

**MONTGOMERY COUNTY, OHIO  
EFILING**

**Unique Behaviors for  
Civil Cases**

**Updated:  
05/28/2015**

**Montgomery County Common Pleas  
Court, General Division**

**Montgomery County Clerk of Courts**

## Table of Contents

CASE INFORMATION SHEET .....	1
INSTRUCTIONS FOR SERVICE.....	1
PRAECIPE FOR ORDER OF SALE .....	3
MULTIPLE PROPERTIES SOLD IN ONE SHERIFF SALE.....	4
WRIT OF RESTITUTION .....	4
ADDING PARTIES – UNKNOWN ADDRESSES.....	6
ANSWERS, NOTICE OF APPEARANCE, AND OTHER DOCUMENTS INDICATING AN APPEARANCE ON BEHALF OF A PARTY .....	6
AMENDED COMPLAINT.....	7
THIRD PARTY COMPLAINT .....	8
MODIFYING PARTY INFORMATION AFTER CASE INITIATION.....	9
CERTIFICATE OF SERVICE.....	9
CONSOLIDATED CASES.....	10
ORDER TO WITHDRAW SHERIFF SALE .....	11
NOTICE OF APPEAL TO THE 2ND DISTRICT COURT OF APPEALS.....	12
INJUNCTIONS (TRO) FILINGS .....	12
COGNOVIT COMPLAINTS .....	12
PETITION FOR AUXILIARYCASE/ISSUANCE OF SUBPOENA.....	13
REPLEVIN ACTIONS (POSSESSION OF PROPERTY).....	14
FORCIBLE ENTRY ACTIONS (EVICTIONS) .....	15
FILING OF WRITTEN DEPOSITION TRANSCRIPTS.....	15
NOTIFICATION/REJECTION OF PROPOSED ORDERS.....	17

### CASE INFORMATION SHEET

**Past Behavior:** Filer completed the Case Information Sheet and filed 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 eFile Cases My Profile Log Out user: L Cooper

Home » New Case Filing: Court - Division » Case Type » Case Initiation

**Case Initiation: Civil**

Filer Reference No.

Jury Demand

Prayer Amount

Action Type ADMINISTRATIVE APPEAL - AA

Parcel Number  Add Parcel Number

Parcel No. Remove

**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

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

Case Participants Add Plaintiffs Add Defendants (Any party to be served must be added as a distinct party)

Remove	Participant Name	Sequence	Type	Attorn
<input type="text"/>				

Back Save to Draft Next

**Filer Reference No. is the Attorney's reference number for their client; (not mandatory)**

**Prayer Amount must include a number even if it's -0-;**

**Parcel # is only for Mortgage Foreclosure**

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 \* Affidavit of Indigency

AdditionalText

Emergency

Document Location  Browse...

Add to Submission Add

Document Name	View Document	Edit Data	Size	Pg Count	Remove
Case Information Sheet	View Generated Document				
Form	form.xml		0.01 MB		

Total Size: 0.0 MB

Back Move to Draft Next

### INSTRUCTIONS FOR SERVICE

**Past Behavior:** Filer completed the Instructions for Service and filed 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 served. 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

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		

Select Instructions for Service as your submission on the “Add a Document” screen and click **Add**. This will take you to the “Instructions for Service” screen

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	



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

**Make sure you select:**

Service Method

Documents to be Served

Parties to be Served

**Then Click Add**

Select the Method of Service, enter the appropriate Service Provider (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.**

### PRAECIPE FOR ORDER OF SALE

**Past Behavior:** Filer completed the Praecipe for Order of Sale and filed 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.

In the Add a Document Screen, select either Praecipe for Order of Sale, Alias Praecipe for Order of Sale, or Pluries Praecipe for Order of Sale as the Document Type.

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

Case Type : Civil

Document Category: Praecipis

Document Type \*: Praecipe for Order of Sale

AdditionalText \*: Property on Main Street

Emergency

Document Location:  Browse...

Add to Submission: **Add**

Document Name:  Move

Modify Party Information

Back Move to Draft Next

\*Praecipe for Order of Sale  
 \*Alias Praecipe for Order of Sale  
 \* Pluries Praecipe for Order of Sale

Add to your submission instead of browsing for a document

Click **Add**. This will take you to the “Praecipe for Order of Sale” screen. Add the required information and then click **Next**.

