# PROBATE COURT OF CUYAHOGA COUNTY, OHIO ANTHONY J. RUSSO, PRESIDING JUDGE LAURA J. GALLAGHER, JUDGE

# **ADVERSARIAL (ADV) FILING GUIDELINES FOR E-FILE**

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Updated 09/25/23

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# **E-File Document Preparation & Information**

# Available Types of Filings

All civil adversarial case types and pleadings are available for E-File.

Exceptions: Notice of Appeal must be filed in person in room 115 – Quality Assurance Department. Requests to Reduct or Requests to Seal records must be filed in person in room 119 – Clerks Office.

<u>Not covered in this guide</u>: *Petitions for Adult Protective Services* and for *Land Appropriations*. See separate guide for *Land Appropriations*.

# Forms for Civil Adversarial Filings

Forms for civil adversarial cases are generally prepared by attorneys and other legal professionals.

However, the Probate Court web pages include a select number of edit-ready probate forms for Land Sales, Service of Summons, and other documents accepted by the Court for civil proceedings.

Navigate to the website forms, here: <u>Forms>Adversarial Forms</u> Web address: <u>https://probate.cuyahogacounty.us/advforms.aspx</u>

# **Document Preparation and Signatures**

Forms downloaded from the Court's web pages are fillable PDFs and **MUST be typed** complete with signatures. Handwritten forms will not be accepted.

Signatures on forms and pleadings may be submitted in the following ways:

- 1) As an ink signature, the signed document then converted to a scanned PDF copy, or
- 2) As an E-Signature, formatted by typing /S/ in front of the typed name on signature lines, or
- 3) As an electronically signed or captured signature using software with audit tracking capability (e.g., DocuSign, RightSignature, Adobe Sign).

Note: The audit track is not required with submission for forms or pleadings but must be presented if requested by a hearing officer reviewing the document.

Exception: Waivers may NOT be submitted using the E-Signature format. See Service (page 16) for preparation of Waivers of Service of Summons or Notice.

# Filing Date and Time of Electronically Filed Documents

Documents may be submitted to the Court twenty-four (24) hours a day, seven (7) days a week.

Any document submitted after 4:15 p.m., shall be deemed to have been submitted at 8:30 a.m. on the next Court business day and in pending status for review by Court staff. Documents will not be considered filed until reviewed and accepted by Court staff.

Any document filed on a Saturday, Sunday, or legal holiday shall be deemed to have been submitted at 8:30 a.m. on the next Court business day and will follow the same review process outlined above.

### All submissions are considered pending until reviewed and accepted by the E-File Department and Court staff and will not be considered filed for the record until accepted.

All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.

# **Submission of Electronically Filed Documents**

### Documents submitted electronically will not be considered filed until accepted by the Court.

Upon submission from the Payment Screen, the E-File System will issue a confirmation page which serves as proof of submission and receipt of the documents. The confirmation shall include a confirmation number and the date and time of receipt.

Documents remain in a pending review status until accepted for filing or rejected for corrections.

After submission and review, the E-File System will send notice of acceptance or rejection of filings to the user's registered email address. Rejected filings will identify corrections needed to specific documents (e.g., missing signature, incomplete forms, poor image quality, etc.) in the email.

## **Acceptance of Electronically Filed Documents**

Review of submitted documents is performed during the hours of 8:30 a.m. to 4:15 p.m., Monday through Friday, excepting legal holidays. Documents remain in a pending review status until accepted for filing or rejected for corrections.

Patrons are strongly encouraged to submit time-sensitive filings days in advance of deadlines. E-File submissions are reviewed in the order in which they are received. Patrons may use the *Note to Clerk* field for particularly time-sensitive individual submissions or call the E-File Help Desk for a status update on a pending submission.

Docket images are available for public display after seven business days from the filing date.

Accepted documents will display on the Court's web docket with an appended electronic stamp. The electronic stamp will contain the date and time the document was accepted as an official document of record with the Court.

# **Create a New Adversarial Case**

# Login and File Setup

Log in to <u>efiling.probate.cuyahogacounty.us</u> with your **Login ID** (Email Address) and **Password**.

