

39.0 ELECTRONIC FILING OF COURT DOCUMENTS

(A) E-FILING GENERALLY

- (1) All attorneys must use the court's E-Filing system. All cases, except for those listed below, are designated as E-File cases.
 - (a) Case types not subject to E-Filing are:
 - (1) Cognovit
 - (2) Foreign Judgment
 - (3) Petition for Civil Stalking Protection Order
 - (4) Replevin
 - (5) Certificate for Qualification of Employment (CQE)
 - (b) Discovery-related documents in criminal cases must be submitted electronically through the court's criminal discovery portal and may not be E-Filed.
 - (c) Indictments and criminal complaints may be submitted electronically through the Justice Matters portal. Indictments and criminal complaints submitted in this manner need not be E-Filed.
- (2) Self-represented filers may, but are not required to, utilize the E-Filing system. The Clerk of Courts will provide secure public access terminals from which self-represented filers will be permitted to use the court's E-Filing system and electronically file documents. Self-represented filers who do not utilize the E-Filing system must file all documents with the clerk by mail, commercial carrier service, or personal delivery to the clerk's office. The clerk must accept the paper document for filing, docket the document, and scan the document before the end of the next business day or as soon as practicable, and retain the original for placement in the case file.
- (3) The court and the clerk will issue, journalize, and serve notices, orders, and other documents electronically. The clerk will issue postcard notices to those parties that do not have an email address in the case management system and on exempted cases listed in (A)(1). For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the case management system, the electronic version constitutes the official court record. Electronically filed papers have the same force and effect as those filed by traditional means.

(B) DEFINITION OF TERMS

- (1) **Clerk Review.** A review of electronically filed documents by the Clerk of Courts. The clerk will review the data and documents electronically submitted to ensure the document is signed by the filer, is in compliance with all court formatting rules, is accompanied by the required payment, does not require a judge's signature, and that the document matches what the filer states he or she is filing.
- (2) **Case Management System.** A system that manages the receipt, processing, storage, and retrieval of data and documents associated with a case and performs actions on the data or documents.
- (3) **Court Electronic Record.** Any document received in electronic form, recorded in the case management system, and stored in the court's document management system. This will include

Cuyahoga County Common Pleas Court Local Rules

notices and orders created by the court as well as pleadings, other documents and attachments created by the parties. It will not include physical exhibits that cannot be scanned into electronic form. These documents will be considered and maintained as court records as set forth in the Ohio Rules of Superintendence.

- (4) **Electronic File ID (E-File ID).** The electronic-file ID is a unique number that is assigned to a filing as soon as the E-Filer creates the filing in the E-Filing system. In the E-Filing system, the E-Filer can retrieve any filings that are in progress, submitted, filed, canceled, or rejected through the E-File ID.
- (5) **Electronic Filing (E-Filing).** The electronic transmission, acceptance, and processing of a filing. E-Filing does not include facsimile or e-mail.
- (6) **Electronic Service (E-Service).** The electronic notice of a filed document to all other electronically registered case participants via the E-Filing system.
- (7) **Electronic Signature.** A symbol that is adopted by a party with the intent to sign the electronic record.
- (8) **Docket Type.** A two or three letter description selected by the E-Filer when E-Filing a document signifying the type of filing. For example, "MO" for motion and "NOT" for notice.
- (9) **Registered User.** A person who has read and agreed to the terms of the Electronic Filing Systems' User Agreement, has provided credentials through the E-Filing system proving the user's identity, and has been provided with a user name and password through the E-Filing system.

