IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

FILED
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LYNN M. TODARO
STARK COUNTY OHIO
CLERK OF COURTS

IN RE: PROCEDURES FOR ELECTRONIC FILING

ADMINISTRATIVE ORDER
Procedures for Electronic Filing
Stark County Court of Common Pleas
General Division

I. Application

MJ53-40

In accordance with Sup.R. 3.00, the Stark County Court of Common Pleas General Division hereby adopts the following Procedures for governing electronic filing ("e-Filing").

II. Definition of Terms

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

A. **Clerk:** The Clerk of Courts for each division, as defined by the Ohio Revised Code.

B. **Clerk Review:** A review of electronically filed documents by the Clerk in accordance with court rules, policies, procedures, and practices. The Clerk shall conduct a review of the data and documents electronically submitted to ensure compliance with the Courts' local rules, Clerk's rules, policies, procedures, and practices prior to acceptance of the filing submission.

C. **Electronic Case Participant:** Counsel or parties of record who are Registered Users of the e-Filing System.

D. **Electronic Filing (e-Filing):** The electronic transmission, acceptance, and processing of a filing. A filing consists of data, one or more documents, or images.

E. **Electronic Signature:** Documents filed electronically with the Clerk that require an attorney's or Filer's signature shall be signed with a conformed signature of "/s/ (name)." The conformed signature on an electronically filed document satisfies the signature requirements

imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, and any other law.

F. **Filer:** Any person or entity filing a document with the Stark County Court of Common Pleas, any division, including parties and non-parties.

G. **Registered User:** A person who has read and agreed to the terms of the Electronic Filing System's User Agreement and Terms of Use, has provided the information required by the e-Filing System, and has obtained a username and password through the e-Filing System.

III. Personal Identifiers in Electronically Filed Court Documents

A. Personal identifiers include, but are not limited to:

(1) Social Security Numbers except for last four digits;

(2) Financial account numbers including but not limited to debit card, charge card and credit card numbers, employer and employee identification numbers;

(3) A juvenile's name in an abuse, neglect or dependency case, except for the juvenile's initials, or a generic abbreviation such as "CV" for child victim; and,

(4) Information protected by law from public disclosure.

B. Pursuant to Sup.R. 11.13, Filers and/or legal counsel shall not include personal identifiers in any document filed with the Court unless such inclusion is necessary and relevant to the case as set forth in Section C below. This requirement extends to, and includes, exhibits or addenda attached to filings such as preliminary and financial reports which itemize state liens that use Social Security Numbers as case numbers or in medical records.

C. If personal and private information is necessary and must be included in a document, the Filer shall redact the personal data and identifiers from the pleading.

(1) Pursuant to Sup. R. 11.13, the responsibility for redacting personal identifiers rests solely with the parties and their counsel. The Court and the Clerk will not review each document for compliance with this rule.

(2) Pursuant to Sup. R. 11.13, when personal identifiers are omitted from a case document submitted to a Court or filed with the Clerk, the party shall submit or file that information on a separate Personal Identifiers Form available on the Clerk of Court's web site. Redacted or omitted personal identifiers shall be provided to the Court or Clerk upon request, or to a party to the judicial action or proceeding upon motion.

IV. Registration: Parties or their counsel seeking to file a document shall first register to use the Court's e-Filing System.

A. Each user registering for an e-Filing account shall provide their email address and select a confidential and unique password that must be used by the Registered User or the Registered User's designated representative to file, receive, review, and retrieve electronically filed documents.

B. **MULTI-FACTOR AUTHENTICATION** - All Registered Users shall be required to use Multi-Factor Authentication (MFA) when logging into the efiling system. MFA can be configured using an authenticator application such as Google Authenticator or Cisco Duo.

C. Each person who is a Registered User of the e-Filing System shall be responsible for the security, use, and confidentiality of his/her account.

D. All e-Filings will be deemed to be by the Registered User, unless they demonstrate to the Court otherwise by clear and convincing evidence.

E. If an attorney wishes to allow another Registered User to file documents on his/her behalf, filings submitted by that user utilizing the attorney's bar number will be deemed to have been

filed by the attorney, , unless they demonstrate to the Court otherwise by clear and convincing evidence.

