

F I L E D
Clerk of the Superior Court

JAN 08 2015

By: ELAINE SABLAN, Deputy

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

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

GENERAL ORDER OF THE
PRESIDING DEPARTMENT

ORDER NO.: 010915

16 THIS COURT FINDS AND ORDERS AS FOLLOWS:

17 1. ELECTRONIC FILING AND IMAGING PROGRAM

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

25 The Program was implemented in two main phases:

26 Phase One: The court began scanning all papers in newly filed cases in
27 designated divisions and departments. The imaged documents are stored in an
28 electronic court file that can be viewed in the Business Offices and are accessible

1 remotely through the Register of Actions on the court's website as set forth below.

2 Imaged Program cases that are reassigned or transferred to a department outside
3 of the Program may be removed from the Program and converted to a paper filing system.

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

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

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

16 **3. CIVIL AND PROBATE CASES INCLUDED IN THE PROGRAM**

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

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

21 b. Civil class actions, construction defect cases, JCCP cases, consolidated
22 and coordinated actions where all cases involved are imaged cases, and actions that are
23 provisionally complex under CRC, rule 3.40-3.403 (as set forth in the Civil Case Cover
24 Sheet). "Complex cases" include antitrust/trade regulation, mass tort,
25 environmental/toxic tort, and securities litigation cases, as well as insurance coverage
26 claims arising from these case types; Probate cases filed on or after March 1, 2012;

27 c. All probate cases initiated prior to March 1, 2012 in which the Court has
28 notified the parties that the case has been backscanned; and

1 d. All new civil and probate cases, with the exception of small claims cases.

2 4. MANDATORY AND PERMISSIVE ELECTRONIC FILING

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

7 Electronic filing is encouraged in all other imaged cases.

8 5. GENERAL E-FILING REQUIREMENTS

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

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

20 The receipt and filing of documents submitted electronically is governed by CRC,
21 rule 2.259. The Court's filing deadline is 5:00 p.m. (Pacific Time) on court days. The
22 electronic transmission of a document to the Court can take time, so waiting until shortly
23 before the deadline to electronically transmit a filing is not advised, as it could be received
24 by the court after 5:00 p.m. and deemed filed the next court day. Per CRC, rule
25 2.259(a)(4), the **filer** is responsible for verifying that the court received and filed any
26 document submitted electronically. Please see One Legal's website for filing instructions.

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

1 d. All new civil and probate cases, with the exception of small claims cases.

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25 2.259(a)(4), the **filer** is responsible for verifying that the court received and filed any
26 document submitted electronically. Please see One Legal's website for filing instructions.

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

1 6. FILING AND SERVICE REQUIREMENTS IN IMAGED CASES

2 a. Service of Notice: All parties filing new actions assigned to the imaging program
3 shall serve on all parties a copy of the "Notice of Assignment to Imaging Department"
4 (attached hereto as Exhibit "A" for civil cases, and Exhibit "B" for probate cases) with the
5 complaint, cross-complaint, petition or other case initiating pleading. A copy of this notice
6 will be provided to the filing party by the court clerk when case originating filings are
7 processed.

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

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

20 d. Proposed Orders: Proposed orders should only be submitted with initial
21 pleadings for an ex parte hearing, and should not be submitted for a law and motion
22 hearing until after the hearing is completed.

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

27 f. Confidential Documents: Any documents classified or considered confidential
28 pursuant to statute, rule of court or local rule shall be filed with the court and will be imaged

1 and destroyed in accordance with this order. Access to the imaged confidential
2 document(s) shall be as set forth in paragraph 7.d. below.

3 g. Civil Cases Other Than Probate:

4 (1) Lodged Documents:

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

10 (2) Documents in Support of Judgments:

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

18 h. Probate Cases:

19 (1) Lodged Documents:

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

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

28 (c) In support of an accounting of assets as required by Probate Code Section

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

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

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

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

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

- 16 • Hall of Justice Civil Business Office, located at 330 West Broadway, San Diego,
17 California 92101;
- 18 • East County Family Business Office, located at 250 E. Main Street, El Cajon,
19 California, 92020;
- 20 • South County Family Business Office, located at 500 Third Avenue, Chula Vista,
21 California, 91910;
- 22 • Central Probate Division Business Office, located at 1409 Fourth Avenue, San
23 Diego, California, 92101; and
- 24 • North County Civil Business Office, located at 325 S. Melrose Drive, Vista,
25 California 92081.

