

**F I L E D**  
Clerk of the Superior Court

DEC 31 2018

By: T. STEPPAT

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

**IN RE PROCEDURES REGARDING  
ELECTRONICALLY IMAGED COURT  
RECORDS, ELECTRONIC FILING, AND  
ACCESS TO ELECTRONIC COURT  
RECORDS IN CIVIL AND PROBATE  
CASES**

**GENERAL ORDER OF THE  
PRESIDING DEPARTMENT**

**ORDER NO. 010119-22**

THIS COURT FINDS AND ORDERS AS FOLLOWS:

1. ELECTRONIC FILING AND IMAGING PROGRAM

On August 1, 2011, the San Diego Superior Court ("court") began an Electronic Filing and Imaging Pilot Program (the "Program" or "Imaged Program") designed to reduce paper filings and storage, facilitate electronic access to civil court files, and allow remote electronic filing ("E-File" or "E-Filing") of papers in civil cases. The ultimate goal of the Program is to create a paperless or electronic file in all civil cases, as well as in other case categories. The Program has since been expanded to other divisions as well as to probate cases.

The Program is being implemented in phases:

Phase One: The court began scanning all papers in newly filed cases in designated divisions and departments. The imaged documents are stored in an electronic court file that can be viewed in the Business Offices and are accessible remotely through the Register of Actions on the court's website as set forth below. Imaged Program cases that are reassigned or transferred to

1 a department outside of the Program may be removed from the Program and converted to a paper  
2 filing system.

3 Phase Two: E-Filing access was implemented to allow E-Filing by counsel and parties  
4 through the court's E-File Service Provider in designated case types.

5 Phase Three: On October 2, 2017, the Imaged Program expanded to small claims cases.  
6 All new small claims cases filed on or after October 2, 2017, are imaged and the documents are  
7 being stored in an electronic court file that is available for viewing in all of the court's Business  
8 Offices.

9 2. THE ELECTRONIC COURT FILE IN IMAGED CASES IS THE OFFICIAL COURT  
10 RECORD

11 Pursuant to Government Code section 68150 and California Rules of Court ("CRC"), rule  
12 2.504, the electronic court file in Imaged Program cases is certified as the official record of the  
13 court. The paper filings that are imaged and stored electronically will be physically stored by the  
14 court for 30 days after filing, after which time they will be shredded and recycled, except for  
15 original wills and bonds in probate cases, which will be physically retained by the court for the  
16 period required by law. During this 30-day period, these documents will not be stored in a manner  
17 that will allow a party or its attorney to access them, and access will only be granted by order of  
18 the court upon a showing of good cause.

19 3. CIVIL AND PROBATE CASES INCLUDED IN THE PROGRAM

20 The following cases have been or will be imaged and stored in an electronic court file, and  
21 are considered Imaged Program cases:

22 a. Civil cases initiated after a particular department or division began  
23 participating in the imaging program;

24 b. Civil class actions, construction defect cases, JCCP cases, consolidated and  
25 coordinated actions where all cases involved are imaged cases, and actions that are  
26 provisionally complex under CRC, rule 3.40-3.403 (as set forth in the Civil Case  
27 Cover Sheet). "Complex cases" include antitrust/trade regulation, mass tort,  
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1 environmental/toxic tort, and securities litigation cases, as well as insurance  
2 coverage claims arising from these case types;

3 c. Probate cases filed on or after March 1, 2012 and all probate cases initiated  
4 prior to March 1, 2012 in which the Court has notified the parties that the case has  
5 been back scanned;

6 d. All new civil and probate cases; and,

7 e. All small claims cases filed on or after October 2, 2017.

8 **4. MANDATORY AND PERMISSIVE ELECTRONIC FILING**

9 Mandatory electronic filing through the court E-File Service Provider One Legal is  
10 required for all case types listed in paragraph 3.b. above, including construction defect and other  
11 cases previously filed through File&Serve Xpress (fka LexisNexis File&Serve). Further  
12 information can be found on the court's website, at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

13 Electronic filing is encouraged in all other imaged cases.

14 **5. GENERAL E-FILING REQUIREMENTS**

15 Documents can only be electronically filed through the court's electronic service provider  
16 One Legal (the "Provider"). E-file Provider information is available on the court's website.

17 All E-filers shall comply with CRC, rules 2.250-2.261 and California Code of Civil  
18 Procedure ("CCP") § 1010.6. All documents E-filed with the court must be in a text searchable  
19 format, i.e., OCR. The court is unable to accept documents that do not comply with these  
20 requirements, or documents that include but are not limited to: digitized signatures, fillable forms,  
21 or a negative image. E-filers are required to comply with the provisions of the E-Filing  
22 Requirements Documents, located on the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov). Civil E-Filing  
23 Requirements can be found on the Civil Division's E-Filing page; Probate E-Filing Requirements  
24 can be found on the Probate Division's E-Filing page.

