

## **RULE 3 - REMOVAL OF FILES, PLEADINGS OR OTHER DOCUMENTS, STATISTICAL REPORTING, FACSIMILE/EMAIL FILINGS**

- 3.1** No files, pleadings or other documents on file in this Court shall be removed from the Clerk of the Court, except with the permission of the Clerk and under such rules as the Clerk may from time to time prescribe. Provided, however, this Rule shall not apply to:
- (A) The use of such files, pleadings or other documents in Open Court or Judge's Chambers during any Argument, Hearing, Trial or other proceeding in the case to which such files, pleadings or other documents pertain or in which they may be used; and
  - (B) Any removal made pursuant to law.
- 3.2** Notwithstanding anything in Rule 3.1 to the contrary, no file shall be removed from the Clerk of the Court with respect to and involving any case within seven (7) days prior to its scheduled Trial date.
- 3.3** The Clerk of the Court shall document the removal of each file and shall provide the name of the individual who has removed said file, its location and the date of its removal.
- 3.4** Unauthorized removal of files from the Office of the Clerk shall subject the offending party to Contempt of Court and/or the imposition of appropriate sanctions.
- 3.5** Statistical Caseload Report Form D and Form C shall be submitted electronically monthly and quarterly by the Chief Deputy Clerk and Court Administrator, or assigned deputy clerk. Permission is granted for said individuals to share the login credentials assigned to the Belmont County Juvenile and Probate Court for the submission of said forms to the Supreme Court of Ohio. The Court Administrator shall address any issues pertaining to the sharing of the credentials with any other individuals, shall maintain and update the Court of Ohio.

### 3.6 Facsimile/Email Filings

- (A.) These rules apply to civil proceedings in the probate division of the Court of Common Pleas of Belmont County, Ohio and to civil proceedings and Unruly/Delinquency proceedings in the juvenile division of the Court of Common Pleas of Belmont County, Ohio. These rules do not apply to Abuse, Dependency and Neglect cases in the juvenile division of the Court of Common Pleas of County, Ohio.
- (B.) The Court will accept documents, pertaining to the cases described in paragraph 1 herein, by facsimile or electronic (email) transmission; however, the following documents will NOT be accepted by facsimile or email filings: original complaints; any document that requires a filing fee or deposit for cost; any document that requires the Clerk's Office to provide service; any document requiring to be certified or authenticated; transcripts of depositions; any notice of appeal; any document exceeding 10 pages in length.
- (C.) The filing date of any documents transmitted by facsimile or by email during regular business hours of the Court shall be the time and date the documents were received by the Court's facsimile machine or as indicated by the computer utilized by the recipient clerk. Any documents filed by facsimile or by email and received after regular business hours shall be deemed filed the following business day.
- (D.) A document filed by facsimile or email shall be accepted as the original and shall be filed by the attorney of record. All risks of transmission shall be borne by the sender.
- (E.) All filings by facsimile shall be accompanied by a cover page that provides the following information: the date of transmission; the name, telephone number, and facsimile number of the person transmitting the documents; the case number and caption of the case in which the document is to be filed; the title of the document to be filed; the number of pages being transmitted. All email filings are to be submitted in PDF format (Word Documents/Formatting will not be accepted).
- (F.) Any signature on documents transmitted by facsimile or email shall be considered that of the attorney or party that it purports to be for all purposes. If it is determined that the documents were transmitted without authority, the Court may order the filing stricken.