

# *Shaker Heights Municipal Court*

3355 Lee Road • Shaker Heights, Ohio 44120 • Phone: (216) 491-1300 • Fax: (216) 491-1314

*Judge Anne Walton Keller*

*Jurisdiction: Beachwood, Hunting Valley, Pepper Pike,  
Shaker Heights and University Heights*

January 10, 2024

To all interested persons,

In accordance with Rule 5(A)(2) of the Rules of Superintendence for the Courts of Ohio (“Rules of Superintendence”), the Shaker Heights Municipal Court now gives notice of its intent to adopt Local Rule 34 and make the same part of the Court’s Local Rules of Practice.

Proposed Local Rule 34 is located in this .pdf. *See below.* Any comments must be submitted to [Webmaster@shakerheightscourt.org](mailto:Webmaster@shakerheightscourt.org) by January 31, 2024. Any comments submitted thereafter will not be considered by the Court.

Very Truly Yours,

*/s/ Anne Walton Keller*

Judge Anne Walton Keller

### **34: ELECTRONIC FILING**

#### **34.1 E-Filing Generally**

34.1.1 The Court provides electronic filing service to all Court users for all documents in any category of cases unless otherwise restricted by the Judge or in this rule. The electronically filed document will be part of the official Court record. Paper records, if maintained, will be considered a copy of the official Court record.

34.1.2 The Court will not accept electronically filed documents in the following cases or circumstances:

34.1.2.1 Replevin.

34.1.2.2 Cognovit notes.

34.1.2.3 Post-judgment collection documents, which include, but are not limited to, personal and other than personal earnings garnishments, requests for examination of a debtor before the judge, and requests for issuance of certificates of judgment.

34.1.2.4 Documents filed under seal.

34.1.2.5 Documents submitted for in camera review.

34.1.2.6 Trial or evidentiary hearing exhibits.

34.1.2.7 Notices of Appeal to an Appellate Court

34.1.3 The Clerk of Court may issue, journalize, and serve notices, orders, and other documents electronically. The Clerk of Court may issue notices via ordinary mail to those Parties that do not have an email address in the Court's case management system and on exempted cases listed in Paragraph 34.1.2 above.

34.1.4 Documents filed with the Court shall be served by the filing Party in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.

34.1.5 All users of the Court's electronic filing service shall complete and execute a User Agreement Form and Credit Card Authorization Form before they will be permitted to electronically file documents with the Court.

34.1.6 The Party or attorney electronically filing a document shall also complete an online Document Description Form containing the following information:

34.1.6.1 The title of the case;

34.1.6.2 The case number (if the filing does not generate a new case);

34.1.6.3 The title of the document being filed;

34.1.6.4 The date of transmission;

- 34.1.6.5 The name, address, telephone number, fax number, if any, and e-mail address of the person filing the document, and
- 34.1.6.6 For an attorney, his, her, or their Ohio Supreme Court registration number and firm name, if any.

## 34.2 Definition of Terms

34.2.1 The following definitions shall apply herein, unless the context requires otherwise:

- 34.2.1.1 **“Electronic filing”** means the transmission of a digitized source document electronically via the Internet to the Clerk for the purpose of filing the document and refers to the means of transmission or to a document so transmitted.
- 34.2.1.2 **“Electronic mail”** means messages sent by a user and received by another through an electronic service system utilizing the Internet. Any communication sent to the Court by electronic mail is not considered a legal communication of any form and will not be received or ruled upon by a judge or entered into the Court record.

## 34.3 Signature on, and Form of, Electronic Filings

- 34.3.1 All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or Party not represented by such an attorney.
- 34.3.2 Any signature on electronically transmitted documents shall be considered that of the attorney or Party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the document(s) struck from the record.
- 34.3.3 No attorney shall authorize anyone to electronically file on that attorney’s behalf, other than his, her, or their employee or a service provider retained to assist in electronic filing.
- 34.3.4 The electronic filing of a document by an attorney, or by another under the authorization of said attorney, or by a Party not represented by an attorney shall constitute a signature of that attorney or Party under Ohio Civil Rule 11 or Criminal Rule 12.
- 34.3.5 No person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.
- 34.3.6 Documents submitted must be filed as a portable document format (PDF) file.
- 34.3.7 A filed document may not contain internal links to other documents or references in the Court’s case management system, unless the links are incorporated into the filed document. External links are prohibited.

34.3.8 Submissions are limited to 20 megabytes in size. No combination of PDF files in one transmission may aggregate to more than 20 megabytes in size. Filings that exceed this size limit will be rejected by the Clerk and must be filed as a paper document.

34.3.9 Only one captioned document may be filed per E-Filing. This provision does not preclude the inclusion of attachments to a motion, brief, or other filed document in the same E-Filing.

#### 34.4 Filing Date and Time of Electronic Filing

34.4.1 The electronic filing service shall be available twenty-four hours per day, seven days a week. All electronic filing of documents must be completed during the regular Court hours as set out in these rules. Any document received outside of those regular hours shall be deemed received for filing the next business day.

