

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



In re:)
) ADMINISTRATIVE ORDER
RULES FOR ELECTRONIC FILING)
IN CIVIL MATTERS) 2018-EX 001350
)

**STANDING ORDER REGARDING ELECTRONIC FILING
FOR CIVIL CASES**

(REVISED 12 October 2018 -- supersedes all previous versions)

1. DEFINITIONS.

- A. Case Management System. The Court's official case management and records management system.
- B. Court. The Superior Court of Fulton County, Georgia.
- C. Document. Any paper filing, including, but not limited to, pleadings, motions, memoranda of law, orders, or other written papers or instruments. "Document" does not include "Non-Conforming Materials".
- D. E-Document. An electronic version of a Document that has been scanned or converted to a graphical or image format (PDF).
- E. E-File. Electronic transmission of an original Document to the Court via eFileGA, www.odysseyefilega.com.
- F. E-Service. Electronic transmission of an original Document to all designated recipients via eFileGA. (This Order in no way modifies, lessens, or eliminates any legal requirements a party must satisfy to perfect service of process to gain jurisdiction over other parties or property.)
- G. Non-Conforming Materials. All non-paper filings, including but not limited to DVD's, CD's, thumb drives, x-rays, and other tangible objects that cannot be readily converted to paper form or are illegible when scanned.
- H. Original Complaint/Original Petition. A Document that gives rise to a cause of action serving as an original or case-initiating pleading.
- I. Public Access Terminal. A publicly accessible computer provided by the Court for the purposes of E-Filing, E-Service, and viewing public Court records.

2. APPLICATION OF ORDER. E-filing remains mandatory for all civil cases, except for the following case types or pleadings: *ex parte* motions, adoptions, bond validations, domestication of foreign judgments, surrogacy declaratory judgment, termination of parental rights, family violence temporary protective orders, and *feri facias* (“fi.fa.”) actions.

Except as otherwise provided herein, no party will be permitted to file paper documents in any case except for incarcerated individuals without legal representation.

All civil cases are assigned to the electronic filing and service system provided by Tyler Technologies (the “Vendor”), as approved by the Fulton County Board of Commissioners on 15 October 2014 (hereinafter “eFileGA”) or any successor system. The Vendor is an agent of the Court for the purposes of electronic filing, receipt, service, and retrieval of electronic documents.

3. PUBLIC ACCESS TERMINAL. Public Access Terminals (PATs) are located in the Superior Court of Fulton County Clerk of Court’s Office, Fulton County Courthouse, 136 Pryor Street SW, 1st floor, Atlanta, Georgia and any other area that may in the future be designated by the Clerk of Court. PATs will be connected to eFileGA and the Case Management System. PATs are available to anyone to view public records via the Case Management System. Individuals may access public files free of charge. PATs may also be used to E-File Documents on eFileGA without registering for an eFileGA account or incurring E-File fees and convenience fees. If a PAT is used by the filer, the filer will not receive e-mails confirming submissions and acceptance or rejection.

4. AUTHORIZED USERS.

- A. Users. For the purpose of accessing eFileGA, the following users are authorized to register:

- i. Licensed attorneys and their staff, including paralegals and secretaries;
- ii. *Pro hac vice* attorneys (for the purpose of receiving E-Service only);
- iii. Judges and their staff;
- iv. Court administrative staff, including deputy clerks;
- v. Self-represented litigants; and
- vi. Other public users, including media representatives.

- B. Valid E-Mail Required. It is the responsibility of every registered user to have a valid, working e-mail address that is checked regularly. The Court assumes no responsibility for inoperable email addresses or unread e-mail.

- C. Assignment by the Vendor of Personal Identification Numbers. Upon receipt by the Vendor of a properly executed E-file Usage Agreement, the Vendor shall assign to the authorized user a username and confidential Personal Identification Number (PIN). The authorized user may then E-File, E-Serve, receive, review, and retrieve electronically filed pleadings, orders, and other Documents.

