court through the e-Filing System. Upon notification that its proposed order or entry has been approved by the Court and e-Filed, the clerk shall cause to a copy to be mailed to all non-registered parties on that case, at those parties' last known addresses. The electronic notification appearing on a registered user's notifications page through the e-Filing System, along with the courtesy "Notice of Electronic Filing" e-mail delivered to the registered user's e-Filing-designated e-mail account, shall constitute service of that order or entry upon that party in accordance with the applicable rules of the Court.
- e. Pursuant to the Ohio Supreme Court's recently-adopted amendments to the Ohio Rules of Civil Procedure, specifically Civ.R. 5(B) and Civ.R. 6(D), as of August 1, 2020, parties served electronically shall no longer be entitled to the three-day extension of time to respond that they would otherwise be

entitled to if they were served by mail or by a commercial carrier service. This limitation to the application of "the three-day rule" applies only to documents served subsequent to the Complaint or Third-Party Complaint; it does not apply to responses to service of summons under Civ.R. 4 through Civ.R. 4.6.

- f. A filer who brings a document to the Clerk's office for scanning and uploading to the e-Filing System shall serve paper copies on all non-registered parties in the case. Such a filer will have to print out (via the Clerk's print services and at a rate set by the Clerk, or via any other computing and/or print station) a copy of the e-Filed document and mail it to the non-registered parties. However, such a filer shall serve all registered users on that case electronically via the e-Filing System (e-Service).
- g. Documents shall be filed under seal only with prior Court order.
- h. Notwithstanding the provisions in paragraph 4 above, which pertain to the service of a *copy* of a proposed order or entry once it has been signed by the judge and e-filed, including the service of a *copy* of a final judgment entry, which is the responsibility of the party who submitted the proposed order/entry, the Clerk of Courts has been and shall continue to be responsible for the service of a *notice* of a judgment pursuant to Civ.R. 58(B) and the appropriate notation of that service on the docket. With respect to parties who are registered users of the e-Filing System, the Clerk of Courts has been and shall continue to serve them with notice of a judgment pursuant to Civ.R. 58(B) electronically, through the e-Filing System. In such instances, the electronic notice will appear on the registered user's notifications page through the e-Filing System. With respect to parties who are not registered users of the e-Filing System, the Clerk of Courts has been and shall continue to serve them with notice of a judgment pursuant to Civ.R. 58(B) via regular mail with hard copy notices.

3. Service on Parties: Time to Respond or Act.

- a. E-Service of an electronically filed document shall be deemed complete when the registered user receives the notice appearing on his/her notifications page through the e-Filing System, notifying said user that the specific document has been e-Filed.
- b. Service of a paper copy of an electronically filed document on a non-registered user shall be deemed complete on the date set forth on the Certificate of Service attached to said document, i.e., the date on which the attached document was submitted to the e-Filing System for e-Filing.
- c. The time to respond to documents received via e-Service or otherwise shall

be computed in accordance with the applicable rules of the Court. See Subsection K(2)(e) above for recent changes.

4. Failure of Electronic Service.

If e-Service on a party does not occur, the party to be served may, upon motion, be entitled to an order extending that party's response deadline or the period within which any right, duty or act shall be performed.

L. CONVENTIONAL FILING OF DOCUMENTS

Notwithstanding the foregoing, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the Court.

- 1. Documents Filed Under Seal.** A party shall file documents to be sealed only after an order sealing the documents has been signed and journalized.

Unless otherwise ordered, all documents that are covered by a protective or other order requiring that they be filed under seal shall be submitted to the Clerk for filing in a securely sealed envelope.

The face of the envelope containing such documents shall contain a conspicuous notation that it contains "DOCUMENTS UNDER SEAL" or the equivalent. It shall also contain the case caption, a descriptive title of the document (unless such information has been included among the information ordered sealed), and the date of any order or reference to any statute permitting the item to be sealed.

The Clerk's file stamp and appropriate related information or markings shall be made on the face of the envelope. The Clerk shall file the document in accordance with any judicial order for sealing, or statute permitting filing under seal, and the Clerk's internal procedures for filing of sealed documents. If not prohibited by the order for sealing, the document shall be scanned, uploaded to the system, and reviewed for quality assurance. Once quality assurance is completed, the documents may be destroyed, unless otherwise ordered by the court or unless a request is made for the return of the document by the filing party. If the request is granted, the filing party shall provide the Court with the proper mailing materials for return of the document.

Should the documents be ordered unsealed and maintained in the case record, the Clerk shall change the electronic restriction of the document, which preserves the actual date of the filing of the document.