At the Wel	come scree	n, go to the	E-Filing	tab and sel	ect File A Ne	w Case.
(	* Clange Countil	CUY	TE COURT	<u>test only</u> 🗞 <u>logout</u> 🖉		
	Home	My Cases	E-Filing	Payment History	Help	
			My E-Filings			
	Welcome to the C	uyahoga County Pr	File A New Case	nic Filing System G	Fateway	
	UPDATE: As o	f 8/20/19, new Guard	File On An Existing Case	able for E-File:		

From the Case Category dropdown, select ADVERSARIAL.

From the **Type of Filing** dropdown, select the appropriate Complaint/Petition.

**Case Title** – Enter the full name of the Plaintiff (individual or company).

Home	My Cases	E-Filing	Payment History	Help	
File a New Case <u>Ca</u>	se Setup 🕨 Case Party	y Þ Documents 🕨	Review Þ Payment	Confirmation	
NEW CASE FIL	ING				
Enter the New Ca to the next screen	se Information below. W	Vhen you are finished er	itering the data please c	lick the [Save and Proce	eed] button to continue
	Case Case Case Case Case Case Case Case	ategory ADVERSARIAL			
	Туре о	f Filing Select a Filin	g Type	6	
	Ca	se Title COMPLAINT T	O INVEST OR MORTGAG	GE	
	Note t	o Clerk COMPLAINT F	OR BREACH OF FIDUCI/ OR CONSTRUCTION OF	ARY DUTIES	(max 500 characters)
		COMPLAINT F	OR DISTRIBUTION (CRE	DITOR BILL)	

Note to Clerk (optional) – Use this field to list related cases or other brief notes.

When finished, click Save and Proceed to advance to the ADD PARTY MEMBERS screen.

## Add Parties

Add Plaintiff(s) and Defendant(s) party roles (matching names and addresses on your pleading).

Use the following guidelines for adding parties with incomplete names and/or addresses.

For parties with Unknown/Incomplete Names	Enter any relevant information to the Last Name	
	field. (E.g., "Unknown Brother of John Doe" should	
	appear entirely in the Last Name field.)	
For Unknown Parties (with no address)	Enter "Unknown" in the Last Name field.	
	Then select the Unknown Address check-box.	
For named parties with Unknown Address	Enter First/Middle/Last names in the fields.	
	Then select the Unknown Address check-box.	

An Affidavit for Service by Publication and Request for Service is required for parties with incomplete or unknown names/addresses.

### See p.16 for Service instructions.

ADD PARTY MEMBEI	CRS	
Enter the Party Information of party members this way	ion. Click the [Add This Party] button to add the party member to the filing. You can add an unli ay. When you are finished click the [Save and Proceed] button below the party role review section	mited number on.
Case Party Role	e Select Party Role V 🗌 I am representing this	s party member
	● Person ○ Company	
Prefix	Prefix	
First Name	Check Boy	
Middle Name		<b>`</b>
Last Name		
Suffix	Suffix V	
Date of Birth	Date of Death	
Phone Type	Alias Entry e Phone Type >>> Phone Number (	
Copy Address	s Select Address V	
	Foreign Address Unknown Address	
Address Type	e Select Address Type V	
Address Line 1	1	
Address Line 2	2	
City	y	
State	e Select State V Zip Code	
Save Party		

Click **Save Party** after each Plaintiff or Defendant you add.

Ensure all party names and addresses match the information on your complaint/petition. When finished, click **Save and Proceed** to advance to the **ADD DOCUMENTS** screen.

# Add Documents

Select your **Petition or Complaint** type from the menu.

Then Browse to locate and upload your documents stored on your computer.

Enter the Number of Pages in your uploaded file, then Add This Document.

- Label Exhibits and upload them as 1 file with your petition or complaint.
   \*Individual document size in excess of 20 MB will be rejected; no combination of documents may exceed 2GB.
   \*\*In some instances, the E-File clerk may request users to upload larger or multiple Exhibits separately
- Upload Waivers separately for each party. DO NOT ATTACH WAIVERS AS EXHIBITS.
- Upload Instructions for Service requests separately using the Court's form.
   Affidavit for Service by Publication and Instructions for Service are required for any parties with incomplete or unknown names and/or addresses.
- Upload any other documents using the available selections from the dropdown menu.
   Not sure how your pleading should be attached? Call our Help Desk at (216) 443-8948.

