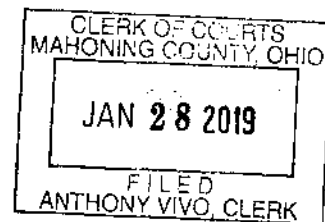


IN THE COURT OF COMMON PLEAS  
MAHONING COUNTY, OHIO



IN RE: ADMINITRATIVE )  
ORDER FOR THE )  
E-FILING OF CIVIL )  
CASES )  
 )  
 )  
 )  
 )  
 )

CASE NO. 2018 CV OPEN

AMENDED  
JUDGMENT ENTRY

Except as otherwise provided in Subsection (J) of this Rule, all civil, including all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders or other documents, shall be filed electronically through the Court's authorized electronic filing system ("eFile system"). Paper courtesy copies of documents filed electronically shall not be delivered to the Court. The Court's authorized e-File system is hereby appointed the agent of the Clerk for the purpose of filing, receipt, service and retrieval of electronic documents.

- A. DEFINITION OF TERMS: The following terms in this Rule shall be defined as follows:
1. Document: A filing made with the Clerk in either electronic format or paper form, becoming the Court's official record.
  2. Electronic Filing ("e-File"): The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and images. This definition of e-File does not apply to facsimile or email.
  3. Court Initiated Filings: Official Court documents entered into the docket or register of actions, such as notices or orders. The term "Court initiated filings" is a simplification to indicate that documents will be submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the Court so desires.
  4. Electronic Service ("eService"): The electronic transmission of an original document to all case participants who are registered users of the Court's eFile system via the eFile system. Upon the completion of any transmission to the eFile system, an electronic receipt shall be issued to the sender acknowledging receipt by the eFile system.
  5. Case Management System ("CMS"): The Court CMS manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

6. Document Management System ("DMS"): A DMS manages the receipt, indexing, storage and retrieval of electronic and non-electronic documents associated with a case.
7. Court Electronic Record: Any document that the Court receives in electronic form, records in the CMS and stores in its DMS. This includes Court initiated filings as well as pleadings, other documents and attachments created by parties or their 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.
8. Clerk Review: A review of Documents by the Clerk in accordance with Court rules, policies, procedures, and practice. The Clerk may review the data and documents electronically submitted to ensure compliance with Court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
9. System Error: When the Court's eFile system is not operational.

**B. SERVICE OF COURT INITIATED FILINGS:**

1. Subject to the provisions of this Rule, the Court shall eFile all Court Initiated Filings. Service of Court Initiated Filings shall be made via eService.

**C. REGISTRATION IN E-FILE SYSTEM:**

1. All counsel of record or their designee(s) shall register with the Court's eFile system to file, serve, receive, review, and retrieve copies of eFiled pleadings, orders and other documents in the case. *Pro se* parties may, but are not required to, register with the Court's eFile system.
2. **The Court shall not accept or file any pleadings or instruments in paper form after March 4, 2019 except as provided in Subsection (J) of this Rule.**
3. If a party or counsel of record does not have internet access, the party or counsel of record may have the Clerk of Court's Office eFile documents for them.

**D. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER:**

1. The Court's eFile system shall assign an individual who has registered pursuant to Subsection (C) of this Rule a unique electronic identifier that shall be used to file, serve, receive, review, and retrieve eFiled pleadings, orders, and other documents in the case. The individual will be prompted to establish a confidential password associated with the electronic identifier.
2. Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier and the associated self-assigned, confidential password.
3. All eFiled documents shall be deemed to be made with the authorization of the party who is assigned the specific unique electronic identifier, unless the party proves to the satisfaction of the Court, by clear and convincing evidence, that the contrary is demonstrated.

E. OFFICIAL COURT RECORD: For documents that have been eFiled pursuant to Subsection (G) of this Rule or documents filed in paper format pursuant to Subsection (J) of this Rule that have been scanned and uploaded to the eFile system by the Clerk, the electronic version constitutes the Official Court Record. eFiled Documents have the same force and effect as those filed by traditional means.

F. FORM OF DOCUMENTS:

1. Format: All pleadings, motions, briefs, and other documents shall be formatted in accordance with the following:

- a. Typewritten or printed, double spaced, on 8 ½" x 11" paper, not less than 11-point and not greater than 12-point regular type font, paginated sequentially.
- b. Filings prepared in a pleading format shall reserve a blank space of at least 2 ½ inches at the top of the first page for endorsements and shall have appropriate side and bottom margins of not less than one inch.
- c. Forms prescribed and approved by the Court shall reserve an adequate space in the top right-hand corner for endorsements or file stamps and shall have appropriate side and bottom margins proportional with the format of the form or document.

d. A filed document shall not contain links to other documents or references to the CMS, unless they are incorporated into the filed documents. External links are prohibited.

