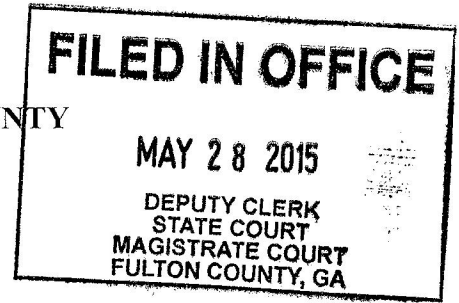


IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA



In re:)
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CERTAIN LITIGATION)
)
)
In the State Court of Fulton County)
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)
)

CIVIL ACTION ORDER 15EX000008

AMENDED ORDER MANDATING CIVIL CASES TO ELECTRONIC-FILING STATUS

1. APPLICATION OF ORDER. The Court, sua sponte, consolidates and designates the following case types to mandatory e-filing status, with the following effective date:

All Civil Cases- effective June 1, 2015.

All pleadings in the above cases must be e-filed pursuant to this Order and governed by this Order. Garnishment Answers by the Garnishee are not included and will be accepted in paper form. However, except as otherwise provided, no party will be permitted to file paper pleadings in any case.

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

2. DEFINITIONS. The following terms in this Order shall be defined as follows:
- A. Case Management System. The Court’s official case management and records management system. The Case Management System is Odyssey by Tyler Technologies and can be accessed at www.fultonstate.org.
 - B. Court. The State Court of Fulton County, Georgia.
 - C. E-Document. An electronic file of a document that has been scanned or converted to a graphical or image format (PDF).
 - D. E-File. Electronic transmission of an original document or pleading to the State Court via eFileGA, www.odysseyefilega.com.
 - E. E-Service. Electronic transmission of an original document or pleading to all designated recipients via eFileGA. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.

F. Original Complaint. An instrument that gives rise to a cause of action serving as an original or case initiating pleading.

G. Original Petition. An instrument that gives rise to a cause of action serving as an original or case initiating pleading.

H. Public Access Terminal. (“PAT”) A publicly accessible computer provided by the Court for the purposes of allowing E-Filing, E-Service and viewing of public Court records.

3. PUBLIC ACCESS TERMINAL. Public Access Terminals (PAT) will be located in the State Court of Fulton County Clerk's Office, 185 Central Ave., S.W., Room TG100, Atlanta, Georgia and the Court's Self-Help Center in Room TG300, or any other designated location at the Fulton County Courthouse. PATs will also be located at the Court's North and South Annexes. PATs will be connected to eFileGA and the Case Management System. PATs are available to any person to view public files via the Case Management System. Individuals may access the public files free of charge. The PATs are also available to E-File documents or pleadings on eFileGa free of charge. There may be charges for printed copies of documents accessed through the PAT.

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
- iii. Judges and their staff
- iv. Court administrative staff, including clerks, court reporters, and technical support staff
- v. Self-represented litigants
- vi. Other public users, including media representatives

B. Assignment by the Vendor of personal identification numbers. Upon receipt by the Vendor of a properly executed E-file Subscriber Agreement, the Vendor shall assign to the authorized user a confidential Personal Identification Number (PIN) to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents.

C. 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 designated counsel may file documents on behalf of the assigning

counsel. An attorney who knowingly authorizes or permits his or her username and/or password to be utilized by his/her staff is fully responsible for all transmissions, communications and notifications through eFileGA.

D. Change in Information. Registered users are required to update their contact information with eFileGA, including change in firm name, delivery address, fax number, telephone number and/or email address within ten (10) days of such change.

E. Self-Represented Litigants.

- i. If a Self-Represented Litigant does not have access to a computer to prepare an electronic file of his or her pleading or document, the litigant can file a paper copy of his or her pleading for free by coming to the Court and file the same using eFileGA at one of the PATs within the Court. Clerks will assist any filer if needed.
- ii. If a Self-Represented Litigant does not have an e-mail address, then the parties to the litigation must serve the Self-Represented Litigant via traditional mail or personal service. The Self-Represented Litigant must make a certification in his or her initial filing that he or she does not have an email address.

5. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS. As of the effective date of this Order, except as expressly provided herein, all pleadings, motions, memoranda of law, orders, or other documents shall be filed electronically through eFileGA or at no charge on PATs. Except as otherwise set out herein, the clerk shall not accept or file any pleadings or documents in paper form. Parties or their representatives must register with the Vendor to utilize eFileGA.

- A. Original Petition and Original Answers. Plaintiff shall file the Original Petition or Original Complaint in each case electronically via eFileGA or via PATs. Each defendant shall make arrangements with the Vendor prior to filing its first appearance or answer in such manner as to allow the timely electronic filing of its first appearance or answer in newly filed cases.
- B. Subsequent Pleading and Discovery. Parties must E-File all pleadings or other documents via eFileGA or at the PATs. Depositions and other discovery referenced in any E-Filed pleadings can be attached electronically as exhibits to such pleadings or filed separately within the same envelope.
- C. Maintenance of Original Documents. Unless otherwise ordered by the Court, originals of all documents filed electronically, including original signatures, shall be maintained by the party filing the 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.

- D. Court's Docket – the Court's official docket shall be accessible via its Case Management System, Odyssey. The docket can be accessed electronically via the Odyssey Portal on the Court's website, www.fultonstate.org.