- 2. Documents to be presented to the Court for *in camera* review.** Any documents

submitted for *in camera* inspection shall be submitted to the assigned Judge outside the e-Filing System.

3. **Exhibits.** Every reasonable effort shall be made to submit all exhibits electronically whenever practicable. However, exhibits or other items that cannot be captured or stored in an electronic format may be filed and served conventionally. Such exhibits shall be accompanied by a cover page that contains the complete caption of the case, the case number and the assigned judge, and shall provide other information identifying the name and party designation of the filer. (Ex: "Exhibits in Support of Plaintiff John Doe's Motion for Summary Judgment").
4. **Notices of Appeal.** Notices of appeal may be either e-Filed or filed in conventional paper format. Counsel and pro se filers shall consult the Local Rules of the Fourth District Court of Appeals to determine the proper means of filing a specific notice of appeal.
5. **Record of Proceeding in Administrative Appeal Case Types.** Currently, the records of proceedings filed in administrative appeal case types shall be filed in conventional paper format.
6. **Vexatious Litigators.** Individuals who have been declared vexatious litigators pursuant to RC. §2323.52 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 username 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.
7. **Vision-Impaired Filers.** Due to limitations associated with the electronic readers used by some vision-impaired filers, vision-impaired attorney filers may petition the Court for leave to file in paper format. A motion seeking exemption from the mandatory e-Filing requirements may be filed in paper format.
8. **Court Ordered Restrictions.** In the event a filer has court ordered restrictions preventing him/her from being able to use or access a computer and/or the internet (ex: person found guilty of a sexually oriented offense with court-imposed computer restrictions), that filer will not be able to e-file but may file conventionally, in paper format. The Clerk's office will accept the filings from such a filer in paper format as well as any subsequent filings.
9. **Civil Protection Orders.** Any civil protection orders for the general division or domestic relations division shall be filed by conventional paper format.

10. **Pro se Litigants** – Pro se litigants shall be permitted to file in conventional paper format and are exempted from mandatory e-Filing.

M. DEPOSITION TRANSCRIPTS

If a party reasonably believes that deposition transcripts will be needed as evidence pertaining to any motions or other proceeding, those deposition transcripts shall be filed electronically. If ordered by the Court, deposition transcripts shall also be filed in paper using condensed or "minuscrit"® format, or other court approved method, and single-sided copying. All deposition transcripts filed with the Clerk must include a witness signature page and statement of changes in form or substance made by the witness pursuant to Civ.R. 30(E).

N. NON-PARTY FILERS

If a non-party entity receives an electronic document from the Court or the Clerk, and is asked to perform an act with respect to the same (serve it, obtain a signature, fill it out and submit it back to the Court/Clerk, etc.), it is that entity's responsibility to carry out the requested act, make the appropriate notations on the document/form, and then scan-in and upload the same for electronic filing back to the Court/Clerk if represented by an attorney or if proceeding pro se (not represented by an attorney) to present the document to the clerk for filing. Once the paper document has been scanned in and submitted electronically through the e-Filing System pursuant to the procedures identified herein, the electronic document becomes a part of the Court's official electronic record. Notwithstanding any entity-specific rules or statutes pertaining to records retention that may state otherwise, the non-party filer need not keep a paper copy of the electronically submitted document once the non-party filer received confirmation from the Clerk that the document has been reviewed and accepted for e-Filing.

O. FORCIBLE ENTRY AND DETAINER CASES

When filing a complaint in a forcible entry and detainer action that requests restitution of property, it shall be the plaintiff's responsibility to also fill out and submit for e-Filing the summons required to be served pursuant to Ohio Revised Code Chapter 1923.

The earliest date contained in the summons for the restitution hearing shall be either the first available Thursday 14 days after the filing of the complaint, or any Thursday thereafter that is not a legal holiday.

The summons shall indicate that the restitution hearing will start at 1:30 p.m., and that the hearing will be located in the assigned Judge's courtroom located on the 3rd floor, Athens County Courthouse, 1 S. Court Street, Athens, Ohio 45701.

The filer shall prepare and submit the summons after the complaint has been filed, and the clerk will not issue the service of process until the filer has issued the summons.

Parties should use the Court's form for summons located in the appendix.

P. COGNOVIT ACTIONS

Cognovit actions, which are subject to the mandatory e-Filing requirements of this Order, present a situation where the original cognovit notes need to be reviewed prior to the signing of the proposed cognovits judgment entries. Counsel in a cognovit action shall e-File the proposed cognovits judgment entry and shall e-File a copy of the original cognovit note. However, counsel must also present to the assigned Judge's chambers the original cognovit note, which shall be reviewed in paper format prior to the signing of the proposed cognovit judgment entry.