V. Official Court Record

Documents that have been electronically filed (including documents in paper format that have been scanned and uploaded to the e-Filing System) shall constitute the official court record. Electronically filed papers have the same force and effect as those filed by traditional means.

VI. Form of Documents Electronically Filed

A. **Format of E-Filed Documents:** All e-Filed documents shall, to the extent practicable, be formatted in accordance with the Ohio Rules of Civil Procedure and the Stark County Local Rules governing formatting of paper documents, and in any other format as the Court may require from time to time. A filed document shall not contain links to other documents.

B. **Portable Document Format:** All electronically filed documents shall be filed with the Clerk in Portable Document Format (PDF) with the exception of proposed orders.

C. **Proposed Orders:** All proposed orders must be submitted in Microsoft Word [.doc or .docx] format and reference the specific motion to which it applies. The e-Filing System will electronically transmit the proposed order to the assigned Judge or Magistrate. The Filer is responsible for serving opposing counsel and parties with the proposed order.

1) All proposed orders shall contain a "token" placed in the docket for the signature location of the judge, magistrate or both. Signature tokens are as follows:

a) Judge: <{Judge Signature}>

b) Magistrate: <{Magistrate Signature}>

The signature token shall be included as plain text in the Word document. If the proposed order does not contain the required token(s), it may be rejected by the court.

2) Images included within proposed orders (e.g. scanned signatures of parties on Agreed Entries, or images of scanned documents which may be needed in the judgment entry document) must be inserted into the proposed order Word document as an IMAGE (e.g. .jpg or .tif) in the appropriate position in the Word document.

a) Approval signatures (by parties) may be filed in a separate copy of the entry (without the judge/magistrate signature) and referenced in the Word version of the Proposed Order, or signature images may be inserted as images in the proposed order.

3) Proposed Orders which include a hearing date must have the date pre-typed into the Order. If a hearing date is required and not available when the Motion is filed, the applicable Motion should be filed, a hearing date obtained from the Court, and that hearing date shall be inserted into the proposed Order before submitting the Order to the Court for signature.

D. **Size of Filing:** Submissions shall be limited to twenty megabytes (20MB) in size. No combination of PDF files in one transmission may exceed 20MB in size. Documents larger than 20MB should be filed as a series of documents, each less than 20MB.

E. **Signatures:**

(1) **Electronic Signature:** Documents filed electronically with the Clerk that require an attorney's or Filer's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney signature is as follows:

/s/Attorney Name
Bar Number 1234567
ABC Law Firm
Address
Telephone
Email
Attorney for (Plaintiff/Defendant) XYZ Corporation

(2) **Multiple Signatures:** When a document requires the signature of two or more individuals the Filer or attorney shall confirm that the content of the document is acceptable to all

persons required to sign the document and indicate the signatories to the document on the signature line, e.g. /s/Jane Doe, /s/John Smith, etc.

(3) **Third-Party Signatures:** Documents containing signatures of third parties such as affidavits shall be electronically filed as a scanned PDF document of an original signature.

(4) **Judge/Judicial Officer Signature:** Electronic documents may be signed by a Judge or Magistrate via a digitized image of his or her signature. Documents signed in this manner shall have the same force and effect as if containing an original signature.

VII. Filing Date and Time

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

B. **Submission:** Documents may be submitted to the Clerk for e-Filing twenty-four hours a day, seven days a week, but the date of filing will be determined as provided herein. All times refer to Eastern Standard Time or Eastern Daylight Savings Time.

C. **Receipt:** Upon receipt, the e-Filing System will issue a notice indicating that the document has been submitted for electronic filing. This notice indicates that the submission has been received, but does not indicate that it has been accepted or filed. The submission notice will include the date and time of receipt and serve as proof of receipt. The document is not considered filed until accepted by the Clerk.

D. **Clerk Review:** After Clerk Review, the Filer will receive notification that the submission has been accepted or rejected by the Clerk.

