

Supreme Court of Kentucky

2024-17

AMENDED ORDER

In Re: Administrative Rules of Practice and Procedure Electronic Filing in the Kentucky Court of Justice

Section 1. Citation to Rules

These rules will be known as the “Administrative Rules of Practice and Procedure for the Kentucky Court of Justice Electronic Filing” and may be cited as the “eFiling Rules.”

Section 2. Authority

These rules are adopted under the authority granted to the Kentucky Supreme Court by Section 116 of the Kentucky Constitution to promulgate rules and issue orders of practice and procedure for the Kentucky Court of Justice. This Order does not abridge, enlarge, or modify the substantive rights of any litigant.

Section 3. Scope and Application

(1) These rules shall apply to supported case types and eligible documents in civil, criminal, domestic, juvenile, probate, and other matters in trial and appellate courts.

(2) eFilers can electronically transmit documents to the court in a supported case type even if the case was initiated through conventional filing. Service in an action shall be in accordance with CR 5 and RAP 5 for all parties or other persons entitled to service who have not consented to electronic service through the eFiling system.

(3) Certain actions may be designated as mandatory electronic filing case types by separate order of this Court.

Section 4. Integration with Other Rules; Precedence in Event of Conflict

(1) These rules supplement the Kentucky Rules of Civil Procedure (“CR”), the Kentucky Rules of Criminal Procedure (“RCr”), the Rules of Appellate Procedure (“RAP”), the Kentucky Family Court Rules of Procedure and Practice (“FCRPP”), Juvenile Court Rules of Procedure and Practice (JCRPP), and the Local Rules of Court approved by this Court pursuant to SCR 1.040(3)(a) (“Local Rules of Court”)(All hereinafter broadly referred to as “Kentucky Rules of Procedure”). The filing and service requirements set out herein are deemed to comply with the Kentucky Rules of Procedure. To the extent these eFiling Rules are inconsistent or otherwise conflict with the Kentucky Rules of Procedure, these rules will control in supported case types.

(2) No local rules, practices, procedures, orders, or other policies of any district or circuit may conflict with or controvert these rules; further, to the extent that any such local rules, practices, procedures, orders, or other policies are inconsistent or otherwise conflict with these rules, these rules shall prevail.

Section 5. Definitions

(1) “AOC” means the Administrative Office of the Courts.

(2) “Case entry” means an entry created within the court’s case management system which records each document filed or entered in a case.

(3) “Clerk” means the circuit court clerk, or Clerk of the Supreme Court or the Court of Appeals if the electronic filing is made in an appellate court.

(4) “Conventionally filed” means the filing of paper documents with the clerk, pursuant to the Kentucky Rules of Procedure, as is done in cases that are not supported case types.

(5) “Documents” means pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filings to or by the court.

(6) “eFiler” means a registrant pursuant to Section 6 of these rules who electronically transmits a document to the court using the court’s electronic filing system.

(7) “Electronic filing (eFiling)” means the electronic transmission to the court of a document using the court’s electronic filing system, together with the generation and publication of a notice of electronic filing in the electronic filing system containing a hyperlink to the document. Sending a document to the court or clerk via email or facsimile does not constitute “electronic filing.”

(8) “Electronic filing (eFiling) system” means the automated system approved by the Kentucky Supreme Court for the filing and service of documents via electronic means.

(9) “Electronic identity” means the combination of the registrant’s login ID/user name, password, and profile.

(10) “Electronic service” means the transmission of an email generated by the court’s eFiling system, containing an NEF and hyperlink to the document, sent to a party who has consented to electronic service in accordance with Section 13(1) of these rules. Electronic service does not include service of process to gain jurisdiction over persons or property or service of subpoenas. Electronic service of documents is sufficient to provide service in accordance with the Kentucky Rules of Procedure; no other service is required.

(11) “Electronic signature” means the electronic symbol “/s/ typed name” attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document. The term may also include an electronic image of an original handwritten signature.

(12) “Envelope” means the package of electronically transmitted data and attachments which constitute an eFiling.