ADD DOCUMENTS							
Please attach any PDF format documents to support your filing. Click the [Browse] button to open a navigation window. Then navigate to and select your PDF document and click [Add This Document]. When you are finished click the [Save and Proceed] button below the Document Review section.							
Document COMPLAINT FOR CONCEALMENT OF ASSETS							
Number of Pages (max 9999)	Open						×
Add This Document	$\leftarrow \rightarrow \lor \uparrow \blacksquare Ad$	lobe Acrobat Documents		~ Ū	Search Adobe Acrob	oat Docu	<u>م</u>
	This PC	der 🔨	Name		B== Date modified	Туре	^
DOCUMENT REVIEW	3D Objects		Concealment of Assets.pdf		3/5/2019 10:20 AM	Adobe /	Acro

Use the **DOCUMENT REVIEW** (bottom of screen) to View or **Remove** your attachments.

When finished, click Save and Proceed to advance to the FILING REVIEW screen.

# Filing Review

On the **FILING REVIEW** screen, check that your typed information and attached documents are correct and ready for payment.

(Added names and addresses should exactly match parties as listed in the complaint.)

(Select **EDIT** to make changes.)

Home My Cases E-Filing Pa	ayment History Help	
· · · · ·		
File a New Case Case Setup 🍺 Case Party	2 Documents Review Payment Confirmation Co	nf. # 2351
FILING REVIEW		EDIT
Below is a summary of the E-Filing data you h heading. If the data below is correct click the	have entered. To modify any of the data please use the navigation links above or the [Edit] links to the right of each [Save and Proceed] button to continue.	1
Case Category: ADVERSARIAL Type of Filing: PETITION TO DETERMIN	INE HEIRS	
PARTY ROLE REVIEW		
DEFENDANT: 1 New Party	HUCK FINN 1 MAIN ST CLEVELAND, OH 44113 (216) 443 - 8948	
PLAINTIFF: 1 New Party 0	(REPRESENTED BY ONLY (1210121)) TOM SAWYER 1 MAIN ST CLEVELAND, OH 44113 (216) 443 - 8948	
DOCUMENT REVIEW		EDIT
Dookot	Pagar Eila Nama	
PETITION TO DETERMINE HEIRS	2 Petition to Determine Heirs.pdf	
AFFIDAVIT FOR SERVICE BY PUBL	SLICATION FILED. 1 Affidavit.pdf	
WAIVER OF SUMMONS ONLY FILE	ED 1 Waiver of Summons.pdf	
SUPPLEMENTAL DOCUMENTS FIL	LED 1 Supplemental Documents.pdf	
	Save and P	roceed

When ready, select **Save and Proceed** to access the **PAYMENT** screen.

# **Payment and Submission**

At the **PAYMENT** screen: Select to file **On Behalf of** yourself or the party you represent. Enter your payment and billing information.

• Credit/debit card payment information MUST match the login user name.

Third party payments without an attorney *E-Firm Account* or prior written approval by the E-File Department will be rejected. Register your firm for an E-Firm Account with this link.

	ourt.		
An additional convenience fee will be o statement. The convenience fee is non-r	harged by Point and Pay for elect efundable outside of the same but	ronic payment. This will appear as a s siness day your electronic filing is acc	separate charge on your cepted.
The name on the credit/debit card MUS	T match the Registered Account I	Name. Third party payments will NO	T be accepted.
Filing Charges	\$250.00		
Convenience Fee	\$6.95		
Total Deposit Required	\$256.95		
On Pahalf of TOM SAW			
On Benan or: TOM SAW		~	
Payment Type  • Credit (	Card OD	Debit Card	
Bill To			
First Name	Last Name	Suffix Select V	
Address Line 1			
Line 2			Tip: After submissio
City			filings connet be edit
•		n	I mings cannot be edite
State Select St		P	
State Select St Card Number	(without dashes or s	paces)	However, they can be
State Select St Card Number Expiration (Month/Year) JAN / CSV/CID Cado / (A)	(without dashes or s	paces)	However, they can be <b>Canceled</b> any time
State Select St Card Number Expiration (Month/Year) JAN / CSV/CID Code (AM	(without dashes or s) (without dashes or s) ( ( K 4 digits on front, all others 3 dig	paces) gits on back of card)	However, they can be Canceled any time
State Select St Card Number Expiration (Month/Year) JAN / CSV/CID Code (AM	(without dashes or s) (without dashes or s) ( K 4 digits on front, all others 3 dig	paces) gits on back of card)	However, they can be Canceled any time prior to acceptance of the My Filings tob

Click Submit Filing and print the **Confirmation** page for your records.