- D. Utilization of PIN. No attorney shall knowingly authorize or permit his/her PIN to be utilized by anyone other than authorized attorneys or employees of the attorney's law firm, or designated co-counsel, where it has been established in writing that such other person may file Documents on behalf of the assigning counsel. An attorney who knowingly authorizes or permits his/her username and/or PIN to be utilized by others is fully responsible for all transmissions, communications, and notifications through eFileGA.
- E. Change in Information. Registered users are required to update their contact information with eFileGA, including changes in employer, firm name, delivery address, fax number, telephone number, and/or e-mail address within ten days of such change. Failure to update one's e-mail address in a timely manner may result in the failure to receive E-Service of Documents. A change in address with eFileGa does not substitute for the electronic filing of the appropriate pleading with the Clerk of Court (or vice versa).
- F. Self-Represented Litigants.
- i. If a Self-Represented Litigant does not have access to a computer to prepare an E-Document or E-File an E-Document, the litigant may file Documents by using eFileGA at a PAT. Filing at a PAT does not require registering for an eFileGA account and usage and convenience fees for eFileGA are waived.
 - ii. If a Self-Represented Litigant does not have an e-mail address and therefore cannot register for an eFileGA account, the other parties to the litigation must serve the Self-Represented Litigant via U.S. mail or personal service. To qualify for such non-electronic service, the Self-Represented Litigant must make a certification in his/her initial filing that he/she does not have an e-mail address and therefore cannot register for an eFileGA account.
- G. Misuse of Electronic Filing System. Any litigant who misuses or abuses the eFileGA system by intentionally filing repetitive or harassing pleadings or otherwise vexatious filings may, upon application to the Chief Judge of the Court by the aggrieved party, by any Judge, or by the Clerk of Court, be de-registered by Order of the Court and thereby lose the ability to directly file civil actions in this Court.
5. ELECTRONIC FILING OF DOCUMENTS. Except as otherwise set forth in this Order, all Documents shall be filed electronically through eFileGA and the Clerk of Court shall not accept or file any Documents in paper form.
- A. Original Complaints, Petitions, and Answers. Plaintiffs shall E-File original complaints or petitions via eFileGA. Each defendant, upon service, or who otherwise wishes to respond, shall register with eFileGA (except as expressly provided herein)

prior to filing a first appearance or answer so as to ensure the timely electronic filing of its first appearance or answer in a newly filed case.

- B. Subsequent Pleading and Discovery. Parties shall E-File all Documents via eFileGA. Depositions and other discovery referenced in any E-Document may be attached electronically as exhibits, or may be e-filed separately.
- C. Maintenance of Original Evidentiary Documents. Unless otherwise ordered by the Court, originals of all evidentiary E-Documents, including but not limited to affidavits, deposition transcripts, Documents that include original signatures or seals, or any other original Document as contemplated by O.C.G.A. § 24-10-1002, shall be maintained by the party E-Filing the evidentiary E-Document and shall be made available, upon reasonable notice, for inspection by the other party or the Court. Unless otherwise requested by the Court, the parties shall maintain the original sealed paper depositions. Original evidentiary Documents must be maintained for seven years following disposition of the matter in which the Document was E-Filed -- or longer, if required to do so by applicable law.
- D. Filing of Documents under Seal. Consistent with Uniform Superior Court Rule 36.16(B), E-Filing is prohibited for Documents that are required to be filed under seal. Documents to be filed under seal therefore must be manually submitted to the Clerk of Court in paper form, accompanied by an Order sealing the Documents submitted. Also, filers submitting Documents to be filed under seal are required to E-File a "Notice of Filing under Seal". If the Document to be filed under seal is an exhibit to another Document, a notice indicating that this particular Document has been filed under seal may be included in the larger filed E-Document as an alternative to filing a separate notice.
- E. Non-Conforming Materials. Non-Conforming Materials must be filed manually with the Clerk of Court. The filing party shall E-File a "Notice of Manual Filing" which shall be docketed in the Case Management System to denote that a manual filing has been made and that the material is being held by the Clerk of Court. The filing party shall serve the materials conventionally if required.
- F. Paper Copies. Paper copies of E-Documents from the official court docket are available for a fee in the Clerk of Court's office.

6. TIME OF FILING AND EFFECT OF USE OF E-FILE.

- A. Time of Filing. Parties may E-File E-Documents through eFileGA twenty four hours a day, seven days per week, except when eFileGA is offline for maintenance. E-Documents E-filed before midnight on a day when the Court was open for business shall be considered to have been filed on that day, even if the E-Filed E-Document is not accepted by the Clerk of Court until the following business day. E-Documents E-Filed on a day when the Court is not open (*e.g.*, weekend days, County holidays, etc.) shall be considered to have

been filed on the next business day. Thus, an E-Document E-Filed on a Friday at 11:58 p.m. will be considered to have been filed that Friday. In contrast, an E-Document E-Filed five minutes later, on Saturday at 12:03 a.m., will be considered to have been filed the following Monday.