(13) “Hyperlink” means an electronic connection, which when selected, takes the reader to another place in the document or to a location outside the document.

(14) “Jurisdictional deadline” means a deadline set by statute or rule that the court may not extend or change.

(15) “Nonconforming document” means a document which does not conform to the formatting and technical requirements set out in Section 7 of these rules.

(16) “Notification of Court Processing (NCP)” means a notification automatically generated by and published within the eFiling system when the eFiling has been processed by the clerk. The NCP will indicate whether the filing has been accepted or rejected.

(17) “Notice of Electronic Filing (NEF)” means a notification automatically generated by and published within the eFiling system at the time a document is electronically transmitted to the court using the eFiling system. The NEF contains the date and time of transmission and an electronic hyperlink to the document.

(18) “PDF” means an electronic document transmitted in a portable document format which is readable by the free Adobe® Acrobat® Reader.

(19) “PDF/A” means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.

(20) “Protected information” means information required to be redacted pursuant to CR 7.03 and in accordance with Section 10 of these rules.

(21) “Registrant” means an individual who has registered with the eFiling system as described in Section 6 of these rules and who will receive notifications as described in Section 19(3) and (4) of these rules.

(22) “Scanned document” means an electronic image created by scanning a paper document.

(23) “Self-represented party” means a party who represents himself or herself without the assistance of an attorney.

(24) “Technical failure” means the failure of the court’s hardware, software, and/or telecommunications facility which results in the impossibility for an eFiler to transmit a document to the court using the eFiling system and/or for the eFiling system to generate and publish an NEF. Technical failure can also include the malfunctioning of an eFiler’s equipment.

(25) “Trusted submitter” means an eFiler who is not a party or acting as counsel for a party in an action but is authorized to electronically transmit to the court a document using the eFiling system.

(26) “Uniform Resource Locator (URL)” means letters and symbols that comprise the address of a website.

Section 6. Registration and Responsibilities

(1) Registration with the eFiling system.

(a) Registration is limited to:

- (i) Licensed attorneys in good standing with the Kentucky Bar Association;
- (ii) Self-represented parties; and
- (iii) Trusted submitters.

(b) Registration with the eFiling system must be completed online through the Kentucky Court of Justice’s KYeCourts website.

(c) A registrant’s KYeCourt’s login ID/user name, password, and profile will constitute their electronic identity and user account for purposes of the eFiling rules. A registrant may have more than one (1) electronic identity if they use the eFiling system in more than one capacity (e.g., an attorney who is both a trial commissioner and a practicing attorney).

(d) An individual seeking to register with the eFiling system is subject to authentication and training requirements imposed by the AOC, including eFiling certification for licensed attorneys. Nothing in this subsection shall be construed to convey a right to electronically transmit to the court documents using the eFiling system if authentication or training requirements are not available or have not been completed.

(e) The registrant will be subject to the terms of the eFiling system user agreement.

(f) A Commonwealth’s or County Attorney may elect to use an office account to receive electronic notifications for all eFilings in criminal cases within their jurisdiction. Creation and use of an office account under this paragraph constitutes consent to electronic service of all eFilings.

- (g) Registration as a trusted submitter is limited to:
- i. Justices, judges, and their judicial staff;
 - ii. Court administrative staff, including technical support staff;
 - ii. Court Commissioners;
 - iii. Government employees and law enforcement officers in actions relating to their official functions; and
 - iv. Other individuals authorized in an action to electronically transmit to the court documents using the eFiling system.

(2) Responsibilities of Registrants.

(a) If a registrant believes that the security of his or her electronic identity has been compromised or that a threat to the system exists, the registrant must notify the AOC eFiling website administrator.

(b) It is the responsibility of the registrant to have a valid and working email address that has not exceeded its size limitation in order to receive electronic service of eFilings. It is not the responsibility of the court, the clerk, or the AOC to ascertain whether a registrant is receiving notifications from the eFiling system via email.

(c) If a registrant's email address, phone number, or other information provided in their profile has changed, the registrant must promptly make the necessary changes to his or her profile.

