

FILED
Clerk of the Superior Court

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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. 010121-22 (A)

THIS COURT FINDS AND ORDERS AS FOLLOWS:

1. ELECTRONIC FILING AND IMAGING PROGRAM

On August 1, 2011, the San Diego Superior Court ("court") implemented an Electronic Filing and Imaging Pilot Program (the "Program" or "Imaging Program") designed to reduce paper filings and storage, facilitate electronic access to civil court files, allow remote electronic filing ("e-file" or "e-filing") of papers in civil cases, and ultimately create paperless or electronic files for civil and other case categories. The Program has since been expanded to other case types. (See San Diego Local Rule, rule 2.1.4.)

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. Imaging Program cases that are reassigned or

1 transferred to a department outside of the Program may be removed from the Program and
2 converted to a paper 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 providers in designated case types.

5 Phase Three: On October 2, 2017, the Imaging 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 Phase Four: E-filing was expanded to allow e-filing by counsel and parties through
10 multiple e-filing service providers ("EFSPs") in designated case types.

11 Phase Five: Due to the COVID-19 pandemic and, pursuant to California Rules of Court
12 ("CRC"), Appendix I: Emergency Rules Related to COVID-19, rule 3, the court is accelerating
13 its efforts for the Program.

14 Accordingly, effective April 15, 2021, filings submitted by attorneys for represented
15 parties in all limited and unlimited civil case types and probate actions must be submitted
16 electronically through one of the court's approved e-filing service providers ("EFSPs"), with
17 limited exceptions for certain documents. (See ¶ 4 infra.) Self-represented litigants are
18 encouraged, but not required to e-file.

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

21 Pursuant to Government Code section 68150 and CRC, rule 2.504, the electronic court
22 file in Imaging Program cases is certified as the official record of the court. The paper filings that
23 are imaged and stored electronically will be physically stored by the court for 30 days after filing,
24 after which time they will be shredded and recycled, except for original wills and bonds in probate
25 cases, which will be physically retained by the court for the period required by law. During this
26 30-day period, these documents will not be stored in a manner that will allow a party or its attorney
27 to access them, and access will only be granted by order of the court upon a showing of good
28 cause.

1 3. CIVIL AND PROBATE CASES INCLUDED IN THE PROGRAM

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

- 4 a. Civil cases initiated after a particular department or division began participating in the
5 Imaging Program;
- 6 b. Civil class actions, construction defect cases, Judicial Council Coordinated Proceedings
7 cases, consolidated and coordinated actions where all cases involved are imaged cases,
8 and actions that are provisionally complex under CRC, rules 3.400-3.403 (as set forth in
9 the Civil Case Cover Sheet). “Complex cases” include antitrust/trade regulation, mass
10 tort, environmental/toxic tort, and securities litigation cases, as well as insurance coverage
11 claims arising from these case types;
- 12 c. Probate cases filed on or after March 1, 2012, and all active probate cases initiated prior
13 to March 1, 2012;
- 14 d. All new limited and unlimited civil and probate cases; and,
- 15 e. All small claims cases filed on or after October 2, 2017.

16 4. MANDATORY AND PERMISSIVE ELECTRONIC FILING

17 Pursuant to CRC, Appendix I: Emergency Rules Related to COVID-19, rule 3; the court’s
18 inherent supervisory and administrative authority; and the Presiding Judge’s duty to promote
19 access to justice for all members of the public, taking into account the needs of the public and
20 court as they relate to the efficient and effective management of the court (CRC, rule 10.603),
21 and in order to protect the health and safety of the public, court personnel, judicial officers, parties,
22 attorneys, and others, it is hereby ORDERED as follows:

23 Effective April 15, 2021, filings submitted by attorneys for represented parties in all
24 limited and unlimited civil case types and probate actions must be submitted electronically
25 through one of the court’s approved EFSPs, with limited exceptions for certain documents. E-
26 filing is also encouraged, but not mandated, for self-represented litigants in these case types.

27 Further information, including the list of documents excluded from the e-filing
28 requirement and an approved list of court approved EFSPs can be found on the court’s website,

1 at www.sdcourt.ca.gov. (See San Diego Superior Court (“SDSC”) Form Nos. CIV-409, PR-188
2 for e-filing requirements.)

3 5. GENERAL E-FILING REQUIREMENTS

4 Documents can only be electronically filed through court approved EFSPs. EFSP
5 information is available on the court’s website listed above.

6 All e-filers shall comply with CRC, rules 2.250-2.261 and California Code of Civil
7 Procedure (“CCP”) § 1010.6. All documents e-filed with the court must be in a text searchable
8 format (i.e., optical character recognition (“OCR”)). The court is unable to accept documents that
9 do not comply with these requirements, or documents with certain characteristics including, but
10 not limited to: forms with fillable fields, a negative image, or image that is saved as an “object”
11 on the filed document.

