

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

IN RE: COVID-19 PANDEMIC)
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LARRY L. HENRY, CLERK
BY [Signature] DC

**ORDER AND PROTOCOLS FOR IMPLEMENTING
TENNESSEE SUPREME COURT'S LIMITED SUSPENSION ORDER:
FILING OF DOCUMENTS BY ELECTRONIC MAIL**

This matter came before the Hamilton County Circuit Court upon its own motion to supplement protocols previously established for implementing the orders of the Tennessee Supreme Court entered on March 13, 2020.

By way of background, on March 13, 2020, and in response to the COVID-19 pandemic, the Tennessee Supreme Court entered an order suspending in-person court proceedings which was amended and supplemented by order filed March 25, 2020. This Suspension Order is in effect from the close of business on Friday, March 13, 2020 through Thursday, April 30, 2020.

The Suspension Order entered March 25, 2020, urges trial courts to “. . . minimize in-person contact by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing.”

To that end, the Hamilton County Circuit Court hereby enters this Order to implement the Tennessee Supreme Court’s Order Continuing Suspension of In-Person Court Proceedings and Extension of Deadlines.

I. EMAIL FILING OF DOCUMENTS

A. GENERAL PROCESS OF FILING

In general, a filer may make use of email filing of Documents under the following procedures:

- A filer shall submit the Document as a portable document format (.pdf) file attached to an email addressed to circuitpleadings@hamiltontn.gov.
- Upon receipt, the Clerk will send an auto reply to the filer by reply email.

- The Clerk shall print the Document and stamp it as having been filed as of the date and time the email was received.
- The Clerk shall file with the original court file the Document and the covering email.
- **The procedures for facsimile filing pursuant to TENN. R. CIV. P. 5A.02 as modified by this Order and the Tennessee Supreme Court Orders shall be followed.**
- The subject line of the filing email shall identify the case style and number.
- A Document submitted for email filing, along with all attachments, shall not exceed 25 pages absent the Court's approval. All Documents exceeding 25 pages shall be personally filed directly with the Circuit Court Clerk's Office.
- If no Document is attached to the email, there shall be no presumption of filing.

B. SIGNATURES ON DOCUMENT

1. Form of Signature

Each Document filed by email may be signed either by typing the filer's name preceded by the symbol "s/" or by a scanned image of the filer's signature on the pleading.

2. Multiple Signatures

Where a Document contains multiple signatures, the filer may file a scanned image of the Document containing all necessary signatures; (2) file the Document without the requisite signatures, but with a representation by the filer that all signatories have consented to the filing of the Document. A party who disputes the authenticity of an email-filed Document containing multiple signatures shall file an objection to the Document within five days of service of the Document.

3. Filings by the Court

Any order or other court-issued Document filed through email without the handwritten signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the Document and it had been entered on the docket in paper form.

II. EFFECT AND TIME OF FILING

Filing a Document through email constitutes filing of the Document for all purposes under the Rules of Civil Procedure and local rules of this Court or the effective term of the above-referenced Supreme Court Order Continuing Suspension of In-Person Court Proceedings and Extension of Deadlines and any extensions thereof. Each emailed-filed Document becomes a part of the Court's official record and the filing party is bound by the Document as filed.

A Document filed by email filing is deemed to have been filed as of the time submitted by the filer. Filing a Document by email does not alter the filing deadline for that Document. In order for a Document to be considered timely filed on a deadline date, the filing must be submitted on the deadline date before midnight.

III. SERVICE OF PAPERS ON OTHER PARTIES

Filers are responsible for certifying appropriate service of process on the other parties, and each Document shall contain a certificate of service noting the method and date of service.

Upon the agreement of all parties, appropriate service of Documents may be accomplished by email, such as by copying all parties on the original email filing made to the clerk. All parties are encouraged to accept email service of Documents during the Suspension Period.

The Clerk shall not serve, and shall not be responsible for serving, any Documents filed by persons other than the Court. However, the Clerk shall serve all filings and orders made by a Division of Court.

IV. RETENTION PROCEDURES FOR DOCUMENTS OF INDEPENDENT SIGNIFICANCE

A Document filed by email that requires an original signature other than that of the filer, such as affidavits and declarations, shall be maintained in paper form by counsel representing the party on whose behalf the Document was filed for one year after all time periods for all appeals expire. On request of the Court, counsel must provide the original Document for review.


V. OPTIONAL PROCEDURES AND SUBJECT TO MODIFICATION

At present, the procedures for email filing set forth herein are optional, and no person shall be required to utilize email filing to file Documents with the Circuit Court Clerk.

The protocols identified herein are subject to modification by the Supreme Court, the Circuit Court, or the Presiding Judge of the Eleventh Judicial District of Tennessee.

It is so ordered.


Enter, this the ___ day of April, 2020.



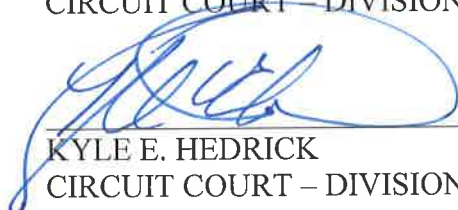
J.B. BENNETT
CIRCUIT COURT – DIVISION I



W. JEFFREY HOLLINGWORTH
CIRCUIT COURT – DIVISION II



L. MARIE WILLIAMS, Presiding Judge
CIRCUIT COURT – DIVISION III



KYLE E. HEDRICK
CIRCUIT COURT – DIVISION IV