

# **ELECTRONIC FILING POLICIES AND PROCEDURES MANUAL**

**Civil and Criminal Cases**



**FOR THE UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF OHIO**

Last Revision – January 15, 2010

## Table of Contents

<b>The Electronic Filing System</b> .....	<b>3</b>
<i>Passwords</i> .....	4
<i>Registration</i> .....	5
<b>Electronic Filing And Service Of Documents</b> .....	<b>6</b>
<i>Filing</i> .....	6
<i>Complaints</i> .....	7
<i>Summonses</i> .....	8
<i>Attachments And Exhibits</i> .....	10
<i>Service Of Documents After The Complaint</i> .....	12
<i>Sealed Documents</i> .....	13
<i>Signatures</i> .....	13
<i>Non-Attorney Signature</i> .....	13
<i>Attorney Signatures</i> .....	14
<i>Multiple Signatures</i> .....	14
<i>Documents In Criminal Cases</i> .....	14
<i>Authenticity</i> .....	15
<i>Fees Payable To The Clerk</i> .....	15
<i>Orders</i> .....	15
<i>Proposed Orders</i> .....	16
<i>Title Of Docket Entries</i> .....	17
<i>Correcting Docket Entries</i> .....	17
<i>Technical Failures</i> .....	18
<i>Privacy</i> .....	19
<i>Redacted Documents</i> .....	19
<i>Unredacted Documents</i> .....	19
<b>Filing Of Paper Documents</b> .....	<b>19</b>
<i>Pro Se Filers</i> .....	19
<i>Social Security Cases</i> .....	20
<i>The Complaint And Other Documents</i> .....	20
<i>Social Security Transcripts</i> .....	20
<b>Exhibits</b> .....	<b>20</b>
<i>Exhibits Not In Support Of A Motion</i> .....	20
<i>Exhibits In Support Of A Motion</i> .....	21
<b>Public Access To The Cm/Ecf Docket</b> .....	<b>23</b>
<i>Public Access At The Court</i> .....	23
<i>Internet Access</i> .....	23
<i>Copies And Certified Copies</i> .....	23
<b>Sample Formats - Certificate Of Service</b> .....	<b>24</b>

## I. THE ELECTRONIC FILING SYSTEM

A. **IN GENERAL.** Unless otherwise permitted by these policies and procedures or unless otherwise authorized by the assigned judge, all documents submitted for filing in this district shall be electronically filed<sup>1</sup> using the Case Management/Electronic Case Filing system (“CM/ECF”) by converting each document into a searchable text PDF document<sup>2</sup> and uploading it into CM/ECF. Documents may also be submitted for filing to the Clerk’s Office on 3.5" disks or CD-ROM as PDF<sup>3</sup> files.

1. Parties proceeding pro se shall not file electronically.
2. Social Security cases shall be subject to the limitations imposed in III (B) of these procedures.
3. Juvenile criminal matters shall not be filed electronically unless, after hearing, the court rules that the juvenile shall be tried as an adult.
4. While registered attorneys of record will have remote access to documents in criminal cases, public remote access is only available for documents filed AFTER November 1, 2004, pursuant to the E-Government Act of

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<sup>1</sup> “Electronically filed” means uploading a pleading or document directly from the registered user’s computer, using the court’s internet-based System, to file that pleading or document in the court’s case file. **Sending a document or pleading to the court via e-mail does not constitute “electronic filing.”**

<sup>2</sup> When converting documents to be subsequently filed electronically, filing parties should make certain their PDF creation software are configured for 300 dpi and black and white rather than color scanning and do not use optical character recognition (OCR). The filing party is responsible for the legibility of the PDF document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must seek an Order from the Court allowing them to file the document manually with the Clerk’s Office.

<sup>3</sup> A document created with almost any word-processing program can be converted to a PDF file. The PDF program in effect takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. For information on PDF files, users may visit the websites of PDF vendors, such as <http://www.adobe.com/products/acrobat/>.

2002<sup>4</sup>. Public access to docket sheets in criminal cases, however, are available for documents filed prior to November 1, 2004. Also, members of the public may view electronic criminal files at the public terminals in the Clerk's Office.

5. An attorney may apply to the assigned judge for permission to file paper documents manually with the Clerk's Office. Even if the assigned judge initially grants an attorney permission to file paper documents manually, the assigned judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using CM/ECF.
6. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, taking into consideration the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Clerk may also amend these procedures at any time without prior notice.