(1) **Acceptance:** If the document is accepted for filing, the filer will receive a "Notice of E-Filing Completed and Accepted." Other Electronic Case Participants will receive a "Notice of Electronic Filing." The filing date and time reflected on the document is the most recent date and time that the document was submitted for e-filing. However, if the

document was submitted for filing on a Saturday, Sunday, or a Court holiday, then the document will be deemed filed on the following Court business day notwithstanding the date and time indicated on the e-Filing System's Confirmation Notice.

(2) **Rejection:** If the document is rejected by the Clerk, the document shall not become part of the Court record. The filer will receive a notice that the filing has been rejected. The filer will not be permitted to resubmit the rejected filing, and must create a new filing transaction which will receive a new filing date and time.

E. **No Modification to Rules of Practice and Procedure:** This section does not in any way alter any Ohio Rules of Practice and Procedure or any statutory provisions regarding the computation of time.

VIII. User Filing Errors and Technical Failures

A. **User Filing Errors**

(1) A Filer cannot make changes to any document once it has been submitted.

(2) A document that is incorrectly labeled when submitted for filing may be corrected by the Clerk during Clerk Review. Any corrections made after Clerk acceptance of a filing must be notated on the docket.

(3) A document that has been accepted for e-Filing may be deleted from the e-Filing System only by order of the Court indicating that the document was filed in error.

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, the following provisions will apply whenever the e-Filing System is down for longer than one hour after 10:00 a.m. on a given day:

(1) If the system outage is anticipated, the Clerk will post a message on the Clerk's website alerting Filers of a possible system outage in advance.

(2) If there is a system outage, the Clerk will post a message on the Clerk's website once the outage has been resolved. All reasonable efforts will be made to post this message the next business day after a system outage.

(3) Messages posted on the Clerk's website will constitute an official acknowledgment of a system outage that may have prevented Filers from submitting their filings within the timeframe identified in the message. Filers who are unable to electronically submit filings during an officially acknowledged system outage may submit filings the next business day, and those filings will be considered timely filed.

(4) The provisions outlined above do not apply in instances where the technical problems are on the Filer's end.

C. **Technical Issues on the Filer's End**: Problems on the Filer's end, such as problems with the Filer's Internet Service Provider, hardware, or software, may also prevent timely filing.

(1) A Filer who cannot file a document electronically because of a problem on the Filer's end must present the document in paper format to the Clerk for filing, along with a certification from the filer which details the technical problem.

(2) A Filer who cannot submit a document electronically because of a problem on the Filer's end may, upon satisfactory proof, petition the Court for an order permitting the document to be deemed filed as of the date of attempted submission. Counsel and parties should not assume that such relief is available, including on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

IX. Electronic Service of Filings and Other Documents

A. Electronic Case Participants consent to receiving notifications and copies of filings from the Clerk and Court via email in lieu of other methods of service.

B. **Service of Complaint, Third-Party Complaints, or Motions which Reopen a Closed Case :** When submitting a Complaint, Third-Party Complaint, or a Motion which Reopens a Case for e-Filing, the Filer will also submit instructions for service as required by the Ohio Rules of Practice and Procedure. The Clerk will issue a summons and process the method of service requested in accordance with the applicable Ohio Rules of Practice and Procedure. Electronic service does not replace the methods for service of pleadings prescribed in the Ohio Rules of Practice and Procedure.

C. **Service of Filings Subsequent to the Complaint (or Motion which Reopens a Case)**

(1) All parties shall electronically serve all filings subsequent to the Complaint or Third-Party Complaint upon all other Electronic Case Participants via email.

(2) Email Service of a subsequent filing is valid service on all Electronic Case Participants and shall have the same legal effect as a paper document served in accordance with the Ohio Rules of Practice and Procedure.

(3) Certificates of Service shall be included on all e-Filings. The certificate must state the manner in which service was accomplished to each party so entitled Parties shall not rely on the Court's electronic filing system for service, and must, at a minimum, send via email to the party and/or attorney at the email address which was provided to the Clerk of Court.

(4) When a document subsequent to the Complaint or Third-Party Complaint is e-Filed, the e-Filing System will generate an "E-Filing Completed and Accepted" e-mail to the electronic case participants' registered user designated e-mail accounts. This notice serves to inform the parties that a document has been filed.

