

**ELECTRONIC FILING REQUIREMENTS OF THE**  
**SAN DIEGO SUPERIOR COURT – CIVIL DIVISION**

These requirements are issued pursuant to California Rules of Court (“CRC”), rules 2.250 et seq., Code of Civil Procedure §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 in Civil and Probate Cases.

Effective November 1, 2013, documents that are determined to be unacceptable for eFiling by the Court due to eFiling system restrictions or for failure to comply with these requirements will be rejected subject to being allowed to be filed nunc pro tunc to the original submittal date upon ex-parte application to the court and upon good cause shown.

It is the duty of the plaintiff or petitioner (and cross-complainant) to serve a copy of the San Diego Superior Court General Order: In Re Procedures Regarding Electronically Imaged Court Records, Electronic Filing and Access to Electronic Court Records in Civil and Probate Cases, and Electronic Filing Requirements of the San Diego Superior Court with the complaint/petition or other case initiating document (and cross-complaint).

**PERMISSIVE eFILING**

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 has been imaged by the court, and it displays as imaged on the case title in the Court’s Register of Actions. Documents may be filed electronically in non-mandated civil cases in the North County Division where either: (1) the case is first initiated on or after June 30, 2014; or (2) the case has been imaged by the court, and it displays as imaged on the case title in the Court’s Register of Actions.

## **MANDATORY eFILING**

The case types that shall be subject to mandatory eFiling are: civil class actions, consolidated and coordinated actions where all cases involved are imaged cases, and actions that are provisionally complex under CRC 3.40 – 3.403 (as set forth in the Civil Case Cover Sheet, Judicial Council form CM-010 – including Construction Defect actions). “Complex cases” included in mandatory eFiling include Antitrust/Trade Regulation, Mass Tort, Environmental/Toxic Tort, and Securities Litigation cases, as well as insurance coverage claims arising from these case types.

Effective June 2, 2014, Construction Defect and other cases, previously electronically filed through File&Serve Xpress (fka LexisNexis File&Serve), must be electronically filed through the court’s Electronic Filing Service Providers (EFSPs). Documents electronically filed in Construction Defect and other cases prior to June 2, 2014, will be maintained in the File&Serve Xpress system and can be viewed via a File&Serve Xpress subscription or on the Court’s internal CD/JCCP Document viewer kiosk located in the Civil Business Office, Room 225 of the Hall of Justice (2<sup>nd</sup> floor).

For cases of the type subject to mandatory eFiling that are initiated on or after March 4, 2013, all documents must be filed electronically, subject to the exceptions set forth below. All documents electronically filed in a mandatory eFile Construction Defect/JCCP case must be electronically served on all parties in the case pursuant to CRC 2.251(c).

The court will maintain and make available an official electronic service list in Construction Defect/JCCP cases through the Court’s Electronic Filing Service Providers (EFSPs). This is the service list the court will use to serve documents on the parties. (See CRC 2.251(d).) It is the responsibility of the parties to provide the Court’s Electronic Filing Service Providers (EFSPs) with their correct contact information for the service list in each eFiled case in which they are involved. New parties who file and/or enter a case must provide the Electronic Filing Service Providers (EFSPs) with their electronic service address for that case within seven (7)

days of the filing or joining the case. All parties must notify their electronic filing vendor of any changes to their address within seven (7) days of the change, should a change occur during the pendency of the action. (See CRC 2.251(f)(1).) Failure to keep the official list updated may result in the court being unable to provide notice to a non-complying party of upcoming hearings, orders, and other proceedings.

All documents must be filed electronically in cases designated for mandatory eFiling, subject to the exceptions set forth below.

A party may request to be excused from mandatory electronic filing and/or service 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.

Self-represented litigants are not required to eFile or electronically serve documents in a mandatory eFile case; however, they may eFile and electronically serve documents if they choose to do so and/or are otherwise ordered to eFile and/or electronically serve documents by the court.

### **REQUIREMENTS FOR ALL eFILERS**

E-Filed documents may only be filed through the Court's Electronic Filing Service Providers (the "Providers"). The list of Providers is available on the Court's website under "e-Filing" for the case types to be filed.

