

RULE NO. 16 METHOD OF FILING

(A) **FILING BY MAIL OR IN PERSON.** All complaints, pleadings, motions and other documents in either civil or traffic/criminal cases may be filed directly with the Clerk of Court in person during regular Court hours. All pleadings, motions or other documents filed by mail shall be deemed filed as of the date the Clerk file-stamps the document received.

(B) **FAX FILING.** All documents filed with the Clerk of Court by facsimile transmission must be legible when received by the Clerk of Court. The Clerk may reject any document which is illegible, in whole or part.

The provisions of this local rule are adopted in accordance with Civ.R.5.(E), Civ.R.73(J), and, Crim.R.12(B).

All pleadings, motions and acceptable documents may be filed with the Clerk of Court by facsimile transmission to 937-534-7017 subject to the following conditions:

- i. **APPLICABILITY.** These fax rules apply to Civil, Small Claims, Traffic, Criminal proceedings in the Kettering Municipal Court. Original documents requiring a filing fee or cost will not be accepted for fax filing.
- ii. **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 the source document filed by fax and confirmation of a successful facsimile until the case is closed and all opportunities for appeal have been exhausted.
- iii. **COVER PAGE.** The person filing a document by fax shall also provide therewith a cover page containing the (1) case number; (2) sender's name; (3) contact information of sender to include fax number, phone number and e-mail address; and (4) total number of pages being faxed.

If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at his or her discretion:

- a. enter the document in the Case Docket and file the document; or
- b. deposit the 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 Court.

The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. The burden of confirming the receipt of a completed facsimile transmission is on the sending party.

iv. SIGNATURE. A party who wishes to file a signed source document by fax shall either fax a copy of the signed source document, or fax a copy of the document without the signature but with the notation “/s/” followed by the name of the signing person on the applicable signature line (e.g., /s/John T. Smith).

v. EXHIBITS. Each exhibit to a facsimile filed 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 three (3) business 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” with 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.

Faxed or emailed affidavits must contain an inked or printed notary seal that is visible on the transmitted document.

vi. TIME OF FILING. Subject to the provisions of these rules, all documents sent by fax and received by the Clerk shall be considered filed with the Clerk of Court as of the date and time the Clerk file-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.

Fax filing may only be transmitted directly through the facsimile equipment operated by the Clerk of Court, and may not be sent directly to the Judges for filing.

The risks of transmitting a document by fax to the Clerk of Court shall be borne entirely by the sending party. Anyone using facsimile filing is required to verify receipt of such filing by the Clerk of Court through whatever technological means are available, including checking the Court’s website.

vii. FEES AND COSTS. No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing. Documents tendered to the Clerk without payment of court cost and fees or which do not conform to applicable rules will not be filed.

No additional fee shall be assessed for facsimile filings.

viii. LENGTH OF DOCUMENT. Facsimile filings shall not exceed 25 pages in length. The filer shall not transmit copies to the Clerk for service.

(C) FILING BY ELECTRONIC TRANSMISSION (eFILING). Pursuant to SCO Sup. R. 27, Ohio Traf. R. 3 and ORC Chapter 1306, the use and filing of a traffic ticket or criminal citation that is produced by a computer or other electronic means is hereby authorized by the Court.

i. TRAFFIC CITATIONS

a. The electronically produced citation or ticket shall conform in all substantive respects (including layout and content) to the Ohio Uniform Traffic Ticket.

b. A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities and liabilities as with all other tickets issued pursuant to Ohio Law or local codified ordinance.

The Clerk of Court shall maintain records of electronically filed tickets in accordance with the requirements of Ohio Law, including Ohio Revised Code Section 1306.11, and these local rules.