Section 7. Format and Technical Requirements

(1) Conversion to PDF/A or PDF format required. Documents electronically transmitted to the court using the eFiling system must meet the same requirements of format and page limits as paper documents conventionally filed pursuant to the Kentucky Rules of Procedure, including page and word limits.

(a) Documents must be converted to PDF/A or PDF format before they are filed in the eFiling system. PDF/A is the preferred format for purposes of these rules.

- (b) The eFiler must ensure that the filing is an accurate representation of the document and is complete and readable.
- (2) Envelope size limitation. eFiling envelopes, including all attachments, must not exceed fifty (50) megabytes.
- (3) Format. Documents filed electronically must comply with the following format requirements:
- (a) 8 ½” x 11” size;
 - (b) At least 200 dot-per-inch (DPI) resolution;
 - (c) No unintelligible images (e.g., no all-black images);
 - (d) Documents must not be secured, password-protected, or have other features limiting access;
 - (e) Only readable word and viewable pictures or images, and valid, noncorrupted tables shall be included;
 - (f) Documents must not be corrupted (e.g., a corrupt file having -0- bytes of data); and
 - (g) Documents must comprise the complete image or file. The eFiler must ensure and verify that uploads to the eFiling system are properly completed.
- (4) Nonconforming documents. Documents which do not conform to the above requirements or which cannot be scanned and converted to a PDF or PDF/A (i.e., video or audio recordings, large maps, etc.) must be filed conventionally, with electronic notice to all parties.
- (5) Color documents. Exhibits or attachments containing color images may be electronically transmitted to the court using the eFiling system but must also be conventionally filed for the record.

Section 8. Electronic Filing in District and Circuit Courts

- (1) Notice of Electronic Filing.
- (a) Upon the electronic transmission to the court of a document using the eFiling system, an NEF, with a hyperlink to the document, will be automatically generated by and published within the eFiling system. The

NEF will record the date and time of the transmission of the document in the time zone of the receiving court.

(b) All NEFs and other system notifications are published in the eFiling system under the “Notifications” screen.

(c) In addition to the caption requirements set out in CR 10.01, all eFilings will receive a stamp by the eFiling system indicating the document has been electronically filed.

(2) Filing. Except as provided in Section 9 of these rules, the electronic transmission of a document to the eFiling system in accordance with the procedures specified in these rules, together with the generation and publication of an NEF in the eFiling system, with a hyperlink to the document, constitutes the filing of a document for all purposes of the Kentucky Rules of Procedure.

(a) An eFiling is deemed filed on the date and time stated on the NEF, regardless of when the eFiler actually transmitted the document or when the clerk actually processed the envelope.

(b) Use of the eFiling system does not alter the filing deadline for that document. An eFiling must be completed BEFORE MIDNIGHT, in the time zone of the receiving court, in order to be timely filed. However, if time of day is of the essence, a justice or judge may order a document filed by a certain time.

(c) Emailing a document to the clerk’s office or to the presiding judge does not constitute an eFiling or a filing of the document. A document will not be considered filed until the eFiling system generates and publishes an NEF with a hyperlink to the document.

(d) While the eFiling system is designed to accept transmissions 24 hours a day, it may not always be available due to scheduled maintenance or technical difficulties experienced by the eFiler or the eFiling system. eFilers are encouraged to transmit documents in advance of filing deadlines and during normal business hours in the event assistance or support is needed from the AOC’s eFiling help line.

(4) Case entries. The clerk receiving an eFiling will create a case entry using the information provided by the eFiler to record the document filed. If errors in the document or case entry are discovered by the clerk, the clerk may:

(a) make minor corrections to the case entry, with or without notifying the eFiler or parties;

(b) return the envelope to the eFiler indicating what further action, if any, is required to address the error. eFilers notified of an error through an NCP shall make corrections within two (2) business days of receiving the returned envelope from the clerk and retransmit the document electronically to the court using the eFiling system. Corrections shall be made in good faith and limited to the specified error(s) identified in the NCP. Timely correction shall preserve the original date and time found on the NEF. Failure to make corrections could result in a failure to comply with applicable deadlines. Local rules regarding motion hour deadlines are unaffected by this subsection; or

(c) disregard the error.

