

# **Montgomery County Domestic Relations Division**

## **eFiling Sections of Local Rules:**

### **Rule 4.05– Filing of Court Documents and Removal of Papers from Custody of the Clerk**

Except as otherwise provided in Subsection (J) of this Rule, all domestic relations cases, including all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders or other documents, shall be filed electronically through the Court’s authorized electronic filing system (“eFile system”). Paper courtesy copies of documents filed electronically shall not be delivered to the Court. The Court’s authorized eFile system is hereby appointed the agent of the Clerk for the purpose of filing, receipt, service and retrieval of electronic documents.

- A. DEFINITION OF TERMS: The following terms in this Rule shall be defined as follows:
1. Document: A filing made with the Clerk in either electronic format or paper form, becoming the Court’s official record.
  2. Electronic Filing (“eFile”): The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and images. This definition of eFile does not apply to facsimile or email.
  3. Court Initiated Filings: Official Court documents entered into the docket or register of actions, such as notices or orders. The term “Court initiated filings” is a simplification to indicate that documents will be submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the Court so desires.
  4. Electronic Service (“eService”): The electronic transmission of an original document to all case participants who are registered users of the Court’s eFile system via the eFile system. Upon the completion of any transmission to the eFile system, an electronic receipt shall be issued to the sender acknowledging receipt by the eFile system.
  5. Case Management System (“CMS”): The Court CMS manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
  6. Document Management System (“DMS”): A DMS manages the receipt, indexing, storage and retrieval of electronic and non-electronic.
  7. Court Electronic Record: Any document that the Court receives in electronic form, records in the CMS and stores in its DMS. This includes Court initiated filings as well as pleadings, other documents and attachments created by parties or their counsel and filed by the Clerk in the Court’s official docket. It does not include physical exhibits

brought into the courtroom for the Court's edification that cannot be captured in electronic form.

8. Clerk Review: A review of Documents by the Clerk in accordance with Court rules, policies, procedures, and practice. The Clerk may review the data and documents electronically submitted to ensure compliance with Court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
9. System Error: When the Court's eFile system is not operational.
10. Public Access Terminal: A terminal located in the Clerk's office for use by the public during regular business hours. Users shall be charged for printed copies of documents at rates permitted by law.

**B. SERVICE OF COURT INITIATED FILINGS:**

Subject to the provisions of this Rule, the Court shall eFile all Court Initiated Filings. Service of Court Initiated Filings shall be made via eService to all registered users of the eFile system or to all non-registered users of the eFile system in accordance with Civil Rules.

**C. REGISTRATION IN eFILE SYSTEM:**

1. All counsel of record shall register with the Court's eFile system to file, serve, receive, review, and retrieve copies of eFiled pleadings, orders and other documents in the case. Self Represented parties may, but are not required to, register with the Court's eFile system.
2. The Court shall not accept or file any pleadings or instruments in paper form except as provided in Subsection (J) of this Rule.
3. If a party or counsel of record does not have internet access, the party or counsel of record may use the Clerk's Public Access Terminal to register to use the Court's eFile system and to eFile documents.

**D. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER:**

1. The Court's eFile system shall assign an individual who has registered pursuant to Subsection (C) of this Rule a confidential and unique electronic identifier that shall be used to file, serve, receive, review, and retrieve eFiled pleadings, orders, and other documents in the case.
2. Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier.
3. All eFiled documents shall be deemed to be made with the authorization of the party who is assigned the specific unique electronic identifier, unless the party proves to the satisfaction of the Court, by clear and convincing evidence, that the contrary is demonstrated.

**E. OFFICIAL COURT RECORD:** For documents that have been eFiled pursuant to Subsection (G) of this Rule or documents filed in paper format pursuant to Subsection (J) of this Rule that have been scanned and uploaded to the eFile system by the Clerk, the electronic version

constitutes the Official Court Record. eFiled Documents have the same force and effect as those filed by traditional means.