25 The receipt and filing of documents submitted electronically is governed by CCP 1010.6  
26 and CRC, rule 2.259. The Court's filing deadline is 11:59:59 p.m. (Pacific Time) on court days.  
27 The electronic transmission of a document to the Court can take time, so waiting until shortly  
28 before the deadline to electronically transmit a filing is not advised, as it could be received by the

1 court after 11:59:59 p.m. and deemed filed the next court day. Per CRC, rule 2.259(a)(4), the **filer**  
2 is responsible for verifying that the court received and filed any document submitted electronically.  
3 Please see One Legal's website for filing instructions. To the extent any San Diego Superior Court  
4 Local Rules set forth a different time deadline for filing electronic documents, the applicable  
5 portions of the Local Rules are no longer valid.

6 Additional and more specific information on electronic filing can be found on the court's  
7 website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

#### 8 6. FILING AND SERVICE REQUIREMENTS IN IMAGED CASES

9 a. Service of Notice: All parties filing new actions assigned to the imaging  
10 program shall serve on all parties a copy of the "Notice of Assignment to Imaging  
11 Department" with the complaint, cross-complaint, petition, claim, or other case  
12 initiating pleading. A copy of this notice will be provided to the filing party by the  
13 court clerk when case originating filings are processed.

14 b. "Imaged" Identifier: On all pleadings filed after the initial case originating  
15 filing, all parties must, to the extent it is feasible to do so, place the words  
16 "IMAGED FILE" in all caps immediately under the title of the pleading on all  
17 subsequent pleadings filed in the action.

18 c. Original Documents: Original underlying documents, other than wills and  
19 bonds in probate cases, that are relevant to a case should not be attached as exhibits  
20 to filed documents or filed in any other manner, as these documents will be imaged  
21 and the paper filings destroyed in accordance with this Order (except for those  
22 documents set forth in paragraph 6.d. below). Any original document, other than a  
23 will or bond in a probate case, that is included in a **filed** document in a case within  
24 the Program will be imaged and destroyed in accordance with this Order. Original  
25 documents may be **lodged** with the court, as necessary, under the procedures set  
26 forth in paragraphs 6.g. and 6.h. below.

27 d. Proposed Orders: Proposed orders should only be submitted with initial  
28 pleadings for an ex parte hearing, and should not be submitted for a law and motion

1 hearing until after the hearing is completed.

2 e. Exhibits: Any exhibits attached to a pleading presented for filing must have  
3 the exhibit tabs located at the bottom of the respective documents, in accordance  
4 with California Rules of Court, rule 3.1110(f), and each exhibit must be preceded  
5 by a cover page that contains solely the word "Exhibit" and the exhibit's identifying  
6 number or letter.

7 f. Confidential Documents: Any documents classified or considered  
8 confidential pursuant to statute, rule of court or local rule shall be filed with the  
9 court and will be imaged and destroyed in accordance with this order. Access to  
10 the imaged confidential document(s) shall be as set forth in paragraph 7.d. below.

11 g. Civil Cases other than Probate:

12 (1) Lodged Documents:

13 The Notice of Lodgment itself must be filed with the court. In accordance  
14 with California Rules of Court, rule 3.1302(b), the documents submitted  
15 with the notice must be lodged and not filed. The lodged documents will  
16 not be imaged, will not be part of the official court file, and will be  
17 returned in the manner requested or recycled if no manner of return is  
18 specified.

19 (2) Documents in Support of Judgments:

20 Applications for entry of a judgment that include an instrument, contract,  
21 or written obligation will have the relevant document(s) cancelled and  
22 merged if the judgment is entered, in accordance with California Rules of  
23 Court, rule 3.1806, after which the document will then be imaged and  
24 maintained in the electronic court record. The submitted document(s) will  
25 then be returned to the proffering party for safe-keeping. Parties must  
26 provide a suitable method of return along with the submitted document(s).  
27 If no method of return is included, the document(s) will be shredded and  
28 recycled.

1 h. Probate Cases:

2 (1) Lodged Documents:

3 (a) The Notice of Lodgment itself must be filed with the court. In  
4 accordance with California Rules of Court, rule 3.1302(b) and San  
5 Diego Superior Court Rule 4.3.2 (F), the documents submitted with  
6 the notice must be lodged and not filed. The lodged documents will  
7 not be imaged, will not be part of the official court file, and will be  
8 returned in the manner requested or recycled if no manner of return  
9 is specified.