(5) Proposed or tendered documents.

(a) If the filing of a document requires leave of court, such as an amended complaint or a document to be filed out of time, the eFiler should transmit to the court a motion requesting leave to file with the proposed document as an attachment. If the court grants the motion and allows the filing of the proposed document, the eFiler must electronically transmit to the court the allowed document using the eFiling system to make it part of the record.

(b) If the eFiler is electronically transmitting to the court a proposed order or other proposed or tendered documents such as, but not limited to, judgments, findings of fact and conclusions of law, or jury instructions using the eFiling system, the order or other documents may be transmitted in PDF or PDF/A format as well as an editable .doc format capable of being read by Microsoft Word, and should be identified as “proposed.”

(6) Attachments and exhibits. Attachments and exhibits which do not conform to the requirements set out in Section 7 of these rules or which cannot be scanned and converted to a PDF or PDF/A (i.e., video or audio recordings, large maps, etc.) must be filed conventionally, with electronic notice to all parties. A party must serve conventionally filed materials on other parties as if not subject to these rules.

Section 9. Electronic Filing in Appellate Courts

Electronic filings in the appellate courts shall substantially conform with the provisions of Section 8 of these rules, except as follows:

- (1) Filing. The electronic transmission to the court of a document using the eFiling system in accordance with the procedures specified in these rules, together with the generation and publication of an NEF in the eFiling system, with a hyperlink to the document, constitutes the submission of a tendered document to the appellate court. The clerk of the appellate court shall review the eFiling for conformity pursuant to RAP 27(E) to determine whether the eFiling may be docketed.
- (2) The eFiling system will generate and publish an NCP indicating whether the eFiling has been accepted for review. The clerk will send a separate receipt notice from the case management system indicating the eFiling(s)' filing status.
- (3) If the clerk determines a document is deficient, a corrected document shall be transmitted using a new envelope.
- (4) An untimely document that is not transmitted as an attachment to a motion for enlargement of time may be rejected by the clerk.
- (5) The clerks of the appellate courts may adopt additional formatting and technical requirements for briefs electronically transmitted to the court using the eFiling system, and, if so adopted, post information regarding the requirements in a conspicuous location for reference.

Section 10. Discovery and Sealed Documents

(1) Discovery requests and responses as identified in CR 5.06 and RCr 7.24 shall not be electronically transmitted to the court using the eFiling system unless ordered by the court, used at trial, necessary to a pretrial motion, propounded at the onset of an action pursuant to CRs 33.01(2), 34.01(2), and 36.01(2), or agreed to by stipulation.

(2) The eFiling system will not be used for the exchange of discovery materials and other communications between the parties that are not intended to be filed with the court. Parties may exchange discovery materials electronically by mutual consent consistent with CR 5.02, but not via the court's eFiling system.

(3) The following documents must be conventionally filed: (i) any document in a sealed case; (ii) any document ordered sealed in an otherwise public record; (iii) a motion to seal and any document that is the subject of that motion, including any document requested to be reviewed in camera; (iv) depositions upon oral examination required by CR 30.06(1) to be delivered to the clerk by the officer taking the deposition; and (v) depositions upon written questions required by CR 31.02 to be filed by the officer taking the deposition.

Section 11. Redaction Requirements

(1) Compliance with CR 7.03.

(a) All eFilers must comply with the redaction requirements set out in CR 7.03, "Privacy protection for filings made with the court." These requirements apply to all documents, including attachments and exhibits. The clerk will not review filings for compliance with this rule. The responsibility to redact filings rests with the eFiler.

(b) The provisions of CR 7.03 apply to all eFilings regardless of the case type.

(c) eFilers are cautioned, in accordance with CR 7.03(7), that failure to redact information deemed private by CR 7.03 and/or the inclusion of irrelevant personal information in a document, attachment, or exhibit electronically transmitted to the court using the eFiling system may

subject the eFiler to the disciplinary and remedial powers of the court, including sanctions pursuant to CR 11.