12 E-filers are required to comply with the San Diego Superior Court’s electronic filing
13 requirements listed in the following forms available on the court’s website: CIV-409 (“E-Filing
14 Requirements (Civil)”) and PR-188 (“E-Filing Requirements (Probate)”). These forms also
15 contain a list of documents that are exempt from the mandatory e-filing requirements, including
16 those documents that cannot be e-filed (“List of Excluded Documents”). To the extent the List
17 of Excluded Documents conflicts with any San Diego Superior Court Local Rule (“Local Rule”),
18 the applicable portions of the Local Rules are repealed and are superseded by this General Order
19 and the e-filing requirements listed in CIV-409 and/or PR-188.

20 The receipt and filing of documents submitted electronically is governed by CCP 1010.6
21 and CRC, rule 2.259. The court’s filing deadline is 11:59:59 p.m. (Pacific Time) on court days.
22 The 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 by the
24 court after 11:59:59 p.m. and deemed filed the next court day. Per CRC, rule 2.259(a)(4), the
25 filer is responsible for verifying that the court received and filed any document submitted
26 electronically. Please see the applicable EFSP’s website for filing instructions. To the extent any
27 Local Rule sets forth a different time deadline for filing electronic documents, the applicable
28

1 portions of the Local Rules are repealed and are superseded by this General Order and the e-filing
2 requirements listed in CIV-409 and/or PR-188.

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

5 6. FILING AND SERVICE REQUIREMENTS IN ALL IMAGED CASES

- 6 a. Service of Notice: Together with all other documents required by California law to be served,
7 all parties filing new actions assigned to the Imaging Program must also serve copies on all
8 parties of the notice of case assignment and any other court generated forms received from
9 the court clerk when the case is initiated.
- 10 b. "Imaged" Identifier: On all pleadings filed after the initial case originating filing, all parties
11 must, to the extent it is feasible to do so, place the words "IMAGED FILE" in all caps
12 immediately under the title of the pleading on all subsequent pleadings filed in the action.
- 13 c. Original Documents: Original underlying documents, other than wills and bonds in probate
14 cases, that are relevant to a case should not be attached as exhibits to filed documents or filed
15 in any other manner, as these documents will be imaged and the paper filings destroyed in
16 accordance with this Order (except for those documents set forth in paragraph 8.a. below).
17 Any original document, other than a will or bond in a probate case, that is included in a filed
18 document in a case within the Program will be imaged and destroyed in accordance with this
19 Order. Original documents may be lodged with the court, as necessary, under the procedures
20 set forth in 8.a.(i) below.
- 21 d. Proposed Orders: Proposed orders should only be submitted with initial pleadings for an ex
22 parte hearing, and should not be submitted for a law and motion hearing until after the hearing
23 is completed.
- 24 e. Exhibits: Any exhibits attached to a pleading presented for filing must have the exhibit tabs
25 located at the bottom of the respective documents, in accordance with CRC, rule 3.1110, and
26 each exhibit must be preceded by a cover page that contains solely the word "Exhibit" and
27 the exhibit's identifying number or letter.

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

5 g. Electronic Service: By filing electronically, the party is consenting to electronic service,
6 unless the court excuses a party from doing so. Parties must provide the EFSP with their
7 correct contact information, including an updated email address, in each e-filed case. New
8 parties must provide the EFSP with their email address for that case within seven (7) days of
9 filing their first document or joining the case, whichever is earlier. A party whose electronic
10 service email address changes must, within seven (7) days of the change, notify the EFSP, file
11 a "Notice of Change of Electronic Service Address" (Judicial Council ("JC") Form #EFS-
12 010) electronically, and serve this notice electronically on all parties required to be served.
13 (See Cal. Rules of Court, rule, 2.251(g)(1).) Failure to keep an email address updated may
14 result in the court being unable to provide notice to a non-complying party of upcoming
15 hearings, orders, and other proceedings. An email address used to file documents will be
16 presumed valid if a party has not filed and served notice that the address is no longer valid.

17 h. Original Documents: E-filers must maintain originals of all documents that are e-filed with
18 the court, including but not limited to those documents containing signatures, pursuant Rule
19 2.257.

20 7. REQUIREMENTS SPECIFIC FOR CIVIL CASES OTHER THAN PROBATE:

21 a. Lodged Documents:

22 The "Notice of Lodgment" itself must be filed with the court. In accordance with CRC,
23 rule 3.1302, the documents submitted with the notice must be lodged and not filed. The lodged
24 documents will not be imaged, will not be part of the official court file, and will be returned in
25 the manner requested or recycled if no manner of return is specified.