2. Portable Document Format (".pdf"):

- a. Except as provided in Subsection (F)(2)(b) of this Rule, all eFiled documents, pleadings, and papers shall be filed with the Clerk in .pdf.
- b. A proposed order or proposed entry shall be submitted in Word [.doc] or WordPerfect [.wpd] format and reference the specific motion to which it applies.
  - i. A proposed order must be filed with all motions for default and motions for summary judgment in foreclosure cases.

c. Size of eFiled Documents:

- i. Individual documents included in a submission shall not exceed 10 megabytes in size.
- ii. Any combination of documents eFiled in one submission shall not exceed 30 megabytes in size.

d. Signatures:

- i. Attorney/Filing Party Signature: eFiled documents that require the signature of the attorney or filing party shall be signed with a conformed signature of "/s/ [name]." The correct format for an attorney's conformed signature is as follows:

/s/Attorney Name

Attorney Name

Bar Number 1234567

Attorney for [Plaintiff/Defendant] XYZ Corporation

ABC Law Firm  
Address  
Telephone  
Fax and/or E-mail address

- ii. The conformed signature on an eFiled document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure.
- e. Multiple Signatures: When a stipulation or other document requires two or more signatures, the filer shall:
  - i. Confirm that the content of the document is acceptable to all persons required to sign the document;
  - ii. Indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line; and
  - iii. eFile the document, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.
- f. Original Signatures: Documents requiring an original signature, such as an affidavit or other notarized documents shall be eFiled as a .pdf.
  - i. The filer shall maintain the signed document in the filer's records and have it available for production upon request of the Court.
  - ii. 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.
- g. Signature of Judge or Judicial Officer: eFiled documents may be signed by a Judge or judicial officer via a digitized image of his or her signature combined with a digital signature. All orders, decrees, judgments and other documents signed in this manner shall have the same force and effect as if the Judge had affixed his or her signature to a paper copy of the order and journalized it.

**G. TIME, EFFECT AND PROCESS OF eFILING:**

1. Submission: Any filing may be eFiled with the Clerk 24 hours a day, 7 days a week.
2. Receipt: Upon receipt, the Court's eFile system shall issue a confirmation that the submission has been received. The confirmation shall include the date and time of receipt and serve as proof of receipt.
3. Clerk Review: After Clerk Review, a filer will receive notification from the Clerk that the submission has been accepted or rejected by the Clerk.
  - a. If the submission is rejected, the document shall not become part of the Court record and the filer shall be required to re-submit the document to meet the requirements. The re-submitted document shall receive a new submission date and time.
  - b. If the submission is accepted, the document shall be docketed and filed.

4. Official Time Stamp: Upon acceptance, the submission shall be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the Court's eFile system as well as the unique confirmation number of the filing.
5. System Errors: If a submission is not received by the Court because of a System Error, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date it was submitted.

#### H. SERVICE:

1. Instructions for Service: For all documents that require service by the Clerk or documents for which a party is requesting that service be made by the Clerk, Instructions for Service shall be filed as a separate document. The Clerk shall not accept Instructions for Service that do not designate the names and addresses of the parties to be served. If the address of the party to be served is unknown, the filer shall substitute "unknown" for the address.
2. Complaint and Related Documents in Civil Cases:
  - a. Upon filing the original complaint or any counterclaim, crossclaim, or third party complaint, in addition to the Instructions for Service required by Subsection (H)(1) of this Rule, the filer shall include the address of the plaintiff(s) and defendant(s) in the caption of the document. If the address of any plaintiff or defendant is unknown, the filer shall substitute "unknown" for the address in the caption.
  - b. Unless an attorney or party has obtained permission signed by the assigned Judge to defer service of summons for a specific period of time, the Instructions for Service filed with the original complaint or any counterclaim, cross-claim or third party complaint shall indicate a method of service pursuant to Civ. R. 4.
  - c. The Clerk shall issue a summons and process the method of service in accordance with the Ohio Rules of Civil Procedure.
3. Documents Filed Subsequent to Complaint or in accordance with Civ. R. 5 unless the filer requests service by the Clerk and files the Instructions for Service required by Subsection (H)(1) 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:
  - a. When a submission is deemed filed pursuant to Subsection (G) of this Rule, the eFile system shall generate a Notification of Electronic Filing to the filer and any other party who is a registered user of the eFile system. The Notification of Electronic Filing shall constitute service under Civ. R. 5.
  - b. eService of documents subsequent to the complaint or indictment shall be considered valid and effective service and shall have the same legal effect as an original paper document.
  - c. The filer shall serve a paper copy of the document on all *pro se* parties who are not registered users of the Court's eFile system in accordance with Civ. R.

