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FEB 10 2003

Cause No. 07-09-09142-CV

9<sup>th</sup> JUDICIAL DISTRICT COURT  
MONTGOMERY COUNTY, TEXAS

BARBARA GLADDEN ADAMICK  
District Clerk  
MONTGOMERY COUNTY, TEXAS  
By \_\_\_\_\_ Deputy

### ORDER REGARDING E-FILE DESIGNATION AND LIVE DATE

As of January 1, 2000, all civil cases filed in the 9th District Court of Montgomery County will be electronically filed as described and governed by the Local Rules Regarding Electronic Filing. Consequently, the Court, sua sponte, hereby designates the cause number, \_\_\_\_\_, 07-09-09142 in the Ninth District Court of Montgomery County, Texas, as such an e-file case. Accordingly, the Court orders that in this cause the District Clerk implement fully the Local Rule Regarding Electronic Filing, approved by the Supreme Court on September 16, 1997. A copy of the Local Rule Regarding Electronic Filing can be obtained in the office of Judge Edwards or the Montgomery County District Clerk's Office.

**What Must be Filed Electronically.** No pleadings or party-generated documents may be filed in paper form, but must be filed electronically through the e-file system, unless a document meets one of the exceptions named below.

**All answers must be filed electronically.** Answers filed in paper form will not be accepted.

**Documents That Need Not be Filed Electronically.** Documents may still be filed conventionally if 1) a party has leave of Court to do so, 2) the document is the Original Petition or a Return of Service, or 3) the document is an exhibit, appendix, or "image" document exceeding 50 pages in length (see explanation below). Actions brought by the State of Texas or Child Protective Services as well as Adoption Actions are exempt from e-filing.

**Exhibits.** Original exhibits to documents filed electronically must be "scanned in" and filed electronically as well if the *exhibits* number less than fifty pages. If the exhibits total over fifty pages in length, they may be marked clearly as to which motion they pertain and filed with the District Clerk.

A party wishing to file voluminous exhibits conventionally should 1) electronically file a notice indicating that there are conventional "paper" exhibits on file in the District Clerk's Office, 2) file the exhibits in the District Clerk's Office, and 3) serve other parties with copies of the conventionally-filed exhibits as normally required by the Texas Rule of Civil Procedure.

Please note that according to the Local Rule for E-filing, any original signature page on affidavits, verifications, or other sworn documents that is not filed with the Clerk in paper form "shall be maintained and made available, upon reasonable notice and during business hours, to other counsel and to the court."

### Exhibit "1"

Defendant The Honorable Frederick E.  
Edwards's Motion To Dismiss  
Plaintiff's Second Amended Complaint  
Under Rules 12(b)(6), 12(b)(1), and 9(b)

"Certified as to certification  
on signature page"

New Divorce and Annulment Cases That Are Resolved Within 90 Days. As of January 1, 2001, all original petition for divorce or annulment that are resolved within 90 days are not required to be filed electronically.

In addition, inventories and appraisal documents in all family law cases may no longer be electronically served with the Court, due to privacy concerns. Please exchange this information to opposing counsel, but without actually serving the Court via e-filing. However, you must serve the Court with a letter noticing that the exchange of documents was made and on what date.

How to File Electronically. For information on how to use electronic filing, parties are instructed to contact CourtLink Customer Service at 1-888-529-7587.

In short, parties will be presented with two options. They may either: 1) become a subscriber through the Internet to the e-file system or 2) bring their filings in the form of 3-1/2" IBM (or compatible) formatted disc to the public terminal located in the District Clerk's Office and upload the pleadings at no charge.

Although there is no fee involved in subscribing to the e-file system through the Internet, a minimal fee is assessed for each filing and service delivery made through the system. The e-filing system will "serve" all parties and the court through the Internet or via facsimile, so it will not be necessary for a party choosing to become a subscriber to serve other parties in paper form.

However, parties wishing to exercise their option to file through the public terminal must still serve copies on other parties *in paper form*, as is usually required by the Texas Rules of Civil Procedure.

Consequences of Failure to File in Accordance with this Order. The District Clerk shall not accept any pleadings in paper form, and shall not use imaging technology to convert documents from paper to electronic form for the parties. Any documents submitted in paper form will be rejected by the District Clerk without further notice to submitting counsel. *Documents so rejected will be regarded as "unfiled," even if the clerk, in error, file-stamps the incorrectly filed documents.*

If the electronic filing is not filed with the Court because of 1) an error in the transmission of the document to the Vendor which was unknown to the sending party, or 2) a failure to process the electronic filing when received by the Vendor, or 3) other technical problems experienced by the filer, the Court may upon satisfactory proof enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be sent electronically.

If there are any questions regarding e-filing, please contact the following:

- CourtLink Customer Service at (888)529-7587;
- Donna Owen, Briefing Attorney, 9th District Court at (936) 539-7866
- Christian Brown, CourtLink eFile Project Consultant, (770) 919-7571
- The Official Website for Montgomery County, [www.co.montgomery.tx.us](http://www.co.montgomery.tx.us)

Signed this 10th day of February, 2003.

JUDGE PRESIDING

The Honorable Fred Edwards, Deputy

I, Barbara Gladden Adamick, do hereby certify 2 pages in Cause # 020902002 as being a true and correct copy of the Original Record now on file in the District Clerk's Office of Montgomery County, Texas.

Witness My Official Seal of Office in Conroe, Texas  
On This The 28 Day of April, 2003