(5) It is the responsibility of the Registered User to ensure that the courtesy e-mails are not blocked by the spam filter of the designated e-mail account.

D. Time to Respond or Act

(1) E-Service is complete at the time of the "E-Filing Completed and Accepted" notification.

(2) Parties must respond to all filings within the time required by the Ohio Rules of Civil Procedure, unless otherwise ordered by the assigned Judge.

(3) Parties served by e-Service are not entitled to a three-day extension of time to respond permitted under Civ.R. 6(D) for documents served by mail or by a commercial carrier service.

E. Failure of Electronic Service: If e-Service fails to occur, 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.

X. Collection of Filing Deposit and Fees

Any document requiring payment of a filing deposit or fee must be paid contemporaneously through the e-Filing System, or be accompanied by an affidavit of indigency.

XI. Public Access Terminals

The public can view e-Filed documents on Public Access Terminals located in the Clerk's Office. Users shall be charged for printed copies of documents at rates established by the Clerk.

XII. Help Desk

The Clerk shall establish a Help Desk in the Clerk's Office for users of the e-Filing System and it shall be maintained until further Order of Court. The Help Desk shall provide telephone support and any other support set forth in these Procedures. The Help Desk shall have staff available to provide support during Court hours. The Help Desk shall:

A. Answer any questions from the public concerning the e-Filing System;

B. Assist the public with establishing new accounts and registration;

C. Assist System users with the resetting of passwords; and

D. Facilitate the resolution of any issues associated with the e-Filing System

XIII. SELF-REPRESENTED *(Pro Se)* PARTIES:

A. Self-represented parties may utilize the electronic filing system. If using the system, they will be required to follow all of the electronic filing rules set forth in this order.

B. If a self-represented party is unable to utilize the electronic filing system, the filer may submit paper documents to the Clerk of Courts Office during normal business hours. Self-represented parties will be responsible for service of all documents required under the applicable rules of Practice and Procedure, and must attach the proper proof of service before filing with the Clerk.

XIV PROVISIONS SPECIFIC TO THE GENERAL DIVISION

A. Attorneys shall not be exempt from the electronic filing requirement under any circumstances.

B. Private process servers shall file their returns of service electronically via the e-Filing system.

C. For those cases pending prior to the commencement date of e-Filing, all subsequently filed documents shall be filed electronically.

D. The following types of documents must be filed in paper form, unless otherwise ordered by the Court:

1. All filings related to Garnishment requests.

2. All filings related to Petitions for Civil Stalking Protection Orders.

3. **Cognovit Notes:** Complaints, affidavits, and copies of cognovit notes may be filed electronically. However, the original cognovit note must be presented to the assigned Judge.

4. **Documents Filed Under Seal:** A motion to file documents under seal may be filed and served electronically and should be accompanied by a proposed Order which specifies the

details as to who may access the document(s). Documents to be filed under seal shall be filed in paper form once the court has approved the Order to file those documents under seal.

5. **Documents to be Presented to a Court *In Camera*:** Any documents submitted for *in camera* inspection shall be submitted to the assigned Judge outside the e-Filing System.

6. **Exhibits:** Exhibits or other items that cannot be captured or stored in an electronic format may be filed and served conventionally.

7. **Courtesy Copies:** Paper courtesy copies of e-Filed documents shall NOT be delivered to the Court unless directed by the assigned Judge.

8. **As Ordered:** Any other documents shall be filed as directed by the Court.

D. Electronic Filing and Service of Orders and Other Papers

The Common Pleas Court General Division will issue, journalize, and serve notices, orders, and other documents electronically, subject to the provisions of these Procedures for Electronic Filing.

XV. Effective Date of Administrative Order

These Procedures shall become effective immediately and shall remain in full force and effect until further Order of Court.

IT IS SO ORDERED.

Hon. Kristin G. Farmer

Hon. Frank G. Forchione

Hon. Chryssa N. Hartnett

Hon. Natalie R. Haupt

Hon. Taryn L. Heath