F. FORM OF DOCUMENTS:

1. Format: All pleadings, motions, briefs, and other documents shall be formatted in accordance with the following:
  - a. Typewritten or printed, double spaced, on 8 ½" x 11" paper or electronic equivalent, not less than 11-point and not greater than 12-point regular type font, paginated sequentially.
  - b. Filings prepared in a pleading format shall reserve a blank space of at least 3 inches at the top of the first page for endorsements and shall have appropriate side and bottom margins of not less than one inch.
  - c. Forms approved by the Court shall reserve an adequate space in the top right-hand corner for endorsements or file stamps and shall have appropriate side and bottom margins proportional with the format of the form or document.
  - d. A filed document shall not contain links to other documents or references to the CMS, unless they are incorporated into the filed documents. External links are prohibited.
2. Portable Document Format (".pdf"):
  - a. Except as provided in Subsection (F)(2)(b) of this Rule, all eFiled documents, pleadings, and papers shall be filed with the Clerk in .pdf.
  - b. A proposed order, proposed entry, or document containing a notice of hearing shall be submitted in Word [.doc] format and reference the specific motion to which it applies.
3. Size of eFiled Documents:
  - a. Individual documents included in a submission shall not exceed 10 megabytes in size.
  - b. Any combination of documents eFiled in one submission shall not exceed 30 megabytes in size.
4. Signatures:
  - a. Attorney/Filing Party Signature: eFiled documents that require the signature of the attorney or filing party shall be signed with a conformed signature of "/s/ [name]." The correct format for an attorney's conformed signature is as follows:  
/s/Attorney Name  
Attorney Name  
Bar Number 1234567  
Attorney for [Plaintiff/Defendant] XYZ Corporation  
ABC Law Firm  
Address  
Telephone  
Fax and/or E-mail address

- b. The conformed signature on an eFiled document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, and any other law.
- c. Multiple Signatures: When a stipulation or other document requires two or more signatures, the filer shall:
  - i. confirm that the content of the document is acceptable to all persons required to sign the document;
  - ii. indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line; and
  - iii. eFile the document, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.
- d. Original Signatures: Documents requiring an original signature, such as an affidavit or other notarized documents shall be eFiled as a .pdf.
  - i. The filer shall maintain the signed document in the filer's records and have it available for production upon request of the Court.
  - ii. The signed document shall be maintained until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief are exhausted.
- e. Signature of Judge or Magistrate: eFiled documents may be signed by a Judge or Magistrate via a digitized image of his or her signature combined with a digital signature. All orders, decrees, judgments and other documents signed in this manner shall have the same force and effect as if the Judge or Magistrate had affixed his or her signature to a paper copy of the order and journalized it.

**G. TIME, EFFECT AND PROCESS OF eFILING:**

- 1. Submission: Any filing may be eFiled with the Clerk 24 hours a day, 7 days a week.
- 2. Receipt: Upon receipt, the Court's eFile system shall issue a confirmation that the submission has been received. The confirmation shall include the date and time of receipt and serve as proof of receipt.
- 3. Clerk Review: After Clerk Review, a filer will receive notification from the Clerk that the submission has been accepted or rejected by the Clerk.
  - a. If the submission is rejected, the document shall not become part of the Court record and the filer shall be required to re-submit the document to meet the requirements. The re-submitted document shall receive a new submission date and time.
  - b. If the submission is accepted, the document shall be docketed and filed.
- 4. Official Time Stamp: Upon acceptance, the submission shall be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the Court's eFile system as well as the unique confirmation number of the filing.

5. System Errors: If a submission is not received by the Court because of a System Error, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date it was submitted.

