

## **Chapter 3 – Filing**

### **Rule 3.01 – Filing Fees**

No action or proceeding, except criminal filings, shall be accepted for filing by the Clerk of Courts unless a financial deposit is made to secure the payment of the court costs that may accrue in the action, except as otherwise provided by law.

The Schedule of Deposits for Security of Court Costs and Filing Fees have been updated and adopted effective February 24, 2020. The complete Schedule of Deposits and Fees are located under “Forms”, attached as a separate form.

In cases transferred to the Common Pleas Court where the demand of the counterclaim exceeds the monetary jurisdiction of the Municipal Court, the counter claimant shall post the deposit for costs in a sum equal to the amount required if the case originated in this Court. Failure to pay the deposit may result in dismissal by the Court.

Upon any final judgment, the Clerk of Court is directed to apply the deposit(s) for costs in the case. The Clerk of Courts will assess the costs against the proper party, notify and bill such party.

### **Rule 3.02 – Copies of Pleadings and Motions**

For all complaints, the Clerk of Courts requires the original be filed plus one copy for each party being served. For all motions, the Clerk of Courts requires the original be filed, one copy for scheduling purposes, and one copy for each party being served.

### **Rule 3.03 - Fax, e-mail and e-Filing:**

- 1. Fax filings are not accepted!**
- 2. E-mail filings are not accepted effective June 15, 2022 (with the exception of Civil Domestic Violence or Civil Stalking Case.**
  - a. E-mail filings are permitted on the Civil Domestic and Stalking cases but are limited to 20 total pages per filing.
  - b. No filing that requires a deposit or service can be filed via email.

- c. If you file via e-mail then you should **NOT** follow the filing up with a hard copy in the mail. The e-mailed filing will be considered the original filing.
  - d. All e-mail filings should be sent to [carclerk@carrollcountyohio.us](mailto:carclerk@carrollcountyohio.us).
  - e. Filings are **NOT** considered officially filed until the clerk prints the document and time-stamps it.
  - f. The fee for all e-mail filings is pursuant to ORC 2302.20(Y) plus \$.25 per page to print the document for the file and one for the court, these fees must be paid by the filing party.
3. **Effective June 15, 2022** - the e-Filing portal will be available. At this time, e-filing is optional
4. **Application of Rules and Orders:**

Unless otherwise modified by approved stipulation or Court order, these rules and all applicable Ohio Rules including Rule 5(E) of the Ohio Rules of Civil Procedure, Rule 12(B) of the Ohio Rules of Criminal Procedure, and the Rules of Superintendence which are fully incorporated by reference through this rule, shall apply to all electronically filed documents.

Any electronically submitted document must be signed by an attorney admitted, in good standing, and licensed to practice law in the State of Ohio either by e-signature (ex: /s/John Smith) – or an original signature in blue ink and submitted in PDF format; If a document is filed electronically by a pro-se litigant, the document must be signed in blue ink and submitted as a PDF.

The signature on an electronically submitted document shall be considered that of the attorney or person representing themselves under Rule 11 of the Ohio Rules of Civil Procedure.

The Clerk shall charge the User normal filing fees and deposits, which will be collected through the User's credit card at the time the electronic submission is processed. Pursuant to §301.28(E) and (F) of the Ohio Revised Code, a surcharge for credit card use may be assessed. (The credit card company – Five-Point does add a surcharge, this fee is set by Five-Point and is not paid to the Clerk's Office this is their fee for using their service). Any document electronically submitted will not be filed until all required fees have been paid. The Clerk will not accept personal checks or other forms of payment for

filing fees and deposits when e-filing – you MUST pay through the system with a credit card.

All persons who choose to file documents through the e-Filing Portal shall register and set up an account through the e-Filings portal. Registered users shall be responsible for maintaining the accuracy of their e-Filings portal account information and documents submitted through their e-Filing portal account.

No registered user of the e-Filing portal shall authorize or permit anyone to use the registered users e-Filing portal account except on behalf of the registered user, in which event the registered user shall be deemed to be the filer.

Registered e-filers MUST establish an appropriate account for electronic payment of filings and other fees. The Clerk will assess normal filing fees and case deposits shall be paid in the e-file system. The System accepts payment of deposits and fees electronically.

\*\*The Clerk/Court will not maintain electronic billing or debit accounts for lawyers or law firms.

