

IN THE COURT OF COMMON PLEAS COSHOCTON COUNTY, OHIO

RE: ) Misc. Case No. 2020misc0017  
ORDER AMENDING LOCAL RULE 11 ) JOURNAL ENTRY  
FOR E-FILING PROCEDURES ) AMENDING THE LOCAL  
 ) RULES OF PRACTICE  
 ) FOR E-FILING

FILED  
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Clerk of Courts  
COSHOCTON COUNTY, OHIO

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On April 9, 2020, the Court distributed the proposed local rule change, as set forth below, to the local bar association for comment. The court, having received no comments, hereby ORDERS the implementation of e-filing pursuant to Rule 11 of the Local Rules of Practice as amended.

The effective date of the amended rule is June 1, 2020. Please note that facsimile transmission filing will no longer be permitted on that date.

RULE 11 (AS AMENDED)

11.1 Official Court Record

Electronically filed, accepted and docketed documents are the official record of the Common Pleas Court of Coshocton County, General and Domestic Relations Divisions ("Court"). The Court will not keep paper copies of these documents.

The Court's electronically filed hearing notices, schedules, orders, decisions, judgments, and other documents are the official court record. The digital signature of a judge or magistrate has the same force and effect as a handwritten signature on a paper document.

All parties and persons interested in court proceedings shall access these documents electronically via the internet or in person at the office of the Clerk of Courts ("Clerk").

11.2 No Time Extension

E-filers must always be aware of the statute of limitations, the savings statute, and similar time limits. It is solely the e-filer's obligation to submit only documents which fully comply with court rules, policies, procedures, and practices. Documents which do not fully comply may be rejected, not docketed, and not filed. The e-filer must allow sufficient time for filing, clerk review, and any necessary re-submission.

Electronic filing does not alter or extend applicable statutes of limitation.

### 11.3 Registered E-Filers

Persons filing documents electronically with the clerk or the court must become registered e-filers. Registered e-filers will receive a confidential and unique electronic identifier. The payment processor is the Clerk unless otherwise directed by the Court.

The court may revoke e-filing registration in its sole discretion.

By registering as an e-filer, the attorney or party agrees to file documents electronically and consents to electronic service of pleadings, motions, and documents. Except for complaints and certain other documents, electronically filed documents are served by the court's electronic filing service provider ("EFSP"). The EFSP sends a notice of filing to the e-filer's account.

The court will notify registered e-filers of case types accepted for e-filing. E-filing will not be permitted for all case types.

Traditional paper filings are required: (1) in case types excluded from the e-filing system; (2) by pro se parties; and (3) by persons not registered with the Court's e-filing system.

Certain documents cannot be e-filed. Those documents are Grand Jury Indictments, State Tax Liens and Court of Appeals filings.

The court does not accept documents transmitted by facsimile or e-mail. Only documents accepted by the electronic filing system after Clerk review are e-filed documents.

### 11.4 Fees.

Registered e-filers must establish an appropriate account for electronic payment of filing and other fees. Registered e-filers will pay an additional fee for credit service charges.

### 11.5 Electronically Submitting Documents.

For the case types designated by court order, registered e-filers must e-file all documents except: (1) those designated as paper filing only; and (2) those which cannot be effectively electronically presented.

#### A. Format.

All electronically filed documents should be formatted according to the rules governing formatting of paper pleadings, motions, and documents. The filer is solely responsible for removing all metadata and non-public data from documents submitted for e-filing.

Before e-filing, counsel, parties, and other persons must make sure the first five digits of a security social number, financial account numbers, medical records, driver's

license numbers, and similar private information are removed from the pleading, motion, or document.

Redaction of personal, confidential, or private information is solely the responsibility of the party filing the document.

Documents:

- Must be in searchable portable document format ("PDF").
- Not exceed twenty megabytes ("20MB"). Larger submissions must be broken into additional PDF's of 20MB or less.
- Image resolution must be at least 300 dots per inch ("DPI").
- Cannot contain links to other material.
- Must be electronically signed.
- Must include a certificate of service.

#### B. Electronic Signatures.

Every electronically filed pleading, motion, order, judgment or document is deemed signed by the judge, clerk, attorney, party, or person who submitted it. Signatures shall be in this format:

- Typed attorney name.
- Attorney registration number (unless self-represented litigant).
- Firm name.
- Identity of the party represented.
- Address.
- Telephone number.
- Facsimile number.
- E-mail address.

A document bearing more than one signature requires the filer to confirm agreement of the other signers before filing.