#### H. SERVICE:

1. Instructions for Service: For all documents that require service by the Clerk or documents for which a party is requesting that service be made by the Clerk, Instructions for Service shall be filed as a separate document. The Clerk shall not accept Instructions for Service that do not designate the names and addresses of the parties to be served. If the address of the party to be served is unknown, the filer shall substitute “unknown” for the address.
2. Complaint and Related Documents:
  - a. Upon filing the original complaint or any counterclaim or third party complaint, in addition to the Instructions for Service required by Subsection (H)(1) of this Rule, the filer shall include the address of the plaintiff(s) and defendant(s) in the caption of the document. If the address of any plaintiff or defendant is unknown, the filer shall substitute “unknown” for the address in the caption.
  - b. Unless an attorney or party has obtained permission signed by the assigned Judge to defer service of summons for a specific period of time, the Instructions for Service filed with the original complaint or any counterclaim or third party complaint shall indicate a method of service pursuant to Civ. R. 4.
  - c. The Clerk shall issue a summons and process the method of service in accordance with the Ohio Rules of Civil Procedure.
3. Documents Filed Subsequent to Complaint:
  - a. In accordance with Civ. R. 5, unless the filer requests service by the Clerk and files the Instructions for Service required by Subsection (H)(1) of this Rule, the filer, not the Clerk, shall be responsible for serving all documents filed subsequent to the original complaint on all parties or their attorneys.
    - i. When a submission is deemed filed pursuant to Subsection (G) of this Rule, the eFile system shall generate a Notification of Electronic Filing to the filer and any other party who is a registered user of the eFile system. The Notification of Electronic Filing shall constitute service under Civ. R. 5.
    - ii. eService of documents subsequent to the complaint shall be considered valid and effective service and shall have the same legal effect as an original paper document.
    - iii. The filer shall serve a paper copy of the document on all Self Represented parties who are not registered users of the Court’s eFile system in accordance with Civ. R. 5.
  - b. Entries and Orders:
    - i. The Court’s eFile system shall generate a Notification of Electronic Filing for all entries and orders signed by the Judge. This Notification of Electronic Filing shall constitute service under Civ. R. 5.

- ii. After a proposed order or entry has been signed and filed, the proposing party, not the Court or Clerk, shall serve on all Self Represented parties who are not registered users of the Court's eFile system copies of all entries and orders submitted to the Court for signature in accordance with Civ. R. 5.
  - iii. After a court-generated order or entry has been signed and filed and upon instructions from the Court, the Clerk shall serve on all Self Represented parties who are not registered users of the Court's eFile system copies of all entries and orders in accordance with Civ. R. 5.
- c. Certificate of Service:
- i. Proof of service of all documents required or permitted to be served shall be made in compliance with Civ. R. 5(B)(3).
  - ii. The Certificate of Service shall be signed in accordance with applicable Ohio court rules and laws, including these Rules, and shall contain the following language for each party entitled to service:

"I hereby certify that on [date] this document was eFiled via the Court's eFile system which shall send notifications of this filing to the following: [list parties or their counsel who are registered users of the Court's eFile system].

I hereby certify that on [date] I served this document in accordance with [Civ. R. 5] on the following: [list Self Represented parties with addresses who are not registered users of the Court's eFile system]."

4. Service Date and Time to Respond or Act:
- a. For Self Represented parties who are registered users of the Court's eFile system and counsel of record, service shall be deemed complete at the time the Notification of Electronic Filing is generated by the Court's eFile system. Documents filed after 5:00 p.m. local time shall be served on the next business day.
  - b. The time to respond to the served documents or perform any right, duty, or act shall be strictly governed by the applicable Rules of the Court. Self Represented parties who are not registered users of the Court's eFile system and who are served by regular U.S. mail shall receive a three-day extension of time to respond or perform any right, duty, or act. Parties and counsel of record served via eService **are not entitled to the three-day extension.**
5. Failure of eService: If the eFile system fails to generate the Notification of Electronic Filing, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.

I. PERSONAL AND PRIVATE INFORMATION IN DOCUMENTS FILED WITH THE CLERK:

1. Definition: Personal and private information includes, but is not limited to, social security numbers, financial account numbers, names of minors, information protected

by law from public disclosure, and driver's license or other personal identification numbers.

2. Exclusion: The filer shall not include personal and private information in any document filed with the Court unless such inclusion is necessary and relevant to the case. This requirement extends to and includes exhibits or addenda attached to filings.
3. Redaction: If personal and private information is necessary and must be included in a document, the filer shall redact the personal and private information from the document in the following manner:
  - a. For social security numbers, financial account numbers, and drivers' license or other personal identification numbers, all but the last four digits of the number shall be redacted.
  - b. For any other personal or private information, the information shall be replaced with "[REDACTED]" .
4. Responsible Party: The filer is responsible for redacting personal and private information. The Clerk shall not review each document for compliance with this Rule; however, the Clerk may refuse to accept any document that contains personal and private information that has not been redacted or submitted in accordance with this Rule.
5. Entries and Orders: Personal and private information required to be included in entries and orders shall be redacted in the matter set forth in Subsection (I)(3) of this Rule. In the event that the redacted information is insufficient for an entry or order, the entries and orders, including the unredacted personal and private information, shall be filed in accordance with D.R. Rule 4.051.