**B. PASSWORDS.** Each attorney admitted to practice in the Southern District of Ohio shall be entitled to one CM/ECF password from the District Court. The password permits the attorney to participate in the electronic filing of pleadings and other papers.

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<sup>4</sup> On March 13, 2002, the Judicial Conference of the United States approved an exception to the prohibition on public access to criminal case records. In a high-profile criminal case where the demand for documents will "impose extraordinary demands on a court's resources," that court is authorized to provide Internet access to criminal case files "if all parties consent and the trial judge or presiding judge of an appellate panel finds that such access would be warranted."

1. No attorney shall knowingly permit or cause his or her password to be used by anyone other than an authorized employee of his or her office.
2. The attorney shall be responsible for all documents filed with his or her password.
3. An attorney admitted *Pro Hac Vice* must register for a password in accordance with these Policies and Procedures.
4. By registering for electronic filing, an attorney consents pursuant to Fed. R. Civ. P. 5(b)(2)(E) to service by electronic means, to the attorney's email address on file with the Court, of all documents required to be served in the case, whether or not they are filed with the Clerk (e.g. discovery documents).

**C. REGISTRATION.**

1. Each attorney filing electronically must complete the Attorney Registration Form available on the court's web site at [www.ohsd.uscourts.gov](http://www.ohsd.uscourts.gov). The court will issue passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in S.D. Ohio Civ. R. 83.3 and 83.4<sup>5</sup>.
2. To ensure that the Clerk's Office has correctly entered a registering attorney's internet e-mail address in CM/ECF, the Clerk's Office will send the attorney an e-mail message containing his or her login and password. It is the attorney's responsibility to read the instructions contained in the e-mail to verify that all the information in his or her account is correct.

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<sup>5</sup> General Order 00-1 exempts from payment of PHV fees all attorneys employed by a U. S. governmental entity or the State of Ohio.

3. After registering, attorneys may change their passwords. However, if an attorney comes to believe that the security of an existing password has been compromised, the attorney must change his or her password immediately.
4. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form, shall timely file a notice of a change of address and serve a copy of the notice on all other parties in all cases in which the attorney has entered an appearance. Once the attorney has notified all other parties, the attorney shall update his or her e-mail address, mailing address, telephone or fax number using the CM/ECF under Utility Events, “Maintain Your Account.” If the attorney requires assistance during this process, he or she should contact the Help Desk for further instructions.

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS.**

### **A. FILING.**

1. If the attorney has been given permission to initiate new civil cases on line, the civil cover sheet, summonses and state court pleadings (if applicable) should be filed as attachments to the initiating document (i.e. Complaint, Motion to Proceed In Forma Pauperis, or Notice of Removal).
2. All charging documents in criminal cases (i.e., the complaint, information, and indictment), along with the required AO256 information sheet, must be delivered to the Clerk’s Office for scanning and docketing.

3. All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case shall be electronically filed in CM/ECF except as otherwise provided by these Policies and Procedures.
4. Each document filed after the complaint or other initial document shall bear the assigned case number in the following format: 1:03cv12345 or 2:05cr23 (4). (The first digit represents the location of Court – 1 for Cincinnati, 2 for Columbus, 3 for Dayton. The second number is the year of initial filing. “CV” designates a civil case, “CR” designates a criminal case, MJ designates a Magistrate Judge case, MC designates a miscellaneous case, and PO designates a petty offense case. The final number in parenthesis indicates the number assigned to a particular defendant in a multi-defendant criminal case.)
5. E-mailing a document to the Clerk’s Office or to the assigned judge does not constitute filing the document. A document shall not be considered filed for purposes of the Federal Rules of Civil or Criminal Procedure until the filing party receives a system-generated “Notice of Electronic Filing” described in II(B)1 of these procedures.
6. Complaints.
  - a. In addition to allowing attorneys with authorization to open and file initiating document electronically, the Clerk’s Office will accept complaints and civil cover sheets sent by United States mail or delivered in person to the Clerk’s Office.