(C) PERSONAL AND PRIVATE INFORMATION IN ELECTRONICALLY FILED COURT DOCUMENTS

- (1) In accordance with Sup.R. 45(D), social security numbers and other personal identifying information, whether relevant to the case or not, must be redacted from documents before the documents are filed with the court. This requirement includes exhibits or addenda attached to filings such as preliminary judicial reports, financial reports, and medical records, etc.
- (2) Personal identifying information includes but is not limited to:
 - a. Financial account numbers;
 - b. Names of minor children;
 - c. Driver's license numbers;
 - d. Information protected by law from public disclosure.
- (3) Pursuant to Sup.R. 45(D)(3), the responsibility for redacting personal identifiers rests solely with the parties and their counsel. The court and clerk will not review each document for compliance with this rule.
- (4) Pursuant to Sup.R. 45(D)(2), when personal identifiers are redacted from a document submitted to a court or filed with the clerk, the party must submit or file that information on a separate form provided by the clerk and this information will be held in a format that cannot be viewed by the public.

(D) E-FILED DOCUMENTS

- (1) **Format.** All E-Filed documents must, to the extent practicable, be formatted in accordance with Local Rule 8 and Civ.R.10. A filed document may not contain internal links to other documents or references in the court’s case management system, unless the links are incorporated into the filed document. External links are prohibited.
- (2) **Portable Document Format.** With the exception of proposed orders, all E-Filed documents must be filed as a portable document format (PDF) file.
- (3) **Proposed Orders.** Proposed orders must be submitted in Microsoft Word (.doc or .docx) format, must reference the specific motion to which they apply, and must be contemporaneously served on all parties. Proposed orders and agreed judgment entries signed by the parties and requiring a judge or magistrate’s signature should not be filed on the docket. These entries must be E-Filed through the proposed submission icon or the proposed agreed entry icon or submitted to the court in paper format.
- (4) **Size of Filing.** Submissions are limited to twenty megabytes in size. No combination of PDF files in one transmission may aggregate to more than twenty megabytes in size. Filings that exceed this size limit will be rejected by the clerk and must be filed as a paper document.
- (5) **Title of Filing and Docket Type.**
 - a. All filed documents must have an appropriate title. For example:
 - (1) Any filing requesting an act by the court should be titled as a motion, not a “request.”
 - (2) A brief in opposition should be titled “brief in opposition,” not “reply.”
 - (3) A reply to a brief in opposition should be titled “reply”, and not “response.”
 - b. The title of a filing entered into the E-Filing system must match exactly the title in the caption of the filed document.
 - c. The docket type selected on the E-Filing system must match exactly the type of document filed. For example:
 - (1) All motions must be given a docket type “MO.”
 - (2) A brief in opposition should be given a docket type “BR,” not “OT.”
 - (3) A notice of dismissal should be given the docket type “NOT,” not “MO.”
- (6) **One Document per Filing.** Only one captioned document may be filed per E-Filing. This provision does not preclude the inclusion of attachments to a motion, brief, or other filed document in the same E-Filing.
 - a. For example, a user should file a “notice of filing deposition transcript” as one E-Filed document and the actual deposition transcript as a second E-Filed document. Both of these documents have captions and each needs its own docket entry.
 - b. In contrast, a “suggestion of death” with a death certificate as an exhibit may be filed as one filing. The death certificate does not have its own caption and does not need to be a separate docket entry.
- (7) **Multiple Documents per Filing.** If two captioned documents are included in the same E-Filing, the docket entry assigned to the filing will determine which document is filed. The document not named in the docket entry will not be considered filed.

Cuyahoga County Common Pleas Court Local Rules

- a. For example, if a user files both a notice of filing deposition transcript and the actual deposition transcript as one E-Filed document and the filing is called a “notice of filing deposition transcript”, only the notice will be considered filed. The deposition transcript itself will not be considered filed.

(E) SIGNATURES

- (1) **Attorney and Filing Party Signature.** E-Filed documents that require an attorney’s or filing party’s signature must be signed with a representation of a signature such as “/s/ (name).”
- (2) **Effect of Signature on E-filed Pleading.** The representation of a signature on an e-filed document has the same effect as an original signature for purpose of signature requirements imposed by all applicable Rules of Procedure.
- (3) **Multiple Signatures.** When a stipulation or other document requires the signature of two or more individuals, the E-Filer must indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line, using the representation of a signature as detailed in Sec. E(2).
- (4) **Third-Party Signatures.** Documents containing signatures of someone other than the party filing the document (such as: affidavits, depositions, etc.) may be E-Filed only as a hand signed scanned PDF document.
- (5) **Judge and Magistrate Signatures.** Electronic documents may be signed by a judge or magistrate via a digitized image of his or her signature. All documents signed in this manner will have the same effect as if the judge or magistrate had affixed his or her signature to a paper copy of the document and it had been entered on the journal in a conventional manner.

