

LOCAL RULE 3

ELECTRONIC TRANSMISSION FILINGS

In conformity with the Ohio Supreme Court Committee on Technology and the Courts, pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission subject to the following conditions:

3.1 Definitions

The following terms in the Rule shall be as followed:

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. **Facsimile Machine** ~ means a machine that can send and receive a facsimile transmission either as a stand-alone device or as part of a computer system.
3. **Fax or Faxes** ~ an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
4. **Source Document** ~ means the document transmitted to the Court by facsimile machine/system.
5. **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.
6. **Effective Date and Time of Filing** ~ means the date and time the filing has been received as indicated at the top of each page of the incoming fax transmission as printed out by the Clerk of Courts facsimile equipment.

3.2 Application of Rules and Order

This Local Rule has been instituted solely for the convenience of those filing documents with the Clerk of Courts. Neither the Clerk of Courts nor the Court of Common Pleas of Brown County, Ohio, assumes any new or additional responsibilities, obligations or liabilities by virtue of this Local Rule, except as expressly provided for herein. Further, this Local Rule pertains only to the method of filing; it does NOT override, alter, amend, revoke or otherwise change any Local Rule respecting the requirements of any filings such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel.

3.3 Filings Not Accepted

This Rule authorizes the filing of facsimile transmission of all pleadings, motions, and other documents not exceeding 10 (ten) pages (see Local Rule 3.6) that may otherwise be filed with the Clerk of Courts, but anything stated or implied above to the contrary notwithstanding, the following documents may NOT be filed by facsimile transmission.

1. Any filings commencing an action (Complaint, Counterclaim, Cross Claim) for which the Clerk of Courts must collect an initial case deposit against costs or a specific filing fee; and
2. Motion for Summary Judgment, Affidavit or Entry Terminating a Case.

3.4 Cover Page

The person filing a document by fax shall provide therewith a cover page containing the following information:

1. Case Number;
2. Caption of the Case;
3. Judge (or indicate none);
4. A description of the documents being filed;
5. The date of transmission;
6. The transmitting fax number; and
7. An indication of the number of pages included in the transmission, including the cover page.

If a document is sent by fax to the Clerk of Courts without the cover page information listed above, it will be deposited in the case jacket but shall NOT be entered into case docket and shall be considered to be a nullity and thereby stricken. The Clerk of Courts is not required to send any form of notice to sender of a failed fax filing.

3.5 Facsimile Machine

The telephone number of the facsimile machine available for receiving fax filings for the Clerk of Courts (Criminal Division) is (937) 378-4509, (Civil/Domestic Divisions) is (937) 378-1753. These lines are available twenty-four (24 hrs.) hours per day, seven (7) days a week. Fax 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. Transmissions sent to any other location are not covered by nor permitted under this Local Rule.

3.6 Document Restrictions

A “fax transmission”, as referred to in this Local Rule, may contain more than one (1) document but may not apply to more than one (1) case number per transmission. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof shall not be accepted for fax filing. Motions and other filings shall NOT exceed ten (10) pages.

3.7 Fees

There are no additional costs or fees related to facsimile transmissions except to the extent that the filings are taxed as cost to any case.

3.8 Filing Acceptance or Rejection

The Clerk of Courts is hereby authorized to reject any facsimile transmission filing if the sender fails to provide the cover page required under Local Rule 3.4 or if the transmission contains a filing not acceptable under Local Rule 3.3.

3.9 Date and time

Subject to the other provisions of this Local Rule, all documents filed by fax shall be considered filed with the Clerk of Courts as of the date and time that the fax transmission has been received by the Clerk of Courts. For purposes of this provision and for docketing such filings into the electronic Case Docket System, a facsimile filing shall be deemed to have been received by the Clerk of Courts as of the date and time printed at the top of each page of the incoming fax transmission as printed out by the Clerk of Courts’ facsimile equipment. There shall be no other date and time stamp required for the filing of fax documents with the Clerk of Courts. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sender (including poor quality print outs). Anyone using facsimile is urged to confirm with the Clerk of Courts the receipt of said documents and the legibility of said documents. If illegible, the Clerk of Courts may reject sent documents or request the source documents which shall be provided by counsel within three (3) days of request.

3.10 Original Filing

A document filed by fax shall be accepted as the effective original filing if the person sending the fax complies with all of the requirements set forth in this Local Rule. The person making a fax filing need not file source documents with the Clerk of Courts. However, until the case is closed and all opportunities for post judgment relief are exhausted, the filer must, in their records, have available for production on request by the Court of Clerk, the source document or any document filed by fax with original signatures as otherwise required under the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing. If filed by direct or mail must have original signature.

3.11 Facsimile filings shall contain a signature or a /s/ notation followed by the name of the person signing the source document.