4. Filing for all entries and orders signed by the Judge. This Notification of Electronic Filing shall constitute service under Civ. R. 5
  - a. After the order or entry has been signed and filed, the filer, not the Court or Clerk, shall serve on all *pro se* parties who are not registered users of the Court's eFile system copies of all entries and orders submitted to the Court for signature in accordance with Civ. R. 5.
5. 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).
  - a. The Certificate of Service shall be signed in accordance with applicable Ohio court rules and laws, including these Rules, and shall contain the following language for each party entitled to service:

"I hereby certify that on [date] this document was eFiled via the Court's eFile system which shall send notifications of this filing to the following: [list parties or their counsel who are registered users of the Court's eFile system]."

I hereby certify that on [date] I served this document in accordance with [Civ. R. 5] on the following: [list *pro se* parties who are not registered users of the Court's eFile system]."

6. Service Date and Time to Respond or Act: for *pro se* parties who are registered users of the Court's eFile system and counsel of record, service shall be deemed complete at the time the Notification of Electronic Filing is generated by the Court's eFile system. Documents served after 5:00 p.m. local time shall be deemed served on the next day.

The time to respond to the served documents or perform any right, duty, or act shall be strictly governed by the applicable Rules of the Court. *Pro se* parties who are not registered users of the Court's eFile system and who are served by regular U.S. mail shall receive a three-day extension of time to respond or perform any right, duty, or act. Parties and counsel of record served via eService **are not entitled to the three-day extension.**
7. Failure of eService: If the eFile system fails to generate the Notice of Electronic Filing, 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.

#### I. PERSONAL AND PRIVATE INFORMATION IN DOCUMENTS FILED WITH THE CLERK:

1. 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, and driver's license or other personal identification numbers.
2. 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. 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.

3. Redaction: If personal and private information is necessary and must be included in a document, the filer shall redact the personal and private information from the document in the following manner:
  - a. For social security numbers, financial account numbers, and drivers' license or other personal identification numbers, all but the last four digits of the number shall be redacted.
  - b. For minors, only the child's initials shall be included.
  - c. For any other personal or private information, the information shall be replaced with "[REDACTED]".
4. Responsible Party: The filer is responsible for redacting personal and private information. The Clerk shall not review each document for compliance with this Rule; however, the Clerk may refuse to accept any document that contains personal and private information that has not been redacted or submitted in accordance with this Order.
5. Entries and Orders: Personal and private information required to be included in entries and orders shall be redacted in the manner set forth in Subsection (I)(3) of this Rule. In the event that the redacted information is insufficient for an entry or order, the entries and orders, including the unredacted personal and private information, shall be filed in accordance with Mont. Co. C.P.R. 1.41.

J. EXCEPTIONS TO eFILING:

1. Documents filed under seal or *in camera* shall be filed in accordance with Mont. Co. C.P.R. 1.41.
2. Exhibits, attachments, or other documents that may not be comprehensibly viewed in a .pdf shall be filed in their physical form with the Clerk.
3. All documents related to Certificates of Judgments and Executions of Judgment shall be filed in paper form with the Clerk in accordance with Subsection (J)(4) of this Rule.
4. *Pro se* parties who are not registered users of the Court's eFile system may file documents in paper form with the Clerk in person, by U.S. Mail, or by using the Clerk's Public Access Terminal. Documents filed in accordance with this Rule shall be deemed filed and shall become the Court's Official Court Record when they are entered by the Clerk in the Court's eFile system.

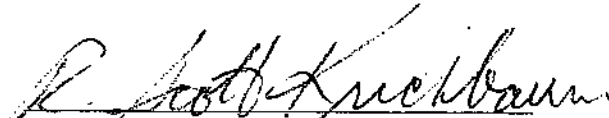
K. COLLECTION OF FILING DEPOSIT AND FEES: Any document requiring payment of a filing deposit or fee to the Clerk in order to achieve valid filing status shall be filed in the same manner as any other eFiled document. The eFile system accepts payment of deposits and fees electronically. Alternatively, the eFile system can accommodate the filing of an affidavit of indigence.

L. REMOVAL:

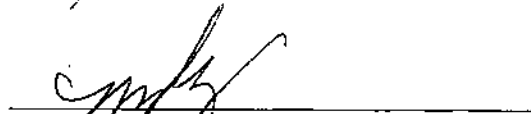
1. No person, except a Judge or Magistrate of the Court or an authorized Court employee, shall remove any documents or case files from the Clerk's custody.


2. Examination: Upon request, during regular business hours, the Clerk shall allow any person to examine, but not remove, any original document or case file that is maintained by the Clerk.
3. Transcripts of Testimony: The inspection, examination, and duplication of transcripts of testimony shall be governed by Mahoning County Rules.

IT IS SO ORDERED

  
Honorable R. Scott Krichbaum

  
Honorable John M. Durkin

  
Honorable Maureen A. Sweeney

  
Honorable Anthony M. D'Apolito

  
Honorable Anthony Donofrio