

State of Louisiana * Parish of Ouachita * Fourth Judicial District Court

SHARON BROWN

FILED: _____

VS. 2021-0657

Deputy Clerk of Court

ZURICH AMERICAN INSURANCE
COMPANY, ERIC JOHNSON, ALTA
REFRIGERATION INC., AND USSA
CASUALTY INSURANCE COMPANY

**Standing Order Issued by Civil Section 2, Division "J" To
The Honorable DANA BENSON, Clerk of Court, Fourth Judicial District,
Regarding Implementation of The Clerk's New E-Filing and/or
Paperless Filing System**

The Court, acting pursuant to the express and inherent authority vested in it, pursuant to the Louisiana Constitution of 1974 and legislation passed pursuant thereto, hereby issues the following standing orders, to wit:

WHEREAS, Louisiana Civil Code Article 2 provides that Legislation is the solemn expression of the legislative will; and,

WHEREAS, the Louisiana Legislature has not passed any statewide legislation authorizing any Louisiana Clerk of Court, including the Fourth District Clerk of Court to implement a parish wide paperless filing system; and,

WHEREAS, Louisiana Code of Civil Procedure Article 253(B) allows a party to electronically file pleadings and documents at their election, and in accordance with a non-mandatory, discretionary system adopted by a Clerk for such purposes, said article does not authorize or empower a Clerk to implement a Parish wide totally paperless filing system, in fact, the Clerk, under certain circumstances, may refuse to accept certain E-filings under subsection B; and,

WHEREAS, subsection A of Article 253 of the Louisiana Code of Civil Procedure provides for written filings and mandates that the Clerk of Court SHALL, among other things, receive these filings, make a record thereof, and allow public access to said filings and records, as required by law; and,

WHEREAS, R.S. 44:36, 44:411 and other related statues, provide for the retention of public documents, and records for a specified period of time and the destruction of said documents pursuant to a schedule provided by the Louisiana Secretary of State; and,

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CLERK OF COURT

WHEREAS, the Court is duty bound by the Louisiana Constitution of 1974, state law, and its oath to uphold and follow the law:

THE COURT, FOR THE ABOVE AND FOREGOING REASONS, HEREBY ORDERS, AND DECREES, that effective immediately, and specifically on the date that the Clerk of Court of the Fourth Judicial Court implements her new paperless filing system (April 5, 2021 or May, 2021), the Honorable **DANA BENSON**, (hereinafter, "the Clerk"), **shall** with respect to **ALL** civil filings, documents and exhibits, etc., that are legally and properly assigned by law, to Civil Section 2, Division "J" of the Fourth District Court, (hereinafter "Civil Section 2") comply with Louisiana Law, including but not limited specifically to Louisiana Code of Civil Procedure Article 253, Subsection A, and all other relevant and applicable state laws, pertaining to the filing and retention of public documents and records.

IT IS FURTHER ORDERED that the Clerk provide Civil Section 2 with the original, official record (in non-digital form) which shall include ALL filings, electronic or otherwise, delivered to her office by walk-in, mail-in or fax filing, for the Court's review and original signature (non-electronic signature). The Court further orders that the original, official record, in non-digital form, be made available to the Court and its staff, including the Court's judicial assistants, law clerks and others, for the purpose of review and preparation for hearings and trials.

IT IS FURTHER ORDERED that the Clerk shall retain all pleadings, documents and exhibits as required by law, including all written filings that are hand delivered to her office, and those mailed into and/or faxed filed with her office. Said filings, once received by the Clerk, **SHALL** not be returned to the filer except as provided by Louisiana law.

IT IS FURTHER ORDERED that the Clerk **SHALL** not destroy or depose of any pleadings, documents, exhibits and/or any other public records filed with her office, in any manner or form, except as provided by Louisiana law, including but not limited specifically to, R.S. 44:36 and R.S. 44:411, et seq.

IT IS FURTHER ORDERED that the Clerk **SHALL** file this Order in the captioned suit record and any other appropriate department of her office as required by Louisiana Law.

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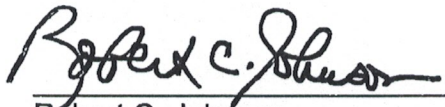
IT IS FURTHER ORDERED that a copy of this Order shall be placed in the suit record of every case assigned to Civil Section 2 from the date and time of the implementation of the Clerk's "paperless" filing system, until further orders of the Court.

IT IS FURTHER ORDERED that a copy of this Order shall be displayed in a prominent place on the first page of the Clerk of Court's website.

IT IS FURTHER ORDERED that the Order in this case, **SHALL** be prominently displayed on the outside of the front inside entry door to the Clerk's Office and on the outside entry doors of **ALL** Ouachita **CIVIL** and **CRIMINAL** courtrooms for the next ninety (90) days.

The above orders of the Court, with respect to Civil Section 2, Division "J", are standing in nature and shall remain in effect until further orders of the Court.

THUS, DONE AND SIGNED in chambers, in Monroe, Ouachita Parish, Louisiana on this the 30th day of April, 2021.



Robert C. Johnson
Judge, Fourth District Court
Civil Section 2 – Division "J"