Civil

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

**Praecipe 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:

Back Next

This takes you back to the “Add a Document Screen. Select Document Type, “Attachments” in order to attach the Legal Description and a file-stamped copy of the Judgment Entry.

**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: Browse...

Add to Submission: Add

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

Back Move to Draft Next

**\*\* Note: The Legal Description and a copy of the time stamped judgment entry must be added as attachments to the Praecipe for Order of Sale or the submission will be rejected.**  
\*\*

## MULTIPLE PROPERTIES SOLD IN ONE SHERIFF SALE

For Multiple Properties sold in one sheriff sale, the filer will select Document Type, Praecipe for Order of Sale for Multiple Properties in One Sheriff Sale” in the Add a Document screen. Filer 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 Descriptions(s) or the submission will be rejected. The filer should use the following document category and document types:

- **Document Category:** Sheriff Sales or Praecipes
- **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

## WRIT OF RESTITUTION

**Past Behavior:** Filer completed the Praecipe for Writ of Restitution and filed the pleading on an existing case.

**New Behavior:** Filer selects and adds to the submission the Praecipe for Writ of Restitution in the Add a Document Screen. The filer will not be able to browse and load a Praecipe 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 Praecipe for Writ of Restitution.

In the Add a Document Screen, select Praecipe for Writ of Restitution/Possession as the Document Type.

Case Type : Civil

Document Category: Praecipis

Document Type \*: Praecepte for Writ of Restitution/Possession (Move Out)

AdditionalText \*: Move Out

Emergency

Document Location:  Browse...

Add to Submission **Add**

**Add to your submission instead of browsing for a document**

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

**Back** **Move to Draft** **Next**

Click **Add**. This will take you to the “Writ of Restitution” screen. Add the required information and then click **Next**.

**Civil**

Please remember to attach a copy of the file-stamped Restitution Entry or Confirmation Entry to this Praecepte 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: \* Ohio

Zip Code: \*

Parcel Number:

Attorney Name:

Attorney Phone Number:

**Back** **Next**

This takes you back to the “Add a Document Screen. Select Document Type, “Attachments” in order to attach a file-stamped copy of the Entry of Restitution or Confirmation Entry.

**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:  Browse...

Add to Submission **Add**

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

**Back** **Move to Draft** **Next**

**\*\* Note: A file-stamped copy of the Entry or Restitution or Confirmation Entry must be added as attachments to the Praecipe for Writ or Restitution or the submission will be rejected. \*\***

## ADDING PARTIES – UNKNOWN ADDRESSES

**Past Behavior:** Filer added defendant to complaint and typed 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.

Party Type:

Business  Person

First Name: \*

Middle Name:

Last Name: \* (or Business Name)

Suffix:

Daytime Phone:

Email:

**Physical or Last Known Address**

Unknown:

Address Type:

Address Line 1: \*

Address Line 2:

Address Line 3:

City: \*

State: \*

Zip / Postal Code: \*

**Add an Attorney for this Party**

Type:

First Name: \*

Last Name: \*

Bar #: \*

Bar State:

First Name	Last Name	Bar No.	Delete
JEFFREY	HELMS	0075650	<input checked="" type="checkbox"/>

**Additional Aliases or Business Name for Party**

Business  Person

Type:

First Name:

Last Name: \* (or Business Name)

Suffix:

Name	Alias/Business Name	Delete
------	---------------------	--------

## ANSWERS, NOTICE OF APPEARANCE, AND OTHER DOCUMENTS INDICATING AN APPEARANCE ON BEHALF OF A PARTY

**Past Behavior:** Filer filed the Answer, Notice of Appearance, Appellee Response Brief, Motion to Dismiss Pursuant to Civ. R. 12 (B) and Motion to Extend Time to File Answer on behalf of the party they were representing. The attorney was added manually to the Clerk/Court’s case management system

**New Behavior:** Filer adds the one of these documents 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.

## Civil

Case Number : 2012 CV 00123 Case Title : OHIO RECEIVABLES LLC vs LANCE EALY

## Add an Attorney for this Party

Last Name: Bar #:   **Only check the parties which  
you will be representing**

For	Participant Name	Current Role	Attorney(s) for Party
<input type="checkbox"/>	OHIO RECEIVABLES LLC	Plaintiff	HOCKENBERRY
<input type="checkbox"/>	LANCE EALY	Defendant	

If there is co-counsel, you can add the additional attorney(s) for the party or parties in the “Add an Attorney for this Party” section on the screen. Enter the last name and bar number of the added attorney and click add. This should be done for each additional attorney.

