

# Sixth Judicial District

**LOCAL RULE May 9, 2005**

## **FILING BY FAX**

Because of great distances between the various courthouses in the Sixth District, because fax technology is widely available and reliable, and because court files are increasing in size from duplicate filings of the same document, the following local rule is made.

Rule 5(e), Utah Rules of Civil Procedure is in effect and reads as follows as of the date of this local rule:

Filing with the court defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may accept the papers, note thereon the filing date and forthwith transmit them to the office of the clerk.

We desire to further define the phrase "Filing with the court." In the Sixth District the phrase means "delivery to the clerk of the court (or to the judge, if necessary) *and* payment of the appropriate filing fee."

Delivery may be made in any one of the following methods:

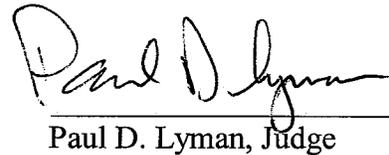
- (1) hand-delivery;
- (2) US Postal Service or other commercial delivery service;
- (3) facsimile transmission (however, there are special rules for faxing, namely:
  - a) A document transmitted by fax is the equivalent of the original document; the original will not be filed without court approval;
  - b) Transmitting by fax is not filing; filing is complete upon acceptance by the clerk of the court;
  - c) The party transmitting by fax shall

- 1) keep the original document for production, if required;
- 2) ensure that the transmitting fax machine is in compliance with all FCC or other government regulations;
- 3) include on a fax cover page
  - (A) case name and number (if available)
  - (B) pleading title
  - (C) lawyer's name, address and telephone number and fax number
  - (D) and the number of pages being faxed.
- d) The party transmitting by fax assumes all risk of failure of the transmission.

Dated this 9 Day of May 2005

  
K. L. McIff, Judge

  
David L. Mower, Judge

  
Paul D. Lyman, Judge

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CERTIFICATE OF SERVICE

On May 24, 2005 a copy of the above was sent to each of the following by the method indicated:

<u>Addressee</u>	<u>Method</u> (M=mail, P=in person, F=Fax)	<u>Addressee</u>	<u>Method</u> (M=mail, P=in person, F=Fax)
Kristine Frischknecht	[ M ]	160 N Main,Manti,UT 84642	
Ryan Torgerson		P.O. Box 189, Loa,UT 84744	
Valeen Brown		POBox99,Junction,UT 84740	
Camille Moore		POBox77PanguitchUT84 759	
Karla Johnson		76 N Main,Kanab,UT 84741	

*Meg Nielson*  
5-24-05