- B. Confirmation of Receipt. Upon completion of E-Filing, eFileGA shall e-mail a “filing submitted” receipt that includes the date and time of submission to the Court. The confirmation receipt shall not serve as proof the E-Document was filed, only that the E-Document was submitted for filing.
- C. Clerk of Court Review: Acceptance/Rejection Procedure. Following submission of an E-Document, the Clerk of Court shall timely review the E-Document. eFileGA shall notify the filing party via e-mail as to whether the filing was accepted or rejected. Upon acceptance, the submitted E-Document shall be entered into the docket of the case. An E-Document shall be deemed to have been filed as of the date and time it was initially E-Filed as defined above in Paragraph 6(A) and *not* the date and time it was accepted by the Clerk of Court. (Example: an E-Document E-Filed at 9:15 p.m. on Friday 31 August 2018 and accepted by the Clerk of Court at 3:18 p.m. on Tuesday 4 September 2018 (the first business day after 31 August 2018) was filed on 31 August 2018.) If an E-Document submitted for filing does not conform to the rules of the Court, a rejection notice shall be e-mailed to the filing party and the E-Document shall not be filed. The rejection notice shall identify the basis of the rejection. An E-Document may be rejected if:
- i. the E-Document is submitted without proper payment of Court filing fees;
 - ii. the E-Document is unable to be processed by eFileGA for reasons including but not limited to submission of a corrupt E-Document, an E-Document with imbedded fonts, or E-Documents containing viruses; or
 - iii. the E-Document does not meet the requirements or policies of the Court.

If an E-Document is rejected by the Clerk of Court, and a filer wishes to challenge the rejection and/or relate the date of filing back to the date of the first filing attempt, the filer must petition the Court for such relief.

- D. Technical Problems. In accordance with Uniform Superior Court Rule 36.16(F), if E-Filing or E-Service of an E-Document does not occur because of: (1) inaccessibility of eFileGA not caused by the filer; (2) an error in the transmission of the E-Document to eFileGA which was unknown to the sending party; (3) a failure to timely process the E-Document when received by eFileGA; or (4) other technical problems experienced by the filer, the Court may upon satisfactory proof enter an order permitting the E-Document to be filed *nunc pro tunc* to the date it was first attempted to be transmitted electronically.

7. FORM OF DOCUMENTS ELECTRONICALLY FILED.

- A. Format of Electronically Filed Documents. E-Documents shall, to the extent practicable, be formatted in accordance with any applicable rules governing the formatting of paper Documents, and in such order and further format as the Court may require. Documents shall be E-Filed via eFileGA in a searchable .pdf file format that does not exceed 50 megabytes in size (or such other file format as directed by the Vendor).
- B. Proposed Orders. Proposed Orders may be E-Filed as an exhibit to a motion or other pleadings or as a separate filing provided that (1) the Proposed Order includes the signature block of the submitting party or attorney in compliance with U.S.C.R. 36.4 and (2) the title of the filing is clearly marked "Proposed".
- C. Representations by Using an Electronic Signature. An E-Document bearing an electronic signature, *e.g.*, /s/ NAME, or a scanned copy of an ink signature shall be treated as a personal signature for all purposes under Georgia law.
- D. Electronic Title of Pleadings and Other Documents. The electronic title of each E-Document shall, to the extent practicable, include:
- i. the party or parties filing the E-Document,
 - ii. the nature of the E-Document, and
 - iii. the nature of the relief sought.

For example, a proper E-Document title would be "Defendant Smith's motion to compel discovery against Plaintiff." The title shall be used for administrative and clerical purposes only.

8. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS.

- A. Case Initiation. All parties initiating a civil action must still make service upon any opposing parties of Original Complaints and Petitions via traditional means, *i.e.*, personal service or other means allowable under applicable statutes.
- B. Subsequent Filings. Except as otherwise set forth in this Order, for any Document filed subsequently to an Original Complaint or Petition, a party shall make service upon other parties electronically through eFileGA. Parties shall receive all Documents E-Filed and E-Served upon them via eFileGA.
- C. Service Contact. All parties must include a service contact e-mail address to receive E-Service. It is the responsibility of every attorney and Self-Represented Litigant to ensure he/she is listed as a service contact for every case in which he/she appears, subject to the exception in Section 4(F)(ii) or any other exception from E-Service

allowed under this Order.