J. EXCEPTIONS TO eFILING:

1. Initial petitions for domestic violence cases shall be processed through the Domestic Violence Public Coordinator in person only and not through eFiling.
2. Documents filed under seal or *in camera* shall be filed in accordance with D.R. Rule 4.05.
3. Court authorized exhibits, attachments, or other documents that may not be comprehensibly viewed in a .pdf shall be filed in their physical form with the Clerk (See D.R. Rule 4.08(A)(8) for more specifics).
4. Self Represented parties who are not registered users of the Court's eFile system may submit documents in paper form with the Clerk in person, by U.S. Mail, or by using the Clerk's Public Access Terminal. Documents submitted in accordance with this Rule shall be deemed filed and shall become the Court's Official Record when they are approved and entered by the Clerk in the Court's eFile system.

- K. COLLECTION OF FILING DEPOSIT AND FEES: The eFile system accepts payment of deposits and fees electronically. Alternatively, the eFile system can accommodate the filing of a Poverty Affidavit. In order to achieve valid filing status, any document requiring payment of

a filing deposit or fee to the Clerk shall be filed in the same manner as any other eFiled document.

L. REMOVAL:

1. No person, except a Judge or Magistrate of the Court or an authorized Court employee, shall remove any documents or case files from the Clerk's custody.
2. Examination: Upon request, during regular business hours, the Clerk shall allow any person to examine, but not remove, any original document or case file that is maintained by the Clerk.
3. Transcripts of Testimony: The inspection, examination, and duplication of transcripts of testimony shall be governed by D.R. Rule 4.45.

### **Rule 4.051 – Filing Sealed and *In Camera* Documents**

A. DEFINITION OF TERMS:

The terms “public access”, “direct access”, and “remote access” as used herein are governed by the definitions contained in Sup. R. 44(I), (J) and (K).

B. SEALED DOCUMENTS:

1. Motion

- a. The Clerk shall not accept any document to be filed under seal unless a motion to make the filing has been made and approved by the Court.
- b. The motion and proposed order shall designate the requested level of access.
- c. The motion and proposed order shall be filed pursuant to D.R. Rule 4.05.
- d. The documents that are petitioned to be filed under seal shall not be attached to the motion, as the motion will not be sealed.

2. Levels of Access

- a. No Remote Access by Public
  - i. Access to the docket and documents via the Clerk's Public Records Online (“PRO”) and the Court's eFile system is limited to Judge, Court staff, Clerk staff, parties, and counsel of record.
  - ii. Public access to documents will be available only through the Clerk's office, during regular business hours.
  - iii. The public may access the docket through PRO.
- b. No Remote or Direct Access by Public
  - i. Access to documents via PRO and the Court's eFile system is limited to Judges, Court staff, Clerk staff, parties, and counsel of record.
  - ii. No public access to documents through the Clerk's office.
  - iii. The public may access the docket through PRO.
- c. Judicial Access Only

- i. No access to documents is permitted by Court staff, Clerk staff, parties, counsel of record, or the public. The documents will be limited to judicial access only.
  - ii. Only the docket will be available through the Court's eFile system and the PRO system.
3. Method of Filing: If a motion to file documents under seal is granted, the documents subject to the order shall be filed as follows:
  - a. No Remote Access by Public: The documents shall be eFiled pursuant to D.R. Rule 4.05.
  - b. No Remote or Direct Access by Public: The documents shall be eFiled pursuant to D.R. Rule 4.05.
  - c. Judicial Access Only
    - i. The documents shall be filed with the Clerk, secured in a sealed envelope, with the face of the envelope containing the case caption, a descriptive title of the document (unless such information has been included among the information sealed), the date of the order permitting the item to be sealed, and a conspicuous notation stating "DOCUMENTS UNDER SEAL – JUDICIAL ACCESS ONLY."
    - ii. The Clerk shall file stamp the face of the envelope, enter on the docket that the document was filed under seal with "Judicial Access Only," and retain the envelope in the Clerk's office.
    - iii. The Court's eFile system shall send a notice that a document with "Judicial Access Only" was filed. The filer shall notify Self Represented parties not registered with the Court's eFile system that a document with "Judicial Access Only" was filed.
    - iv. The filer is required to serve paper copies of the sealed document on all parties in the case.