Q. MOTIONS TO CONSOLIDATE AND MOTIONS TO INTERVENE

1. Motions to Consolidate and Proposed Consolidation Orders

Pursuant to our Local Rules, motions to consolidate must be filed in all cases that are to be consolidated. In the event a filer is a party to one case that is to be consolidated but is not a party to the other case(s) to be consolidated, the motion to consolidate shall be filed electronically in the first case (or in all cases to which the filer is a party) and a note to the Clerk shall accompany that motion, requesting that the motion also be filed in the remaining case(s) to be consolidated.

All proposed consolidation orders shall be submitted electronically and shall bear the case captions for **all** cases to be consolidated. Because consolidation orders need to be signed by all Judges whose cases are affected by the consolidation, the electronically-submitted proposed consolidation orders will be printed by Court staff, will be hand-signed by all affected Judges, and will be filed by the Court in all affected cases.

The attorney/filer who submits a proposed consolidation order will receive a "judicial decline" notice associated with the order. The attorney/filer shall then check the noted reason for the decline and comply with the provided instructions, if necessary. It may be that the order is declined once all affected Judges have signed the same and the electronic version of the order is no longer needed. However, the noted reason for the decline could require further action from counsel with respect to the request to consolidate, i.e., file the motion in all cases to be consolidated.

All motions/filings subsequent to a consolidation must be filed in **all** cases that have been consolidated. If an attorney/filer fails to comply and does not file a motion subsequent to a consolidation in all consolidated cases, only the registered users who are associated with the case in which that motion is filed will receive electronic notice/e-Service of the newly-filed motion.

2. Motions to Intervene

An attorney/filer who needs to file a motion to intervene in a case in which he/she is not a party, shall first contact the Clerk of Courts and request that he/she be added in the e-Filing System as a non-party filer to that case. Otherwise, the attorney/filer will not be able to file the motion to intervene in that case.

R. OFFICIAL COURT RECORD

For a document that has been electronically filed, or a document that has been presented in paper format that has then been scanned-in and uploaded to the e-Filing System, the electronic version of that document constitutes the official Court record.

S. USER FILING ERRORS AND TECHNICAL PROBLEMS

1. User Filing Errors

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's office. A filer cannot make changes to any document once it has been submitted and accepted for filing.

A document that is incorrectly submitted for e-Filing (e.g., as a result of entering a wrong case number, attaching an incorrect PDF file to a submission for e-Filing, or where the electronic file is corrupt or unreadable) will be rejected and the filer will be notified of the error(s) and the need to re-submit.

If the filer discovers an error in his/her submission that may be corrected

(e.g., having selected the incorrect document type), the filer should, as soon as possible after the error is discovered, contact the Clerk's office and provide the case number and document number for which a correction is being requested. If the Clerk discovers the error after the document has been accepted, the Clerk shall immediately notify the filer of the error and the need to re-submit, if appropriate. The Clerk will not delete the relevant docket text, but will annotate the docket with a Notice of Correction to show the deletion, the reason for deletion, and that the filer has been notified. If appropriate, the Court will make an entry indicating that the document was filed in error.

However, once a document has been accepted for e-Filing by the Clerk, only a Judge can strike the document in the event it has been filed in error.

In the unlikely event that user error on the part of the Clerk prevents a document from being timely filed, the filer may, upon satisfactory proof, petition the Court for an order permitting the document to be deemed filed as of the date it was electronically submitted. The Court may specify by local rule, or otherwise, a procedure for seeking relief under this provision. Counsel and parties should not assume that such relief is available on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

2. Technical Failures

The Clerk shall deem the e-Filing System to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the web site, if possible.

a. Technical Issues on the Filer's End

Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, may also prevent timely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document, in PDF format, through the public access computer stations in the Clerk's office.

A filer who cannot submit a document electronically because of a problem on the filer's end may, with submission of satisfactory

proof, petition the Court for an order permitting the document to be deemed filed as of the date it was electronically submitted. The Court may specify by local rule, or otherwise, a procedure for seeking relief under this provision. However, counsel and parties should not assume that such relief is available on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

For an e-filer experiencing technical issues, the filing may be made by fax, provided that the filer promptly e-files the documents upon resolution of the technical issues.

b. Technical Issues With the E-Filing System

In the rare event that there is a technical failure that originates with the e-Filing System, whether the failure is anticipated or unexpected, the following provisions shall apply whenever the e-Filing System is down for longer than one hour after 10:00 a.m. on a given day:

- i. If the system outage is known and/or anticipated ahead of time, the Clerk's Office shall post a message on the Clerk's website and the e-Filing website, alerting filers of a possible system outage. Said message shall constitute an official acknowledgment of a system outage that may have prevented some filers from submitting their filings within a certain timeframe.
- ii. If the system outage is unexpected, the Clerk's Office shall post a message on the Clerk's website once the outage has been resolved. Said message shall constitute an official acknowledgment of a system outage that may have prevented some filers from submitting their filings within a certain timeframe, as identified in the message. All reasonable efforts shall be made to post such a message within 24 hours of a resolved system outage or no later than 12:00 p.m. on the next business day after an unexpected system outage.
- iii. Filers who are unable to electronically submit their filings due to a system outage, and who then submit their filings no later than the next business day after an officially acknowledged system outage, shall be deemed to have timely submitted their filings.

The provisions outlined above do not apply in instances where the technical problems are on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems. A filer who cannot submit a document electronically because of a problem on the filer's end must file the document through the public access computer stations in the Clerk's office.

T. METHOD OF PAYMENT

In all e-Filing case types, deposits as security for costs, filing fees and all other costs shall be paid by credit card at the time a document is submitted for e-Filing.

When paying *pro se* parties file paper documents, deposits as security for costs, filing fees and all other costs shall be paid by credit card, debit card or by any other method approved by the Clerk at the time a document is submitted for filing.

Prisoners and some *pro se* filers who qualify for indigent status, along with some government agencies, and Southeastern Ohio Legal Services (SEOLS), will need to have their costs deferred, and the Clerk and/or the Court will need to validate that those parties are in fact indigent or that they represent a qualifying government agency. Agencies may make application and be exempted if authorized by the Court.

E-filing fees and court costs can be found on the Athens Ohio Clerk of Courts website (www.co.athensoh.org/departments/clerk_of_courts/index.php).

1. Approval of Affidavit of Indigence/Indigency:

a. In-Person Presentation of Affidavit of Indigence/Indigency

- i) When an indigent party presents to the Clerk, in person, documents to be filed, and those documents are accompanied by an affidavit of indigency, the Clerk will file said documents.
- ii) Unless the indigent party has provided an e-mail address for himself/herself, the Clerk shall note in the e-Filing System that the indigent party will not receive electronic notification.
- iii) The affidavit of indigency will then be reviewed by the judge/magistrate assigned to that case.
- iv) In the event the affidavit of indigency is rejected by the assigned judge or magistrate and, after proper notice, the indigent party fails to pay the applicable filing fees and deposit as security for

costs, the case will be dismissed.

b. When Affidavit of Indigency is Mailed to the Clerk

- i) When an indigent party mails to the Clerk documents to be filed, and the documents are accompanied by an affidavit of indigence, the Clerk shall file the documents;
- ii) Unless the indigent party has provided an e-mail address for himself/herself, the Clerk shall note in the e-Filing System that the indigent party will not receive electronic notification.
- iii) The affidavit of indigency will then be reviewed by the judge or magistrate assigned to that case.
- iv) In the event the affidavit of indigency is rejected by the assigned judge or magistrate and, after proper notice, the indigent party fails to pay the applicable filing fees and deposit as security for costs, the case will be dismissed.

- 2. **Fee Deferral for Certain Government Agencies.** If a filer is a government agency or other entity from which pre-payments are not required by statute, rule or practice, the documents submitted for e-Filing by that filer must include a clear indication that they are filed by, or on behalf of, an agency or entity entitled to deferral of, or exemption from, the payment of deposits as security for costs or pre-payments that would otherwise be required in connection with the filing.

U. COLLECTION OF FILING DEPOSITS AND FEES

The authorized e-Filing System will establish a method for accepting payments of deposits and fees electronically, including the process for filing an affidavit of indigency.

V. PUBLIC ACCESS COMPUTER STATIONS AND PRINT CHARGES

The public can view and print e-Filed documents on public access computer stations located in the Law Library. Users shall be charged for printed copies of documents at rates established by the Law Library. Alternatively, copies and certified copies of documents may be obtained from the clerk upon paying any copy and related fees set forth by the Clerk.

W. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall become effective 1st day of January, 2021.

SO ORDERED:

George McCarthy, Presiding Judge
Athens County Common Pleas Court, General Division

Patrick Lang, Administrative Judge
Athens County Common Pleas Court, General Division

Rev.10-21-20 10/13/20 9/28/20 9/24/20 9/21/20 8/21/20 7/29/20 06/29/20 6/19/20 6/15/20 5/29/20 5/23/20 5/11/20 4/23/20 4/3/20