

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

In re:)
)
CERTAIN LITIGATION)
) CIVIL ACTION ORDER
)
In the State Court of Fulton County) 20 EX 000032
)
)

FIFTH AMENDED ORDER MANDATING CIVIL CASES TO
ELECTRONIC-FILING STATUS

1) APPLICATION OF ORDER. Effective immediately, ALL CIVIL CASES filed in State Court of Fulton County may be electronically initiated or filed using eFileGA, File & ServeXpress, or any other vendor authorized by the State Court ("Vendor"). A list of authorized vendors can be found on the State Court's website (www.fultonstate.org) or by contacting the Clerk of the State Court of Fulton County.

Except as otherwise provided, O.C.G.A § 15-7-5, and Uniform State Court Rules 36.16 and 36.17 shall apply to all cases and filings.

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 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 in pdf file format or such other file format as directed by the Vendor. Proposed Orders should be filed in Word format or in an editable format.

- D. E-File. Electronic transmission of an original document or pleading to the Clerk of the Court via Vendor.
- E. E-Service. Electronic transmission of a document or pleading to all designated recipients via Vendor. 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, Self-Help Center, 185 Central Ave., S.W., Room TG300, Atlanta, Georgia, or any other designated location. PATs will be connected to Vendor and the Case Management System. Individuals may access the public files free of charge. In accordance with O.C.G.A. § 15-7-5, the PATs are available to E-File documents or pleadings with Vendor 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 the Vendor(s) the following users are authorized to register:
 - i. Licensed attorney 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. Assignments 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/her username and/or password to be utilized by his/her staff is fully responsible for all transmissions, communications, and notifications through Vendor.
- D. Change in Information. Registered users are required to update their contact information with the Vendors, including change in firm name, delivery address, fax number, telephone number, and/or email address within ten (10) days of such change.
- 5) MAINTENANCE OF ORIGINAL DOCUMENTS. Unless otherwise ordered by the Court, originals of 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.
- 6) FILING OF DOCUMENTS UNDER SEAL. In accordance with O.C.G.A. § 9-11-7.1, State Court Rules 21.6 and 36.17, filers must redact certain sensitive information and protected identifiers from filings.

- A. Protected Identifiers. Protected identifiers are items of identifying information subject to protection from placement on the public record as described in OCGA § 9-11-7.1.
- B. Protected Identifiers in Family Violence and Stalking Protective Orders. Protected identifiers that must be included to qualify a protective order for entry into the Georgia Protective Order Registry or the National Crime Information Center Registry shall be placed on a separate page to follow the other pages of the order. The clerk of court shall utilize the protected identifiers as necessary to process the protective order and then seal the protected identifiers page in the case file without further order of the court. The protected identifiers page shall not be unsealed except upon order of the court or as required by law.
- C. Sealing of Filings With Unredacted Protected Identifiers. Any party seeking to make a filing under seal without redaction shall first file a redacted version of the filing with the clerk of court for the public record and then submit the request for filing under seal directly to the assigned judge via email to the judge's staff attorney, along with a copy of the filing without redaction and a proposed order to file under seal.
- D. Sealing of Filings Containing Personal and Confidential Information. Any party seeking to make a filing under seal which contains additional personal or confidential information other than protected identifiers shall first file a redacted version with the clerk of court for the public record and then submit a request for filing under seal directly to the assigned judge via email to the judge's staff attorney, along with a copy of the filing without redaction and a proposed order to file under seal.
- E. Effect of Redacted Filings. A party's designation of "confidential" and/or filing under seal does not constitute an order of the Court permitting the sealing of filings. Only by order of the court shall redacted or unredacted filings be sealed.

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 Vendor in a pdf file format, preferably in searchable format, or such other file format as directed by the Vendor. Proposed Orders should be filed in Word format or in an editable format.

- B. Typographical Signature. In accordance with Uniform Superior Court Rule 4.2, 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.

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 Georgia law.
- B. Subsequent Filings. Except as otherwise set forth in this Order, all registered users are deemed to have accepted service electronically with the e-mail address used to register with the Vendor associated with the case. All registered users shall make service upon other registered users of subsequent pleadings electronically through Vendor or by statutory electronic service pursuant to O.C.G.A. § 9-11-5(b).
- C. Effect of Electronic Service. The electronic service of a pleading or other document via a Vendor shall be considered valid and effective service and shall have the same legal effect as an original paper document sent via traditional means, *e.g.*, U.S. mail and hand delivery. Recipients of electronic service shall receive an email notification of service from the Vendor, which contains an electronic image of the document electronically served.
- D. Service on Self-Represented Litigants. 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.

E. Court Docket. Recipients of E-Service documents via Vendor 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.

F. Service on Parties: Time to Respond or Act.

- i. E-Service via Vendor shall be deemed effected at the time the pleading or document has been received by Vendor and, if applicable, accepted by the Clerk of Court following review. This service dates is reflected in the date stamp of the electronic notification parties receives from Vendor. It is from this date that the parties should measure the period during which they may have a right or duty to respond or otherwise act in response to pleadings or documents electronically served via Vendor. Any period of notice or any right or duty to do any act or make any response within any period prescribed by statute or rule of court remains governed by applicable law.
- ii. Registered users consent to receive E-Service documents, other than service of subpoenas or summons.
- iii. Registered users consent to accept E-Service notifications of a hearing or trial.

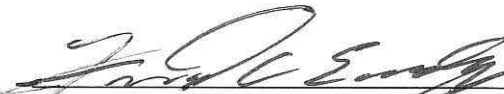
9) ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS. The Court may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of this Order.

10) APPLICATION OF ORDER. This order shall apply to ALL CIVIL CASES filed in the State Court of Fulton County. The Court hereby authorizes any party to electronically initiate or file using eFileGA, File & ServeXpress, or any other vendor authorized by the State Court ("Vendor"). Any previous Order issued by this court pertaining to electronic filing shall hereby be null and void and considered superseded by this Order, as signed and

dated below.

- 11) ELECTRONIC RECORD. The Clerk of State Court is authorized to maintain the official case record in electronic format. The Case Management System shall be the official case record.

SO ORDERED, this 13th day of February, 2020.


Chief Judge Fred Eady
State Court of Fulton County