D. Effect of Electronic Service. E-Service of an E-Document via eFileGA shall be considered valid and effective service and shall have the same legal effect as an original paper Document sent via traditional means, *e.g.*, U.S. mail and hand delivery. Recipients of E-Service shall receive an e-mail notification of service, which contains an electronic image of the served E-Document.

E. Service on Parties: Time to Respond or Act.

- i. E-Service shall be deemed effected at the time an E-Document has been received by eFileGA *and* accepted by the Clerk of Court following review. This service date is reflected in the date stamp of the electronic notification parties receives from eFileGA. It is from this date that the parties should measure the period during which they may have a right or duty to respond or otherwise act. Any period of notice or any right or duty to do any act or make any response within any period prescribed by statute or rule of court remains governed by applicable law.
- ii. Registered users shall receive E-Service of E-Documents, other than service of subpoenas or summonses.
- iii. Registered users shall receive E-Service of notices of trial and hearings.

F. System or User Filing Errors. If E-Service does not occur because: (1) an error occurred in the transmission of the E-Document to eFileGA which was unknown to the sending party; (2) an error occurred in the transmission of the E-Document to the receiving party which was unknown to the sending party; (3) of a failure to timely process the Document when received by eFileGA; (4) a party was erroneously excluded from the service list through no fault of the receiving party; or (5) of other technical problems experienced by the filer, the party being served shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within with any right accrues or any duty or other act must be performed.

9. COURTESY COPIES TO THE COURT. Parties may elect (or may be required) to deliver courtesy copies of Documents to the Court. Parties must provide courtesy copies to the Court of all Documents filed under seal and all Non-Conforming Materials.

10. COLLECTION OF FEES FOR INSTRUMENTS REQUIRING FEE PAYMENT.

A. Any Document requiring payment of a statutory filing fee in order to initiate a cause of action and achieve valid filing status shall be paid electronically, except for filers utilizing PATs, who may tender payment in person in a form approved by

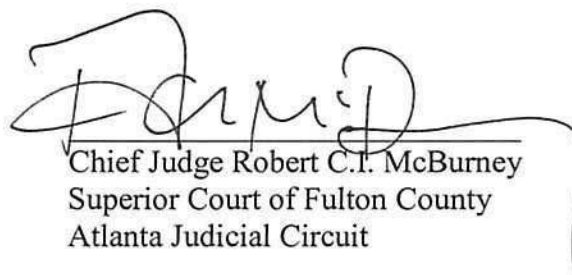
the Clerk of Court. If a filing fee is required, immediately upon acceptance of the filing by the Clerk of Court or Deputy Clerk, the Vendor will credit the designated Court account via ACH.

- B. Fees may be charged by the Vendor to parties for E-Filing E-Documents, access to E-Documents and/or dockets, and E-Service of E-Documents. These fees shall be payable to the Vendor at the time of filing, access, service, etc. and are in addition to any statutory filing fees.
- C. If a party is exempt from paying statutory filing fees or other fees because the Court has determined that the party is indigent, the party must E-File an *in forma pauperis* Order along with his/her entry of appearance. The indigent party shall select the waiver code as payment and the statutory filing fees, E-Filing fees, and E-Service fees shall be waived for parties with valid *in forma pauperis* status in that particular case.

11. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS. The Court shall issue, file, and serve notices, orders, and other Documents electronically, subject to the provisions of this Order. An Order or other Court-issued E-Document filed electronically bearing the electronic signature of a Judge and entered by a Judge, Clerk of Court, Deputy Clerk, or court personnel per the order of a Judge shall have the same force and effect as if the E-Document contained the handwritten signature of the Judge.

12. ELECTRONIC RECORD. The Clerk of Superior Court is authorized to maintain the original and official case record in electronic format. The Case Management System shall be the official case record.

SO ORDERED this 12th day of October 2018.



Chief Judge Robert C.I. McBurney
Superior Court of Fulton County
Atlanta Judicial Circuit