(2) Improperly included private or protected information.

(a) A party may move to redact improperly included private or protected information from a document and may request an immediate order from the court temporarily deleting the document from the system pending notice and opportunity to be heard by all parties.

(b) If the court finds that private or protected information was improperly included in a document, the court may order the clerk to permanently delete the document from the system and require an eFiler to electronically transmit a redacted version of the document to the court using the eFiling system.

(c) If, after hearing, the court does not find that private or protected information was improperly included and the document has been temporarily deleted from the system under paragraph (a), the eFiler is responsible for retransmitting the document to the court using the eFiling system.

Section 12. Signatures

(1) Generally. A document electronically transmitted to the court using the eFiling system must bear the electronic signature of the eFiler, as more fully described in paragraphs (a) and (b) below. The electronic signature of the eFiler will be treated as a personal signature and will serve as a signature for purposes of CR 11, and all other Kentucky Rules of Procedure, any applicable statutes, the Local Rules of Court, and any other purpose for which a signature is required in connection with proceedings before the court.

(a) A document electronically transmitted to the court using the eFiling system must include a signature block setting forth the name, mailing address, phone number, fax number, and email address of the eFiler.

(b) In addition, the name of the eFiler must be preceded by an “/s/” and typed in the space where the signature would otherwise appear. An

electronic image of a handwritten signature may be applied to a signature line.

(c) Affidavits and exhibits to pleadings with original handwritten signatures must be scanned and transmitted in PDF or PDF/A format.

(d) An eFiler may not transmit a document to the court through the eFiling system on another person's behalf without the intent to represent a party or participate in the case. Electronically transmitting a document to the court using the eFiling system without the intent to represent a party or participate in the case could result in CR 11 sanctions.

(2) Signatures of more than one person required. A document requiring signatures of more than one person must indicate the consent of the other persons on the document either by:

(a) inserting in the location where each handwritten signature would otherwise appear the typed signature of each person, other than the eFiler, preceded by an "/s/" and followed by the words "by permission" (e.g., "/s/ Jane Doe by permission"); or

(b) containing the handwritten signatures of each person on a scanned document.

(3) Signatures of justices, judges, and other court officials. If the signature of a justice, judge, or other court official (e.g., a court commissioner or clerk) is required on a document, an electronic signature may be used. The electronic signature shall be treated as the justice's, judge's, or court official's personal signature for purposes of CR 11, all other Kentucky Rules of Civil Procedure, any applicable statutes, the Local Rules of Court, and any other purpose for which the signature is required in connection with proceedings before the court.

(4) Documents required to be notarized, acknowledged, verified, or made under oath. The court will maintain the scanned image of any notarized, acknowledged, verified, or sworn document as the official court record, and the eFiler must retain the originally executed document in accordance with Section

18of these rules. The court may require the eFiler to produce the original document if validity of a signature is challenged.

(5) Challenging or disputing authenticity.

(a) A non-filing signatory or party who disputes the authenticity of an eFiling with a non-attorney signature, or the authenticity of the signature on that eFiling; or the authenticity of an eFiling containing multiple signatures, or the authenticity of the signatures on that eFiling, must file an objection to the eFiling within fourteen (14) days of service of the document. An objection to the eFiling shall place a burden on the eFiler to prove authenticity. Failure to prove authenticity by the eFiler will result in the eFiling being stricken from the record.

(b) If a non-filing signatory or party wishes to challenge the authenticity of an eFiling or signature on an eFiling after the fourteen (14) day period, the non-filing signatory or party shall file a motion to seek a ruling from the court and show cause for the delayed challenge. If the challenge to authenticity is allowed by the court, the eFiler shall have the burden to prove authenticity. Failure to prove authenticity by the eFiler will result in the eFiling being stricken from the record.

Section 13. Electronic Service of Documents

(1) Consent to electronic service through the eFiling system.