\*\* Pro Se Litigants (once they are permitted to register as an e-filer) – must abide to the same rules as set forth as registered attorneys.

## 5. Definitions:

1. **Accepted:** An Electronically filed documents that has been reviewed by the Clerk and a docket entry created
2. **Case Management System (CMS):** The Clerk CMS manages the receipt, indexing, storage and retrieval of data associated with a case and performs actions on the data.
3. **Clerk:** The Clerk of Courts of Carroll County Common Pleas Court, General Division as defined by the Ohio Revised Code.
4. **Clerk Review:** An inspection of electronically filed documents by the Clerk for compliance with the Local Rules of Court, policies, procedures and practices made before accepting an electronically filed document and creating a docket entry.
5. **Court Electronic Record:** Any document the Court received in electronic form, records in the CMS and stores in its document management system. This included Court initiated Filings as well as pleadings, other documents and

attachments created by the parties' counsel. It does not include physical exhibits brought into the courtroom for the Court or jury's edification that cannot be captured in electronic form.

6. **Court Initiated Filing:** Official Court documents entered into the docket or register of actions such as notices or orders.
7. **Documents Management System (DMS):** A DMS manages the receipt, indexing, storage and retrieval of electronic and non-electronic documents associated with a case
8. **Electronic Filing (e-file):** The electronic transmission, acceptance and processing of a filing. A filing consists of data, one or more documents and images. This definition does not apply to facsimile or e-mail)
9. **Electronic service (e-service):** The electronic transmission of an original document to all case participants who are registered users of the Court's e-filing system via the e-filing system. Upon the completion of any transmission to the e-filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the e-filing system.
10. **Original Document:** The filing made with the clerk in either electronic format or paper form, becoming the Court's official record.
11. **Pro Se Filer:** An individual proceeding "on one's own behalf" without representation by an attorney at law.
12. **Public Access Terminal:** A terminal located in the Clerk's office for use by the public during regular business hours. Users shall be charged for printed copies of documents per Local Rules.
13. **System Error:** When the Court's e-filing system Is not operational.
  - a. **If a submission is not received by the Clerk due to an error caused by the hardware or software of either the Clerk, the Court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date it was submitted and should have been accepted.** Ultimately, it shall be the submitting party's responsibility to ensure all documents are properly received, docketed and served.

6. **Filing electronic documents through the e-filing Portal:**

- (a) A case designation sheet must be filed with all new complaint filings.
- (b) Filing of electronic documents shall be made by submitting the documents through the e-filing Portal. Confirmation of receipt by the e-file portal is only a confirmation of receipt of the document, not confirmation the document was accepted for filing.
- (c) **Any document submitted through the e-filing portal must have a 2" top margin on the first page and a 1.5" margin on all subsequent pages (the document will be refused if it does not meet this requirement)**
- (d) Documents must be 8.5 by 11 inches, must in a 12-point regular font and must be paginated sequentially.
- (e) E-filed documents and total filings can be no larger than 100 pages. Any document or filing that is over 100 pages must submit said filing via mail. The cost of printing said document for the file, will be taken out of the filers deposit and not taxed as court costs.
- (f) All documents submitted through the e-Filing Portal must be submitted as a Portable Document Format ("PDF") file. All motions must be accompanied by a proposed order (proposed order MUST reference the specific motion to which it applies; all orders that do not require the signatures of approving counsel, must be submitted as a Microsoft Word document. A judgment entry, decree, order or decision submitted electronically which also contains the signatures of approving counsel and/or one or more of the parties, **must only** be submitted as a PDF format with all signatures in blue-colored inking and "flattened" to protect the integrity of the document.
- (g) **Filing documents submitted through the e-Filing Portal does not alter any filing deadlines imposed by this Court.** (Anything received after 4:00 p.m. will be review the next business day)
- (h) After review by the Clerk's Office, a separate communication that indicates whether the documents were accepted or rejected for filing will be sent to the e-mail address registered with the account of the person who submitted the documents through the e-Filing Portal.
- (i) Documents that have been rejected are the sole responsibility of the Filer to correct the documents and resubmit, you will receive notification the document

was rejected and the reason why it was rejected, the Clerk's office will **NOT** follow-up with the Filer regarding the rejected filing, if the Filer does not receive an acceptance or rejection notification with 24 hours (during business hours) after submitting their documents, it is the Filer's responsibility to reach out to the Clerk's office to make sure the submission was received.

