

Montgomery County Efiling

Unique Behaviors for Civil Cases

11/22/2010

Modified:

Page 22-24 Sealing (Restrict Access) of Documents

**Page 25-27 Filing of Written Depositions and
Transcript of Proceedings**

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CASE INFORMATION SHEET

Past Behavior: Filer completes the Case Information Sheet and files the pleading with the new case.

New Behavior: Filer completes the fields in the Case Initiation Screen. The data is collected and will automatically generate the Case Information Sheet.

[Home](#) ⇒ [New Case Filing](#) ⇒ [Case Type](#) ⇒ [Case Initiation](#)

Case Initiation: Civil

Filer Reference No.

Jury Demand

Prayer Amount

Action Type

Parcel Number

Filer Reference No. = Attorney case number given to client (not mandatory)

Prayer Amount must numeric (even if it's -0-

Parcel # is only for Mortgage Foreclosure

Refiling Information

Case No.	Judge	Main Plaintiff	Main Defendant
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Suits involving like issues and similar parties

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="button" value="Add"/>
Case No.	Judge	Main Plaintiff	Main Defendant	Remove

Case Participants (Any party to be served must be added as a distinct party.)

Remove	Participant Name	Main	Type	Attorney(s) for Party
--------	------------------	------	------	-----------------------

When the filer moves to the next screen (Add a Document) the Case Information Sheet will already be there:

Case Type : Civil

Document Category

Document Type *

AdditionalText

Emergency

Document Location

Add to Submission

Document	View Document	Edit Data	Size	Pg Count	Remove
Case Information Sheet	<input type="button" value="View Generated Document"/>				

Form [form.xml](#) 0.01 MB

Total Size: 0.0 MB

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INSTRUCTIONS FOR SERVICE

***Past Behavior:** Filer completes the Instructions for Service and files the pleading with the new case.*

***New Behavior:** Filer selects and adds to the submission the Instructions for Service in the Add a Document Screen. The filer will not be able to browse and load Instructions for Service. A new screen appears and the filer must select method of service and parties to be service. The data is collected and will automatically generate the Instructions for Service.*

****If service is needed for someone that is NOT a party to the case, the filer must create their own Instructions for Service document and select the document type of **Instructions for Service for Non Proposed Party**.**

Case Number : 2010 CV 05641 Case Title : TEST PLAINTIFF vs TEST DEFENDANT

Case Type : Civil

Document Category: Instructions for Service

Document Type *: Ins Instructions for Service

AdditionalText *: Certified

Emergency

Document Location:

Add to Submission:

Make sure you select the service method.

Make sure you select the documents to be served and then click Add

Document Name	View Document	Edit Data	Size	Pg Count	Remove
Modify Party Information	Form.xml		0.01 MB		

Select the Method of Service, the Provider if Sheriff or Process Server, Add the Document(s) to be served, and then check the boxes for the parties that need to be served.


*If you select Hold Service as your method on the Instructions for Service page, make sure to include a Motion to Hold Service and a Proposed Order to Hold Service with the submission.

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Civil

Case Number : 2010 CV 05645 Case Title : KAREN ADAMS vs DALLAS POWELL

Service Method: 

Service Provider:

Documents to be served:

Document Title	Delete
COMPLAINT YOU CAN PUT MORE TEXT HERE JEFFREY HELMS	<input type="button" value="X"/> 

Select the Party to be Served

For	Participant Name	Address	Current Role	Attorney(s) for Party
<input checked="" type="checkbox"/>	DALLAS POWELL	23 MAPLE ST DAYTON, OH 45456	Defendant	
<input type="checkbox"/>	KAREN ADAMS	55 MAIN ST DAYTON, OH 45452	Plaintiff	HELMS

PRAECIPE FOR ORDER OF SALE

Past Behavior: Filer completes the Praecipe for Order of Sale and files the pleading on an existing case.

New Behavior: Filer selects and adds to the submission the Praecipe for Order of Sale in the Add a Document Screen. The filer will not be able to browse and load a Praecipe for Order of Sale. A new screen appears and the filer must complete the fields provided. The data is collected and will automatically generate the Praecipe for Order of Sale.

- Multiple Properties sold in one sheriff sale:
 - Filers must then browse and upload their own Praecipe for Order of Sale for Multiple Properties in One Sheriff Sale and then add it to their submission. Filers must still attach a copy of the time-stamped Judgment Entry and a copy of the Legal Description(s) or the submission will be rejected. The filer should use the following document category and document types:
 - **Document Category:** Sheriff Sales or Praecipos
 - **Document Type:** (Multiple Properties) Praecipe for Order of Sale
 - **Document Type:** Judgment Entry Attachment for Praecipe for Order of Sale.
 - **Document Type:** Legal Description Attachment for Praecipe for Order of Sale

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Case Number : 2010 CV 05645 Case Title : KAREN ADAMS vs DALLAS POWELL

Case Type : Civil

Document Category:

Document Type *:

AdditionalText *:

Emergency

Document Location:

Add to Submission:

Also Included:
*Alias Praeipce for Order of Sale
* Pluries Praeipce for Order of Sale

Document Name	View Document	Edit Data	Size	Pg Count	Remove
Modify Party Information	Form.xml		0.01 MB		

Add to your submission instead of browsing for a document

Civil

Please remember to add a Legal Description for Praeipce For Order Of Sale and a Judgment Entry For Praeipce Of Order of Sale and attach them to this Praeipce For Order Of Sale

Praeipce For Order Of Sale

Case Number: 2010 CV 05645

Main Plaintiff: KAREN ADAMS

Main Defendant: DALLAS POWELL

Judge: A. J. WAGNER

Company File Identifier:

Judgment Date(mm/dd/yyyy): *

Property Address: *

City: *

State: *

Zip Code: *

Parcel Number: *

Prior Instrument Reference:

Appraisal: * Yes No

Advertise: * Yes No

Publisher:

Terms Of Publication:

Terms Of Sale:

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***** The Legal Description and a copy of the time stamped judgment entry must be added as attachments to the Praeipce for Order of Sale *****

Case Number : 2010 CV 05645 Case Title : KAREN ADAMS vs DALLAS POWELL

Case Type : Civil

Document Category

Document Type *

AdditionalText *

Emergency

Document Location

Add to Submission

Document Name	View Document	Edit Data	Size	Pg Count	Remove
Modify Party Information	Form.xml		0.01 MB		
Praeipce for Order of Sale PROPERTY ON MAIN STREET	View Generated Document		0.0 MB	1	
- Legal Description Attachment for Praeipce for Order of Sale ON FIRST PROPERTY	Legal Description.pdf		0.0 MB	1	
- Judgment Entry Attachment for Praeipce for Order of Sale DATED MAY 15T	Judgment Entry.pdf		0.0 MB	1	
Total Size:			0.04 MB		

WRIT OF RESTITUTION

Past Behavior: Filer completes the Praeipce for Writ of Restitution and files the pleading on an existing case.

New Behavior: Filer selects and adds to the submission the Praeipce for Writ of Restitution in the Add a Document Screen. The filer will not be able to browse and load a Praeipce for Writ of Restitution. A new screen appears and the filer must complete the fields provided. The data is collected and will automatically generate the Praeipce for Writ of Restitution.

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Case Type : Civil

Document Category

Document Type *

AdditionalText *

Emergency

Document Location

Add to Submission

Doc	Name	View Document	Edit Data	Size	Pg Count	Remove
	Modify Party Information			0.01 MB		

Add to your submission instead of browsing for a document

Civil

Please remember to attach a copy of the file-stamped Restitution Entry or Confirmation Entry to this Praeipce for Writ of Restitution

Writ Of Restitution

Case Number: 2010 CV 05645

Main Plaintiff: KAREN ADAMS

Main Defendant: DALLAS POWELL

Judge: A. J. WAGNER

Name of Purchaser/Landlord: *

Name of Occupant: *

Date of Restitution Entry or Date of Confirmation Entry(mm/dd/yyyy): *

Property Address: *

City: *

State: *

Zip Code: *

Parcel Number:

Attorney Name:

Attorney Phone Number:

***** A file-stamped copy of the Entry of Restitution or Confirmation Entry must be included as attachments with the Praeipce for Writ of Restitution*****

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Case Number : 2010 CV 05645 Case Title : KAREN ADAMS vs DALLAS POWELL

Case Type : Civil

Document Category: Attachments or Exhibits

Document Type *

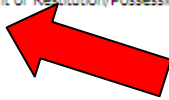
AdditionalText *

Emergency

Document Location

Add to Submission

Document Name	View Document	Edit Data	Size	Pg Count	Remove
<i>Modify Party Information</i>	Form.xml		0.01 MB		
Praecepe for Writ of Restitution/Possession POSSESSION	View Generated Document		0.0 MB	1	
- Restitution Entry Attachment for Praecept for Writ of Restitution/Possession (Move Out) POSSESSION	Entry of Restitution.pdf		0.0 MB	1	
Total Size:			0.02 MB		



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ADDING PARTIES – UNKNOWN ADDRESSES

Past Behavior: Filer adds defendant to complaint and types address unknown.

New Behavior: Filer adds the defendant as a party. The eFiling system will not allow filer to proceed without an address. Filer must check the box Unknown and the eFiling system will populate the mandatory fields

Add a Party

Note: Any party to be served must be added as a distinct party.

<p>Party Type: <input type="text" value="Plaintiff"/></p> <p>Business <input type="radio"/> Person <input checked="" type="radio"/></p> <p>First Name: * <input type="text"/></p> <p>Middle Name: <input type="text"/></p> <p>Last Name: * (or Business Name) <input type="text"/></p> <p>Suffix: <input type="text"/></p> <p>Daytime Phone: <input type="text" value="0000000000"/></p> <p>Email: <input type="text"/></p> <p>Physical or Last Known Address</p> <p>Unknown: <input checked="" type="checkbox"/> </p> <p>Address Type: <input type="text" value="Home"/></p> <p>Address Line 1: * <input type="text" value="Unknown Address"/></p> <p>Address Line 2: <input type="text"/></p> <p>Address Line 3: <input type="text"/></p> <p>City: * <input type="text" value="Dayton"/></p> <p>State: * <input type="text" value="Ohio"/></p> <p>Zip / Postal Code: * <input type="text" value="45422"/></p>	<p>Add an Attorney for this Party</p> <p>Type: <input type="text" value="Primary"/></p> <p>First Name: * <input type="text"/></p> <p>Last Name: * <input type="text"/></p> <p>Bar #: * <input type="text"/></p> <p>Bar State: <input type="text"/></p> <p><input type="button" value="Add"/></p> <table border="1" style="width: 100%;"><thead><tr><th>First Name</th><th>Last Name</th><th>Bar No.</th><th>Delete</th></tr></thead><tbody><tr><td>JEFFREY</td><td>HELMS</td><td>0075659</td><td style="text-align: center;">X</td></tr></tbody></table> <p>Additional Aliases or Business Name for Party</p> <p>Business <input type="radio"/> Person <input checked="" type="radio"/></p> <p>Type: <input type="text" value="AKA"/></p> <p>First Name: <input type="text"/></p> <p>Middle Name: <input type="text"/></p> <p>Last Name: * (or Business Name) <input type="text"/></p> <p>Suffix: <input type="text"/></p> <p><input type="button" value="Add"/></p> <table border="1" style="width: 100%;"><thead><tr><th>First Name</th><th>Last Name</th><th>Bar No.</th><th>Delete</th></tr></thead><tbody></tbody></table>	First Name	Last Name	Bar No.	Delete	JEFFREY	HELMS	0075659	X	First Name	Last Name	Bar No.	Delete
First Name	Last Name	Bar No.	Delete										
JEFFREY	HELMS	0075659	X										
First Name	Last Name	Bar No.	Delete										

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ANSWERS & NOTICE OF APPEARANCE

Past Behavior: Filer files the answer/amended answer/notice of appearance on behalf of the party they are representing. The attorney is added manually to the Clerk/Court's case management system

New Behavior: Filer adds the answer/amended answer/notice of appearance to their submission. The eFiling system will present a screen of the parties on a case. The filer must check the box or boxes that pertain to the party they are representing. The eFiling system will populate the Clerk/Court's case management system automatically and the attorney will then be listed as the counsel of record for the parties selected.

[Home](#) ⇒ [Existing Case](#) ⇒ [Add a Document](#) ⇒ Answer

Civil

Case Number : 2010 CV 05639 Case Title : PALISADES COLLECTION vs DREW JOHNSON

Please select the client(s)/party(s) that you are representing

For	Participant Name	Current Role	Attorney(s) for Party
<input type="checkbox"/>	PALISADES COLLECTION	Plaintiff	
<input type="checkbox"/>	DREW JOHNSON	Defendant	



Only check the parties which you will be representing

***IT IS NOT NECESSARY TO MODIFY THE PARTY AND ADD THE ATTORNEY WHEN THIS BOX IS CHECKED. IF YOU CHECK THE BOX AND MODIFY THE PARTY, YOU WILL RECEIVE AN ERROR MESSAGE.**

***A NOTICE OF APPEARANCE DOES NOT NEED TO BE FILED IF AN ANSWER HAS ALREADY BEEN FILED.**

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MOTION TO FILE AMENDED COMPLAINT

Past Behavior: Filer files the Motion to file an Amended Complaint (if desired: a copy of the Amended Complaint can be included as an exhibit) and the Proposed Order Granting Motion. The filer includes the original Amended Complaint in the same package to be filed after the Proposed Order has been signed and filed. The new parties are added manually after the Amended Complaint is filed.

New Behavior: Filer files the Motion to file an Amended Complaint (if desired: a copy of the Amended Complaint can be included as an exhibit) and the Proposed Order Granting Motion. The Amended Complaint **must be filed after the Proposed Order has been signed and filed**. Once the Proposed Order to Amend the Complaint is filed, the filer can file the Amended Complaint. Parties will be added automatically once the Amended Complaint is filed.

When the **Amended Complaint** is filed, the following screen will appear for you to add the new parties:

Home » Existing Case » Add a Document » Amended Complaint

Civil

Case Number : 2009 CV 05522 Case Title : TEST PLAINTIFF vs TEST DEFENDANT

Current Case Participants

N/A	Role	Participant Name	Current Role	Attorney(s) for Party
<input type="radio"/>	Plaintiff	TEST PLAINTIFF	Plaintiff	JEFFREY R HELMS
<input type="radio"/>	Defendant	TEST DEFENDANT	Defendant	

New Case Participants [Add a Plaintiff](#) [Add a Defendant](#)

Remove	Role	Participant Name	Attorney(s) for Party
--------	------	------------------	-----------------------

[Back](#) [Next](#)



Add the new parties that are listed on the
Amended Complaint

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MOTION TO FILE THIRD PARTY COMPLAINT

Past Behavior: Filer files the Motion to file a Third Party Complaint (if desired: a copy of the Third Party Complaint can be included as an exhibit) and the Proposed Order. The filer includes the original Third Party Complaint in the same package to be filed after the proposed order has been signed and filed. The new parties are added manually after the Third Party Complaint is filed.

New Behavior: Filer files the Motion to file a Third Party Complaint (if desired: a copy of the Third Party Complaint can be included as an exhibit) and the Proposed Order. The Third Party Complaint must be filed after the Proposed Order has been signed and filed. Once the Proposed Order is filed, the filer can file the Third Party Complaint. Parties will be added automatically once the Third Party Complaint is filed. When the **Third Party Complaint** is filed, the following screen will appear for you to add the new parties:

The screenshot shows the eFiling interface for adding Third Party Plaintiffs and Defendants. At the top, there is a navigation bar with links for Home, eFile, Cases, My Profile, and Log Out. The user is identified as Jeffrey Helms. Below the navigation bar, the breadcrumb trail is: Home » Existing Case » Add a Document » Third Party Complaint. The main heading is "Third Party Complaint: Civil".

Under the heading "Attorney for the Third-Party Plaintiff", there are two input fields: "Bar #: *" with the value "0075659" and "Bar State: *" with a dropdown menu set to "Florida".

There are two main panels: "Case Defendants:" and "Third-Party Plaintiffs:". The "Case Defendants:" panel contains the name "JUANA MURILLO". Between the two panels are three buttons: "Add ->", "<- Remove", and "Reset". A red arrow points from the "Add ->" button to the "Third-Party Plaintiffs:" panel. A yellow callout box with a red border contains the text: "Select the Defendant(s) and add them as Third Party Plaintiff(s)".

At the bottom, there is a table for "Case Participants" with columns for "Remove", "Participant Name", "Type", and "Attorney(s) for Party". A red arrow points from the "Add a Defendant" button to the "Participant Name" column. Below the table are "Back" and "Save" buttons.

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MODIFYING THE PARTIES AFTER CASE INITIATION

Parties can be modified after case initiation. When you are filing a new document, click on the View Document icon **BEFORE** selecting your category and document type. Click on the party to be modified. You can add an attorney, an alias, or an address.

Case Number : 2010 CV 05645 Case Title : KAREN ADAMS vs DALLAS POWELL

Case Type : Civil

Document Category

Document Type *


AdditionalText *

Emergency

Document Location

Add to Submission

Click on Edit Data icon to get to the Modify Party Information Screen

Document Name	View Document	Edit Data	Size	Pg Count	Remove
Modify Party Information			0.01 MB		

[Home](#) ⇒ [Existing Case](#) ⇒ [Add a Document](#) ⇒ [Modify Participants](#)

Modify Case Participants

Use the link on the participants name to update their information.

Modified	Participant Name	Role	Attorney(s) for Party
	KAREN ADAMS	Plaintiff	JEFFREY R HELMS
	DALLAS POWELL	Defendant	

**Click On the Party you wish to Modify. You can add:
Attorney
Alias
Address**

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CERTIFICATE OF SERVICE

Past Behavior: Filer prepares their document and includes a certificate of service at the end of the document showing all the parties served by regular mail.

New Behavior: All parties registered in the eFiling system will be served through notifications stored inside the eFiling system. Anybody not registered in the eFiling system must be served by regular mail. The filer will still have to attach a certificate of service to their document. The certificate will now state which parties are served through the eFiling system and which parties are being served through regular mail.

To check and see which parties are registered in the eFiling system, click on My Cases. Click on the Certificate of Service that pertains to the case you are preparing the document for.

Ex: 070900001

Show Active Show Inactive Show Both

Case Title	Case Number	Judge	Case Type	Certificate	Inactive	
<input checked="" type="checkbox"/> TEST PROSE vs TEST DEFENDANT1	2009 CV 05278	CV	MICHAEL L. TUCKER	Certificate of Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> SMITH RICH vs GOAT FRIES	2009 CV 05277	CV	DENNIS J. LANGER	Certificate of Service	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> MARTIN GUTIERREZ vs CLARA ZEGADA	2009 CV 05276	CV	MARY KATHERINE HUFFMAN	Certificate of Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> JULIO IGLESIAS vs MARCO OCHOA	2009 CV 05275	CV	MICHAEL L. TUCKER	Certificate of Service	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> NONI PACHAIRRE vs PABLO NUNEZ	2009 CV 05274	CV	GREGORY F. SINGER	Certificate of Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> SMITTY GUMSHOE vs BOB BARKER	2009 CV 05271	CV	GREGORY F. SINGER	Certificate of Service	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> XYZ MORTGAGE CO. vs JOHN DOE	2009 CV 05269	CV	JEFFREY E. FROELICH	Certificate of Service	<input type="checkbox"/>	<input type="checkbox"/>

The Certificate of Service will reflect: I hereby certify that on 12-31-2009, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Attorney A for Defendant A
Attorney B for Defendant B
Attorney C for Defendant C

The following people need to be notified

Attorney D for Defendant D
Defendant E – Pro Se litigant

****Proposed Orders:** Once a Proposed Order is submitted, the filer is responsible for the service (to all the parties that must be served by regular mail) of the Order once it has been filed.

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CONSOLIDATED CASES

***Past Behavior:** Filer prepares one original document for the lowest numbered case and copies are filed for all the cases consolidated.*

***New Behavior:** Filer will need to prepare a document to be filed on all the cases. Filer will need to submit a separate filing for each of the cases in the eFiling system.*

NOTICE OF APPEAL TO THE 2ND DISTRICT COURT OF APPEALS

The Notice of Appeal to the 2nd District Court of Appeals must be filed in person. The Appeal **IS NOT** filed through the eFiling system. The appeal must be delivered to the Clerk's office with the filing fee along with 3 copies. The original appeal will be given to the Clerk for the Court of Appeals, a copy will be delivered to the 2nd District Court of Appeals, and the last copy will be scanned and then added to the civil case.

INJUNCTIONS (TRO) FILINGS

***Past Behavior:** The Injunction is filed in person with the Clerk of Courts. The package could contain the complaint, case information sheet, instructions for service, Motion, and a proposed order. After the Clerk's office files and assigns a number, the filer proceeds to the court's assignment office. The court's assignment clerk will review the Judge assignment and call the judicial office to arrange the hearing. If the Judge assigned is not available or has a conflict, a new Judge is assigned and their judicial office is called.*

***New Behavior:** The injunction will be filed through the eFiling system. The package could contain the complaint, case information sheet, instructions for service, Motion, and a proposed order. When adding documents, the filer can check the Emergency box. This alerts the Clerk's office of the urgency of the filing.*

After the Clerk's office accepts the electronic filing, the filer **MUST VISIT THE COURT'S ASSIGNMENT OFFICE IN ROOM 103**. The court's assignment clerk will review the Judge assignment and call the judicial office to arrange the hearing. If the Judge assigned is not available or has a conflict, a new Judge is assigned and their judicial office will be called.

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ORDER TO WITHDRAW SHERIFF SALE

***Past Behavior:** Orders to Withdraw Sheriff's sale are filed by mail or in person. A copy of the signed order is delivered to the Sheriff's office by the filing party.*

***New Behavior:** Orders to Withdraw Sheriff's sale will be filed through the ECF system. The proposed order is submitted by the filer and electronically delivered to the office of the assigned Judge. The Order to Withdraw Sheriff Sale can be picked up electronically by any judicial office and signed. If this order is being sent the morning of the sale, the filer may want to call the judicial office and follow up along with checking the emergency button on the Add a Document page. Once the order is signed, the filer is still responsible for getting a copy to the Sheriff's office.*

The Court has set up a process for making sure Orders to Withdraw Sheriff Sales are getting filed before the sheriff sale starts. It is critical that the filer uses the following document types in order for this process to work: The filer should use the following document category and document types:

- **Document Category: Motions**
- **Document Type: Motion: Withdraw Sheriff Sale**
 - (not all cases require a Motion)
- **Document Category: Orders (Proposed)**
- **Document Type: Order: Withdraw Sheriff Sale**

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COGNOVIT COMPLAINTS

***Past Behavior:** The Cognovit Complaint is filed in person with the Clerk of Courts. The package could contain the complaint, case information sheet, Instructions for service, Notice of Rendering Judgment, Answer to the Cognovit Complaint, Motion, and a proposed order. After the Clerk's office files and assigns a number, the filer proceeds to the Judge assigned and gets the Judgment Entry signed by the Judge. The Judge would review the original note and sign the Judgment Entry. After the Judgment Entry is signed by the Judge, the filer would proceed back to the Clerk's office to file the Praecipe for Certificate of Judgment and/or Garnishment documents.*

***New Behavior:** The filer will file the Cognovit action electronically. The filer should use the following document category and document types (additional documents can be added – this is minimum needed):*

- **Category:** Complaint and Initiating Docs.
- **Document Type:** Complaint
- **Document Type:** Answer to Cognovit Complaint
- **Document Type:** Notice: Rendering of Cognovit Judgment
- **Document Type:** Judgment Entry (Proposed)
- **Document Type:** Instructions for Service on a New Case – **Please make sure the Proposed Judgment Entry is added to the Instructions for Documents to be served – the Clerk will hold the service until the Judgment Entry is signed)**
- **Additional Text:** (Please continue adding additional information from pleading)

Once the Clerk's office approves the submission, the case number and Judge are assigned; the Proposed Judgment Entry is delivered to the Judge's electronic inbox. The filer should call the judicial office and let them know a Cognovit Complaint has been filed and they should ask how the Judge would like to see the original note (delivered in person or mailed). Once the Judgment Entry is signed, the filer can file the Praecipe for Certificate of Judgment and/or Garnishment documents **IN PAPER**. As of 06/11/10, Certificates of Judgment and Executions must be filed traditionally.

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PETITION FOR AUXILIARY CASE/ISSUANCE OF SUBPOENA

Past Behavior: *The Petition for Auxiliary Case/Issuance of Subpoena action is filed in person or by mail with the Clerk of Courts. This package contains the Petition for Auxiliary Case/Issuance of Subpoena, Case Information Sheet, Proposed Order Granting Issuance of Subpoenas, and Subpoenas to be issued after the Proposed Order Granting the Issuance of Subpoenas has been filed.*

New Behavior: *The filer will file the Petition for Auxiliary Case /Issuance of Subpoena electronically. When completing the Case Initiation screen, the prayer amount can be listed as 0 and the filer must choose the following **Action Type**:*

- **PETITION FOR AUXILIARY CASE/ISSUANCE OF SUBPOENA – CVAO/AUX**

The filer should use the following document category and document types (additional documents can be added – this is minimum needed):

- **Category:** Complaint and Initiating Docs.
- **Document Type:** Petition for Auxiliary Case / Issuance of Subpoena
- **Additional Text:** (Please type in whatever remains of the caption from the Petition)

Category: Orders (Proposed)

Document Type: Order: Granting Petition for Auxiliary Case / Issuance of Subpoena (Proposed)

Additional Text: (Please type in additional info from the pleading)

Once the Clerk's office approves the submission, the case number and Judge are assigned; the Proposed Order Granting Issuance of Subpoenas is delivered to the Judge's electronic inbox. Once the Proposed Order Granting the Issuance of Subpoenas is signed and filed, the filer can submit the Subpoenas they wish to have served along with an Instructions for Service to the Clerk indicating the method of service along with who is being served. The document category and document type are as followed:

Subpoena Issued

- **Category:** Other Documents
- **Document Type:** Subpoena Issued
- **Additional Text:** (Please name the person the Subpoena is being issued to)

Instructions for Service

- **Category:** Instructions for Service
- **Document Type:** Instructions for Service for Non/Proposed Parties **
- **Additional Text:** (Please type the method of service)

****This Instruction for Service is a document the filer must prepare (different than the others where the system prepares the form).**

If the filer chooses to issue the Subpoenas themselves, the return of service for the Subpoena can be filed using the following document category and document type:

Subpoena Issued

- **Category:** Service Return
- **Document Type:** Subpoena Served and Returned by Attorney
- **Additional Text:** (Please name the person who received the Subpoena)

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REPLEVIN ACTIONS (POSSESSION OF PROPERTY)

***Past Behavior:** The Replevin action is filed in person or by mail with the Clerk of Courts. This package may contain the Complaint, Case Information Sheet, Notice of Hearing, Request for Hearing, Motion for Order of Possession, Proposed Order Granting Order of Possession, and Instructions for Service. The Notice of Hearing is left blank and the hearing date is filled in by the Clerk of Court for Friday at 1:30 P.M. 3 weeks from the date of filing. The Request for Hearing is stapled behind the Notice of Hearing (without a time stamp).*

***New Behavior:** The filer will file the Replevin action electronically. The filer should use the following document category and document types (additional documents can be added – this is minimum needed):*

- **Category:** Complaint and Initiating Docs.
- **Document Type:** Complaint
- **Document Type:** Notice: Replevin Hearing with Attached Request for Hearing (with the date already filled in)
- **Document Type:** Motion: Possession
- **Document Type:** Order: Possession (Proposed) * does not need to be filed at time of case initiation but it can be if desired
- **Document Type:** Replevin Instructions for Service (Serve 2 copies of Notice)
- **Additional Text:** (Please continue adding additional information from pleading)

The Notice of Hearing must include the hearing date and time in the document. Replevin hearings are set for Fridays at 1:30 p.m. – usually 3 weeks from the filing date. If needed, the filer can call the Magistrate’s office at 937-225-4168 to inquire about the hearing date.

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FORCIBLE ENTRY ACTIONS (EVICTIONS)

***Past Behavior:** The Forcible Entry action is filed in person or by mail with the Clerk of Courts. This package may contain the Complaint, Case Information Sheet, Notice of Hearing, and Instructions for Service. The Notice of Hearing is left blank and the hearing date is filled in by the Clerk of Court for Friday at 1:30 P.M. 3 weeks from the date of filing.*

***New Behavior:** The filer will file the Forcible Entry action electronically. The filer should use the following document category and document types (additional documents can be added – this is minimum needed):*

- **Category:** Complaint and Initiating Docs.
- **Document Type:** Complaint
- **Document Type:** Notice: Hearing (with the date already filled in)
- **Document Type:** Instructions for Service
- **Additional Text:** (Please continue adding additional information from pleading)

The Notice of Hearing must include the hearing date and time in the document. Forcible Entry hearings are set for Fridays at 1:30 p.m. – usually 3 weeks from the filing date. If needed, the filer can call the Magistrate’s office at 937-225-4168 to inquire about the hearing date.