C. *IN CAMERA* DOCUMENTS:

1. Unless otherwise ordered by the assigned Judge, documents submitted for *in camera* review shall be submitted directly to the assigned Judge and not filed with the Clerk.
2. If the assigned Judge orders that documents submitted for *in camera* review be filed with the Clerk, the filer shall follow the procedures set forth in Subsection (B)(3)(c) of this Rule.

## **Rule 4.08 – Pleadings and Motions**

A. GENERAL REQUIREMENTS

1. The requirements of this rule apply to Self Represented parties and attorneys.
2. All pleadings, motions, briefs and other papers filed with the Clerk of Courts shall

conform with Civ. R. 10. They shall be legibly typewritten or printed on one side only of letter size paper (approximately 8 ½" x 11") and without backing or cover. The face page of all filings shall provide a blank space of at least 3 inches at the top sufficient to permit the Clerk of Courts to add time-stamp imprints and each page shall be numbered.

3. Cases shall be designated based upon type and the year of filing, and shall be consecutively numbered, as follows:

Divorces	-	20-- -DR-xxxx
Legal Separations	-	20-- -LS-xxxx
Annulments	-	20-- -AN-xxxx
Dissolutions	-	20-- -DM-xxxx
Domestic Violence	-	20-- -DV-xxxx
UCCJEA Filings	-	20-- -UJ-xxxx
Registration of Foreign Support Orders	-	20-- -FSO-xxxx
Registration of Foreign Judgments	-	20-- -OS-xxxx

4. The caption in all pleadings, petitions, motions, briefs and other papers filed shall state the name, address of all the parties, and shall include a brief title identifying the purpose of the motion, the case number assigned, the Support Enforcement Tracking System [hereinafter "SETS"] number if assigned, the name of the assigned judge, and the name of the assigned magistrate. If any information is not known, there shall be a notation to that effect in the appropriate place on the caption.
5. All motions shall state with particularity the grounds therefore, shall set forth by memorandum or affidavit the relief or order sought and shall identify any prior order(s) at issue.
6. All papers filed with the Clerk of Courts by an attorney shall bear the attorney's name, Ohio Supreme Court registration number, firm name (if any), office address, telephone number, fax number (if any) and a designation of which party the attorney represents. All filings made by Self Represented parties shall be signed in conformity with Civ. R. 11.
7. Whenever a document is mailed to the Clerk of Courts for filing, the party or the attorney sending same shall provide a self-addressed return envelope of sufficient size with proper postage affixed.
8. No affidavit or other exhibit may be attached to any filing, except as specifically authorized by these rules, the Civil Rules, specific court order, or permission of the court. Exhibits may be delivered to the assigned judge or magistrate with a time-stamped copy of a filing for consideration in connection with that filing, if such exhibits are simultaneously served upon opposing counsel or an unrepresented party.

Depositions upon oral examination, interrogatories, requests for documents, requests for admission, and answers and responses thereto shall not be filed unless on order of the court, or for use as evidence, or for consideration of a motion in the proceeding. Depositions may be filed with the Clerk of Courts only by a certified court reporter. A written transcript of a videotaped deposition must be filed with the videotape at least three (3) working days prior to trial.

9. Affidavits signed by minor children shall not be accepted for filing nor admitted into evidence as exhibits. Other exhibits relating to the minor children such as writings, video or tape recordings, shall not be accepted for filing nor admitted into evidence as exhibits pursuant to R.C. Section 3109.04(B)(3).
10. Pleadings may be amended or supplemented as permitted by Civ. R. 15.
11. All documents submitted for filing, including entries for court signature, must contain a distribution list to include both parties, attorneys (if any), court assignment office, bailiff, CSEA, if appropriate, and others as appropriate.
12. The Clerk of Courts may not accept for filing any document which does not conform with the requirements of this rule.
13. Joinder of parties is governed by Civ. R. 75(B). Whenever a party is joined, by proper motion and entry, all subsequent filings must include notice to that party.