(a) An eFiler who is listed as a party or counsel for a party in an existing action does not automatically consent to electronic service by registering with the eFiling system as described in Section 6 of these rules.

(b) In order to consent to electronic service in a supported action, the eFiler must either electronically transmit to the court an Entry of Appearance or other eligible document using the eFiling system or if available, use a supported feature to give consent in multiple cases.

(c) Electronic service through the eFiling system will not begin until the eFiler receives either an NCP accepting the transmitted document or a

system confirmation from a supported feature as described in paragraph (b) above.

(d) Electronic service through the eFiling system will not be made on parties who have not consented to electronic service as described in paragraph (b) above.

(2) Transmission of an email generated by the eFiling system, containing the NEF and a hyperlink to the document, constitutes service under CR 5 and RAP 5. No other service on the parties who receive the email is required.

(3) Parties must serve a copy of any eFiling in the manner required by CR 5 and RAP 5 on a party or other person entitled to service who has not consented to electronic service in accordance with subsection (1) of this Section. It is the responsibility of a party to review the list of eFilers who will receive electronic service as indicated by the eFiling system and determine whether any other persons require conventional service.

(a) Counsel for a party who has consented to electronic service in accordance with subsection (1) of this Section will continue to receive the NEFs generated for the action until they have filed a proper withdrawal of appearance in the action and, if applicable, obtained an order allowing the withdrawal.

(b) If a party who has electronically transmitted a document to the court using the eFiling system learns or has reason to know that the eFiling system did not generate and/or transmit an email with the NEF to another party or person who was entitled to service, then electronic service is not effective. To the extent service is required, the party must serve the eFiling by traditional methods pursuant to CR 5 or RAP 5 immediately upon discovering that the email was deficient or that transmission was otherwise unsuccessful.

(4) Service of process. Electronic service of process is not permitted for purposes of obtaining jurisdiction over persons or property, i.e., CR 4 service, with the exception of the service of summons on a cross, counter, or third-party complaint where the defendant to such complaint is an eFiler who has

already consented to receive electronic service in the action in accordance with subsection (1) of this Section. All other service of process must be effected in the traditional manner. The plaintiff or petitioner need not present the summons to the clerk along with the initiating document; the clerk will generate the summons and issue it as set out below in paragraphs (a) and (b). The summons shall bear the date and time indicated on the NEF, regardless of when the clerk processes the eFiling and issues an NCP.

(a) Summonses will be issued as follows:

- (i) For service by certified mail under CR 4.01(1)(a), the clerk will issue the summons, and cause service of the summons and complaint to be made via certified mail;
- (ii) For service by the sheriff under CR 4.01(1)(b), the clerk will issue the summons and cause the summons and complaint to be transferred to the sheriff for service;
- (iii) For service by a process server or other authorized person under CR 4.01(1)(b), other than the sheriff, the summons will be issued by the clerk and electronically returned to the initiating party for service; or
- (iv) At the request of the initiating party, in accordance with CR 4.01(1)(c), the clerk will issue the summons and electronically return it to the initiating party for service.
- (v) For service by warning order attorney under CRs 4.05, 4.06, and 4.07, the party requesting the warning order attorney shall upload a copy of the affidavit as provided by CR 4.06. Such affidavits shall be filed as stand-alone documents and not included within the body of an initiating document or pleading. The clerk shall appoint a practicing attorney of the court to serve as warning order attorney for the defendant pursuant to CR 4.07. The eFiling system may assess a non-refundable deposit for the warning order attorney, which may or may not constitute the entirety of his or her legal fees under CR 4.07(6).

(vi) For service of process through the Secretary of State in accordance with KRS 454.210, the clerk will issue the summons, and cause copies of the summons and attested copies of the initiating party's complaint to be transferred to the Secretary of State.

(b) The return of service must be imaged in a PDF or PDF/A format and electronically transmitted to the court using the eFiling system by the party at whose request the summons was issued and served if proof of service is returned to that party.