You will receive an email from the Court indicating your filing has been Accepted or Rejected.

If the filing is **Rejected**, you will receive notification of the reason for rejection by email. Corrected filings may be resubmitted within 72 hours. If you do not correct the rejected filing within 72 hours, you must file a new case.

Contact the Help Desk for questions: probate\_efile@cuyahogacounty.us.

# Filing on an Existing Adversarial Case

# Login and File Setup

Log in to efiling.probate.cuyahogacounty.us with your Login ID (Email Address) and Password.

From the Welcome screen, go to the				o the	E-Filing	tab and select File On An Existing Case
_						
	Home	My Cases	E-Filing	Payment Histor	y Help	
			My E-Filings File A New (	Case	./	
	Welco	ome to th	File On An E Cuyan	Existing Case	ity Probat	te Court Electronic Filing System Gateway

Search your existing case by **Case Number** or search by **Party** name.

*Tip*: Broaden your results with partial searches, e.g. If you don't know the Case Year, search by Case Number only. See example below for Case Number **2017 ADV 225894**.

*Tip*: Party names can be searched using the Person or Company radio buttons.

Home Case Search
Message for Monday, July 31, 2017
Please be aware that all historical marriage information is designated with a year of 1900. However, that is not the year of the marriage. The record will provide you with the journal and page number. You can then come down to the court to get more information.
If you are searching for a historical non marriage case filed prior to 1975, please contact the Court at pccpc@cuyahogacounty.us or call (216) 443-8764 or (216) 443-8792.
Please be aware that this site may not be fully functional on some mobile devices and/or tablets.
Search by Case
Case Year:
Case Category: <pre></pre> <pr< td=""></pr<>
Case Number: 225894
Search by Party
Party Type: O Person O Company Company Name: Suffix: Select Suffix> Development Party Role: Select Party Role> Case Year: Case Category: Search By Party

Search Results will display in a new window. Click on the <u>Highlighted Name</u> of your case.

Tobate Collin * 0	Judge Anthony J. Russo, Presiding Judge Judge Laura J. Gallagher CUYAHOGA COUNTY PROBATE COURT					
Home New Search Modify Search						
Search Results						
Name	Case Number	Address	Role	Alias		
NORTHCOAST DEVELOPMENT	2017ADV225894	1 WEST RIVER ROAD	PLAINTIFF			

The **Case Summary** displays case information, with options to E-File or Print. Select the green 'E' icon to file on the existing case.

Home New Search Modify Search Case Su	lge Anthony J. Russo, Presiding Judge Laura J. Gallagher JYAHOGA COUNTY PROBATE C nmary Costs Docket Events Parties	From the Case Summary screen, click on the
Case Number: Case Title:	2017ADV225894 THE ADVERSARIAL CASE OF NORTHCOAST DEVELOPMENT Case Tools	
Case Type: Filing Date: Judge: Case Status: Status Date:	APPROPRIATION MONDAY, JULY 31, 2017 LAURA J GALLAGHER OPEN MONDAY, JULY 31, 2017	<i>Tip</i> : If you've filed on this case before, you can also access the case from your E-File login home page, under <b>MY OPEN CASES</b> .

The ADD PARTIES screen will open to ADD new parties or CLAIM existing parties for filing.

# Add Parties

The **ADD PARTIES** screen permits you to add or claim parties for the filing:

As F	Pro Se
To <b>ADD</b> yourself as a new party	Complete all fields; click SAVE PARTY
To <b>CLAIM</b> yourself as an existing party	Click CLAIM PARTY next to your name

As an At	torney
To <b>ADD</b> the party you represent	Complete all fields; click SAVE PARTY
To <b>CLAIM</b> an existing party to represent	Click <b>CLAIM PARTY</b> next to the party's name
If your party is already represented and claimed (Your name highlighted above their name)	Click SAVE and PROCEED to move directly to ADD DOCUMENTS

When you have added or claimed all parties for your filing, click Save and Proceed

	STOP!
If you are NOT listed as a Party on the case (but think you should be)	Contact the E-File Help Desk at <b>(216) 443-8948</b> for assistance

## **Add Documents**

Select your **Document** type.