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

- A. Litigants may file electronic documents through eFileGA 24 hours a day, seven days per week, except when eFileGA's system is down for maintenance. Any pleading filed electronically shall be considered filed with the Court when the transmission to eFileGA is complete. Any document filed after 11:59 p.m. EST on a day the Court is open for business shall be deemed to have been filed on the next Court day.
- B. Upon completion of filing, eFileGA shall issue a confirmation receipt that includes the date and time of receipt. The confirmation receipt shall serve as proof of filing. In the event the Court rejects the submitted documents following review, the documents shall not become part of the official Court record and the filer will receive notification of the rejection. Users may be required to refile the documents to meet necessary filing requirements. A filing that is rejected by the Clerk receives a filing date of the rejected filing, provided that the filer makes the necessary corrections and returns the documents to the Court that caused the filing to be rejected within the required deadline given by the Clerk. A rejected filing based upon the filer failing to transmit proper payment will receive the filing date once full payment is transmitted.
- C. If the electronic filing or service does not occur because of (1) inaccessibility to eFileGA that was not caused by the filer, or (2) an error in the transmission of the document to eFileGA which was unknown to the sending party, or (3) a failure to process the electronic 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 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. All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other and further format as the Court may require from time to time. The documents shall be e-filed via eFileGA in a pdf file format, preferably in searchable format, or such other file format as directed by the Vendor.

- B. Representations by Using a Typographical Signature. Every pleading, document, and instrument filed in the E-file system shall be deemed to have been signed by the attorney or party and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, email address and State Bar of Georgia number of a signing attorney. Typographical signatures shall be treated as personal signatures for all purposes under the Georgia Rules of Civil Procedure.
- C. Electronic Title of Pleadings and Other Documents. The electronic title of each electronically filed pleading or other document (“paper”), shall include:
 - i. The party or parties filing the paper;
 - ii. The nature of the paper;
 - iii. The party or parties against whom relief, if any, is sought; and
 - iv. The nature of the relief sought (i.e. “John Doe, et al.’s Motion to Compel Discovery and for Sanctions against Jim Smith”). The title shall be used for administrative purposes only.

8. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS.

- A. Case Initiation. All parties shall make service upon other parties of Original Petitions and Original Complaints conventionally, i.e. personal service or other means acceptable by the Civil Practice Act of Georgia.
- B. Subsequent Filings. Except as otherwise set forth in this Order, all parties shall make service upon other parties of subsequent pleadings electronically through eFileGA. Parties, or their designated counsel, shall receive all documents E-Filed and E-Served upon them via eFileGA.
- C. Effect of Electronic Service. The electronic service of a pleading or other document via eFileGA shall be considered as valid and effective service and shall have the legal effect as an original paper document. Recipients of electronic service shall receive an email notification of service, which contains an electronic image of the served pleading or document.
- D. Court Docket. Recipients of E-Service documents can access documents through the on-line official court docket, accessible via the Odyssey portal on the official website of the Court, www.fultonstate.org.
- E. Service on Parties; Time to Respond or Act.
 - i. E-Service shall be deemed complete at the time a document has been received by eFileGA as reflected by the authorized date and time

appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of notice or any right or duty to do any act or make any response within any period or date is prescribed by statute or rule of court, shall be strictly governed by the Georgia Civil Practice Act.

- ii. For the purpose of computing time to respond to documents received via E-Service, any document served on a day when the court is not open for business shall be deemed served on the next day the Court is open for business.
- iii. Registered users consent to receive E-Service documents, other than service of subpoenas or summons.
- iv. Registered users consent to accept E-Service notifications of a hearing or trial.

F. System or User Filing Errors If E-Service does not occur because of (1) an error in the transmission of the document to eFileGA or served party which was unknown to the sending party, or (2) a failure to process the electronic document when received by eFileGA, (3) the party was erroneously excluded from the service list, or (4) other technical problems experienced by the filer, the party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right accrues or any duty or other act must be performed.

9. COLLECTION OF FEES FOR INSTRUMENTS REQUIRING FEE PAYMENT.

- A. Any instrument requiring payment of a statutory filing fee in order to initiate a cause of action and achieve valid filing status shall be paid electronically. If a filing fee is required, immediately upon acceptance of the filing by the review clerk, Vendor will credit the designated court account via ACH (Automated Clearing House).
- B. Fees may be charged by the Vendor to parties or attorneys for E-Filing of pleadings or documents, access to documents and/or dockets, and E-Service of documents. These fees shall be payable to the Vendor at the time of filing and are in addition to the 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, as indicated by an *in forma pauperis* order, then the party shall file its case initiation pleadings with the Clerk. E-Filing and E-Service fees shall be waived for parties with *in forma pauperis* status in that particular case.
- D. Fulton County government organizations or departments utilizing E-File or E-Serve shall not be charged a fee. The Clerk of Court is authorized, at its

discretion, to grant E-File and E-Serve fee waivers for other governmental entities.

10. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS.

The Court may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of this Order.

11. EFFECTIVE DATE OF ORDER

This order applies to new cases filed on or after June 1, 2015, as well as any case pending on the effective date of this Order. This Order amends and supersedes where appropriate the Court's May 31, 2006 Order Mandating Certain Case Types to Electronic Filing Status and the May 12, 2015 Order Mandating Civil Cases to Electronic Status.

12. ELECTRONIC RECORD

The Clerk of State 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 28th day of May, 2015.


Chief Judge Myra Dixon
State Court of Fulton County