



Appendix C

COURT OF APPEAL, SECOND CIRCUIT FACSIMILE FILING RULES

(Adopted by Court Conference August 26, 1993; Amended March 24, 1994; Amended October 17, 2002)

- I. "Facsimile filing" or "filing by fax" means the facsimile transmission of a document to this court for filing with this court.
- II. Facsimile filings will only be accepted by this court in the case of an emergency writ.
- III. "Emergency writ" is defined as a situation where a trial court sets a return date that would otherwise bar a party from completing a timely filing with this court due to geographic distance from this office, or where the time frame is such that if the party could physically deliver the filing timely, the court would be burdened with undue time restraints in considering the application and rendering an order.
- IV. **NO FILING** will be accepted without prior contact with the clerk's office to advise the nature of the emergency and to request **AUTHORITY** to proceed with filing. Additionally, the clerk's office shall be notified of the approximate time of transmittal.
- V. All filings must be complete and in compliance with the Uniform Rules of the Courts of Appeal at the time of transmission.
- VI. Once an application is received by fax, any responses or oppositions by opposing counsel may also be received by fax with leave of court as contemplated by Item IV.
- VII. If a request to file a writ application by fax has been denied by the clerk's office for failing to fall within the definition of an "emergency writ", any request to fax oppositions or responses will also be denied.
- VIII. A facsimile filing shall be accompanied by a facsimile cover sheet. The cover sheet shall be the first page transmitted and clearly identify the sender by name, fax number, and voice telephone number. It should also identify the documents being transmitted by caption and matter and the number of pages. Any risk associated with the use of facsimile transmissions shall lie with the sender.
- IX. A signature produced by facsimile transmission will be deemed as an original. A party who files a signed document by fax represents that the original physically signed document is in

his or her possession or control and can be made available for review as necessary for any subsequent challenge of authenticity.

FACSIMILE FAX FILING RULES
PAGE TWO - APPENDIX C

- X. Payment of filing fees and charges levied by the court for the use of facsimile filing shall be paid in the manner prescribed by this court.
- (1) The filing fee, accompanied by a copy of the facsimile filing cover sheet shall be deposited with the court not later than three calendar days after the filing by fax.
- (2) Non-receipt of payments will result in suspension of facsimile privileges, the striking of pleadings for which fees were not tendered and any other penalties deemed appropriate within the discretion of the Court.
- XI. The following **service charge** will be assessed over and above the court's standard filing fees for civil and criminal writs for all fax filings to cover duplicating, operating and maintenance costs.
- 1) Each document from 1 to 10 pages in length filed by fax shall be assessed a \$25.00 service charge. An additional service charge of \$1.50 per page will be charged for each page exceeding 10 pages.
- 2) This service charge will be added to the standard filing fee of this court and shall be paid as provided in X.

Adopted as Amended by Court Conference
Thursday, October 17, 2002, Promulgated
in Compliance with URCA Rule 1-1 and
Filed into the Minutes of the Court
Thursday, October 17, 2002: