

**PROPOSED AMENDMENTS TO LOCAL RULES OF PRACTICE AND PROCEDURE  
FOR THE GENERAL DIVISION OF THE MONTGOMERY COUNTY  
COURT OF COMMON PLEAS**

**COMMENTS DUE BY JULY 9, 2007**

COMMENTS REQUESTED: Pursuant to Loc. R. 1.03, Local Rules of Practice and Procedure for the General Division of the Montgomery County Court of Common Pleas, proposed amendments to **Loc. R. 1.15, Filing and Removal of Papers from Custody of Clerk**, are being published for a sixty-day public comment period beginning **Thursday, May 10, 2007, through Monday, July 9, 2007.**

Comments on the proposed amendments to the local rule can be submitted via email to [rulecom@montcourt.org](mailto:rulecom@montcourt.org) or in writing to:

James W. Drubert, Court Administrator  
Montgomery County Common Pleas Court  
41 N. Perry Street  
P.O. Box 972  
Dayton, OH 45422

**Comments must be received by 4:30 p.m. on Monday, July 9, 2007.**

**EFFECTIVE AUGUST 13, 2007**

The proposed amendments to the local rule will take effect on **August 13, 2007**, unless prior to such date the Court in its discretion amends, modifies, or withdraws the local rule. In the event the Court amends, modified, or withdraws the local rule, the revision will be published for a thirty-day notice period.

## WordPerfect Document Compare Summary

Original document: H:\Me\Local Rule Information\Local Rule 1.15 Filing & Removal of Papers from Custody of Clerk.wpd

Revised document: H:\Me\Local Rule Information\Local Rule 1.15 Filing and Removal of Papers from Custody of Clerk - Updated.wpd

Deletions are shown with the following attributes and color:

~~Strikeout~~, Blue RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, Red RGB(255,0,0).

### **RULE 1.15** **FILING AND REMOVAL OF PAPERS FROM CUSTODY OF CLERK**

1 I. FILING

2 A. Duties of Clerk

- 3 1. The Clerk of Courts shall file and maintain all documents delivered to  
4 the Clerk's Office. No entry shall be accepted or docketed by the  
5 Clerk until it is approved by the appropriate Judge.

6 B. Size of Documents, Pagination and Heading Requirement

- 7 1. All pleadings, motions, briefs, and other similar documents that are  
8 filed with the Clerk shall be typewritten or printed, double spaced, on  
9 8 ½" x 11" paper, in at least a 12-point regular type font, and  
10 paginated sequentially. Filings prepared in a pleading format shall  
11 reserve a blank space of at least two and one-half inches at the top of  
12 the first page for endorsements and shall have appropriate side and  
13 bottom margins of not less than one inch. Forms prescribed and  
14 approved by the General Division in a form format shall reserve an  
15 adequate space in the top right-hand corner for endorsements or file  
16 stamps and shall have appropriate side and bottom margins  
17 proportional with the format of the form or document. Each  
18 consecutive page shall have appropriate top, bottom, and side  
19 margins of not less than one inch.

20 C. Documents Requiring Service or Notice

- 21 1. All documents requiring service or notice upon filing shall:  
22 a. Include the address of the plaintiffs and defendants in the  
23 caption of the document; or

24 b. Indicate that the addresses of the plaintiffs and defendants are  
25 unknown if such addresses are in fact unknown.

26 2. The Clerk shall not accept for filing any document that must be served  
27 upon counsel or parties which do not designate their names and  
28 addresses. In addition, the Clerk shall not accept a civil filing without  
29 instructions for service unless an attorney has obtained permission  
30 signed by the assigned Judge to defer service of summons for a  
31 specific period of time.

32 D. Attorney Registration Number

33 1. All attorneys shall include their attorney registration number issued by  
34 the Supreme Court of Ohio on all documents filed with the Court.

35 E. Personal and Private Information in Documents Filed with the Clerk of Courts

36 1. Personal and private information includes, but is not limited to:

37 a. Social Security numbers;

38 b. Financial account numbers;

39 c. Names of minor children;

40 d. Information protected by law from public disclosure;

41 e. Other personal identification numbers such as driver's license  
42 numbers.

43 2. Filing parties and/or legal counsel shall not include personal and  
44 private information in any document filed with the Court unless such  
45 inclusion is necessary and relevant to the case. This requirement  
46 extends to and includes exhibits or addenda attached to filings, such  
47 as preliminary and financial reports which itemize state liens that use  
48 Social Security numbers as case numbers, or medical records.

49 3. If personal and private information is necessary and must be included  
50 in a document, the filing party shall partially redact the following  
51 personal data and identifiers from the pleading:

52 a. Social Security Numbers. If an individual's Social Security  
53 number must be included in a document, only the last four  
54 digits of that number should be used.

55 b. Financial Account Numbers. If financial account numbers are  
56 relevant, only the last four digits of these numbers should be  
57 used.

58 c. Names of Minor Children. If the involvement of a minor child  
59 must be mentioned, only the initials of the child should be used.

60 4. Entries and orders that necessarily include personal and private  
61 information shall partially redact the personal data and identifiers as  
62 outlined in I.E.3.b. of this rule unless it is absolutely necessary to  
63 include all digits in a personal data and/or identifier. In the event it is  
64 absolutely necessary to include all digits in a personal identifier, the  
65 entries and orders must be submitted to the Clerk of Court's Office as  
66 follows:

67 a. The original document that includes the personal and private  
68 information; and

69 b. A redacted copy in the following format:

70 (1) The redacted copy will indicate in the caption, above the  
71 title of the action, "Redacted Copy, Personal and Private  
72 Information Redacted."

73 (2) The redacted copy of the document will have the  
74 notation "redacted" at all places in the document where  
75 such information was removed.

76 c. The Court will sign both journal entries.

77 5. The Clerk of Courts may refuse to accept for filing any document that  
78 contains personal and private information that has not been redacted  
79 or submitted in accordance with this rule.

80 II. REMOVAL

81 A. Original Documents

82 1. Removal

83 a. No person, except a Judge of the Court, Magistrate, or General  
84 Division employee shall remove any documents or case files  
85 from the custody of the Clerk.

86 2. Examination

87 a. Upon request, the Clerk of Courts shall allow any person to  
88 examine, but not remove, any original document or case file  
89 that is maintained by its office. Examination shall be allowed  
90 during regular business hours.

91 3. Transcripts of Testimony

- a. The inspection, examination, and duplication of transcripts of testimony shall be governed by Rule 1.29 of these rules.

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