26 b. Documents in Support of Judgments:

27 Applications for entry of a judgment that include an instrument, contract, or written
28 obligation will have the relevant document(s) cancelled and merged if the judgment is entered, in

1 accordance with CRC, rule 3.1806, after which the document will then be imaged and maintained
2 in the electronic court record. The submitted document(s) will then be returned to the proffering
3 party for safe-keeping. Parties must provide a suitable method of return along with the submitted
4 document(s). If no method of return is included, the document(s) will be shredded and recycled.

5 **8. REQUIREMENTS SPECIFIC FOR PROBATE CASES:**

6 a. Filing/Lodging Documents for Calendared Matters:

7 i. The Notice of Lodgment itself must be filed with the court. In accordance with CRC,
8 rule 3.1302 and Local Rule 4.3.3, the documents submitted with the notice must be
9 lodged and not filed. The lodged documents will not be part of the official court file,
10 and will be returned in the manner requested or recycled if no manner of return is
11 specified.

12 ii. A party filing a petition, motion or other paperwork that refers to a trust must file a
13 copy of the trust under a "Trust Coversheet" in accordance with Local Rule 4.3.3.

14 iii. In support of an accounting of assets as required by Probate Code section 2620 or an
15 interim accounting required by Local Rule 4.15.2, the account statements, closing
16 escrow statements, and bill statements for a residential or long-term care facility may
17 be filed with the court, under a "Financial Statement Coversheet." Alternatively,
18 originals may be lodged in accordance with the procedures in paragraph 8.a.(i) above.
19 The lodged documents will not be part of the official court file, and will be returned
20 in the manner requested after the court's determination of the accounting has become
21 final.

22 b. Inclusion of Petition's Register of Action Number on All Pleadings:

23 Parties are ordered to comply with Local Rule 4.3.1 and include the petition's register of
24 action ("ROA") number directly below the case number on all subsequently filed pleadings
25 related to that petition.

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1 9. ENHANCED ELECTRONIC ACCESS TO OFFICIAL COURT FILE AND
2 COURT DOCUMENTS IN ALL IMAGED CASES

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

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

12 The public may access these files and view all public portions of the files just as they
13 currently can in the paper court files. If there are people waiting to use the kiosks, a time limit of
14 15 minutes will be imposed. Additional time will be permitted after waiting in line to use one of
15 the kiosks again. Any changes to this policy will be made by the Presiding Judge of the court and
16 the new policy will be posted in the applicable business offices.

17 b. Notice Regarding Electronic Access: In accordance with CRC, rule 2.504, the public
18 accessing court records electronically, are advised that the Manager of Central Court Civil
19 and Small Claims Operations is the court staff member who may be contacted about the
20 requirements for accessing the court's records electronically in all divisions of the court
21 supporting imaging and e-filing.

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

- 25 i. Use of such information in a case file is permissible only to the extent permitted by
26 law or court order; and,
- 27 ii. Any use inconsistent with proprietary rights is prohibited.

- 1 d. Access to Confidential Documents: Court documents classified or considered confidential
2 pursuant to statute or rule of court shall remain confidential and may not be released except
3 to the extent necessary to comply with the law.
- 4 e. The electronic records of cases within the Program available for viewing in the business
5 offices are the official records of the court. There is no charge for accessing or viewing court
6 files in the business offices. Copies, including certified copies, of any documents in an
7 electronic court file may be obtained by paying the applicable fee. The court's "Fee Schedule"
8 is available online on the court's website at www.sdcourt.ca.gov. (See SDSC Form No.
9 ADM-001). Additional instructions about obtaining printed copies of records from the
10 electronic file will be provided at the kiosk locations in the applicable business offices;
11 instructions are also available online at the court's website listed above.
- 12 f. Any person who willfully destroys or alters any court record maintained in electronic form is
13 subject to the penalties imposed by Government Code section 6201.
- 14 g. No person shall photograph or otherwise record any digital images of documents displayed
15 on the kiosk screens in the business offices.
- 16 h. Remote Electronic Access of Program Cases: Court documents from records of cases within
17 the Program are available in electronic format for viewing and printing remotely to the extent
18 permitted by California law and/or CRC, rule 2.503(b), by visiting the court's website and
19 paying the required fees. (See SDSC Form No. ADM-001 for the court's "Fee Schedule").

20 This Order shall expire on December 31, 2021, unless otherwise ordered by this court.
21

22 IT IS SO ORDERED.

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24 DATED: March 11, 2021

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27 **HON. LORNA A. ALKSNE**
28 **PRESIDING JUDGE**