Then Browse to locate your documents stored on your computer.

Enter the **Number of Pages** in your uploaded file.

Home My Caser E-Filing Pay	ment History Help				
File on an Existing Case Case Party Docum	nerts 🇭 Review 🇭 Paym	ent 🗭 Confirmation			Conf. # 932
ADD DOCUMENTS					
Please attach any PDF format documents to su document and click (Add This Document). Whe	pport your filing. Click the (Brow n you are finished click the [Sav	rse] button to open a navigation window. Then navig a and Proceed) button below the Document Review	ate to and section.	select your	PDF
Document MOTION TO SERVE	BY ORDINARY MAIL FILED				
Document Location Browse	DT ORDINART MALEFILED	<u> </u>			
Number of Pages 3 (mar 2999)	Open				
	+ + - « O	\pc > Adobe Acrobat Documents	v Ö	Search Ad	sobe Acrobat Docu
Add This Document	One in the				2-1
	Organize • Ivew foid	ie:		01	fine • 11
	This PC	Name	Date mo	dified	Туре
DOCUMENT REVIEW	Desktop	Motion to Serve by Ordinary Mail	5/3/2017	8:40 AM	Adobe Acrobat D
	Documents	Application For Order to Disinter Remain	4/27/201	7 10:56 AM	Adobe Acrobat 0
No documents to list.	Downloads	CommissionersReport_New Form_2017-0	3/22/201	7 12:56 PM	Adobe Acrobat D
	Music	Attorney Copy Address E-Notice Request	2/15/201	78:18 AM	Adobe Acrobat 0
	Dicturer	Application For Attorney Fees_2017-02-14	2/8/2017	3:04 PM	Adobe Acrobat D
	PRIVES	Joint Declaration of Birth_MTS	1/10/201	7932 AM	Adobe Acrobat D

Click Add This Document and continue to add other documents as needed.

• Attorney Notice of Appearance - whenever necessary, attach a Notice of Appearance as a separate file. Filings listing attorneys who have not given prior notice of appearance may be rejected. Include an ink or E-Signature for each attorney listed.

When finished, click Save and Proceed to advance to the EXISTING CASE FILING REVIEW.

### **Filing Review**

On the **EXISTING CASE FILING REVIEW** screen, check that you have filed on the correct case, and that your typed information and attached documents are correct and ready for payment.

(Added names and addresses should exactly match parties as listed in the complaint/petition.)

(Select **EDIT** to make changes.)

EXIS	TING CASE FIL	ING REVIEW	
Below headin Case	is a summary of the E-Filing g. if the data below is correc Conf. #: 932 e Number: 2017ADV22569- Case Title: THE ADVERSAI ase Filed: 7/31/2017 Judge: GALLAGHER/J	data you have entered. To modify any of the data please use the navigation links above or th t click the [Save and Proceed] button to continue. 4 RIAL CASE OF NORTHCOAST DEVELOPMENT AURA/J	e [Edil] links to the right of each
FILIN	IG REVIEW		EDIT
Filin	g Attorney: ONLY/TE ocket Type: MOTION TO	ST/ D SERVE BY ORDINARY MAIL FILED	
	DEFENDANT:	EDISON'S BARBECUE 10 MILL STREET CLEVELAND, OH 44113 (210) 456 - 7890	
	PLAINTIFF:	(REPRESENTED BY ONLY (1011710)) NORTHCOAST DEVELOPMENT 1 WEST RIVER ROAD SUITE 1 CLEVELAND. OH 44111 (216) 123 - 4567	
DOCI	Docket	VV Pages File Name	

When ready, select **Save and Proceed** to access the **PAYMENT** screen.

# **Payment and Submission**

At the **PAYMENT** screen: Select to file **On Behalf of** yourself or the party you represent. Enter your payment and billing information.

• Credit/debit card payment information MUST match the login user name.