Documents bearing a required original signature shall be e-filed in portable document format ("pdf"). The filing party shall keep the original document 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 have been exhausted.

### C. Certificate of Service.

COMPLAINT AND RELATED DOCUMENTS. Upon electronically filing the original complaint, third party complaint, or any pleading that adds a new party, the filing party shall also file instructions for service electronically as a courtesy notice of service only. The attorney or pro se litigant filing the document is still required to perfect service in accordance with the Civil Rules. The Clerk shall issue a summons and process in the designated method of service in accordance with the Civil Rules.

### SERVICE OF DOCUMENTS AFTER THE COMPLAINT.

(a) E-SERVICE. The electronic service of a subsequent pleading, filing or other documents in e-file cases shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under former rules. Pro se parties or attorneys who have not registered with the Court's electronic filing system shall be served a paper copy by the filing party, not the Court or Clerk, in accordance with the applicable rules of civil procedure.

(b) CERTIFICATE OF SERVICE. A certificate of service on all parties entitled to service is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled. The certificate of service shall contain the following language: I hereby certify that I served the documents by process server, regular U.S. mail, commercial carrier, or electronic means (whichever is applicable) to the following (list of parties served).

### D. Proposed Judgment Entries.

**All motions must be accompanied by a proposed order, decision, or judgment entry submitted as a Microsoft Word document. The e-filing system will transfer the proposal to the assigned judge. The proposed order must contain a judge's signature token.**

### 11.6 Filing and Service.

#### A. Complaints and Documents with New Parties.

Initial complaints, re-filed complaints, third party complaints, or other documents initiating a case or adding a new party are filed but not served electronically. Summons and service cannot be issued or completed electronically and must be accomplished as required by the applicable rule or statute.

When e-filing a complaint or other document initiating a case or adding a party, the e-filer must:

- electronically file a case designation sheet.
- electronically file separate instructions for service, including the names and addresses of those to be served.

- electronically file the complaint, third party complaint, or other initiating document.
- electronically file a current copy of the order appointing the individual process server if the document is to be served by a process server.

The clerk shall issue a summons and shall serve the pleading in accordance with the appropriate rules.

#### B. Indictments.

Indictments shall be filed in a traditional paper format with the Clerk. All subsequent pleadings in a criminal case in which the Prosecuting Attorney and County Public Defender are counsel of record, shall be electronically filed and served as set forth in paragraph 11.6 (C) below.

#### C. Filing and Serving Documents Subsequent to the Complaint.

Unless another form of service is required by rule or statute, all documents filed after initial service has been completed, shall be e-filed and served by the EFSP on registered e-filers. An email will also be generated for attorneys of record and parties with a valid email on file, marked as "Courtesy Notice Only", giving notice that something has been filed in the case.

Non-registered e-filers must be served in paper format by traditional means.

Certain documents, specifically Grand Jury Indictments, State Tax Liens and Court of Appeals documents, cannot be e-filed and must be filed in paper format at the Clerk's office.

#### 11.7 Public Access to Electronic Filing Equipment.

Persons lacking access to appropriate equipment or unsure how to file electronically may file in paper form or through a public access terminal located in the Courthouse.

The Clerk offers access to court records and e-filing through a public access terminal located in the courthouse and available during the hours of courthouse operation. The clerk may charge a fee for printing copies of e-filed and other documents. No fee is charged to view or upload documents.

The public access terminal includes a scanner and all required e-filing equipment.

#### 11.8 Terms and Definitions.

"Accepted" means an electronically filed document has been reviewed by the clerk and docketed.

"Clerk" means the Clerk of Courts and employees of that office.

"Clerk review" means an inspection of electronically filed documents by the clerk for compliance with court rules, policies, procedures, and practices made before creating a docket entry.

"Certificate of service" states the date and manner of document service.

"Confidential electronic identifier" is the unique electronic credential assigned to registered users which allows transmission, receipt, and retrieval of e-filed documents.

"Court electronic record" means documents received in electronic form, recorded in its CMS, and stored in its document management system. Electronically received documents include documents received in paper form and scanned into electronic format but do not include physical exhibits and other things which cannot be fully captured as an electronic image.

"Court initiated filings" are documents, such as notices or orders, created by the court and entered into the CMS.

"Designated e-file case types" are cases or types of filings which must or may be filed electronically.

"Docketed" is the entry of an item into the official court record.