10 (b) A party filing a motion or other paperwork that refers to a trust  
11 or will document that was previously lodged with the petition must  
12 separately lodge the trust or will with these later-filed papers, in  
13 accordance with the procedures in paragraph 6.h.(1)(a) above.

14 (c) In support of an accounting of assets as required by Probate  
15 Code section 2620 or an interim accounting required by San Diego  
16 Superior Court Rule 4.15.2, the originals of account statements,  
17 closing escrow statements, and bill statements for a residential or  
18 long-term care facility shall be lodged with the court, in accordance  
19 with the procedures in paragraph 6.h.(1)(a) above. The lodged  
20 documents will not be imaged, will not be part of the official court  
21 file, and will be returned in the manner requested after the court's  
22 determination of the accounting has become final.

23 (2) Inclusion of Petition's ROA Number on All Pleadings:

24 Parties are ordered to comply with San Diego Superior Court Rule  
25 4.3.1(B) and include the Petition's Register of Action (ROA) number  
26 directly below the case number on all subsequently filed pleadings related  
27 to that Petition.  
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1        7. ENHANCED ELECTRONIC ACCESS TO OFFICIAL COURT FILE AND COURT  
2        DOCUMENTS

3        a. Access in Clerk's Business Offices: Public kiosks providing free access to  
4        the official electronic record of the court files for cases being handled under the  
5        Program are available in the below Business Offices:

- 6            • Hall of Justice Civil Business Office, located at 330 West Broadway,  
7            San Diego, California 92101;
- 8            • East County Family Business Office, located at 250 E. Main Street, El  
9            Cajon, California, 92020;
- 10           • South County Family Business Office, located at 500 Third Avenue,  
11           Chula Vista, California, 91910;
- 12           • Central Courthouse, Probate Business Office, located at 1100 Union  
13           Street, San Diego, California, 92101; and
- 14           • North County Civil Business Office, located at 325 S. Melrose Drive,  
15           Vista, California, 92081.

16           The public may access these files and view all public portions of the files  
17           just as they currently can in the paper court files. If there are people waiting to use  
18           the kiosks, a time limit of 20 minutes will be imposed. Additional time will be  
19           permitted after waiting in line to use one of the kiosks again. Any changes to this  
20           policy will be made by the Presiding Judge of the court and the new policy will be  
21           posted in the applicable Business Offices.

22           b. Notice Regarding Electronic Access: In accordance with California Rules of  
23           Court, rule 2.504(d), the public accessing court records electronically, are advised  
24           the Manager of Central Court Civil and Family Operations, Summer Travis, is the  
25           court staff member who may be contacted about the requirements for accessing the  
26           court's records electronically in all divisions of the court supporting imaging and  
27           E-filing.

1 c. Copyright and other proprietary rights may apply to information in a case file,  
2 absent express grant of additional rights by the holder of the copyright or other  
3 proprietary right. In this regard, you are advised:

4 (1) Use of such information in a case file is permissible only to the extent  
5 permitted by law or court order; and

6 (2) Any use inconsistent with proprietary rights is prohibited.

7 d. Access to Confidential Documents: Court documents classified or considered  
8 confidential pursuant to statute or rule of court shall remain confidential and may  
9 not be released except to the extent necessary to comply with the law.

10 e. The electronic records of cases within the Program available for viewing in  
11 the Business Offices are the official records of the court. There is no charge for  
12 accessing or viewing court files in the Business Offices. Copies of any documents  
13 in an electronic court file may be obtained by paying the copy fees of \$0.50 per  
14 page (Govt. Code § 70627(a)). Certified copies may be obtained by payment of a  
15 \$25.00 fee (Govt. Code § 70626(a)(4)). Additional instructions about obtaining  
16 printed copies of records from the electronic court file will be provided at the kiosk  
17 locations in the applicable Business Offices.

18 f. Any person who willfully destroys or alters any court record maintained in  
19 electronic form is subject to the penalties imposed by Government Code section  
20 6201.

21 g. No person shall photograph or otherwise record any digital images of  
22 documents displayed on the kiosk screens in the Business Offices.

23 h. Remote Electronic Access of Program Cases: Court documents from records  
24 of cases within the Program are available in electronic format for viewing and  
25 printing remotely to the extent permitted by California Law and/or California Rules

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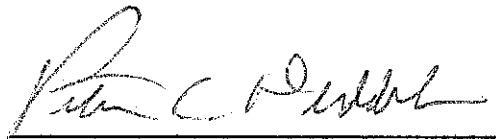


1 of Court, rule 2.503(b), by visiting the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) and  
2 paying the required fees.

3 This Order shall expire on December 31, 2019, unless otherwise ordered by this court.

4 IT IS SO ORDERED.

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6 Dated: December 31, 2018



**HON. PETER C. DEDDEH**  
**PRESIDING JUDGE**

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