Third party payments without an attorney *E-Firm Account* or prior written approval by the E-File Department will be rejected. Register your firm for an E-Firm Account with this link.

amount shown on the Total Dep filing has been accepted by the 0	information below to authorize payment. Your ca osit Required line while your filing is under revie Court.	ard will be confirmed for the ew and charged only after your
An additional convenience fee will be statement. The convenience fee is non	charged by Point and Pay for electronic payment. This wi -refundable outside of the same business day your electror	ll appear as a separate charge on your nic filing is accepted.
The name on the credit/debit card MU	ST match the Registered Account Name. Third party payn	nents will NOT be accepted.
Filing Charges	\$250.00	
Convenience Fee	\$6.95	
Total Deposit Required	\$256.95	
On Behalf of: NORTHC Payment Type  Credit	Card OBbit Card	
On Behalf of: NORTHC Payment Type @ Credit Bill To First Name	Card Obebit Card Last Name Suffix	Select V
On Behalf of: NORTHC Payment Type  Credit Bill To First Name Address Line 1	Card Obbit Card Debit Card Last Name Suffix	Select ~
On Behalf of: NORTHC Payment Type  Credit Bill To First Name Address Line 1 Line 2	OAST DEVELOPMENT (PLAINTIFF)	Select \/
On Behalf of: NORTHC Payment Type  Credit Bill To First Name Address Line 1 Line 2 City	Card Obebit Card I Last Name Suffix	- Select V Tip: After submission
On Behalf of: NORTHC Payment Type  Credit Bill To First Name Address Line 1 Line 2 City State - Select 3	OAST DEVELOPMENT (PLAINTIFF)  Card  Debit Card Last Name Suffix	Select ✓ <b>Tip</b> : After submission filings cannot be edite
On Behalf of: NORTHC Payment Type  Credit Bill To First Name Address Line 1 Line 2 City State - Select 5 Card Number Expiration (Month/Kear)	OAST DEVELOPMENT (PLAINTIFF)	<i>Tip</i> : After submission filings cannot be edite. However, they can be
On Behaif of: NORTHC Payment Type  Credit Bill To First Name Address Line 1 Line 2 City State Select S Card Number Expiration (Month/Year) JAN CSV/CID Code (A)	OAST DEVELOPMENT (PLAINTIFF) Card O Debit Card Last Name Suffix State Zip (without dashes or spaces) /	<i>Tip</i> : After submission filings cannot be edite However, they can be <b>Canceled</b> any time
On Behalf of: NORTHC Payment Type  Credit Bill To First Name Address Line 1 Line 2 City State Select S Card Number Expiration (Month/Year) JAN V CSV/CID Code (AM	OAST DEVELOPMENT (PLAINTIFF) Card Debit Card Last Name Suffix State Zip (without dashes or spaces) / IX 4 digits on front, all others 3 digits on back of card)	<i>Tip</i> : After submission filings cannot be edite However, they can be <b>Canceled</b> any time
On Behalf of: NORTHC Payment Type   Credit Bill To First Name Address Line 1 Line 2 City State Select S Card Number Expiration (Month/Year) JAN ~ CSV/CID Code (AN	OAST DEVELOPMENT (PLAINTIFF)	<i>Tip</i> : After submission filings cannot be edite However, they can be <b>Canceled</b> any time prior to acceptance of

Click **Submit Filing** and print the **Confirmation** page for your records.

You will receive an email from the Court indicating your filing has been Accepted or Rejected.

If the filing is **Rejected**, you will receive notification of the reason for rejection by email. Corrected filings may be resubmitted within 72 hours. If you do not correct the rejected filing within 72 hours, you must file a new case.

Contact the Help Desk for questions: probate\_efile@cuyahogacounty.us.

# **Service**

# Service on New Cases and Initial Pleadings

Service copies of initial complaints/petitions will be printed and served by the Court. An *Instructions for Service* form is not required for initial pleadings but is preferred.

*Instructions for Service* is required for pleadings including parties with incomplete or unknown names and/or addresses and a request for service by publication. **See note below**.

\*Service to PO Box addresses is limited to USPS certified and ordinary mail. Court-issued sheriff service on *Citation to Produce Will* and *Concealment of Assets* actions cannot include PO Box addresses.

# **Requests for Service by Publication**

If publication is required, file an <u>Affidavit for Unknown Heirs</u> and/or <u>Affidavit for Unknown Addresses</u> and note your request for service by publication on the <u>Instructions for Service form</u>.

Upload the *Instructions* form using code "Request for Service" on the ADD DOCUMENTS screen. Upload the Affidavits separately using the codes available in the drop-down menu.