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SEALING (RESTRICT ACCESS) OF DOCUMENTS

***Past Behavior:** The filer would only be able to file documents under seal based upon a Court Order. The filer would deliver the document to the Clerk’s office in a sealed manila envelope. The front of the envelope contained a face page for the pleading that was being filed. The Clerk of Courts would time stamp the face sheet on the envelope along with the copies provided by the attorney for service. The pleading was docketed as being filed under seal then stored in a locked location until requested by the Court.*

***New Behavior:** Documents to be filed under seal (NKA RESTRICTED ACCESS) shall only be filed upon Order of the Court. The Order to Restrict Access must declare the level of access. The documents will not be accepted for filing until the specific level of access is made clear.*

- **No Remote Access by Public (PRO) – Access by Judge, Court Staff, Clerk Staff, Attorneys of Record, and Direct Access by Public:**
 - No access to documents via Clerk of Courts Public Records Online System (PRO). The docket and access to documents will be available through the Court’s authorized electronic filing system but only the docket is available through the PRO system. Public access to documents is only available at the Clerk’s Office.
- **No Remote or Direct Access by Public – Access by Judge, Court Staff, Clerk Staff, and Attorneys of Record:**
 - The docket and access to documents will be available through the Court’s authorized electronic filing system but only the docket is available through the PRO system. There is no public access to the documents via the PRO System or at the Clerk’s Office.
- **Judge Access Only – No access by Court Staff, Clerk Staff, Attorneys of Record or the Public:**
 - The docket will be available through the Court’s authorized electronic filing system and the PRO System but access to the documents is limited to the assigned judge.

The Clerk of Courts shall not accept any documents to be filed under seal unless there is a previously signed protective order or order authorizing that a document be filed under seal and that order designates a level of access. If a protective order or order authorizing that a document be filed under seal does not include a designated level of access, the filer will be required to file a proposed order designating a specific level of access for the protective order or the order to seal. The Clerk of Courts will accept the documents to be filed under seal once an order is filed designating a specific level of access.

How to file a Restricted document:

No Remote Access by Public (PRO) – Access by Judge, Court Staff, Clerk Staff, Attorneys of Record, and Direct Access by Public:

If a protective order or an order to seal authorizes documents to be filed with the designated level of access of “**No Remote Access by Public (PRO)**,” the documents shall be filed electronically through the Court’s authorized electronic filing system.

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In the electronic filing system, the Filer should choose one of the following document types:

- Document Category: Other Documents
- Document Type: No PRO Access Pleading
 - “No PRO Access Pleadings” should be filed in a PDF format.

- Document Category: Motions
- Document Type: No PRO Access Motion
 - “No PRO Access Motions” should be filed in a PDF format.

- Document Category: Orders (Proposed)
- Document Type: No PRO Access Order (Proposed)
 - “No PRO Access Orders (Proposed) should be filed in word or word perfect format

NOTE: These document types should be selected when filing a motion, pleading, or Order that needs to be restricted from the Montgomery County Clerk of Courts Public Records Online System.

No Remote or Direct Access by Public – Access by Judge, Court Staff, Clerk Staff, and Attorneys of Record:

If a protective order or an order to seal authorizes documents to be filed with the designated level of access of “No Public Access”, the documents shall be filed electronically through the Court’s authorized electronic filing system.

In the electronic filing system, the Filer should choose one of the following document types:

- Document Category: Other Documents
- Document Type: No Public Access Pleading
 - “No Public Access Pleadings” should be filed in a PDF format.

- Document Category: Motions
- Document Type: No Public Access Motion
 - “No Public Access Motions” should be filed in a PDF format.

- Document Category: Orders (Proposed)
- Document Type: No Public Access Order (Proposed)
 - “No Public Access Orders (Proposed) should be filed in word or word perfect format

NOTE: These document types should be selected when filing a motion, pleading, or Order that needs to be restricted from the Montgomery County Clerk of Courts Public Records Online System AND direct access by the Public at the Montgomery County Clerk of Courts Office.

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Judge Access Only – No access by Court Staff, Clerk Staff, Attorneys of Record or the Public:

If a protective order or an order to seal authorizes documents to be filed with the designated level of access of “Judge Access Only,” the documents shall be filed in paper format.

- The document shall be submitted to the Clerk’s Office for filing in a securely sealed envelope.
- A caption cover sheet will be affixed to the front of the envelope indicating that this particular document is under seal – For Judge Access Only. The cover sheet will also include the case caption, a descriptive title of the document, unless such information has been included with what needs to be sealed, and the date of the order permitting the item to be sealed.
 - i.e., “Motion for Summary Judgment filed under Seal – Judge Access Only pursuant to protective order filed on November 1, 2010.”
- The Clerk’s Office shall file stamp the affixed cover sheet, enter on the docket that the document was filed under seal with “Judge Access Only,” and retain the envelope in the Clerk’s Office.
- Once the docket entry is entered on the docket, the Court’s authorized efile system will send a Notice of Electronic Filing (NEF) that a document with Judge Access only has been filed.
- The docket entry will be visible through the Court’s authorized electronic filing system and the Clerks PRO system, but the document will not be viewable on either site. There will be no link to the document in the NEF.