26 The public may access these files and view all public portions of the files just as they
27 currently can in the paper court files. If there are people waiting to use the kiosks, a time
28 limit of 20 minutes will be imposed. Additional time will be permitted after waiting in line

1 to use one of the kiosks again. Any changes to this policy will be made by the Civil
2 Supervising Judge and the new policy will be posted in the applicable Business Offices.

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

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

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

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

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

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

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

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

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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 paying the required fees.

This Order shall expire on December 31, 2015, unless otherwise ordered by this court.

IT IS SO ORDERED.

Dated: January 8, 2015


DAVID J. DANIELSEN
PRESIDING JUDGE

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EXHIBIT "A"

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Superior Court of California
County of San Diego

**NOTICE OF ELIGIBILITY TO eFILE
AND ASSIGNMENT TO IMAGING DEPARTMENT**

This case is eligible for eFiling. Should you prefer to electronically file documents, refer to General Order 051414 at www.sdcourt.ca.gov for rules and procedures or contact the Court's eFiling vendor at www.onelegal.com for information.

This case has been assigned to an Imaging Department and original documents attached to pleadings filed with the court will be imaged and destroyed. Original documents should not be filed with pleadings. If necessary, they should be lodged with the court under California Rules of Court, rule 3.1302(b).

On August 1, 2011 the San Diego Superior Court began the Electronic Filing and Imaging Pilot Program ("Program"). As of August 1, 2011 in all new cases assigned to an Imaging Department all filings will be imaged electronically and the electronic version of the document will be the official court file. The official court file will be electronic and accessible at one of the kiosks located in the Civil Business Office and on the Internet through the court's website.

You should be aware that the electronic copy of the filed document(s) will be the official court record pursuant to Government Code section 68150. The paper filing will be imaged and held for 30 days. After that time it will be destroyed and recycled. **Thus, you should not attach any original documents to pleadings filed with the San Diego Superior Court. Original documents filed with the court will be imaged and destroyed except those documents specified in California Rules of Court, rule 3.1806.** Any original documents necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b).

It is the duty of each plaintiff, cross-complainant or petitioner to serve a copy of this notice with the complaint, cross-complaint or petition on all parties in the action.

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.

Please refer to the General Order - Imaging located on the San Diego Superior Court website at:

<http://www.sdcourt.ca.gov/CivillmagingGeneralOrder>

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EXHIBIT "B"

Superior Court of California
County of San Diego

**NOTICE OF ELIGIBILITY TO eFILE
AND ASSIGNMENT TO IMAGING DEPARTMENT**

This case is eligible for eFiling. Should you prefer to electronically file documents, refer to General Order 090513 at www.sdcourt.ca.gov for rules and procedures or contact the Court's eFiling vendor at www.onelegal.com for information.

This case has been assigned to an Imaging Department and original documents attached to pleadings filed with the court, other than wills and bonds, will be imaged and destroyed. Original wills and bonds will be retained by the court for the time required by law. No other original documents should be filed with pleadings. Rather, they should be lodged with the court under California Rules of Court, rule 3.1302(b) and San Diego Superior Court Rule 4.3.2 (F).

A party filing a pleading that refers to a trust or will must separately lodge the trust or will.

In support of an accounting of assets as required by Probate Code § 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 rather than filed with the court.

On March 1, 2012, the San Diego Superior Court expanded its Electronic Filing and Imaging Pilot Program ("Program"). As of March 1, 2012, in all new cases filed in the Probate Division, all filings will be imaged electronically and the electronic version of the document will be the official court file. The official court file will be electronic and accessible at one of the kiosks located in the Central and North County Probate Business Offices, as well as at other participating Business Offices, and on the Internet through the court's website.

You should be aware that the electronic copy of the filed document(s) will be the official court record pursuant to Government Code section 68150. The paper filing will be imaged and held for 30 days. After that time it will be destroyed and recycled. **Thus, you should not attach any original documents to pleadings filed with the San Diego Superior Court, other than wills and bonds. All other original documents filed with the court will be imaged and destroyed.** Any original documents necessary for a hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b) and San Diego Superior Court Rule 4.3.2(F).

It is the duty of each petitioner to serve a copy of this notice with the petition on all parties in the action.

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. 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.

Please refer to the General Order - Probate Imaging located on the San Diego Superior Court website at:

<http://www.sdcourt.ca.gov/ProbateImagingGeneralOrder>