# Preparation and Submission of Waivers with Initial Pleadings

Waivers for civil complaints may be submitted to E-File using the following methods:

- 1) As scanned PDF copies with original ink signatures, or
- 2) As electronically signed PDF copies, using signature capture software which includes audit tracking capability (e.g., DocuSign RightSignature, Adobe Sign).

Submit electronically signed waivers and attach to each its audit track in the same PDF file, behind the waiver form.

<u>Waivers submitted without an audit track will be rejected.</u> Electronically signed waivers may be subject to further review by hearing officers.

Upload **Waivers of Summons** in the same confirmation submission with complaints, using either of the following codes on the ADD DOCUMENTS screen, as applicable:

- Waiver of Summons Only, or
- Waiver of Summons and Consent.

For service requests on existing cases (e.g., crossclaims filed with answers), see Next Page.

### **Service on Existing Cases**

The attorney of record or the serving party must serve every pleading subsequent to the original complaint pursuant to Civ. R. 5, except for pleadings asserting new or additional claims for relief or additional damages against a party in default. Parties in default for failure to appear must be served in the manner provided for service of summons in Civ. R. 4 through Civ. R. 4.6.

If an **Instructions for Service** is not provided with any pleading filed after the original complaint, the attorney of record or serving party must provide a **Certificate of Service** in compliance with Civ. R. 5(B)(4).

### Instructions for Service on Existing Cases

Use the *Instructions for Service* form and guidelines. Requests without instructions will be rejected.

Print a PDF copy of pleadings to serve from our Court electronic docket including the electronic "filed stamp" at bottom of page or displayed elsewhere on the copy.

Then upload this copy you intend to have served with the *Instructions* as the first page. Use code "Request for Service."

\*Service to PO Box addresses is limited to USPS certified and ordinary mail. Court-issued sheriff service on *Citation to Produce Will* and *Concealment of Assets* actions cannot include PO Box addresses.

#### Amended Complaints and Cross-Complaints

Attach a *Certificate of Service* to your pleading showing that service has been completed by the filing party.

If there is no *Certificate* attached or all defendants were not served, the filing party MUST attach a copy of the documents you intend the Court to serve with an *Instructions for Service* cover sheet instructing the Court who to serve and by what method.

If there is a New Party Defendant on an Amended Complaint, the filing party MUST file an Instructions for Service.

### Third-Party Complaints

The filing party MUST file an Instructions for Service instructing the Court.

#### Counterclaims

Pursuant to Civil Rule 5, service of counterclaims is the responsibility of the filing party.

# Preparation and Submission of Waivers for Existing Case Pleadings

Waivers for civil complaints may be submitted to E-File using the following methods:

- 1) As scanned PDF copies with original ink signatures, or
- 2) As electronically signed PDF copies, using signature capture software which includes audit tracking capability (e.g., DocuSign RightSignature, Adobe Sign).

Submit electronically signed waivers and attach to each its audit track in the same PDF file, behind the waiver form.

<u>Waivers submitted without an audit track will be rejected.</u> Electronically signed waivers may be subject to further review by hearing officers.

Upload **Waivers of Summons** with initial complaints or as soon as possible after the filing of the complaint, using either of the following codes on the ADD DOCUMENTS screen, as applicable:

- Waiver of Summons Only, or
- Waiver of Summons and Consent.

Upload Waivers of Notice of Hearing when applicable using the code available for that filing.

## **Requests for Service by Publication**

If publication is required, file an <u>Affidavit for Unknown Heirs</u> and/or <u>Affidavit for Unknown Addresses</u> and note your request for service by publication on the <u>Instructions for Service form</u>.

Upload the *Instructions* form using code "Request for Service" on the ADD DOCUMENTS screen. Upload the Affidavits separately using the codes available in the drop-down menu.

# **Proposed Orders**

At this time, proposed Orders may be submitted to the Court for consideration on available cases. Orders should be accompanied by a related pleading/motion/application or similar request.

- First, select the green 'E' icon to file on your existing case. (If you do not see the icon, E-Filed submissions are not available for that case.)
- Next, verify existing parties, or add your filing party on the Add Parties screen.
   Then proceed to the Add Documents screen.
- 3. Upload the pleading <u>without the order</u>, as its own PDF, using available document codes in the document menu. (Attorneys new to the case may need a separate Notice of Appearance.)

