

RULE 17
FACSIMILE FILING

APPLICABILITY

- 17.01 These rules apply to civil and criminal proceedings in the Court of Common Pleas, Clermont County, Ohio.
- 17.02 The following documents will not be accepted by the Clerk of Courts for fax filing:
- (1) Filings commencing an action;
 - (2) Filings that require a cost deposit or fee;
 - (3) Filings that require a judge's signature;
 - (4) Filings that exceed 30 pages, including exhibits;
 - (5) Service copies;
 - (6) Any document that is larger than 8 ½ x 11.
- 17.03 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 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 and the source copy of the facsimile cover sheet used for the filing.
- 17.04 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.

DEFINITIONS

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

- 17.05 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.
- 17.06 A "facsimile machine" means a machine that can send and receive a facsimile transmission.
- 17.07 Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

- 17.08 The person filing a document by fax shall also provide cover page containing the following information:
- (I) the name of the court;
 - (II) the title of the case;
 - (III) the case number;
 - (IV) the assigned judge;
 - (V) 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);
 - (VI) the date of transmission;
 - (VII) the 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 e-mail address of the person filing the fax document if available.
- 17.09 If a document is sent by fax to the Clerk of Court without the cover page information listed above, or if the transmission contains a filing that is not acceptable under 17.02 of these rules, the Clerk is authorized to reject the filing.
- 17.10 The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

SIGNATURE

- 17.11 A party who wishes to file a signed source document by fax shall either:
- (I) fax the signed source document; or
 - (II) fax 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.
- 17.12 A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

EXHIBITS

- 17.13 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 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.
- 17.14 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.

TIME OF FILING

- 17.15 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 fax transmission was received by the Clerk of Courts.
- 17.16 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.
- 17.17 The Clerk of Court need not acknowledge receipt of a facsimile transmission.
- 17.18 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.

FACSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT:

FAX NUMBER:

SENDING PARTY INFORMATION:

NAME:

SUPREME COURT REGISTRATION NUMBER (if applicable):

OFFICE/FIRM:

ADDRESS:

TELEPHONE NUMBER:

FAX NUMBER:

E-MAIL ADDRESS (if available):

CASE INFORMATION:

TITLE OF THE CASE:

CASE NUMBER:

TITLE OF THE DOCUMENT:

JUDGE:

FILING INFORMATION:**DATE OF FAX TRANSMISSION:**

NUMBER OF PAGES (including this page):

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED, IF APPLICABLE:

***If a judge or case number has not been assigned, please state that fact in the space provided.**