(F) FILING DATE AND TIME OF E-FILED DOCUMENTS

- (1) Documents may be submitted to the clerk for E-Filing twenty four hours a day, seven days a week.
- (2) Upon receipt of document submitted for E-Filing, the E-Filing system will issue a confirmation that the submission has been received.
- (3) The clerk will perform a clerk review of the submission during normal business hours and will either accept or reject the submission.
- (4) If a document submitted for E-Filing is accepted by the clerk, the document will be entered into the court’s case management system and will receive an electronic timestamp indicating the date and time of the E-Filing.
- (5) The electronic timestamp, and the effective date and time of filing, will correspond to the date and time the E-Filing was submitted to the E-Filing system.
- (6) The clerk will notify the E-Filer by e-mail of the successful submission.

Cuyahoga County Common Pleas Court Local Rules

- (7) If the clerk rejects a submitted document, the document will not become part of the official court record. The clerk will notify the E-Filer by e-mail if the E-Filer's submission has been rejected.
- (8) Filing a document electronically or the clerk's rejection of a document does not alter the filing deadline for that document.

(G) FILING ERRORS

(1) Filings Amended After Submission.

- a. An E-Filer who wishes to make corrections or additions to a previously filed document may file a revised document if no response has been made to the original filing by any party.
- b. The revised document must be filed within the time permitted for the filing of the original document.
- c. The revised document must be so identified and must reference the date of filing of the document being revised in its title. For example, a document submitted in place of a motion to dismiss that was filed on June 1, 2015, should be titled "Revised Motion to Dismiss (original filed on June 1, 2015)."
- d. The revised document properly filed under this rule will supersede the original and the original will be considered withdrawn. The court will not consider the original.
- e. The time for filing a response to a revised document properly filed under this rule begins to run from the date the revised document is filed.

(2) Documents Filed in Error.

- a. Prior to acceptance for filing, the clerk may reject a document from the E-Filing system upon timely request by the filer. The request for rejection must contain either the case number or the E-File ID of the E-Filing sought to be rejected.
- b. After the clerk accepts an E-Filing, the E-Filed document cannot be withdrawn, deleted, or altered. After acceptance, only a judge can strike an E-Filing in the event it has been filed in error.
- c. When the clerk strikes a document upon the order of a judge, the clerk must annotate the docket to show that it has been stricken and the reason therefore.

(3) Formatting Errors.

- a. If, despite the clerk's review, a document accepted for filing does not substantially comply with this court's formatting rules, the court may, either sua sponte or on the motion of any party, strike the improperly formatted document.
- b. If the improperly formatted document is stricken, it will be treated as if it were not filed. If the deadline has expired for filing the document in question, the filer must seek leave of court to re-file it.

(H) SYSTEM ERRORS

(1) **Technical Malfunctions with the E-Filing System.** The Clerk must notify the court and the public of any malfunction with the E-Filing system greater than one hour. When the Clerk deems the E-Filing system subject to a technical malfunction, the following provisions must apply:

- a. **Anticipated Outage.** If the system outage is planned or anticipated ahead of time, the Clerk must post a message on the Clerk's website and on the E-Filing portal - alerting filers of a possible system outage. This message is 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.
- b. **Unexpected Outage.** If the system outage is unexpected, the Clerk must post a message on the Clerk's website and on the E-Filing portal. This message is official acknowledgement of a system outage that may have prevented some filers from submitting their filings within a certain timeframe, as identified in the message.
- c. **Motion to Deem Filed as of Date Electronically Submitted.** 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 official acknowledgement of the system outage, may file a properly supported motion for an order permitting the document to be deemed filed as of the date it was electronically submitted.
- d. **Order to Deem Filed as of Date Electronically Submitted.** If the court determines from the motion described in Part c of this Section that a system failure prevented a filer from E-Filing a document, the court must enter an order deeming the document filed as of the date of the attempted electronic submission.