File on an Existing Case	Case Party 🏓 Documents 🏓 Review 🏓 Payment 🏓 Confirmation	<b>Conf.</b> # 22734
EXISTING CASE FIL	ING	
Case Number: 2021. Case Title: THE Case Filed: 02/11 Type: PETI Judge: RUSS	ADV255233 ADVERSARIAL CASE OF JIMMY CHAMBERLIN /2021 TION FOR APPROPRIATION SO/ANTHONY/J	
ADD DOCUMENTS Please attach any PDF to to and select your PDF Document Review sects	format documents to support your filing. Click the [Browse] button to open a navigati document and click [Add This Document]. When you are finished click the [Save and ion.	ion window. Then navigate d Proceed] button below the
Document	AFFIDAVIT	
Docket Document Location	EXHIBITS FINDINGS OF FACT AND CONCLUSIONS OF LAW SUBMITTED JURY DEMAND FILED	
Number of Pages	JURY INSTRUCTIONS FILED LAND SALE ON TRUST MEMORANDUM	
Add This Document	MOTION MOTION FOR ATTORNEY FEES MOTION FOR CONTINUANCE	
DOCUMENT DEVIE	MOTION FOR LEAVE TO PLEAD MOTION TO ADMIT EXEMPLIFIED COPY OF PROCEEDINGS TO RECORD	
DOCUMENT REVIE	MOTION TO COMPEL FILED	

4. Then upload the order as its own PDF using the code "Proposed Order" from the menu.

ADD DOCUMENTS			
Please attach any PDF f to and select your PDF Document Review sector	format documents to support your filing. Click the [Browse] button to a document and click [Add This Document]. When you are finished click on.	open a navigation k the [Save and P:	window. Then navigate roceed] button below the
Document	AFFIDAVIT	~	
Docket Document Location	NOTICE OF APPEARANCE NOTICE OF DEPOSITION FILED	^	
Number of Pages	NOTICE OF DISMISSAL NOTICE OF WAIVER OF SUMMONS NOTICE/MOTION OF WITHDRAWAL FILED.		
Add This Document	OBJECTIONS TO MAGISTRATE'S DECISION PETITION FOR APPROPRIATION PETITION FOR DECLARATORY JUDGEMENT PETITION FOR PRESUMPTION OF DEATH		
DOCUMENT REVIE	PETITION TO DETERMINE HEIRS PRAECIPE FOR SERVICE, FILED. PRELIMINARY JUDICIAL REPORT		
View Docket           Image: Motion Formation	PROPOSED ORDER REPLY FILED REPORT OF APPRAISER REPORT OF SALE FILED. SALE CONFIRMED REPORT OF TRUSTEE FOR SUIT REQUEST FOR FINDINGS OF FACT AND CONCLUSION OF LAW REQUEST FOR NONBINDING MEDIATION FILED		
	REQUEST FOR PRODUCTION OF DOCUMENTS	-	
			Save and Proceed

5. Verify the pleading and the order are uploaded at the bottom of the page. Then proceed to the Final Review and Payment Screens to submit with payment.

OCUN	IENT REVIEW			
Vie	v Docket	Pages	File Name	Remove
Q	MOTION FOR LEAVE TO PLEA	AD 1	$TEST\_MotionCont.pdf$	×
Q	PROPOSED ORDER	1	Test Proposed Order.pdf	×

# Agreed Judgment Order

Follow the same steps outlined for proposed orders with pleadings but skip step three (3).

# **Notifications**

Documents remain in a pending review status until accepted for filing or rejected for corrections.

After submission and review, the E-File System will send notice of acceptance or rejection of filings to the user's registered email address.

Accepted filings which included payment will include a PDF receipt attached to the email.

Rejected filings will identify corrections needed to specific documents (e.g., missing signature, incomplete forms, poor image quality, etc.) outlined in the email.

Corrected filings may be resubmitted within 72 hours by editing the existing confirmation number.

If you do not correct the rejected filing within 72 hours, you must file with a new confirmation number.

# **Contact**

Contact the E-File Department Help Desk, Room 123, for questions or assistance.

Phone: (216) 443-8948

Email: probate\_efile@cuyahogacounty.us