FILED
Clerk of the Superior Court
AUG 27 2020
By: A. HUSTED, Deputy

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. 010120-22 (A)**

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 a department outside of the Program may be removed from the Program and converted to a paper

filing system.

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

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

Phase Four: E-Filing access is being expanded to allow E-Filing by counsel and parties through multiple E-Filing Service Providers ("EFSPs") in designated case types.

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

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

3. CIVIL AND PROBATE CASES INCLUDED IN THE PROGRAM

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

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

b. Civil class actions, construction defect cases, JCCP cases, consolidated and coordinated actions where all cases involved are imaged cases, and actions that are provisionally complex under CRC, rule 3.400-3.403 (as set forth in the Civil Case Cover Sheet). "Complex cases" include antitrust/trade regulation, mass tort,

environmental/toxic tort, and securities litigation cases, as well as insurance coverage claims arising from these case types;

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

d. All new civil and probate cases; and,

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

4. MANDATORY AND PERMISSIVE ELECTRONIC FILING

Mandatory electronic filing through an approved EFSP is required for all case types listed in paragraph 3.b. above, including construction defect and other cases previously filed through File&Serve Xpress (fka LexisNexis File&Serve). Further information and an approved list of court approved EFSPs can be found on the court's website, at www.sdcourt.ca.gov.

Electronic filing is encouraged in all other imaged cases, except small claims actions.

5. GENERAL E-FILING REQUIREMENTS

Documents can only be electronically filed through court approved EFSPs. EFSP information is available on the court's website.

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

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

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

Additional and more specific information on electronic filing can be found on the court's website at www.sdcourt.ca.gov.

6. FILING AND SERVICE REQUIREMENTS IN IMAGED CASES

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

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

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

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

hearing until after the hearing is completed.

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

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

g. Civil Cases other than Probate:

(1) Lodged Documents:

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

(2) Documents in Support of Judgments:

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

h. Probate Cases:

(1) Lodged Documents:

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

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

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

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

Parties are ordered to comply with San Diego Superior Court Rule 4.3.1(B) and include the Petition's Register of Action (ROA) number directly below the case number on all subsequently filed pleadings related to that Petition.

7. ENHANCED ELECTRONIC ACCESS TO OFFICIAL COURT FILE AND COURT DOCUMENTS

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

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

The public may access these files and view all public portions of the files just as they currently can in the paper court files. If there are people waiting to use the kiosks, a time limit of 15 minutes will be imposed. Additional time will be permitted after waiting in line to use one of the kiosks again. Any changes to this policy will be made by the Presiding Judge of the court and the new policy will be posted in the applicable Business Offices.

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

c. Copyright and other proprietary rights may apply to information in a case file,

absent express grant of additional rights by the holder of the copyright or other proprietary right. In this regard, you are advised:

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

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

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

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

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

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

h. Remote Electronic Access of Program Cases: Court documents from records of cases within the Program are available in electronic format for viewing and printing remotely to the extent permitted by California Law and/or California Rules of Court, rule 2.503(b), by visiting the court's website at www.sdcourt.ca.gov and

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paying the required fees.

This Order shall expire on December 31, 2020, unless otherwise ordered by this court.

IT IS SO ORDERED.

Dated: August 27, 2020

HON. LORNA A. ALKSNE
PRESIDING JUDGE