(2) **Missed Deadline as the Result of E-Filers Technical Failure.**

- a. A party who misses a non-jurisdictional deadline because of technical problems with the filer's equipment, software, or internet access may move the court to file a document instanter no later than the next business day following the resolution of the party's technical problems.
- b. The motion must be accompanied by a signed declaration explaining the failure to meet the deadline.
- c. The judge or magistrate may grant or deny such motion in his or her discretion.

(3) **Jurisdictional Deadlines.**

- a. Technical failures, whether the fault of the court's E-Filing system or otherwise, cannot extend jurisdictional deadlines (such as statutes of limitation or deadlines for appeal).
- b. When the court's E-Filing system is subject to a technical failure, system users may file documents in paper format to comply with jurisdictional deadlines.
- c. When a system user cannot E-File because of the user's technical problems, the user may use the clerk's public terminals to file documents in order to comply with jurisdictional deadlines.

(I) ELECTRONIC SERVICE OF DOCUMENTS

- (1) **Service of claims that require service of summons.** When submitting any complaint, third-party complaint, or other claim requiring summons for E-Filing the filing party must also submit instructions for service as required by the Rules of Procedure. The clerk must issue a summons by the method of service requested in accordance with the applicable rules of procedure.
- (2) **Service of filings subsequent to the complaint.** It will be the responsibility of the filing party to serve all filings subsequent to the complaint and a party must include a certificate of service in accordance with the applicable rules of procedure. All parties who are registered users of the court's authorized E-Filing system may electronically serve all other registered users of the E-Filing system through the court's authorized E-Filing system. Once a document is E-Filed, a notice of electronic filing will be automatically served electronically on all parties who are registered case participants.
- (3) **Effect of E-Service.** Electronic service of the filing constitutes service of the filed document and satisfies the certificate of service requirement, unless the filing party has actual knowledge of a technical failure resulting in non-receipt of a document. E-Service of an E-Filed document will be deemed complete when a registered user receives the notice on the E-Service notifications page through the E-Filing system.
- (4) **Service of Paper Copies.** Self-represented parties and other interested parties who may be served with a filing (such as receivers and other court appointees) but who are not subscribed to the court's E-Filing system must be served with a paper copy in accordance with the applicable rules of procedure.

(J) PAPER FILING OF DOCUMENTS

- (1) **Documents Filed under Seal.** A motion to file documents under seal must be filed and served electronically. However, the documents to be filed under seal must be filed in paper form unless otherwise directed by the court.
- (2) **Documents submitted for in camera review.** Any documents submitted for in camera review must be submitted to the assigned judge in paper form outside the E-Filing system. The party submitting the documents for in camera review must e-file a Notice of Documents Submitted for In Camera Review.
- (3) **Exhibits.** Exhibits or other items that cannot be captured or stored in an electronic format may be filed and served in paper form.
- (4) **Motions to be admitted Pro Hac Vice.**

(K) PUBLIC ACCESS TERMINALS

Public access terminals are located in the clerk's office. Users will be charged for printed copies of documents at rates established by the clerk.

(L) HELP DESK

The clerk will maintain a help desk in the clerk's office for users of the E-Filing system. The help desk will have dedicated staff available to provide telephone support from 8:30 a.m. to 4:30 p.m. each business day. The help desk staff will:

- (1) Answer and assist the public with any concerns regarding the E-Filing system;
- (2) Assist the public with establishing new accounts and registration;
- (3) Assist system users with the resetting of passwords;
- (4) Coordinate and provide end user training.

Effective 10/10/2018.