- i. If a filing party is submitting the complaint and cover sheet in paper form, the complaint should also be submitted in PDF format on a 3.5" disk or CD-ROM. *In forma pauperis* applications should be submitted in the same manner.
  - ii. The filing fee must accompany a complaint sent through the United States mail or personally delivered to the Clerk's Office. The Clerk's Office will upload the complaint and all other documents from the submitted PDF file(s) to CM/ECF and then the paper documents will be discarded.
- b. New cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee or when leave to proceed *in forma pauperis* is granted.
  - c. A party may not serve a complaint electronically, but instead must effect service of the summons and complaint according to Fed. R. Civ. P.4 or S.D. Ohio Civ. Rule 4.2.

7. Summons.

- a. The Clerk's Office will issue summonses requested in any of the following three ways.
  - i. A summons sent to the Clerk by United States mail.
  - ii. A summons delivered to the Clerk in person.
  - iii. A summons (with the electronic seal added by the Clerk) filed in CM/ECF.

- b. The party requesting the summons must complete the top portion of the summons form.
  - i. If sending the summons to the Clerk by United States mail, a self-addressed, stamped, return envelope must be enclosed.
  - ii. Once a summons has been issued, the Clerk's Office will upload the summons to CM/ECF and then return the summons to the attorney or party.
  - iii. If the summons to be issued was electronically filed<sup>6</sup>, the Clerk's Office will issue the summons within 24 hours. If issuance of the summons is needed the same day, please contact the Clerk's office where the case resides.
- 8. A document will be deemed timely filed if electronically filed prior to midnight on the due date, unless the assigned judge has ordered the document filed by an earlier time on that date. The time at the Court (Eastern Standard or Eastern Daylight) governs, rather than the time zone from which the filing is made
- 9. If filing a document requires leave of the court, such as an amended complaint, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV(B). If the court grants the motion, the attorney shall file the document electronically with the court unless otherwise specified in the Order.

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<sup>6</sup> To electronically file a summons separately from the complaint (to be issued by the Clerk's Office) use the event "Notice (Other)" located under the Other Filings category in CM/ECF. When prompted to enter additional text, you should include the following; "Request for issuance of summons." If further assistance is needed, please contact the CM/ECF Help Desk.

10. Attachments and exhibits are to be filed electronically. In the event that the attachments and/or exhibits exceed the maximum file size of 10 megabytes per file, the attorney should attempt to reduce the file size either by using a lower resolution or by splitting the PDF document into multiple files.
  - a. For example, if Exhibit A is a 1000 page document and after scanning/converting the document to a PDF file, the PDF is 11 megabytes, you should scan the document (or split the document) into two 500 page PDF files. The PDF files would then be labeled “Exhibit A part 1” and “Exhibit A part 2.”
  - b. In the event that you are not able to reduce the size of the PDF files so that they may be uploaded to CM/ECF, you must seek leave of Court before filing any document manually. Attachments or exhibits that are manually filed with the Clerk’s Office must be served on all other parties to the case. Documents filed in this manner which are not uploaded to CM/ECF will be maintained in the Clerk’s Office; a docket text entry will be made by the Clerk stating that a manual filing has been accepted.
11. The Clerk’s Office will not maintain a paper court file in any case initially filed after September 1, 2003, except as otherwise provided in these procedures. The official court record will be the electronic file maintained in CM/ECF. The official record will include, however, any paper documents or exhibits filed in accordance with these procedures.

- a. The Clerk will discard all paper documents after they are scanned and uploaded to CM/ECF.
- b. However, if an attorney believes a paper document with original signatures has some intrinsic value, the attorney is encouraged to retain the original document. An attorney who wishes to have a paper document returned after the Clerk's Office scans and uploads it to CM/ECF shall provide a self-addressed, stamped envelope for its return. If said envelope is not provided, the paper document will be discarded.

12. **Official Transcribers and Contract Court Reporters.** In addition to submitting to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable, an official transcriber or contract court reporter must have the certified transcript of those proceedings electronically filed in CM/ECF by submitting to the Clerk's Office a 3.5" disk or CD-ROM containing the certified transcript of the proceedings in PDF format. A transcriber or court reporter will not receive payment until the transcriber or reporter has both returned the tape and notes, if applicable, of a proceeding to the Clerk's Office and submitted the transcript to the Clerk's Office electronically. While some offices are filing transcripts electronically, they are a "restricted document" and not viewable via CM/ECF. See the policy on [Electronic Availability of Transcripts](#). The parties must request a paper copy from the official court reporter.