- (j) Upon successful completion of submission and acceptance by the Clerk, each electronically submitted document will receive a separate electronic time stamp; The electronic time stamp will include the date and time the Clerk accepted the user's entire electronic submission as well as the case number of the filing (if applicable)
- (k) Even though you can submit documents 24/7 through the e-Filing Portal, documents are not considered filed until they have been **accepted** by the Clerk's office. The documents will be reviewed during regular business hours Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m.
- (l) The Clerk's office may reject documents that are not clearly legible or that fail to comply with the requirement of this rule.

(m) **The following documents are excluded from e-filing:**

- a. **Garnishments**
- b. **Bank Attachments**
- c. **Any filings that are not sized 8.5 by 11 inches;**
- d. **Any documents required to be certified or authenticated**
- e. **Any pleadings for filings that requires a deposit for costs for witness fees**
- f. **Civil Protection (Domestic Violence, Stalking or Dating) pleadings**
- g. **Any filings by self-represented litigants (at this time)**

(n) **Original Signatures:** All original documents that are **not e-filed** must have the attorney's signature or documents requiring an original signature, such as an affidavit or other notarized documents shall be e-filed in PDF format with the original signature.

- a. The filer shall maintain the signed document in the filer's records and have it available for productions upon request of the Court.

- b. The signed document shall be maintained 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 are exhausted.
- c. Attorney or Pro Hac Vice Registration Numbers issued by the Supreme Court must be included on all documents filed with the Court.
- d. All documents must contain:
  - Typed Attorney name
  - Attorney registration number
  - Firm name
  - Identify the party they represent
  - Address
  - Telephone number
  - Fax number
  - E-mail address
- e. A judge's electronic signature has the same effect as a signature indorsed on a paper document

**(o) Personal and Private Information in Documents filed with the Clerk:**

- a. **Definition:** Personal and private information includes, but is not limited to social security numbers, financial account numbers, names of minors, information protected by law from public disclosure or other personal identification numbers.
- b. **Exclusion:** The filer shall **not** include personal and private information in any document filed with the Court unless such inclusion is necessary and relevant to the case, unless it is filed as a separate document such as the Personal Identifiers Information Sheet, which is a secure document not subject to public record (**Personal Identifiers Information Sheet is required in ALL DOMESTIC RELATION CASES**). 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 medical records.
- c. **Financial Affidavits:** These documents **are required** in all Domestic Relations Cases and all cases which the party is requesting to file without a deposit – these documents will be filed in the case but **WILL NOT** be imaged for public view on the website.

- d. **Redaction:** If personal and private information is necessary and must be included in a document, the filer must redact the personal and private information from the document in the following manner:
  - i. For social security numbers, financial account numbers or other personal identification numbers all but the last four digits of the number shall be redacted.
  - ii. For minors, only the child's initial shall be included. (full names can be listed on a personal identifier sheet)
  - iii. For any other personal or private information, the information shall be replaced with "[REDACTED]".
- e. **Responsible Party:** The filer is responsible and liable for redacting personal and private information. **The Clerk shall not review each document for compliance with this Rule.**

**(p) Service of Initial Complaints:**

- a. Upon electronically filing the Initial Complaints and Related Documents, third party complaint, intervening complaint or any pleading that adds a new party, the filing party shall also file instructions for service (see subsection (N)(c)). The Clerk shall issue a summons and process in the designated method which is requested in the Instructions for Service as mentioned in Subsection (N)(c) of this Rule and in accordance with Ohio Civil Rules of Procedure.
- b. Once a party has entered an appearance in the case, the party **MUST** furnish his or her e-mail address and service thereafter should be made electronically when possible.
- c. For all documents that require service by the Clerk, **Instructions for Service must be filed as a separate document. The Clerk shall not accept Instructions for Service that does not designate the names and address of the parties to be served.** The Clerk shall produce paper copies of these initial pleading and charge a fee, as stated in the Clerk's fee schedule, for production of service copies which shall be taxed to the deposit of the Filer.



