

LOC. R. 3.08 ELECTRONIC TRANSMISSION FILING (E-FILING)

A. Implementation

1. The court's goal is to make e-Filing available and required in all cases and case types, with limited exceptions. However, to assure a smooth transition between e-Filing and paper filing, e-Filing will be available and required in some case types prior to others. The Clerk shall maintain on the Clerk's website a list of all case types that are required to be e-Filed. Counsel and persons representing themselves pro se shall consult the Clerk's website before initiating a case to determine whether e-Filing is required. If required, all documents to be filed are subject to the requirements, exceptions and limitations set forth in these rules.
2. Once e-Filing is implemented for a particular case type, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents submitted in a mandatory e-File case type shall be submitted electronically through the e-Filing Portal. Subject to applicable exceptions, the Clerk shall not accept for filing or file any document in paper form in mandatory e-Filing case types.
3. Fax filings will not be accepted for cases for which e-Filing has been implemented. Any documents for such cases submitted by fax will be discarded and not filed, without notice to the submitting party.

B. Users/Registration

1. All persons filing documents in the case types designated as mandatory e-File cases shall be registered as users in the e-Filing Portal.
 - a. All licensed attorneys are expected to use the e-Filing Portal. Any documents received in person, by mail, or fax from a licensed attorney will be returned to the attorney, unfiled, with instructions on how to register as a user of the E-Filing Portal and how to submit documents electronically. No such documents shall be considered filed until they are submitted through the e-Filing Portal.
 - b. Pro Se Parties
 - i. Pro se parties filing in person who are not already registered users shall be directed to a computer station in the Clerk of Courts' office to allow them to register as a user of the e-Filing Portal. The Clerk's office will provide assistance to the filer during the registration process, if needed, but the Clerk shall not be designated as the filer of any of the documents. Once the filer becomes a registered user, his/her documents shall be submitted through the e-Filing Portal.
 - ii. If the Clerk receives documents via US mail to be filed from a pro se party, who is not a registered user, the Clerk's office will register the party as a user in the e-Filing Portal. Pro se parties providing an email address with their filings shall be registered to receive subsequent electronic notification.
 - a. Provided all required deposits and filing fees have been paid, the Clerk will scan the pro se party's documents and e-File them, listing the pro se party as the filer.

be signed with a conformed signature of “/s/ (name).” The correct format for an attorney’s signature is as follows:

/s/Attorney Name

Attorney Name, Registration Number

The conformed signature on an electronically-submitted document, is deemed to constitute a legal signature on the document.

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

- i. The submitting party or attorney shall sign the stipulation or document himself or herself as follows: “/s/ John Smith.”
- ii. The submitting party or attorney shall then include an affirmation that the contents of the document are acceptable to all persons required to sign the document. The submitter shall indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.
- iii. The submitting party or attorney shall then submit 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 submitted only as a hand-signed, scanned-in PDF document.

D. Availability of e-Filing – Acceptance of Documents

1. **Definitions.** As used in this section:

- a. “Submission” of a document means the act of transmitting a document electronically from a filing party to the Clerk of Courts through the e-Filing Portal for the purpose of causing it to be filed.
- b. “Filed” means the acceptance of a document into the record of a case.
- c. “Deficiencies” refer to errors or omissions of a party failing to comply with the procedural aspects of these Local Rules, technical requirements of the e-Filing Portal, or clerical errors while submitting a document for filing.
- d. “Rejected Document” refers to a document containing deficiencies which has been submitted but not filed pending correction of any deficiencies.

2. Documents may be submitted to the Clerk for e-Filing 24 hours per day, 7 days per week.

3. **Effective Date of Filing.** Documents shall be considered filed upon submission, regardless of the date ultimately stamped on the document by the e-Filing system.

4. **Notice of Deficiencies in Submissions.**

- a. The Clerk shall notify a submitting party of any deficiencies.
 - i. A rejected document will be considered filed upon submission, consistent with Section D(3) of this Rule, provided any deficiencies are corrected in a timely manner.

- ii. By way of examples, notification of deficiencies may be given for reasons including, but not limited to, incorrect case docketing codes; the use of incorrect electronic file format; failure to pay correct filing fees, including those for a requested jury demand; submitting multiple documents in one uploaded file; incomplete or inaccurate party information; and incorrect case number.
 - b. Upon receipt of a notice of deficiencies, the submitting party shall cure or correct any deficiencies within 2 business days. Should the submitting party fail to do so, the Clerk shall notify the assigned judge, who shall take any action deemed appropriate, which may include, but not be limited to, striking documents, dismissing the action, or issuing a corrective order.
 - c. **Corrective Orders.**
 - i. Upon motion of a party, or upon its own initiative, the Court shall have discretion to issue orders necessary to correct and cure any deficiencies and to make modifications to its records consistent with this Rule.
 - ii. The Court may deny a motion requesting a corrective order to any party who acts in bad faith or otherwise manipulates the e-Filing system to gain unfair advantage or circumvent legal deadlines.
- E. **Filing of Initial Pleadings.** When any complaint or third-party complaint is submitted for electronic filing, the filing party shall file a case designation sheet. Consistent with the Ohio Rules of Civil Procedure, the filing party shall also file instructions for service and the Clerk shall issue a summons and serve the complaint or third-party complaint according to such instructions. The Clerk shall produce paper copies of these initial pleadings and charge a fee, as stated in the Clerk's fee schedule, for production of service copies, which shall be assessed as costs.
- F. **Effect of Technical Error.** If a submission is not received by the Clerk due to an error caused by the hardware or software of either the Clerk or the submitting party, upon satisfactory proof and for good cause shown, the Court may enter an order permitting the document to be filed nunc pro tunc to the date the submitter intended the document to be filed. Ultimately, it shall be the submitting party's responsibility to ensure all documents are properly received, docketed, and served.
- G. The availability and utilization of electronic filing shall not serve to eliminate any requirements to serve opposing counsel or parties with filing pursuant to the Rules of Civil Procedure, nor shall it eliminate the requirement to provide courtesy copies to the trial judge as provided elsewhere in these rules.