

Rule 14

FILING AND SERVICE OF COURT PAPERS

(A) All papers filed with the clerk of court shall be originals or legible copies, handwritten in ink or typewritten on 8½ x 11 inch paper. Filings consisting of more than one sheet of paper shall be securely fastened together. The use of covers or jackets is not permitted.

With the exception of facsimile (fax) transmission filing pursuant to Section (C) of this Rule, no civil filing is to be accepted for filing with the Office of the Clerk after the close of the business day of the civil branch, which is deemed to be 4:30 P.M., Monday through Friday, legal holidays excepted. No civil filing is deemed to be filed pursuant to the Ohio Rules of Civil Procedure unless the pleading is date and time-stamped by the office of the clerk, civil division.

(B)(1) Every Document filed by a party represented by counsel shall designate in the caption a description of the filing itself and the name, address, direct telephone number (including extension), and the Supreme Court of Ohio attorney registration numbers of the attorney(s) responsible for the case. The correct mailing addresses, including zip codes, for all parties shall be listed in every pleading (as defined by Rule 7 (A), Ohio Rules of Civil Procedure). Pleadings which do not conform to this rule may be ordered stricken from the file by the court. All documents, other than original complaints, must include a Toledo Municipal Court case number or may be rejected by the Clerk.

(2) Pursuant to Rule 45(D)(1) of the Rules of Superintendence for the Courts of Ohio, when submitting a case document to a court or filing a case document with a clerk of court, a party to a judicial action or proceeding shall omit personal identifiers from the document. Personal identifiers are defined by Rule 44 (H) of the Rules of Superintendence to mean social security numbers, except for the last four digits, financial account numbers, including but not limited to debit card, charge card, and credit card numbers, employer and employee identification numbers.

(3) When personal identifiers are omitted from a case document submitted to a court or filed with a clerk of court pursuant to Rule 44 (D)(1) of the Rules of Superintendence, the party shall submit or file that information on a separate form. The court or clerk may provide a standard form for parties to use. Redacted or omitted personal identifiers shall be provided to the court or clerk upon request or a party to the judicial action or proceeding upon motion.

(4) The responsibility for omitting personal identifiers from a case document submitted to a court or filed with a clerk of court pursuant to Rule 44(D)(1) of the Rules of Superintendence shall rest solely with the party. The court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.

(5) Every document filed by a pro se litigant shall conform to the requirements listed above, with the exception of the inclusion of the attorney registration number, unless such pro se litigant is in fact an attorney admitted to the Bar of the State of Ohio.

(6) All parties shall, subsequent to entering an appearance, file with the court any change in contact information or email address, submitted pursuant to Rule 14(B)(1).

(C) A “facsimile transmission” (abbreviated “fax”) means the transmission of a source document by a facsimile machine that encodes a document into optical or electronic signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end. Pursuant to Rule 5(E) of the Ohio Rules of Civil Procedure, the court will allow the filing on civil cases by fax transmission, through the clerk of court's office, of complaints, motions,

pleadings, letters, documents and all other matters, not longer than ten pages (in addition to the cover sheet) in length which may be filed in person or by mail with the following provisions:

(1) The clerk shall maintain a dedicated phone line of (419) 245-1801 to accept fax transmitted filings for traffic and criminal cases and (419) 936-7012 for civil cases. The fax machine will be available to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays.

(2) An attorney must provide the name of the court, title of the case, case number (if known), judge's name (if assigned), title of document being filed, date of transmission, transmitting fax number, number of pages (including cover sheet), and the identification on the cover page of transmission in the format prescribed in Rule 14(B) above. Transmissions without such information will not be accepted. A transmitted document must be no longer than ten pages and must pertain to only one case. Service copies shall not be transmitted by fax. Standard fees for duplication by the Clerk of Court's Office for the creation of service copies shall apply. There is no charge for submitting filings via fax.

(3) 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 time-stamps the document received, as opposed to the date and time of the date and time of the fax transmission.

(4) All filings made by fax transmission are considered to be the original document in the file and the source documents are not required to be filed. A party who wishes to file a signed source document by facsimile transmission 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 where the signature appears in the signed source document. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control. The sending party must maintain the source document, original signatures, and source copy of the cover page until all opportunities for post-judgment relief are exhausted. In addition, the filing party must make any original source documentation available for inspection by the Court upon request. Failure to do so will result in the filing becoming considered null and void.

No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court costs and fees have been paid. Documents tendered to the Clerk without payment of court costs and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.

(5) Electronic transmitted filings must contain all information in an original filing in addition to the transmitting phone number of the responsible attorney and the date and time of the electronic transmission.

(6) It is the responsibility of the sending party to confirm that the fax transmission was received. Any un-transmittable exhibits 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 Clerk's Office not later than 5 days of the filing of the fax transmission. Failure to comply may result in the court striking the document 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 and shall be signed and served in conformance with the rules governing the signing and service in conformance with the rules governing the signing and service of pleadings in this court.

(D) In a civil case, plaintiff, or plaintiff's attorney, shall file with the complaint as many copies as there are defendants to be served with a summons. A party may extend for 28 days the time required to file a response to a complaint, a counterclaim, cross-claim, or a third-party complaint if written application is made to the clerk of court beforehand. Additional extensions of time may be granted by the court pursuant to Rule 6(B) of the Ohio Rules of Civil Procedure (or by written stipulation of the parties).

(E) Service shall be made in accordance with the applicable Ohio rules of procedure, whether civil or criminal. In civil cases, the bailiff will be the usual process server when court orders must be personally served.

(F) In any case, all motions, briefs, and memoranda in support shall be filed ~~in duplicate with the clerk of court who shall then forward one copy to the assigned Judge's Courtroom Bailiff for referral to the assigned judge or magistrate.~~ Any response to a motion shall be served within 17 days from the date the motion was filed, unless otherwise ordered by the court. Optional reply briefs must be filed within 10 days of the service of the response. Motions will normally be determined by the court without a hearing. The court may order a hearing on a motion at any time. The assignment commissioner shall notify all parties, in writing, of any ruling by the court except final and appealable orders for which the clerk shall serve all parties pursuant to Revised Code 2505.02.

(G) In all civil cases, when any party requests a continuance of a court event, such request must be filed in writing with the Clerk of Court under these rules at least seven calendar days before such court event and contain a certification by the moving party that either the other party or parties consent(s) to the request or has/have been notified of the request via telephone, facsimile, and e-mail, if such party(-ies) provided such contact information pursuant to Rule 14(B). It shall be the duty of the moving party to so notify the other party(-ies) of the Court's decision immediately upon receipt of the same in the same manner described above. Failure to do so may result in sanctions.