"Document" includes pleadings, motions, transcripts, reports, exhibits and all other electronically filed items. When printed, documents must produce a clear black image in at least 12 point type. Documents bearing a required original signature shall be e-filed in portable document format ("pdf"). The filing party shall keep the original document 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 have been exhausted

"Document management system" ("DMS") the scheme for receipting, indexing, storing, and retrieving electronic and scanned case documents.

"Effective date and time of filing of a document" is shown by the time stamp on the submitted document. Because all electronically filed documents are subject to clerk review, the effective date and time may differ from the submitted date and time.

"E-Filer" is a person registered with the court and authorized to file and receive documents electronically.

"Electronic filing" ("e-filing") is the electronic transmission of documents to and from the court for the purpose of creating a public record of requests and actions in a case. E-filing is complete when the document is docketed. Documents transmitted by facsimile or e-mail are not e-filed documents.

"Electronic filing system" is the software, hardware, mechanisms, procedures, and rules allowing electronic filing.

"Electronic filing service provider" ("EFSP") is the service provided by the court for e-filing and e-service of documents via the internet. The EFSP is an agent of the court for the purpose of electronic filing, receipt, service and retrieval of electronic documents. The service may be accessed at (<http://web.geaugacourts.org/eservicesCP/home.page.2>) or in person at the courthouse using a public access terminal.

"Electronic receipt" acknowledges transmission of a document to the e-filing system.

"Electronic service" ("e-service") is the electronic transmission of a document to a party, attorney, or representative. Electronic service does not include facsimile or e-mail.

"Filing deadline" falling on Saturday, Sunday or a legal holiday is timely if accepted by the Clerk the next business day.

"Filing fee" is the fee charged by the court and by a third party providing electronic filing services. Persons using a poverty affidavit may file electronically and all fees are waived until conclusion of the case.

"Initial filings" are complaints and other documents used to initiate a case. Initial filings must be accompanied by instructions for service as provided in state and local rules.

"Instructions for Service" separately filed instructions for service designating the names and addresses of the parties or persons to be served by the clerk. Each request for service by a process server must be accompanied by a current copy of the order appointing the individual process server.

"Notification of filing" is the notice sent by the e-filing system to registered e-filers. This notification is service to registered users under Civil Rule 5 and Criminal Rule 49. Those not registered with the e-filing system must be served traditionally in paper format.

"Notice of receipt" is the notice sent by the EFSP after a document has been submitted to the court. Notice of receipt does not mean the document has been or will be accepted and docketed.

"Original document" is the electronic document received by the electronic filing system and accepted by the clerk if it is part of the court's official record.

"Paper filed case types" are cases or types of filings which may not be electronically filed. Cases and documents which are not electronically filed must be presented in paper form either via U.S. Mail or in person at the clerk's office.

"Paper filings" include documents filed under seal, presented for in camera review, and other documents as directed by the court.

"Pending documents" are e-filed documents which have not been accepted and docketed by the clerk.

"Personal and private information" includes the first five digits of a social security number, driver's license numbers, bank and other financial account numbers, medical records, information protected by law from public disclosure, and any information ordered sealed, private, or non-public by the court.

"Public access terminal" is the scanner and e-filing equipment located near the clerk's office. No fee is charged to view or upload documents. The clerk may charge a fee for printing copies of e-filed and paper documents.

"Rejected documents" are e-filed documents which have not been accepted and docketed by the clerk.

"Registered e-filer" is a person who has completed any required e-filing training, registered with the court, and established a PayPal or other required account for electronic payment of filing and other fees.

"Restricted access" means the court has restricted public access to information or documents. Access may be restricted on the court's own order or on the motion of a party or other person who is the subject of information in a case document.

"Rules" refers to the Ohio Rules of Civil Procedure, Criminal Procedure, and other state and local rules.

"Signature" is the name and number identifying the e-filer. Every electronically filed pleading, motion, order, judgment or document is deemed signed by the judge, clerk, attorney, party, or person who submitted it.

A document bearing more than one signature requires the filer to confirm agreement of the other signers before filing.

A judge or magistrate's electronic signature has the same effect as a signature indorsed on a paper document

"Time of filing" is the date and time shown on the clerk's confirmation notice. Documents submitted to the e-filing system on are filed on the day and time submitted if accepted by the Clerk. Rejected documents and pending documents which are not timely corrected are not time stamped or docketed.

11.9 Supplemental administrative orders relating to this rule may be issued from time to time.

It is ORDERED that this Administrative Order is effective on June 1, 2020.

 05/21/2020  
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ROBERT J. BATCHELOR, JUDGE