NOTE: Since the document is sealed to everyone except the assigned judge, the filing party or attorney of record is required to serve paper copies of the sealed document on all parties in the case.

Documents Submitted for *In Camera* Review:

- If documents submitted for *in camera* review are to be filed with the Clerk’s Office per assigned judge, the filer shall file the documents the same as a document filed under seal with the designated level of “Judge Access Only” as outlined above.
- Otherwise, all documents for *in camera* review should be submitted to the assigned judge and not filed with the Clerk’s Office.

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FILING OF WRITTEN DEPOSITION TRANSCRIPTS AND TRANSCRIPT OF PROCEEDINGS

***Past Behavior:** The Notice of Filing Deposition(s), the Certificate of Compliance, and the Written Deposition(s) were delivered to the Clerk of Courts to be filed (either by the attorney or by the court reporter). The Videotape Deposition(s) were filed with the Clerk of Courts, usually at the same time as the Written Deposition.*

New Behavior:** The attorney must file the Notice of Filing Deposition(s), Certificate of Compliance, and the Written Deposition Transcript(s) through the Court's e-Filing system. **VIDEOTAPE DEPOSITIONS DO NOT GET FILED WITH THE CLERK OF COURT. THEY MUST BE DELIVERED TO THE COURT 3 DAYS BEFORE TRIAL.

- ❖ The transcript must be filed in a PDF format.
- ❖ The PDF document cannot be an encrypted secured document.
- ❖ A scanned copy of the transcript that has been converted to a PDF will not be accepted for filing.
- ❖ Scanned images of exhibits are acceptable.

The following documents must be filed along with the Written Deposition Transcript:

- Notice of Filing Deposition – *(this document **MUST** include the certification as to the true record from the officer who took the deposition)*
- Certificate of Filing Deposition
- Written Deposition Transcript

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In the event that the transcript, attachments and/or exhibits exceed the maximum document size of 10 megabytes, the attorney shall attempt to reduce the document size either by using a lower resolution for scanned exhibits and/or by splitting the PDF document into multiple files. The submission would be as follows:

- **Document Category:** Trial and Hearing Documents
- **Document Type:** Notice of Filing Deposition
 - Addition Text: *of Nurse XYZ*
- **Document Type:** Certificate of Filing Deposition
 - Addition Text: *to be used in trial*
- **Document Type:** Written Deposition Transcript (this is your lead document)
 - Addition Text: *of Nurse XYZ (pages 1-200)*
- **Document Type:** Attachment (*make sure to select Written Deposition of Nurse XYX as the document you wish to have this attachment grouped with*)
 - Addition Text: *pages 201-400 of Nurse XYZ*
- **Document Type:** Attachment (*make sure to select Written Deposition of Nurse XYX as the document you wish to have this attachment grouped with*)
 - Addition Text: *pages 401-653 of Nurse XYZ*

Home ⇒ Existing Case ⇒ Add a Document

Case Number : 2009 CV 05384 Case Title : ABC BANK vs JOHN SMITH

Case Type : Civil

Document Category

Document Type *

AdditionalText *

Emergency

Document Location

Add to Submission

Document Name	View Document	Edit Data	Size	Pg Count	Remove
Modify Party Information	Form.xml		0.01 MB		
Notice: Filing Deposition OF DR. ABC	NOTICE.pdf		0.02 MB	2	
Notice: Filing Deposition OF NURSE XYZ	NOTICE_A.pdf		0.02 MB	2	
Certificate of Compliance: DEPOSITIONS TO USED IN TRIAL	CERTIFICATE OF COMPLIANCE.pdf		0.01 MB	2	
Written Deposition OF DR. ABC	WRITTEN DEPOSITION.pdf		0.02 MB	3	
Written Deposition OF NURSE XYZ PAGES 1-200	WRITTEN DEPOSITION_A.pdf		0.02 MB	3	
- Attachment DEPOSITION OF NURSE XYZ PAGES 201-400	WRITTEN DEPOSITION PAGES 201-400.pdf		0.02 MB	1	
- Attachment DEPOSITION OF NURSE XYZ PAGES 401-653	WRITTEN DEPOSITION PAGES 401-653.pdf		0.02 MB	1	
Total Size:			0.11 MB		

In the event the attorney is not able to reduce the size of the PDF files so that they may be uploaded to the Court's authorized electronic filing system, the attorney must submit to the Clerk's Office a CD-Rom containing the transcript and all exhibits in PDF format.

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Pursuant to Sup. R. 45 (D), the attorney of record shall omit or redact all personal identifiers from the written transcripts and all exhibits prior to filing the transcript. Personal identifiers include social security numbers, except for the last four digits; financial account numbers, employer and employee identification numbers and a juvenile's name in an abuse, neglect, or dependency case.

Only the Clerk and the Court will have access to the time stamped version of the written deposition transcript. Any party or attorney of record on the case shall forward all requests for copies of a transcript to the officer who took the depositions.

All written deposition transcripts shall be filed in accordance with Local Rule 1.27, Local Rule 2.09, Civil Rule 30, Civil Rule 31, and Civil Rule 32.