**\*\*DO NOT ADD THE FILING ATTORNEY AS AN ATTORNEY IN THIS SECTION. THE SYSTEM AUTOMATICALLY ADDS THE FILING ATTORNEY TO THE PARTIES SELECTED. IF YOU ADD THE FILING ATTORNEY IN THE “ADD AN ATTORNEY FOR THIS PARTY” SECTION, YOU WILL RECEIVE AN ERROR MESSAGE. \*\***

**\*\* DO NOT MODIFY THE PARTY INFORMATION TO ADD THE FILING ATTORNEY TO A PARTY WHEN FILING THESE DOCUMENT TYPES THAT ADD THE FILING ATTORNEY TO THE PARTY. IF YOU MODIFY THE PARTY INFORMATION IN THE SAME SUBMISSION YOU WILL RECEIVE AN ERROR MESSAGE. \*\***

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

## AMENDED COMPLAINT

**Past Behavior:** Filer filed the Motion to file an Amended Complaint (if desired, a copy of the Amended Complaint was included as an exhibit) and the Proposed Order Granting Motion. The filer included the original Amended Complaint in the same package to be filed after the Proposed Order had been signed and filed. The new parties were added manually after the Amended Complaint was 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** document is uploaded to the “Add a Document” screen, 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

R/A	Role	Participant Name	Current Role	Attorney
<input type="radio"/>	Plaintiff	TEST PLAINTIFF	Plaintiff	JEFFREY R.
<input type="radio"/>	Defendant	TEST DEFENDANT		

Add the new parties that are listed on the Amended Complaint

New Case Participants

Remove	Role	Participant Name	Attorney(s) for Party
<input type="button" value="Add a Plaintiff"/>			
<input type="button" value="Add a Defendant"/>			

### THIRD PARTY COMPLAINT

**Past Behavior:** Filer filed the Motion to file a Third Party Complaint (if desired, a copy of the Third Party Complaint was included as an exhibit) and the Proposed Order. The filer included the original Third Party Complaint in the same package to be filed after the proposed order had been signed and filed. The new parties were added manually after the Third Party Complaint was 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.

Home » eFile » Cases » My Profile » Log Out user: Jeffrey Helms

Home » Existing Case » Add a Document » Third Party Complaint

Third Party Complaint: Civil

Attorney for the Third-Party Plaintiff

Bar #: \*

Bar State: \*

Select the Defendant(s) and click Add to add them as Third Party Plaintiff(s)

Case Defendants:

Third-Party Plaintiffs:

Click on "Add a Defendant" to add the Third Party Defendant. Repeat this for each Third Party Defendant.

Case Participants

Remove	Participant Name	Type	Attorney(s) for Party

## MODIFYING PARTY INFORMATION AFTER CASE INITIATION

Certain party information 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.

**\*\* DO NOT MODIFY THE PARTY INFORMATION TO ADD THE FILING ATTORNEY TO A PARTY WHEN FILING AN ANSWER OR NOTICE OF APPEARANCE. THESE DOCUMENT TYPES ADD THE FILING ATTORNEY TO THE PARTY. IF YOU FILE AN ANSWER OR NOTICE OF APPEARANCE AND MODIFY THE PARTY INFORMATION IN THE SAME SUBMISSION YOU WILL RECEIVE AN ERROR MESSAGE. \*\***

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			0.01 MB		

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



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
	<a href="#">KAREN ADAMS</a>	Plaintiff	JEFFREY R HELMS
	<a href="#">DALLAS POWELL</a>	Defendant	

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



## CERTIFICATE OF SERVICE

**Past Behavior:** Filer prepared their document and included 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 are served through notifications stored inside the eFiling system. The filer is required to serve a paper copy to anybody not registered in the eFiling system by regular mail. The filer will still include a certificate of service to their document. The certificate of service should contain the language as outlined in **Local Rule 1.15 (H) (4) (c)**.

**Certificate of Service for Registered Users in the Efiling System:**

I hereby certify that on (date) this document was electronically filed via the Court's authorized electronic filing system which will send notifications of this filing to the following (list all parties who are registered users of the Efiling System.)

**Certificate of Service for Non- Registered Users in the Efiling System (Pro se):**

And I hereby certify that I served this document by regular U.S. mail to the following (list all parties who are not registered users of the Efiling System.)

The Certificate of Service should be signed in the the /s/ Attorney Name format according to Loc. R. 1.15 (F)(4)(a).

