
LOCAL RULE 13: ELECTRONIC DELIVERY OF PLEADINGS FOR FILING

As an alternative to delivery by U.S. Postal Service, for-profit carriers and/or personal delivery, pleadings and other papers may be delivered to the Clerk of Courts for filing by electronic (facsimile or email) transmission to 937-547-7305 or edelivery.darkeclerk@co.darke.oh.us, subject to the following requirements:

A. APPLICABILITY:

1. These rules apply to pleadings and other papers in civil, criminal, and domestic relations proceedings in the Darke County Common Pleas Court, Civil, Criminal and Domestic Relations Divisions, except as specified in the following paragraph.
2. These rules do not apply to the following pleadings:
 - a. any pleading requiring a court cost deposit where none has already been made with the clerk, such as civil complaint, counter-claim, cross-claim, third-party complaint, domestic relations motions to re-open case, etc. Also, any pleading which commences a new action or matter where no deposit is required.
 - b. cognovit promissory notes and other documents where any part of the original document is to be returned to the proffering party
 - c. original depositions
 - d. criminal complaint and attachments; indictments

B. ORIGINAL FILING:

1. A document delivered by electronic transmission shall be accepted as the effective original filing. The Clerk of Court receiving the electronic transmission will maintain its equipment to reconstruct a paper copy version of the source document to serve as the original document in the case file.
2. Unless otherwise directed by the Court, the person causing an electronic delivery 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 delivered by electronic method, with original signatures as otherwise required under the applicable rules, together with the source copy of the cover page used for delivering the subject document.
3. The source document delivered by electronic method shall be maintained by the person making the delivery until the case is closed and all opportunities for post judgment relief are exhausted.

C. DEFINITIONS:

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

1. “Electronic delivery” means the transmission of a source document by a computer, facsimile machine or other electronic equipment, that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document to the telephone number or email address of the Clerk of Courts at the receiving end.

D. COVER PAGE:

1. The person delivering a document by electronic methods shall also provide therewith a cover page containing the following information: [See attached sample cover page.]
 - a. sender’s name and firm identification;
 - b. sender’s telephone number;
 - c. the transmitting fax/email number;
 - d. the caption of the case;
 - e. the case number;
 - f. the title of the document being filed (e.g. Defendant Jones’ Answer to Amended Complaint; Plaintiff Smith’s Response to Motion to Dismiss; Plaintiff Smith’s Notice of Filing Exhibit G, etc.);
 - g. the date of transmission;
 - h. the number of pages included in the transmission, including the cover page;
2. If a document is delivered by electronic method to the Clerk of Court without the cover page information listed above, or if the document does not otherwise comply with any provisions of the Local Rules, the Clerk may, at its discretion:
 - a. enter the document in the Case Docket and file the document; or
 - b. deposit the document in a file of failed electronic 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.
3. As with current methods of paper delivery, the Clerk of Court is not legally required to send any form of notice to the sending party of a failed electronic delivery. Parties are expected to check on the efficacy of electronic delivery. The Clerk of Court shall endeavor to inform the sending party only of a failed filing. See www.darke.courts.com.
4. Once an electronically delivered document is accepted by the Clerk and filed on the Case Docket, the Clerk of Courts shall send a notice (eg. bottom of the cover page) to the sending party by the same electronic method as received (eg. fax or email) that the document was accepted and filed. The Clerk of Courts shall not be responsible for return

of the filed document; instead, the sending party may retrieve the document by searching the docket and retrieving the document (eg. download the document to your desk top).

5. The sending party shall comply with Ohio Rule of Civil Procedure 5 regarding notice to other parties / counsel.

E. SIGNATURE:

1. A party delivering a signed source document by electronic method shall either:
 - a. transmit a copy of the signed source document; or
 - b. transmit 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 (eg. /s/ Jane Doe). Submission of this notation carries the imprimatur and obligations of Ohio Rule of Civil Procedure 11.
2. A party who delivers a signed document by electronic method represents that the physically signed source document is in his/her possession or control and that he/she will comply with this Rule.

F. EXHIBITS:

1. Each exhibit to an electronically produced document that cannot be accurately delivered via electronic 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 electronically delivered document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.
2. Any exhibit filed in this manner shall be attached to a cover sheet containing the information required by Section D.1. above, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. [See appendix for sample cover sheet.]

G. TIME OF FILING:

1. Subject to the provisions of these rules, all documents delivered by electronic method 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 electronic delivery. The office of the Clerk of Court will be deemed open to receive electronic delivery of documents on the same days and at the same time the court is regularly open for business.

2. Electronically delivered documents may NOT be sent directly to the Court for filing but may only be transmitted directly to the Clerk of Court.
3. As with delivery by U.S. Postal Service, for-profit carriers and personal delivery, the risks of delivering a document by electronic method to the Clerk of Court shall be borne entirely by the sending party. Anyone using electronic method of delivery for filing is urged to verify receipt of such filing by the Clerk of Court through whatever means are available. [See Section D.3. above.] See www.darkecourts.com.

H. FEES AND COSTS:

1. No document delivered by electronic methods that requires a court cost deposit 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, may not be filed. [See Section A.2. above.]
2. No additional fee shall be assessed for electronic delivery and filing of pleadings. However, customary charges for the printing and /or copying of any documents which must be distributed by the Clerk of Court shall still be charged (eg. Final Appealable Orders, pleadings directed by the Court to be sent by the Clerk, etc.

I. LENGTH OF DOCUMENT:

1. Electronically delivered filings shall not exceed 30 pages in length for each document. If multiple documents with extensive page size are to be electronically delivered, it is recommended that each document be submitted individually. The filer shall not transmit service copies by electronic methods. [See Section D.4 above.]

J. EFFECTIVE DATE:

1. Local Rule 13 shall be effective **March 1, 2021**, and shall govern all proceedings and actions brought after they take effect and also govern further proceedings in pending actions, except to the extent that, in the opinion of the Court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.
2. The prior Local Rule dated July 21, 2004 and Local Rule 2.B. which prohibit facsimile filing are revoked. For copies transmitted by electronic delivery, the Clerk shall fulfill the obligations of Local Rule 5.D. by providing the copy to the Court after filing.

DARKE COUNTY CLERK OF COURT
Cover Page for Electronic Delivery
(Common Pleas Court Local Rule 13)

SENDER INFORMATION:

Sender's Name: _____

Office / Firm Name: _____

Telephone Number: _____

Fax Number / Email Address: _____

CASE INFORMATION:

Caption of Case: _____

Case Number: _____

Title of Document: _____

SUBMISSION INFORMATION:

Date of Sending to the Clerk: _____

Number of Pages (including cover page - maximum 30): _____

Notice of Failed Filing

The Darke County Clerk of Court acknowledges receipt of the electronically delivered document(s) described above and provides notice that such document(s) was /were NOT filed.

This confirmation is returned to the same electronic address as used for delivery to the Clerk.

Clerk / Deputy Clerk / Court Official

cc: Cover page with pleading delivered to Common Pleas Court on date filed