**B. SERVICE OF DOCUMENTS AFTER THE COMPLAINT.**

1. Whenever a document is filed electronically in accordance with these procedures, CM/ECF will generate a “Notice of Electronic Filing” to the filing party, any other party who is a registered user<sup>7</sup> and has requested electronic notice in that case and to the assigned judge(s) if he or she has elected to receive notice.
  - a. If the recipient is a registered participant in CM/ECF, the e-mailing of the “Notice of Electronic Filing” shall constitute service under Fed. R. Civ. P. 5(b)(2)(E).
  - b. Service of the “Notice of Electronic Filing” on a party who is not a registered participant in CM/ECF may be accomplished subject to the additional service requirements of B(3) below.
2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form A.
3. A party who is not a registered participant of CM/ECF is entitled to a paper copy of any electronically filed document. The filing party must therefore provide the non-registered party with the document as provided in Fed. R. Civ. P. 5. When mailing paper copies of documents that have been electronically filed, the filing party must include the “Notice of

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<sup>7</sup> To determine whether another party is a registered user, the filer can select the “Utilities” category in CM/ECF, then click on “Mailings”, and then click on “Mailing Info for a Case.” The filer then enters the case number and the System information will appear, stating whether or not the filer must mail a copy or if CM/ECF will electronically generate one.

Electronic Filing” to provide the recipient with proof of the filing.

4. Parties served electronically are entitled to the same three-day extension of time to respond as if they had been served by mail. Fed. R. Civ. P. 6(d); Fed. R. Crim. P. 45(c)<sup>8</sup>.
5. A filer who brings a document to the Clerk’s Office for uploading to CM/ECF must serve paper copies on all nonregistered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax.
6. Documents may be filed under seal only with prior judicial approval. Filers of sealed documents must serve paper copies on all parties in the case.

### **C. SIGNATURES.**

1. **Non-Attorney Signature, Generally.** If an original paper document is signed by a non-attorney, the filing party or the Clerk’s Office shall scan the original document, and then electronically file it on CM/ECF.
  - a. The electronically filed document as it is maintained on CM/ECF constitutes the official version of that record. The court will not maintain a paper copy of the original document.
  - b. An affidavit signed by a third party must be scanned and uploaded to CM/ECF by the filer or the Clerk.

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<sup>8</sup> Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

2. **Attorney Signatures.** Any document requiring an attorney’s signature shall be signed in the following manner, whether filed electronically or submitted on disk to the Clerk’s Office: “s/ (attorney name).” The correct format for an attorney signature is as follows:

**s/ Judith Attorney**  
Judith Attorney Bar Number: 12345  
Attorney for (Plaintiff/Defendant) ABC  
Law Firm Name  
123 South Street  
Dayton, OH 45402  
Telephone: (937) 123-4567  
E-mail: [judith\\_attorney@law.com](mailto:judith_attorney@law.com)

3. **Multiple Signatures.** The following procedure applies when a stipulation or other document requires two or more signatures.

- a. The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.
- b. The filing party or attorney then shall file the document electronically, indicating the signatories, *e.g.*, “s/ Jane Doe,” “s/ John Smith per telephone authorization,” etc.

4. **Documents in Criminal Cases.** Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a United States Marshal, an officer from Pretrial Services or Probation, or federal officers or agents. In general, the Clerk’s Office will scan these documents, upload them to

CM/ECF, and except as otherwise provided by these Policies and Procedures, discard them. The electronically filed document as it is maintained on CM/ECF shall constitute the official version of that record.

5. **Authenticity.** Anyone who disputes the authenticity of an electronically filed document or the authenticity of a signature on an electronically filed document must file an objection within ten days of receiving notice of the filing of that document.

**D. FEES PAYABLE TO THE CLERK.** Any fee required for filing a pleading or paper in District Court is payable to the Clerk, U.S. District Court by check drawn on the attorney's account, money order, cash or in person by credit card. No personal checks will be accepted. The Clerk's Office will document the receipt of fees on the docket with a text-only entry. The Court will not maintain electronic billing or debit accounts for lawyers or law firms. If you are filing an appeal or *Pro Hac Vice* motion or any other pleading or document that requires a payment of a fee, you may file that document electronically and submit the required payment via United States mail or deliver it in person along with a copy of the Notice of Electronic Filing receipt. Alternatively, attorneys authorized to initiate a new action on line will be given permission to pay their fees on line via pay.gov.