A. PLEADINGS:

1. Initial Pleadings:
  - a. The caption of all initial pleadings shall contain the information required by Civ. R. 10(A).
  - b. The eFile system shall generate a Civil Case Questionnaire Form based on the information provided to the eFile system when the initial pleading is filed.
2. Pleadings Filed Subsequent to the Initial Pleading:

All pleadings filed subsequent to the initial pleading shall specify:

  - a. the case number;
  - b. the name of the assigned Judge or the name of the Judge who heard the case and the Magistrate, if applicable;
  - c. the signature of the attorney or Self Represented party who is making the filing; and
  - d. a Certificate of Service.
3. Personal and Private Information in Pleadings and Exhibits:
  - a. In accordance with D.R. Rule 4.05(I), a filer shall not include personal and private information in any document filed with the Court, unless such inclusion is necessary and relevant to the case.
  - b. If personal and private information is necessary and must be included in a document, the filing party must file the document in accordance with D.R. Rule 4.05(I),

## B. MOTIONS:

### 1. Moving Parties:

- a. All moving parties shall file and serve their motions with the following:
  - i. A brief written memorandum that shall:
    - a) state with particularity the grounds in support of the motion;
    - b) set forth the relief or order sought; and
    - c) specify the citations of the authorities upon which the motion is based.
  - ii. A proposed order or entry filed in accordance with D.R. Rule 4.05. Substantive motions do not require a proposed order or entry to be filed unless otherwise ordered by the Court.
- b. If a memorandum in opposition is filed in accordance with Subsection (B)(2) of this Rule, a moving party may file a reply memorandum within seven days from the date on which the memorandum in opposition is filed.

2. Opposing Parties: All parties who oppose motions may file and serve a memorandum in opposition to the motion that has been filed and served against them. Memoranda shall be filed and served within 14 days from the date on which the motion was served.

3. Other Memoranda: No other memoranda shall be filed without leave of the Court.

### 4. Limitation upon Length of Memoranda:

Memoranda in support of, or in opposition to, any motion or application to the Court shall not exceed 20 pages and otherwise shall comply with D.R. Rule 4.05. The page limitation may be modified by the Court for good cause shown and upon such conditions as set by the Court.

## C. PROCESS SERVERS:

### 1. One-time Appointment:

If a party desires personal service to be made by a special process server pursuant to Civ. R. 4.1, that party or counsel must file with the Clerk an entry of appointment providing:

- a. The name of the person to be appointed as process server;
- b. That the person to be appointed as process server is 18 years of age or older; and
- c. That the person to be appointed as process server is not a party in the action or counsel for a party in the action.

### 2. Standing Appointment:

- a. A person may be designated as a "Standing Special Process Server" for cases filed in the Court by filing a combined affidavit and order. The affidavit shall set forth the following information:
  - i. The name, address, and telephone number of the person to be appointed as a Standing Special Process Server;
  - ii. That the person is 18 years of age or older;
  - iii. That the person agrees not to attempt service of process in any case the server is a party or counsel for a party; and

- iv. That the person agrees to follow the requirements of Civ. R. 4-4.6, any applicable local rule, and specific instructions for service of process as ordered by the Court in individual cases.
- b. The Administrative Judge authorizes the appointment order for a Standing Special Process Server.
- c. The order shall be captioned: “In Re: The Appointment of [Name of Person Requesting Appointment] as Standing Special Process Server” and state the following:

“It appearing to the Court that the following person has complied with the provisions of D.R. Rule 4.08 (C)(2) [Name of Person Requesting Appointment] is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court and to serve until further order of the Court.”
- d. The Clerk shall record such appointment on the Court’s general docket and shall retain the original affidavit and order. In any case thereafter, the Clerk shall accept a time-stamped copy of such affidavit and order as satisfying the requirements of Civ. R. 4.1(B) for designation by the Court of a person to make service of process.

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\*\*\*NOTE: THE FOLLOWING SECTION MAY BE COMBINED WITH LOCAL RULE 4.04\*\*\*

## **Rule 4.052 Court Costs and Special Fees**

### **A. FILING FEE:**

1. No civil action or proceeding shall be accepted for filing unless there is deposited as security for costs as set forth in D.R. Rule 4.04.
2. A convenience fee of 2.0% (“Conv. Fee”) shall be added to all eFiled cases and shall be paid at the time of filing, along with the deposit. This Conv. Fee applies to cases filed by Self Represented parties who are not registered users of the Court’s eFile system and file in accordance with D.R. Rule 4.05.
3. If the party initiating the civil action is unable to give security or a cash deposit as provided under this Rule, then said party shall file a Poverty Affidavit along with the complaint or other filing requiring a filing fee as set forth in D.R. Rule 4.04.
  - a. The affidavit shall be accepted by the Clerk and the collection of costs shall be postponed until the case is terminated.
  - b. The Court may review the Poverty Affidavit and make a determination whether the filer is, in fact, indigent. The Court may refer the Poverty Affidavit to the Magistrate to make the determination.