To identify which parties are registered in the eFiling system, click on **My Cases**. Click on the **Service List** that pertains to the case you are preparing the document for.

Ex: 2008 CV 00112

Case Title	Case Number	Case Type	Judge	Service List	Inactive	Delete
TEST PLAINTIFF vs TEST DEFENDANT	2013 CV 07353	Civil	STEVEN K. DANKOF	<a href="#">Service List</a>	<input type="checkbox"/>	<input type="checkbox"/>
TEST A PLAINTIFF vs TEST A DEFENDANT	2013 CV 07352	Civil	DENNIS J. LANGER	<a href="#">Service List</a>	<input type="checkbox"/>	<input type="checkbox"/>
TEST PLAINTIFF vs TEST DEFENDANT	2013 CV 07351	Civil	DENNIS J. LANGER	<a href="#">Service List</a>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TEST PLAINTIFF vs TEST DEFENDANT	2013 CV 07350	Civil	MICHAEL W. KRUMHOLTZ	<a href="#">Service List</a>	<input type="checkbox"/>	<input type="checkbox"/>
TEST PLAINTIFF vs TEST DEFENDANT	2013 CV 07348	Civil	MICHAEL W. KRUMHOLTZ	<a href="#">Service List</a>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TEST B PLAINTIFF vs TEST B DEFENDANT 1	2013 CV 07347	Civil	CONNIE S. PRICE	<a href="#">Service List</a>	<input type="checkbox"/>	<input type="checkbox"/>
TEST PLAINTIFF vs TEST DEFENDANT	2012 CV 07345	Civil	DENNIS J. LANGER	<a href="#">Service List</a>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TEST PLAINTIFF vs TEST DEFENDANT	2012 CV 07344	Civil	STEVEN K. DANKOF	<a href="#">Service List</a>	<input type="checkbox"/>	<input type="checkbox"/>

The **Service List** will reflect the parties that will receive a NEF (Notice of Electronic Filing) and those parties that need to be notified by regular mail.

**\*\*PROPOSED ORDERS: ONCE A PROPOSED ORDER IS SUBMITTED, THE FILER IS RESPONSIBLE FOR THE SERVICE OF THE PROPOSED ORDER AND THE FILED ORDER ONCE IT HAS BEEN SIGNED AND FILED BY THE ASSIGNED JUDGE TO ALL THE PARTIES THAT MUST BE SERVED BY REGULAR MAIL. \*\***

## CONSOLIDATED CASES

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

**New Behavior:** Filer prepares one document which includes caption and case number for each consolidated case. Filer can load document(s) on all consolidated cases (multiple cases) in one submission.

Click **File to Existing Case Button** which will take you to the “Existing Case” screen that list all of your current cases. On the “Existing Case” screen, click on the **Add** button next to the Case Title of each consolidated Case Number. The cases will appear under “Cases That Will Be Filed On”

If a consolidated case number is not listed, enter the case number and click on **Case Search**. The Case Hit List will appear. Once the Case Search Results appear, click on the “**Add this case to your list**” button and the case will appear under “**Cases That Will Be Filed On.**”

[Home](#) ⇒ Existing Case

**Existing Cases**

Cases that will be filed on

[Case Number](#) [Case Title](#)

Enter case identifying information

Case Number (Ex: 2008 CV 00112) :

2012 CV 7340

**Case Search**

Case Search Results		
Case Number	Case Title	Action
2012 CV 07340	DEVEROUX, BETHANNE	<b>Add this case to your list</b> <b>Submit</b>
2012 CV 07340	MALONE, KIRBY	<b>Add this case to your list</b> <b>Submit</b>

	Case Title	Case Number	Case Type	Judge
<b>Add</b>	TEST PLAINTIFF vs TEST DEFENDANT	2013 CV 07353	Civil	STEVEN K. DANKOF
<b>Add</b>	TEST A PLAINTIFF vs TEST A DEFENDANT	2013 CV 07352	Civil	DENNIS J. LANGER

Once all the cases have been added, click on the **File on these Cases** button. The submission now becomes a *multi case submission*.