34.4.2 A document electronically filed shall be accepted as the original filing if the user complies with all of the requirements set forth in this rule. The user shall not be required to file the source document with the Clerk but must maintain the same in the user's records and have the same available for production on request of the Court, the Clerk, or other counsel. The user shall maintain the source document until the subject case is closed and all appeals and opportunities for appeal have been exhausted.

#### 34.5 Filing Errors

34.5.1 In the event a document is electronically filed without or with an incomplete Document Description Form, the Clerk shall reject said document, and the Clerk shall notify the user via electronic mail or telephone of said rejection.

34.5.2 A transaction number will be assigned to each document when it is received in its entirety by the Clerk. The transaction number and the date and time of filing will be displayed on the screen of the user's computer, with an image of the document filed, upon successful transmission of the document. Users will be notified via electronic mail or telephone if the filing is rejected for any reason. A corrective filing may be sent at a later time if the user elects to do so, but such a filing will be considered a new filing and will not relate back to the date and time of the original attempt to file the document. If a document is rejected due to technical errors and the user wishes to have the corrective filing relate back as to date and time, the user must file a motion with the Court seeking such relief.

34.5.3 Any attorney, Party, or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the Clerk as a result.

34.5.4 Normal filing fees, deposits, and copy costs will be collected via user credit card or deposit at the time the filing is processed by the Clerk. Any document filed electronically that requires a filing fee may be rejected by the Clerk unless the user has complied with the mechanism established by the Court for the payment of filing fees.

## 34.6 System Errors

34.6.1 The Clerk must notify the Court and the public of any malfunction with the electronic filings system greater than two hours. When the Clerk deems the electronic filing system subject to a technical malfunction, the following provisions must apply:

34.6.1.1 Anticipated Outage. If the system outage is planned or anticipated ahead of time, the Clerk must post a message on the Court's website and on the E-Filing portal - alerting users of a possible system outage. This message is an official acknowledgment of a system outage that may have prevented some users from submitting their filings within a certain timeframe, as identified in the message.

34.6.1.2 Unexpected Outage. If the system outage is unexpected, the Clerk must post a message on the Court's website and on the E-Filing portal. This message is official acknowledgement of a system outage that may have prevented some users from submitting their filings within a certain timeframe, as identified in the message.

34.6.1.3 Motion to Deem Filed as of Date Electronically Submitted. Users who are unable to electronically submit their filings due to a system outage, and who then submit their filings no later than the next business day after an official acknowledgement of the system outage, may file a properly supported motion for an order permitting the document to be deemed filed as of the date it was electronically submitted.

34.6.1.4 Order to Deem Filed as of Date Electronically Submitted. If the Court determines from the motion described in section 34.6.1.3 that a system failure prevented a user from E-Filing a document, the Court must enter an order deeming the document filed as of the date of the attempted electronic submission.

34.6.2 Missed Deadline as the Result of Electronic Filing Technical Failure.

34.6.2.1 A Party who misses a non-jurisdictional deadline because of technical problems with the user's equipment, software, or internet access may move the Court to file a document *instanter* no later

than the next business day following the resolution of the Party's technical problems.

34.6.2.2 The motion must be accompanied by a signed declaration explaining the failure to meet the deadline.

34.6.2.3 The judge or magistrate may grant or deny such motion in his or her discretion.

#### 34.6.3 Jurisdictional Deadlines.

34.6.3.1 Technical failures, whether the fault of the Court's electronic filing system or otherwise, cannot extend jurisdictional deadlines (such as statutes of limitation or deadlines for appeal).

34.6.3.2 When the Court's electronic filing system is subject to a technical failure, system users may file documents in paper format to comply with jurisdictional deadlines.

34.6.3.3 When a system user cannot electronically file because of the user's technical problems, the user may file documents in paper format to comply with jurisdictional deadlines.

### 34.7 Personal and Private Information in Electronically Filed Court Documents

34.7.1 In accordance with Rule 45(D) of the Rules of Superintendence, social security numbers and other personal identifying information, whether relevant to the case or not, must be redacted from documents before the documents are filed with the Court. This requirement includes exhibits or addenda attached to filings.

34.7.2 Personal identifying information includes but is not limited to:

34.7.2.1 Financial account numbers.

34.7.2.2 Names of minor children.

34.7.2.3 Information protected by law from public disclosure.

34.7.4 Pursuant to Rule 45(D)(3) of the Rules of Superintendence, the responsibility for redacting personal identifiers rests solely with the Parties and their Counsel. The Court and Clerk will not review each document for compliance with this rule.

34.7.5 Pursuant to Rule 45(D)(2) of the Rules of Superintendence, when personal identifiers are redacted from a document submitted to a Court or filed with the Clerk, the Party must submit or file that information on a separate form provided by the Clerk and this information will be held in a format that cannot be viewed by the public.