



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

## ELECTRONIC FILING REQUIREMENTS (CIVIL)

This document includes the San Diego Superior Court's electronic filing (e-filing) requirements for civil. These requirements are issued pursuant to California Rules of Court, rules 2.250 et seq., Code of Civil Procedure section 1010.6, and San Diego Superior Court General Order of the Presiding Department: In Re Procedures Regarding Electronically Imaged Court Records, Electronic Filing and Access to Electronic Court Records in Civil and Probate Cases.

Documents that are determined to be unacceptable for e-filing by the court due to e-filing 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 along with a copy of this form, Electronic Filing Requirements (Civil) (SDSC Form #CIV-409), with the complaint/petition or other case-initiating document (and cross-complaint).

### **MANDATORY AND PERMISSIVE E-FILING**

Effective April 15, 2021, filings submitted by attorneys for represented parties in limited and unlimited civil actions must be submitted electronically through one of the court's approved electronic filing service providers (EFSPs), with limited exceptions for certain documents (see below list of ineligible documents). E-filing is also encouraged, but not mandated, for self-represented litigants, unless otherwise ordered by the court.

Any request to be excused from the mandatory e-filing requirements must be submitted 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.

All documents e-filed must be electronically served on all parties in the case pursuant to California Rules of Court, rule 2.251(c).

In all e-filed cases, the court will maintain and make available an official electronic service (e-service) list through the court's EFSPs. This is the service list the court will use to serve documents on the parties. (See California Rules of Court, rule 2.251(e).) By filing electronically, the party is consenting to e-service unless the court excuses a party from doing so. Parties must provide the EFSP with their correct contact information, including an updated email address, in each e-filed case. New parties must provide the EFSP with their email address for that case within seven (7) days of filing their first document or joining the case, whichever is earlier. A party whose email address changes must, within seven (7) days of the change, notify the EFSP, file a Notice of Change of Electronic Service Address (JC Form #EFS-010) electronically, and serve the notice electronically on all parties required to be served. (See California Rules of Court, rule, 2.251(g)(1).) Failure to keep an email address updated may result in the court being unable to provide notice to a non-complying party of upcoming hearings, orders, and other proceedings.

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

E-filed documents may only be filed through one of the court's approved EFSPs. The list of EFSPs may be found on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) under "E-Filing" for the case type to be filed.

E-filers must comply with California Rules of Court, rules 2.250-2.261. Also, all documents e-filed must be in a PDF format using Adobe Acrobat or any other PDF software compatible with your selected EFSP and must be in a text-searchable format (i.e., optical character recognition (OCR)). The court is unable to accept documents that do not comply with these requirements, nor documents with certain characteristics, including, but not limited to: forms with fillable fields, a negative image, or an image that is saved as an 'object' on the filed document.

E-filers 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 e-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 EFSP's site. Documents not so bookmarked, including moving papers containing non-compliant exhibits, shall be rejected and/or not considered. (See California Rules of Court, rule 3.1110(f).)

Exhibits to be considered via a "Notice of Lodgment" shall not be attached to the e-filed "Notice of Lodgment;" instead, the submitting party must provide the assigned department with copies in paper form of the exhibits with a copy of the "Notice of Lodgment" that includes the e-filing Transaction ID number 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 supporting documents may 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, pursuant to California Rules of Court, rule 1.201(a), 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 e-filer, not the clerk. (See California Rules of Court, rule 1.201(b).) Failure to comply with this requirement may result in monetary sanctions pursuant to California Rules of Court, rule 2.30(b).

To maintain confidentiality and ensure all redactions are appropriately applied, it is important that the submitting party remove metadata. Metadata is hidden information embedded within a document that may reveal a document’s revision history, earlier drafts, information about the document’s author, file name, file path, date of creation, etc. This information is still available and accessible even if the document was converted to a PDF. It is the submitting party’s responsibility to familiarize themselves with metadata and how to remove it properly.

Proposed filings, such as proposed court orders and amended complaints, should be e-filed as an exhibit and then re-submitted as a separate and new e-filing transaction after the court has ruled on the matter. (See California Rules of Court, rule 3.1312 and SDSC Local Rules, rule 2.1.2(D).)

The court does not require that a version of the proposed order, in an editable word-processing format, be submitted in accordance with California Rules of Court, rule 3.1312(c). All documents submitted via e-filing are considered editable; however, a separate editable version may be submitted to [efile@sdscourt.ca.gov](mailto:efile@sdscourt.ca.gov).

If e-filing a negotiable instrument pursuant to California Rules of Court, rule 3.1806, the court may, in its discretion, deem the electronic version the original and order it canceled and merged into the judgment.

Any document filed electronically shall be considered filed with the court when it is first transmitted to the EFSP, 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, will be deemed to have been filed on the next court day.

