

## **REVISED 1-8-13 ELECTRONIC FILING REQUIREMENTS OF THE**

### **SAN DIEGO SUPERIOR COURT**

These requirements are issued pursuant to California Rules of Court (“CRC”), rules 2.250 et seq., Code of Civil Procedure section 1010.6, and San Diego Superior Court General Order: *In re Procedures Regarding Electronically Imaged Court Records, Electronic Filing, and Access to Electronic Court Records*.

It is the duty of the plaintiff (and cross-complainant) to serve a copy of the General Order of the Presiding Department, Order No. 010313, and Electronic Filing Requirements of the San Diego Superior Court with the complaint (and cross-complaint).

#### **PERMISSIVE E-FILING**

Effective January 7, 2013, subsequent documents **may be filed electronically** in predetermined non-mandated civil cases in the Central Division by the Soft Launch Authorized Project Participants. E-File documents can only be filed through the court’s electronic service provider (the “Provider”). See [www.onelegal.com](http://www.onelegal.com).

Effective January 7, 2013, registered users of the Provider’s service can initiate new cases in case types as designated by the San Diego Superior Court, and all parties may E-File subsequent pleadings in those cases as well. Contact the Provider to determine what case types are authorized for E-Filing of this type.

Effective March 4, 2013, documents **may be filed electronically** in non-mandated civil cases in the Central Division where either: (1) the case is first initiated on or after March 4, 2013; or (2) the case is already pending as of March 3, 2013 and has been imaged by the court.

#### **MANDATORY E-FILING**

The case types that shall be subject to mandatory E-Filing are: civil class actions, consolidated actions, coordinated actions, and actions that are provisionally complex under CRC 3.400-3.403 (as set forth in the Civil Cover Sheet, Judicial Council form CM-010 – but not including construction defect actions). “Complex cases” included in mandatory filing include Antitrust/Trade Regulation, Mass Tort, Environmental/Toxic Tort, and Securities Litigation cases, as well as insurance coverage claims arising from these case types. Construction defect

cases, currently being filed through the LexisNexis website, will continue to be filed through that system until further notice.

For cases of the type subject to mandatory E-Filing that are initiated on or after March 4, 2013, all documents **must be filed electronically**, subject to the exceptions set forth below.

For cases of the type subject to mandatory E-Filing that are already pending as of March 3, 2013, and provided that the case has been imaged by the court, all documents filed March 4, 2013 and after **must be filed electronically**, subject to the exceptions set forth below.

A party may request to be excused from mandatory electronic filing requirements. This request must be in writing and may be made by ex parte application to the judge or department to whom the case is assigned. The clerk will not accept or file any documents in paper form that are required to be filed electronically, absent a court order allowing the filing.

#### **REQUIREMENTS FOR ALL E-FILERS**

E-Filers must comply with CRC 2.250-2.261.

Documents that contain exhibits must be bookmarked, as set forth on the Provider's site. Documents not so bookmarked are subject to rejection. Moving papers with exhibits that are not bookmarked will be rejected. (See CRC 3.1110(f) with bookmarking being the substitute for plastic tabs in electronically filed documents.)

Unless otherwise required by law, per CRC 1.20(b) only the last four digits of a social security or financial account number may be reflected in court case filings. Exclusion or redaction is the responsibility of the filer, not the clerk, CRC 1.20(b)(3). Failure to comply with this requirement may result in monetary sanctions, CRC 2.30(b).

Proposed filings, such as proposed court orders and amended complaints, should be submitted as an exhibit and then re-submitted as a separate and new E-Filing transaction after filing is approved by the court. See also CRC 3.1312.

Any document filed electronically shall be considered as filed with the Clerk of the Superior Court when it is first transmitted to the vendor and the transmission is completed, except that any document filed on a

day that the court is not open for business, or after 5:00 p.m. (Pacific Time) on a day the court is open for business, **shall be deemed to have been filed on the next court day.**

If a hearing is set within 48 hours of the time documents are electronically filed, litigant(s) should provide hard copies of the documents to the court. Transaction ID numbers should be noted on the documents to the extent it is feasible to do so.

An original of all documents filed electronically, including original signatures, shall be maintained by the party filing the document, pursuant to CRC 2.257.

### **DOCUMENTS FILED IN PAPER FORM**

The following documents are **not eligible for E-Filing** in cases subject to either mandatory or permissive filing, and must be filed in paper form:

- Name Change Petitions (Safe at Home)
- Civil Harassment TRO/RO
- Workplace Violence TRO/RO
- Elder Abuse TRO/RO
- Transitional Housing Program Misconduct TRO/RO
- School Violence Prevention TRO/RO
- Out-of-State Commission Subpoena
- Undertaking/Surety Bonds
- Request for Payment of Trust Funds
- Writs
- Notice of Appeal of Labor Commissioner
- Abstracts
- Warrants

The following documents **may be filed in paper form**, unless the court expressly directs otherwise:

- Documents filed under seal or provisionally under seal pursuant to CRC 2.551 (although the motion to file under seal itself must be electronically filed).
- Exhibits to declarations that are real objects, i.e., construction materials, core samples, etc. or other documents, i.e. plans, manuals, etc., which otherwise may not be comprehensibly viewed in an electronic format may be filed in paper form.

- Documents attached to a Notice of Lodgment (although the cover document entitled “Notice of Lodgment” shall be filed electronically).