(5) Service of subpoenas. Subpoenas issued pursuant to CR 45 must be served as provided in CR 45.03(1) and not by use of the eFiling system. Notices required to be served on each party pursuant to CR 45.03(3) may be served electronically by mutual consent consistent with CR 5.02, but not via the court's eFiling system. Proof of service pursuant to CR 45.03(1) and RCr 7.02 may be electronically transmitted to the court using the court's eFiling system.

(6) Certificate of Service. A certificate of service must be included with all eFilings. A certificate of service must show parties who received service and the manner in which they were served.

(7) Additional time after electronic service. Electronic service under these rules is treated the same as service by mail under CR 6.05 for the purpose of adding three (3) days to the prescribed period.

Section 14. Entry of Orders and Notice of Entry

(1) Entry of orders. All orders, decrees, judgments, and any other documents entered or issued by the court may be electronically transmitted to the eFiling system for filing in accordance with these rules.

(a) Such filing will constitute entry by the clerk pursuant to CR 58 and CR 79.

(b) An order containing the electronic signature of a justice or judge will have the same force and effect as if the justice or judge had affixed a

signature to a paper copy of the order and the order had been entered in a conventional manner.

(2) Notice of entry.

(a) Immediately upon the entry of an order or judgment in an action, an NEF, styled as a Notice of Entry, with a hyperlink to the document, will be automatically generated by and published within the eFiling system. The clerk will transmit notice to those parties in the case who have consented to electronic service in accordance with Section 13(1) of these rules. Electronic transmission of an email generated by the eFiling system, containing the NEF and a hyperlink to the document, constitutes service of the notice in accordance with CR 77.04 and RAP 40.

(b) The clerk must serve notice in paper form to a party or other person entitled to service who has not consented to electronic service in accordance with Section 13(1) of these rules, to the extent notice is required.

Section 15. Court Record

(1) The clerk will print all eFilings and maintain a paper file in each case. The paper file will constitute the official court record.

(2) Conventionally filed or court-generated documents may be scanned by the clerk. The original documents will be maintained in the paper file.

(3) When the law requires the filing of an original document, such as a will, voucher, bond, oath, mortgage document, birth certificate, foreign judgment, or other certified or verified document, the eFiler must scan the original document and electronically transmit to the court the scanned document using the eFiling system. The eFiler must either (i) retain the original document in accordance with Section 18 of these rules; (ii) file the original document with the appropriate agency or officer as may be required by law; or (iii) file it conventionally with the court when necessary for actions involving original documents.

(4) Electronic receipts may be generated for financial transactions. In the event a receipt is generated, the court's file copy shall be retained in electronic format.

(5) Notwithstanding subsection (1) of this Section, the Kentucky Supreme Court may designate pilot counties where the electronic court record may be designated as the official court record.

Section 16. Access to Electronic Court Case Information

(1) eFilers who are also authorized CourtNet users may be assessed a CourtNet subscription fee and additional costs for accessing case details and viewing images of eFilings through CourtNet.

(2) To the extent authorized, eFilers may be able to view case entries and images of eFilings through CourtNet at no cost if they have electronically transmitted documents to the court in the action using the eFiling system.

(3) Certain categories of documents containing sensitive information may be designated as protected images and may only be viewable to parties associated with the case in CourtNet.

(4) Access to confidential cases in CourtNet may be available to persons authorized by statute, except that non-government parties may be required to electronically transmit to the court an Entry of Appearance or other eligible document in the action using the eFiling system in order to access the case details or images in CourtNet. Sealed cases are not a supported case type and are not viewable in CourtNet.

Section 17. Fees, Costs, and Payment Methods

(1) Fees, including but not limited to filing fees, bond fees, and judicial sale fees are due and payable at the time an eFiler electronically transmits the document to the court through the eFiling system unless the fee is waived by order of the court, the fee is not due or payable, the eFiler also transmits an affidavit to proceed in forma pauperis, or the court makes alternative arrangements with the eFiler. Payment of filing fees and other court costs must

be made by credit card or electronic check through the KCOJ payment systems vendor.

(2) Other costs.