All eFilers must comply with CRC 2.250 – 2.261. Also, all documents electronically filed must be in a PDF format using Adobe Acrobat Version 7 or higher that is also 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.

eFilers are required to enter all parties listed on the document being filed if the party is not already a part of the case. (If the filer is submitting a new complaint, ALL parties must be entered.) If all parties are not entered, the transaction will be rejected.

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 may be rejected and/or not considered. (See CRC 3.1110(f)).

Exhibits to be considered via a Notice of Lodgment shall not be attached to the electronically filed Notice of Lodgment; instead, the submitting party must provide the assigned department with hard copies of the exhibits with a copy of the Notice of Lodgment that includes the eFiling Transaction ID # noted in the upper right-hand corner.

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 must be lodged and will not be filed.

All documents must be uploaded as individual documents within the same transaction unless filing a Motion. [Example: A Request to Waive Court Fees must be uploaded separately from the document to which it applies, i.e., complaint, answer or other responsive pleadings, motion, etc.] If filing a notice of motion, all documents can be scanned and uploaded as one document under a filing that most closely captures the type of motion. All filings and exhibits within these filings must be bookmarked.

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 eFiling transaction after the Court has ruled on the matter to which the proposed document applies. 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 11:59:59 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.

Electronically filed documents must be correctly named and/or categorized by Document Type. The lead document must also be designated appropriately, as the lead document determines how the transaction will be prioritized in the work queue.

Failure to correctly name the document and/or designate the lead document appropriately may result in a detrimental delay in the processing of the transaction.

Please be advised that you must schedule a motion hearing date directly with the Independent Calendar Department. A motion filed without an appointment, even when a conformed copy of the filing is provided by the court, is not scheduled, and the hearing will not occur.

If a hearing is set within two (2) court days of the time documents are electronically filed, litigant(s) must provide hard copies of the documents to the court. Transaction ID numbers must be noted on the documents to the extent it is feasible to do so. Hard copies for Ex Parte hearings must be delivered directly to the department on or before 12 Noon the court day immediately preceding the hearing date.

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

### **ASSESSMENT OF FILING FEES**

When submitting a filing through the e-Filing Service Provider, you are authorizing the Provider to charge the full amount of the transaction, including any statutory court fees that may be due. For example, a stipulation has a statutory fee of \$20.00 due at the time of filing; however, if there are any outstanding first appearance fees due on the case, the clerk may assess those fees in addition to or instead of the stipulation fee. The e-Filing Service Provider has the sole discretion to determine the fees charged for using its web site or services.

### **DOCUMENTS INELIGIBLE FOR ELECTRONIC FILING**

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

- Abstracts
- Civil Harassment TRO/RO
- Confidential documents lodged conditionally under seal
- Elder Abuse TRO/RO
- Gun Violence Emergency Protective Order
- Gun Violence TRO/RO
- Interpleader actions pursuant to CC§2924j
- Notice of Appeal of Labor Commissioner

- Out-of-State Commission Subpoenas
- Private Postsecondary School Violence Prevention TRO/RO
- Requests for Payment of Trust Funds
- Safe at Home Name Change Petitions
- Settlement Conference Briefs (to be lodged)
- Stand-alone exhibits
- Transitional Housing Program Misconduct TRO/RO
- Undertaking/Surety Bonds
- Warrants
- Workplace Violence TRO/RO

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)

### **DOCUMENTS DISPLAYED ON THE PUBLIC-FACING REGISTER OF ACTIONS**

Any documents submitted for eFiling (and accepted) will be filed and displayed on the San Diego Superior Court's public-facing Register of Actions with the exception of the following documents:

- CASp Inspection Report
- Confidential Cover Sheet False Claims Action
- Confidential Statement of Debtor's Social Security Number
- Financial Statement
- Request for Accommodations by Persons with Disabilities and Court's Response
- Defendant/Respondent Information for Order Appointing Attorney Under Service Members Civil Relief Act

- Request to Waive Court Fees
- Request to Waive Additional Court Fees

Documents not included in the list above, that are intended to be kept confidential, should NOT be eFiled with the court.