[Home](#) ⇒ Existing Case

**Existing Cases**

Cases that will be filed on **File on these Cases**

	Case Number	Case Title
<b>Remove</b>	2012 CV 07340	BETHANNE DEVEROUX vs KIRBY MALONE
<b>Remove</b>	2013 CV 07352	TEST A PLAINTIFF vs TEST A DEFENDANT
<b>Remove</b>	2013 CV 07351	TEST PLAINTIFF vs TEST DEFENDANT

Enter case identifying information

**ORDER TO WITHDRAW SHERIFF SALE**

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

**New Behavior:** Orders to Withdraw Sheriff’s sale are 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 the 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 ensuring that Orders to Withdraw Sheriff Sales are 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**

## NOTICE OF APPEAL TO THE 2ND DISTRICT COURT OF APPEALS

The Notice of Appeal to the 2<sup>nd</sup> District Court of Appeals must be filed in paper. 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 2<sup>nd</sup> 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 was 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 filed and assigned a number, the filer proceeded to the Court's Assignment Office. The Court's Assignment Clerk would review the Judge assignment and call the judicial office to arrange the hearing. If the assigned Judge was not available or had a conflict, a new Judge was assigned and their judicial office was called.*

**New Behavior:** *The injunction is 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.

## COGNOVIT COMPLAINTS

**Past Behavior:** *The Cognovit Complaint was 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 filed and assigned a number, the filer proceeded to the assigned Judge to obtain signature for the Judgment Entry. The Judge would review the original note and sign the Judgment Entry. After the Judgment Entry was 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 Cognovit action is filed 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)**

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.

**NOTE: CURRENTLY CERTIFICATES OF JUDGMENT AND EXECUTIONS MUST BE FILED TRADITIONALLY IN PAPER. THEY CAN’T BE FILED ELECTRONICALLY ON THE COGNOVIT CASE NUMBER**

## **PETITION FOR AUXILIARYCASE/ISSUANCE OF SUBPOENA**

***Past Behavior:** The Petition for Auxiliary Case/Issuance of Subpoena action was filed in person or by mail with the Clerk of Courts. This package contained 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 was filed.*

***New Behavior:** The Petition for Auxiliary Case /Issuance of Subpoena is filed electronically. The package should contain the Petition for Auxiliary Case/Issuance of Subpoena and Proposed Order Granting Issuance of Subpoena. Subpoenas to be issued should be filed **after** the Order Granting the Issuance of Subpoenas is filed.*

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 information 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:** (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:** (Enter the method of service)

**\*\*Note: Since the subpoena is being served to a Non-Party, the filer must prepare their own Instructions for Service document instead of the using the system generated Instructions for Service document. Choosing this document type permits the filer to upload their prepared document.**

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:** (Name the person who received the Subpoena)

## 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 have contained 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 was left blank and the hearing date was 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 was stapled behind the Notice of Hearing (without a time stamp).

**New Behavior:** The Replevin action is filed 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.

## **FORCIBLE ENTRY ACTIONS (EVICTIONS)**

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

**New Behavior:** *The Forcible Entry action is filed 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.

## **FILING OF WRITTEN DEPOSITION TRANSCRIPTS**

**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 Written Deposition 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 shall identify the deponent and the date the deposition was taken. It **MUST** also include a certification that the written deposition that is being filed electronically is a true record of the deposition that was certified by the officer who took the deposition and that testimony has not been altered in any way.)*
- Certificate of Compliance as required by Local Rule 1.27 Deposition Testimony

- Written Deposition Transcript

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
  - Additional Text: *of Nurse XYZ*
- **Document Type:** Certificate of Filing Deposition
  - Additional Text: *to be used in trial*
- **Document Type:** Written Deposition Transcript (this is your lead document)
  - Additional 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*)
  - Additional 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*)
  - Additional 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.

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.

## **NOTIFICATION/REJECTION OF PROPOSED ORDERS**

***Past Behavior:*** *The eFiling system was originally configured not to send a Notice of Electronic Filing when Proposed Orders were submitted.*

***New Behavior:*** *The eFiling system is now configured to send a Notice of Electronic Filing on Proposed Orders submitted by counsel.*

There are two additional changes regarding Proposed Orders:

- The Judicial office now has the ability to reject a Proposed Order if it has not been submitted on the proper case, if the content needs to be changed, or there is a problem with the formatting of the document. A Judicial Rejection will be sent to the filer and all Participants.
- If a filer submits a Proposed Order on a case they are not listed as counsel of record, they will now get a Notice of Electronic Filing (NEF) when the Order has been signed and filed. A Notice of Electronic Filing will appear in eFlex for the filer but since they are not associated with the case, the filer will have to go to the Montgomery County Clerk of Courts PRO site to retrieve a file-stamped copy of the Order.