B. COURT LEGAL RESEARCH/COMPUTERIZATION FEE:

1. Pursuant to R.C. § 2303.201(A)(1), the Court has determined that, for the efficient operation of the Court, additional funds are necessary to computerize the Court and to obtain legal research services.
2. As authorized under R.C. § 2303.201(A)(1), the Clerk shall charge an additional fee of \$6.00 on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of R.C. § 2303.20.
3. All fees collected pursuant to this Subsection shall be used for procuring and maintaining computerization of the Court and computerized legal research services.
4. All fees collected pursuant to this Subsection shall be paid to the Montgomery County Treasurer (“Treasurer”), who shall place the funds from the fee in a separate fund to be disbursed upon an order of the Court.

C. CLERK COMPUTERIZATION/TECHNOLOGY ADVANCE FEE:

1. Pursuant to R.C. § 2303.201(B)(1), the Court has determined that, for the efficient operation of the Court, additional funds are necessary to make technological advances in order to computerize the office of the Clerk.
2. As authorized under R.C. § 2303.201(B)(1), the Clerk shall charge an additional fee of \$20.00 on the filing of each cause of action or appeal.
3. All fees collected pursuant to this Subsection shall be used for procuring and maintaining technology and computer systems for the office of the Clerk.
4. All fees collected pursuant to this Subsection shall be paid to the Treasurer, who shall place the funds from the fees in a separate fund to be disbursed upon an order of the Court.

D. SPECIAL PROJECT FEES:

1. Electronic Filing and Storage of Case Records Fee:
  - a. Pursuant to R.C. § 2303.201(E)(1), the Court has determined that, for the efficient operations of the Court, additional funds are necessary to pay for the costs of eFiling and storage of case records and related materials.
  - b. As authorized under R.C. § 2303.201(E)(1), the Clerk shall charge, in addition to all other costs, a fee of \$35.00 on the filing of each civil action or proceeding.
  - c. All fees collected pursuant to this Subsection shall be used for special projects related to eFiling and storage of case records and related materials.
  - d. All fees collected pursuant to this Subsection shall be paid to the Treasurer, who shall place the funds from the fee in a separate eFiling fund to be disbursed upon an order of the Court.
2. General Special Project Fee:
  - a. Pursuant to R.C. § 2303.201(E)(1), the Court has determined that, for the efficient operations of the Court, additional funds are necessary to acquire and pay for special projects of the Court.

- b. As authorized under R.C. § 2303.201(E)(1), the Clerk shall charge, in addition to all other costs, a fee of \$30.00 on the filing of each civil action or proceeding.
  - c. All fees collected pursuant to this Subsection shall be used for special projects consistent with R.C. § 2303.201(E)(1).
  - d. All fees collected pursuant to this Subsection shall be paid to the Treasurer, who shall place the funds from the fee in a separate general special project fund to be disbursed upon an order of the Court.
3. Special Project Fee for Court Technology Advancement:
- a. Pursuant to R.C. § 2303.201(E)(1), the Court has determined that, for the efficient operations of the Court, additional funds are necessary to acquire and pay for special projects (technology advancement) of the Court.
  - b. As authorized under R.C. § 2303.201(E)(1), the Clerk shall charge, in addition to all other costs, a fee of \$50.00 on each civil action or proceeding. The fee will be charged as \$25.00 at the time of civil filing and a \$25.00 reduction in the returned deposit.
  - c. All fees collected pursuant to this Subsection shall be used for technology advancement and technology special projects consistent with R.C. § 2303.201(E)(1).
  - d. All fees collected pursuant to this Subsection shall be paid to the Treasurer, who shall place the funds from the fee in a separate general special project fund to be disbursed upon an order of the Court.