

## **Chapter 3 – Filing**

### **Rule 3.01 – Filing Fees**

No action or proceeding, except criminal filings, shall be accepted for filing by the clerk 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. See Exhibit “A” for a complete Schedule of Deposits for Security of Court Costs and Filing Fees as listed by the clerk of courts. The Schedule of Deposits for Security of Court Costs and Filing Fees is subject to change. Any questions regarding the Schedule of Deposits for Security of Court Costs and Filing Fees should be directed to the clerk of courts.

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

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

### **Rule 3.03 – Publishing Procedures**

Parties requesting legal notices shall prepare the legal notice and prepay the cost of the notice to the legal publisher. The requesting party is required to submit proof of payment and proof of publishing to the clerk of courts for filing. The prepaid cost can be taxed as costs in the case. The legal notice shall be prepared and submitted to the clerk of courts for endorsement prior to publishing.

### **Rule 3.04 – Facsimile Filings**

Facsimile filing is available for the convenience of all parties and their attorneys.

#### **A. Definitions**

1. **“Facsimile transmission”** means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits, and

reconstructs the signals to print a duplicate of the source document at the receiving end.

2. “**Source document**” means the document transmitted to the Court by facsimile machine/system.

3. “**Effective original document**” means the facsimile copy of the source document received by the clerk of courts and maintained as the original document in the Court’s file.

## **B. Procedure**

1. Pleadings and other documents may be filed with the clerk of courts by facsimile transmission to **330-343-4682**.

2. A document filed by facsimile shall be accepted as the effective original document.

3. The original document and cover sheet filed by facsimile shall be maintained by the person **making the filing** until the case is closed and all opportunities for post judgment relief are exhausted.

4. Facsimile filings shall not exceed **15 pages** in length, excluding the cover sheet.

5. Facsimile filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the clerk of courts.

6. The clerk of courts may, but need not, acknowledge receipt of a facsimile transmission.

7. The risks of transmitting a document by facsimile to the clerk of courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the clerk of courts.

## **C. Cover Page**

1. The person filing a document by facsimile shall also provide a cover page containing the following information:

a. The title of the case;

- b. The case number;
  - c. The title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
  - d. The date of transmission;
  - e. The transmitting facsimile number;
  - f. The number of pages included in the transmission, including the cover page;
  - g. The name, address, telephone number, facsimile number, Supreme Court registration number, if applicable, and e-mail address of the person filing the document if available.
  - h. A sample cover page is attached as Exhibit "D."
2. If a document is sent by facsimile to the clerk of courts without the cover page information listed above, the clerk may, at its discretion:
- a. Enter the document in the Case Docket and file the document; or
  - b. Deposit the document in a file of failed facsimiled documents with a notation of the reason for the failure; in this instance, the document **shall not** be considered filed with the clerk of courts.

#### **D. Signature**

A party who wishes to file a **signed** source document by facsimile shall either:

- 1. Facsimile a copy of the signed source document; or
- 2. Facsimile a copy of the document without the signature but with the notation *"/s/"* followed by the name of the signing person where the signature appears in the signed source document.

## **E. Exhibits**

1. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five business days following the filing. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the filing and/or exhibit.

2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case, which sets forth the name of the Court, title of the case, the case number, name of the judge and the title of the exhibit, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

## **F. Time of Filing**

Subject to the provisions of these rules, all documents sent by facsimile and received by the clerk shall be considered filed with the clerk of courts as of **the date and time the clerk time-stamps the document received**, as opposed to the date and time of the facsimile transmission. However, the fax machine will be available to receive facsimile transmission of documents 24 hours per day seven days per week, including holidays.

## **G. Fees and Costs**

No document shall be accepted by the clerk of courts for facsimile filing if it requires a filing fee or service by the clerk of courts. The clerk of courts may assess fees for a facsimile filing as set forth in R.C. 2303.20(Y). See Exhibit "A." Documents tendered to the clerk without payment of court costs and fees, or with incomplete information on the charge authorization or request, or that do not conform to applicable rules will not be filed.

## **Rule 3.05 - Email Filings**

Email filing is available for the convenience of all parties and their attorneys.

## A. Definitions

1. “**Email transmission**” means a method of exchanging digital messages between computer users.
2. “**Source document**” means the document transmitted to the Court by email.
3. “**Effective original document**” means the print of the source document received by the clerk of courts and maintained as the original document in the Court’s file.

## B. Procedure

1. Pleadings and other documents may be filed with the clerk of courts by email transmission to: [clerkfiling@co.tuscarawas.oh.us](mailto:clerkfiling@co.tuscarawas.oh.us)
2. A document filed by email shall be accepted as the effective original document.
3. The original document filed by email shall be maintained by the person **making the filing** until the case is closed and all opportunities for post judgment relief are exhausted.
4. Email filings may **not** be sent directly to court employees for filing but may only be transmitted to the clerk of courts.
5. The clerk of courts may, but need not, acknowledge receipt of an email filing.
6. The risks of transmitting a document by email to the clerk of courts shall be borne entirely by the sending party. Anyone using email filing is urged to verify receipt of such filing by the clerk of courts.

## C. Signature

A party who wishes to file a **signed** source document by email shall either:

1. Email a copy of the signed source document; or
2. Email a copy of the document without the signature but with the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.

#### **D. Exhibits**

1. Each exhibit to an email filing that cannot be accurately transmitted via email for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five business days following the filing. Failure to file the missing exhibits as required by this rule may result in the Court not considering the filing and/or exhibit.

2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case, which sets forth the name of the Court, title of the case, the case number, name of the judge and the title of the exhibit, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

#### **E. Time of Filing**

Subject to the provisions of these rules, all documents sent by email and received by the clerk shall be considered filed with the clerk of courts on **the date and time the clerk time-stamps the document received**, as opposed to the date and time of the email transmission. Emailed filings that are received by the clerk on or before 4:30 PM on a business day will be time-stamped on the date and time received.

#### **F. Fees and Costs**

No document shall be accepted by the clerk of courts for email filing if it requires a filing fee or service by the clerk of courts. The clerk of courts may assess fees for an email filing as set forth in R.C. 2303.20(Y). See Exhibit "A" for a per page cost for printing the filing. Documents tendered to the clerk without payment of court costs and fees, or with incomplete information on the charge authorization or request, or that do not conform to applicable rules may not be filed.