**(q) Criminal Cases:**

- a. Subsequent criminal filings may be electronically submitted with the Clerk's office through the e-filing portal.
- b. **\* with the exception of bonds, all bonds must be posted in person (cash or surety) \*\***

**(r) Documents Filed Subsequent to Complaint:**

- a. In Accordance with Civ. R. 5 and Crim. R. 49, unless the filer requests service by the Clerk and files the Instructions for Service required by Subsection (N)(c) of this Rule, the filer, not the Clerk, shall be responsible for serving all documents filed subsequent to the original complaint on all parties or their attorneys.
  - i. **E-SERVICE:** The electronic service of subsequent pleadings, filings 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.
  - ii. **CERTIFICATE OF SERVICE:** A certificate of service on all parties entitled to service is still required with 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 must contain the following language: *"I hereby certify that I served the (\*\*insert what was served) by process server, regular U.S. mail, commercial carrier, or electronic means (whichever is applicable) to the following"* (list each party who was served, the address they were served, or e-mail address where they were served)
  - iii. The filer shall serve a paper copy of the document on all pro se parties that are not a registered user.
- b. **Entries and Orders:**
  - i. After the order or entry has been signed and filed, the Clerk of Court shall serve on all pro se parties in accordance with Civ. R. 5 and Crim. R. 49 that are not a registered user.

**c. Certificate of Service:**

- i. Proof of service of all documents required or permitted to be served shall be made in compliance with Civ R. 5(B)(3) and Crim. R. 49(C).

**d. Exceptions to E-filing (when necessary)**

- i. Exhibits, attachments, or other documents that may not be comprehensibly viewed in a PDF reader application must be filed in their physical form with the Clerk.
- ii. All Civil Protections Order pleadings (Domestic Violence, Stalking or Dating; Garnishments, Bank Attachments; any filings that are not sized 8.5 by 11 inches; any documents required to be certified or authenticated; any pleadings for filings that requires a deposit for costs for witness fees; any filings by self-represented litigants (at this time)
- iii. Surety Bonds filed in criminal cases MUST be filed in paper form with the Clerk (who will scan and import them into the CMS system)

**IF THE CLERK'S E-FILING SYSTEM OR WEBSITE IS DOWN FOR ANY REASON, IT IS UP TO THE FILER TO MEET THE COURT'S DEADLINE DATES BY SUBMITTING THE FILING TO THE CLERK VIA MAIL OR IN PERSON – A SYSTEM ERROR DOES NOT GRANT THE FILER ADDITIONAL TIME – IT IS THE FILERS RESPONSIBILITY TO SEEK APPROPRIATE RELIEF FROM THE COURT.**

**(s) Corrections of Docket Entries/Documents Filed in Error:**

- a. Once filed, an electronically filed document becomes part of the docket. The Clerk alone is authorized to make any corrections or changes to the docket.
- b. The electronic filing system does not permit a User to make changes to any document or the docket once the transmission has been accepted by the Clerk.
- c. If an electronically submitted document is filed in error, a User should not attempt to re-submit the document.

- d. As soon as reasonably possible after an error has been discovered, the User should contact the Clerk with the case number and document number for which the correction or change is being requested.
  - e. If the Clerk has not accepted the electronically submitted document, the clerk can reject the submitted document and the Filer can then make the correction and resubmit.
  - f. If the electronically submitted document (submitted in error) has been accepted by the Clerk, (e.g., a document submitted on the wrong case), the Judge may order the document stricken.
  - g. The Clerk will not delete the docket text but will note in the docket the deletion or change, the reason for the deletion or change and that the user has been so notified (e.g., stricken from record per JE dated 01/01/2000)
- (t) Subsequent Rules may be added from time to time – as this new e-filing process transpires

**Effective June 15, 2022** – all filings regardless of method of filing will be viewable on the online docket for viewing (with the exception of financial affidavits and/or any documents the Court orders “**NOT FOR PUBLIC VIEW.**” It is up to the Filer, to file a motion and proposed order for the judge’s signature of any documents they **do not want publicly viewed on the online docket.** The image will be viewable to the attorneys who are registered users and assigned to that case.

### **Non-Compliance**

**The Clerk reserves the right in its discretion to deny any person the use or continued use of the e-filing system, for reasons including that person’s non-compliance with these rules or any other rule governing the use of the e-filing system, equipment incompatibility issues that are not corrected, or due to any misuse of the e-filing system.**