(a) Service of process. In actions where certified mail, sheriff service, and Secretary of State service is requested, printing cost shall be \$0.10 per page.

(b) Transaction fees for electronic payments may be assessed by the KCOJ payment systems vendor.

(3) All fees and costs listed in this Section shall be taxed as costs in the action pursuant to CR 54.04 and shall be recoverable by the prevailing party.

(4) The AOC's centralized printing and mailing facility may be designated to print and distribute or mail eFilings and other related documents.

(5) Electronic payments received through the eFiling system, including payments made pursuant to RAP 2(H), are deemed to have been made at the time the filing was transmitted to the court using the eFiling system.

Section 18. Retention Requirements

(1) Original documents and documents containing original signatures. An eFiling that is scanned image of either an original document or a document containing an original signature must be maintained in paper form by the eFiler until all periods for appeals have expired, unless it is an original document that was either required by law to be filed with an agency or officer or filed conventionally with the court. Original documents or documents containing an original signature are not required to be retained if the signature is that of an attorney or named party in the case who may personally verify and give proof as to the authenticity of the signatures. Upon the request of the court or other party, the eFiler must provide the original document for review or inspection.

(2) Discovery documents. Pursuant to CR 5.06, the party responsible for service of a discovery document not filed of record, including interrogatories, requests, and answers and responses thereto, notices, and subpoenas will be the

custodian and must retain the original document. The custodian must provide access to all parties of record during the pendency of the action.

Section 19. Technical Difficulties; System Unavailability

(1) Jurisdictional deadlines. Some deadlines are jurisdictional and cannot be extended. A technical failure, including a failure of the eFiling system, will not excuse a failure to comply with a jurisdictional deadline. The eFiler must ensure that a document is timely transmitted to the court using the eFiling system to comply with jurisdictional deadlines and, where necessary to comply with such deadlines, the eFiler must file the document conventionally accompanied by a certification of the necessity to do so in order to meet a jurisdictional deadline.

(2) Technical failures.

(a) If an eFiler experiences a technical failure as defined herein, the eFiler may file the document conventionally, provided that the document is accompanied by a certification signed by the eFiler, that the eFiler has attempted to file the document electronically at least twice, with those unsuccessful attempts occurring at least one (1) hour apart. The clerk may require the document to be accompanied by a disk or CD-Rom which contains the document in PDF or PDF/A format.

(b) The initial point of contact for an eFiler experiencing technical difficulty transmitting a document electronically to the court using the eFiling system will be the AOC's eFiling help line at the number(s) listed on the Court of Justice's website. The help line will be available during the AOC's regular business hours, 8:00 a.m. until 5:30 p.m., eastern time, Monday through Friday (excluding holidays).

(c) An eFiler who suffers prejudice as a result of a technical failure as defined herein or an eFiler who cannot file a time-sensitive document electronically due to unforeseen technical difficulties, other than a document filed under a jurisdictional deadline, may seek relief from the

court. Parties may also enter into an agreed order deeming a document, other than one filed under a jurisdictional deadline, timely filed.

(3) Anticipated system maintenance and downtime. When the eFiling system will not be available due to scheduled maintenance, a notice will be posted on the court's website of the date, time, and anticipated length of the unavailability.

(4) Unanticipated downtime. When the eFiling system is unexpectedly unable to accept filings continuously or intermittently for more than one hour, registrants will be notified of the problem by the posting of a notice of the problem on the court's website.

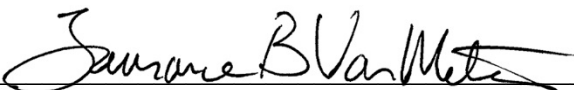
Section 20. Technical Assistance

An eFiler experiencing technical difficulty filing a document electronically may contact the AOC's eFiling help line at the number(s) listed on the Court of Justice's website. The help line will be available during the AOC's regular business hours, 8:00 a.m. until 5:30 p.m., eastern time, Monday through Friday.

This Order shall be effective upon entry and until further Order.

Entered this 17th day of June 2024.

All sitting; all concur.



CHIEF JUSTICE