**E. ORDERS.**

1. The assigned judge or the Clerk's Office shall electronically file all signed orders. Any order signed electronically has the same force and effect as if the judge had signed in ink a paper copy of the order and it had been filed with the Clerk.

2. Proposed orders may be submitted as outlined below.
  - a. A moving party may, after filing a motion, submit to the judge a proposed order granting the motion and setting forth the requested relief. The proposed order shall be e-mailed to the assigned judge at the address listed in 2(d) below.
  - b. Electronically submitted proposed orders may not be combined with the motion into one document. When electronically filing the motion, the proposed order may be attached as an exhibit to the motion. Alternatively, the proposed order can be electronically filed separately using “Notice (Other),” however, the motion must be filed prior to filing the proposed order or submitting the proposed order to the judge. If the proposed order is electronically filed separately or submitted to the judge, the proposed order must refer to the resulting docket entry number for the motion.
  - c. All proposed orders being e-mailed must be submitted in a format compatible with WordPerfect, which is a “Save As” option in most word processing software. Judges will not accept proposed orders in PDF format.
  - d. A proposed order should be attached to an e-mail sent to the e-mail address of the assigned judge. The judges’ e-mail addresses for proposed orders are in the following format: Judge’s Last [Name\\_Chambers@ohsd.uscourts.gov](mailto:Name_Chambers@ohsd.uscourts.gov).

3. When mailing paper copies of an electronically filed order to a party who is not a registered participant of CM/ECF, the Clerk's Office will include the Notice of Electronic Filing to provide the nonparticipant with proof of the filing.
4. The assigned judge may grant routine motions by a notation entry on the docket. CM/ECF will generate a "Notice of Electronic Filing" which will include the text of the notation order.

**F. TITLE OF DOCKET ENTRIES.** The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court<sup>9</sup>.

**G. CORRECTING DOCKET ENTRIES.**

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. CM/ECF will not permit the filing party to make changes to any document or docket entry once the transaction has been submitted.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to refile the document.**
3. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for

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<sup>9</sup> Readers may view the civil and criminal events in CM/ECF for Attorneys on the court's web site.  
CIVIL EVENTS - <http://www.ohsd.uscourts.gov/cmecf/civecf.pdf>  
CRIMINAL EVENTS - <http://www.ohsd.uscourts.gov/cmecf/crimecf.pdf>.

which the correction is being requested. If appropriate, the court will make an entry indicating that the document was filed in error. The filing party will be advised if the document will need to be refiled.

4. Only a judge can strike a document once it has been filed. Fed. R. Civ. P. 12(f). However, if a document is filed in error (e.g., a document is filed in the wrong case, or the wrong electronic document is filed, or the electronic file is corrupt or unreadable), the Clerk may delete the document from CM/ECF. The Clerk will then immediately notify the filer of the error and if the document needs to be refiled. The Clerk will not delete the relevant docket text, but annotate the docket with a Notice of Correction to show the deletion, the reason for deletion, and that the filer has been notified.

#### **H. TECHNICAL FAILURES.**

1. The Clerk's Office shall deem the Southern District of Ohio CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the web site, if possible.
2. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, may also prevent timely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document on paper and in PDF format on a 3.5" disk or CD-ROM.

3. A filing party whose filing is made untimely as the result of a technical failure of the court's CM/ECF site or at the filer's end may seek appropriate relief from the court.

**I. PRIVACY.**

1. **Redacted Documents.** Filing parties shall redact private personal information from filings in accordance with Fed. R. Civ. P. 5.2.
2. **Unredacted Documents.** With leave of the court, a party may file under seal a document containing the unredacted personal data identifiers listed in Fed. R. Civ. P. 5.2(a).
  - a. The party seeking to file an unredacted document shall file electronically a motion to file the document under seal pursuant to Fed. R. Civ. P. 5.3.
  - b. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.
3. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper (See FRCP 5.2 Advisory Notes, 2007 Adoption).

**III. FILING OF PAPER DOCUMENTS.** The following procedures govern the filing of paper documents. The Court, upon application and for good cause shown, may also authorize filing of other paper documents not otherwise subject to these procedures.

- A. PRO SE FILERS.** Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed

or which require either verification or an unsworn declaration under any rule or statute. The Clerk's Office will scan these original documents into an electronic file and upload them to CM/ECF.

**B. SOCIAL SECURITY CASES.** All documents, notices, and orders in Social Security cases shall be filed and noticed electronically, except as noted below.

1. Unless the filer is otherwise authorized to initiate a new action electronically, the complaint and other documents typically submitted at the time a Social Security case is filed initially will be filed electronically and served according to II(A) of these procedures.
2. Social Security transcripts will be filed in paper format without leave of Court or filed electronically. If the Social Security transcripts are filed manually, the Clerk's Office will not scan or file the transcript electronically. The Clerk's Office will docket a text-only event stating that the transcript is available in paper format at the Clerk's Office.

**IV. EXHIBITS.**

**A. Exhibits not in support of a motion.** This section applies to exhibits other than those submitted in support of a motion, *e.g.*, an attachment to a complaint. Exhibits submitted in support of a motion are governed by IV(B) of these procedures.

1. With leave of Court, a party may submit paper exhibits which are not available in electronic form or which are too lengthy to scan. Lengthy documents submitted to the Clerk's Office in paper form should not be bound. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry.

2. A filing party should attempt to scan a paper exhibit and electronically file the exhibit as an attachment to the document being filed. Because PDF files containing scanned documents take up considerably more space in CM/ECF than PDF files containing electronically-generated documents, the Clerk recommends that filing parties electronically file PDF files containing scanned documents of more than ten megabytes in separate smaller file sizes. For example, if Exhibit A is a 1000 page document and after scanning/converting the document to a PDF file, the PDF is 10 megabytes, you should scan the document (or split the document) into two 500 page PDF files. The PDF files would then be labeled “Exhibit A part 1” and “Exhibit A part 2.”
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 300 dpi and in black and white rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to CM/ECF.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court.
5. Paper exhibits filed with the Clerk shall be served on all parties by the filing party.

**B. Exhibits in support of a motion.** In general, exhibits in support of a motion should not be filed on paper, but rather be filed electronically.

1. A filing party should attempt to scan a paper exhibit and electronically file the exhibit as an attachment to the document being filed. Because PDF

files containing scanned documents take up considerably more space in CM/ECF than PDF files containing electronically-generated documents, the Clerk recommends that filing parties electronically file PDF files containing scanned documents of more than ten megabytes in separate smaller file sizes. For example, if Exhibit A is a 1000 page document and after scanning/converting the document to a PDF file, the PDF is 10 megabytes, you should scan the document (or split the document) into two 500 page PDF files. The PDF files would then be labeled “Exhibit A part 1” and “Exhibit A part 2.”

2. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 300 dpi and in black and white rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to CM/ECF.
3. The filing party is required to verify the readability of scanned documents before filing them electronically with the court.
4. A party submitting paper exhibits shall also file a paper index of evidence listing each exhibit being filed and identifying the motion to which it relates.
5. With leave of Court, any copies of supporting materials filed in paper format shall be served on all parties by the filing party.

**V. PUBLIC ACCESS TO THE CM/ECF DOCKET.**

- A. PUBLIC ACCESS AT THE COURT.** Access to the electronic docket and documents filed in CM/ECF is available for viewing to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required by 28 U.S.C. § 1930 and is presently 10¢ per page.
- B. INTERNET ACCESS.** Remote electronic access to CM/ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States requires that a user fee be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information<sup>10</sup>.
- C. COPIES AND CERTIFIED COPIES.** Copies of electronically filed documents, certified if necessary, may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

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<sup>10</sup>According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary CM/ECF users will be charged a fee of eight cents per page starting on January 1, 2005, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document has been approved.

The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged eight cents a page for printing or viewing.

**FORM A**

**IN THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT  
OF OHIO**

**SAMPLE FORMATS - CERTIFICATE OF SERVICE**

**Sample A**

I hereby certify that on (Date) , I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:  
\_\_\_\_\_, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:\_\_\_\_\_.

s/\_\_\_\_\_  
Attorney's Name and Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Law Firm Phone Number  
Law Firm Fax Number  
Attorney's E-mail Address

**Sample B**

I hereby certify that on (Date), I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system, which will send notification of such filing to the following:  
\_\_\_\_\_, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:\_\_\_\_\_.

s/\_\_\_\_\_  
Attorney's Name and Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Law Firm Phone Number  
Law Firm Fax Number  
Attorney's E-mail Address