Due to the nature and volume of electronic filing in civil cases, many documents are auto-accepted and are not reviewed by the clerk. It is the sole responsibility of the filer to ensure that e-filed documents are 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 confidential documents (such as, ADA Requests for Accommodation and Requests to Waive Court Fees) being made available to the public or a detrimental delay in the processing of the transaction.**

A motion hearing date must be scheduled directly with the independent calendar department by calling the department or using the court’s motion scheduler application, available at <https://racd.sdscourt.ca.gov/>. A motion filed without a motion hearing date, even when a conformed copy of the filing is provided by the court, is not considered scheduled, and the hearing will not occur.

If a hearing is set within two (2) court days of the time documents are e-filed, the party(ies) must provide copies of the documents in paper form to the court. Transaction ID numbers must be noted on the documents to the extent it is feasible to do so. Copies in paper form for ex parte hearings must be delivered directly to the department on or before 12:00 p.m. (Pacific Time) the court day immediately preceding the hearing date.

E-filers must maintain originals of all documents that are e-filed with the court, including but not limited to those documents containing signatures, pursuant to California Rules of Court, rule 2.257.

### **ASSESSMENT OF FILING FEES**

When submitting a filing through the EFSP, the e-filer authorizes the EFSP to charge the full amount of the transaction, including any statutory court fees that may be due. For example, if a stipulation is submitted, along with the statutory filing fee for stipulations, if there are any outstanding first appearance fees for any or all of the parties due on the case, the clerk may assess those fees in addition to or instead of the stipulation fee. The EFSP has the sole discretion to determine the fees charged for using its website or services.

### **REFUND OF FEES ASSESSED THROUGH THE EFSP**

Requests for refunds of fees paid directly to an EFSP as part of an e-file transaction must be submitted directly to the EFSP. Any such requests made directly to the court will be denied.

## **DOCUMENTS INELIGIBLE FOR E-FILING**

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

- Application for Order Declaring Information on Affidavit of Voter Registration Confidential and Order.
- Civil Harassment Temporary Restraining Order (TRO)/Restraining Order (RO). (All filings in this case type.)
- Confidential documents lodged conditionally under seal. (Excluding Gun Violence Restraining Orders.)
- Defendant/Respondent Information for Order Appointing Attorney Under Servicemembers Civil Relief Act (SCRA) (Confidential) (SDSC Form #ADM-260)
- Elder Abuse TRO/RO. (All filings in this case type.)
- Interpleader actions pursuant to Civil Code section 2924j.
- Notice of Appeal of Labor Commissioner.
- Out-of-State Commission Subpoenas.
- Petitions for Recognition of Minor's Change of Gender and Sex Identifier and for Issuance of a New Birth Certificate and Change of Name. (All filings in this case type.)
- Private Postsecondary School Violence Prevention TRO/RO. (All filings in this case type.)
- Safe at Home Name Change Petitions. (All filings in this case type.)
- Settlement Conference Briefs (to be lodged only).
- Subpoenaed Documents.
- Stand-alone exhibits.
- Transitional Housing Program Misconduct TRO/RO. (All filings in this case type.)
- Trial exhibits.
- Undertaking/Surety Bonds.
- Warrants.
- Workplace Violence TRO/RO. (All filings in this case type.)

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

- Documents filed under seal or provisionally under seal pursuant to California Rules of Court, rule 2.551.
- New Complaints/Petitions filed designating the plaintiff/petitioner as a pseudonym pursuant to California Rules of Court, rule 2.551 (any request for a sealing order in connection with such a filing must also be filed in paper form).
  - Filings submitted pursuant to Code of Civil Procedure section 367.3.
  - Filings submitted pursuant to Civil Code section 1708.85.
  - Filings submitted pursuant to Code of Civil Procedure section 527.6(v).
  - Filings submitted pursuant to Government Code section 12652.
  - Or any other initial filing wherein sealing orders are requested.
- New Complaints filed requesting that action not be made public pursuant to Code of Civil Procedure section 482.050.

Be advised that media members have preview access to new **unlimited** civil complaints before the clerk's office processes them. As a reminder, it is the responsibility of the submitting party to ensure filings submitted for processing do not contain sensitive information that should not be available to the public.

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

Any documents submitted for e-filing (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.
- Disability Accommodation Request and Court's Response.
- Defendant/Respondent Information for Order Appointing Attorney Under Service Members Civil Relief Act.
- Gun Violence Restraining Order
- 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 e-filed with the court.

## **DOCUMENTS FILED PRIOR TO JUNE 2, 2014, THROUGH FILE&SERVE XPRESS**

Prior to June 2, 2014, construction defect and other cases eligible at that time for e-filing, were filed electronically through File&Serve Xpress (fka LexisNexis File&Serve). Documents previously filed through File&Serve Xpress continue to be made available for viewing via a File&Serve Xpress subscription through LexisNexis or on the court's internal Coordinated Proceedings (CP)/Judicial Council Coordination Proceedings (JCCP) document viewer kiosk located in the Civil Business Office at the Hall of Justice, 330 W. Broadway, Room 225, San Diego, CA 92101.