

RULE VII.
FACSIMILE AND ELECTRONIC FILING RULES

A. Authority: The provisions of this local rule are adopted under Civ. Rule 5(E), Ohio Rules of Civil Procedure, Crim. Rule 12(B), Ohio Rules of Criminal Procedure.

B. Fax Filings: Subject to the following conditions, pleadings and other papers may be filed with the Clerk of Courts by

- i. Facsimile transmission to Eastern Division (419) 825-3324 and Western Division (419) 337-9286;
- ii. Electronic mail to Eastern Division at edc@fultoncountyoh.com
- ii. Electronic mail to Western Division at wdc@fultoncountyoh.com

1. Applicability: These rules apply to civil, criminal, and small claims proceedings in the Fulton County Municipal Court, Eastern and Western Divisions.

The following documents will not be accepted for fax filing:

Complaints in civil, criminal or small claims divisions, appeals, and any document which requires a payment of deposit for court costs.

2. Original filing:

A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

3. Definitions: As used in these rules, unless the context requires otherwise:

- a. "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
- b. "facsimile machine" means a machine that can send and receive a facsimile transmission.
- c. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

4. Cover Page

- a. The person filing a document by fax shall also provide therewith a cover page containing the following information:
 - i. Name of the court
 - ii. Title of the case
 - iii. Case number
 - iv. Assigned judge
 - v. 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)

- vi. Date of transmission
- vii. Transmitting fax number
- viii. An indication of the number of pages included in the transmission, including the cover page
- ix. If a judge or case number has not been assigned, state that fact on the cover page
- x. The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and email address of the person filing the fax document if available
- xi. If applicable, a statement explaining how costs are being submitted.

b. If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:

- i. Enter the document in the Case Docket and file the document;
- ii. If a document in a file of failed faxed 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. The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing and the party sending the fax should call the court for confirmation of receipt.

5. Signature: A party who wishes to file a signed source document by fax shall either:

- i. Fax a copy of the signed source document;
- ii. Fax 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.

A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

6. Exhibits: 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 (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit

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 being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

7. Time of Filing: Subject to the provisions of these rules, all documents sent by fax and accepted 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 fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

The Clerk of Court will not independently acknowledge receipt of a facsimile transmission. The risks of transmitting a document by fax 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 Court through whatever technological means are available.

8. Fees and Costs: No document filed by facsimile which requires a filing fee shall be accepted by the Clerk for filing until the filing fees have been paid. No additional costs shall be assessed for facsimile filings.

9. Length of Document: Filings shall not exceed 15 pages in length. The filer shall not transmit service copies by facsimile.