

FILED
Clerk of the Superior Court

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By: A. Cabrales

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. 010123-21

THIS COURT FINDS AND ORDERS AS FOLLOWS:

1. ELECTRONIC FILING AND IMAGING PROGRAM

In 2011, the San Diego Superior Court (“court”) implemented an Electronic Filing and Imaging 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 Superior Court Local Rules, rule [“SDSC Local Rule”] 2.1.4.)

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 transferred to a department outside of the Program may be removed from the Program and converted to a paper filing system.

The Program has been implemented in phases:

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1 Phase One: The court began scanning all papers in newly filed cases in designated divisions
2 and departments.

3 Phase Two: E-filing access was implemented to allow e-filing by counsel and parties in
4 designated case types through a single court approved e-filing service provider.

5 Phase Three: The Imaging Program was expanded to all small claims actions filed on or
6 after October 2, 2017.

7 Phase Four: E-filing was expanded to allow for e-filing through multiple court approved e-
8 filing service providers. (“EFSPs”)

9 Phase Five: Most recently, due to the COVID-19 pandemic and, pursuant to California Rules
10 of Court (“CRC”), Appendix I: Emergency Rules Related to COVID-19, rule 3 in effect in 2021, the
11 court accelerated its efforts for the Program.

12 Accordingly, effective April 1, 2021, the court began requiring that court filings submitted
13 by attorneys for represented parties in all limited and unlimited civil case types and probate actions
14 be submitted electronically through one of the court’s approved EFSPs, with limited exceptions for
15 certain documents. (See SDSC Local Rule 2.1.4.) Self-represented litigants have been encouraged,
16 but are not required, to e-file.

17 Further information, including the list of documents excluded from the e-filing requirement
18 and an approved list of court approved EFSPs, can be found on the court’s website, at
19 www.sdcourt.ca.gov. (See also, San Diego Superior Court Form [“SDSC Form”] #CIV-409 [E-
20 Filing Requirements (Civil)] and #PR-188 [E-Filing Requirements (Probate)].)

21 2. THE ELECTRONIC COURT FILE IN IMAGED CASES IS THE OFFICIAL
22 COURT RECORD

23 Pursuant to Government Code section 68150 and CRC, rule 2.504, the electronic court file
24 in Imaging Program cases is certified as the official record of the court. The paper filings that are
25 imaged and stored electronically will be physically stored by the court for 30 days after filing, after
26 which time they will be shredded and recycled, except for original wills and bonds in probate cases,
27 and other original documents the court is required to maintain, which will be physically retained by
28 the court for the period required by law. During this 30-day period, these documents will not be

1 stored in a manner that will allow a party or its attorney to access them, and access will only be
2 granted by order of the court upon a showing of good cause.

3 3. CIVIL AND PROBATE CASES INCLUDED IN THE PROGRAM

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

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

18 4. GENERAL E-FILING REQUIREMENTS

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

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

26 E-filers are required to comply with the court’s electronic filing requirements listed in the
27 following court forms available on the court’s website: SDSC Forms #CIV-409 and #PR-188.
28 These forms also contain a list of documents that are exempt from the mandatory e-filing

1 requirements, including those documents that cannot be e-filed (“List of Excluded Documents”). To
2 the extent the List of Excluded Documents conflicts with any SDSC Local Rule, the applicable
3 portions of the SDSC Local Rules are repealed and are superseded by this General Order and the e-
4 filing requirements listed in SDSC Forms #CIV-409 and/or #PR-188.

5 The receipt and filing of documents submitted electronically is governed by CCP section
6 1010.6 and CRC, rule 2.259. The court’s filing deadline is 11:59:59 p.m. (Pacific Time) on court
7 days. The electronic transmission of a document to the court can take time, so waiting until shortly
8 before the deadline to electronically transmit a filing is not advised, as it could be received by the
9 court after 11:59:59 p.m. and deemed filed the next court day. Per CRC, rule 2.259(a)(4), the filer
10 is responsible for verifying that the court received and filed any document submitted electronically.
11 Please see the applicable EFSP’s website for filing instructions. To the extent any SDSC Local Rule
12 sets forth a different time deadline for filing electronic documents, the applicable portions of the
13 SDSC Local Rules are repealed and are superseded by this General Order and the e-filing
14 requirements listed in SDSC Forms #CIV-409 and/or #PR-188.

15 Additional and more specific information on electronic filing can be found on the court’s
16 website at www.sdcourt.ca.gov.

17 5. FILING AND SERVICE REQUIREMENTS IN ALL IMAGED CASES

- 18 a. Service of Notice: Together with all other documents required by California law to be served,
19 all parties filing new actions assigned to the Imaging Program must also serve copies on all
20 parties of the notice of case assignment and any other court generated forms received from the
21 court clerk when the case is initiated.
- 22 b. “Imaged” Identifier: On all pleadings filed after the initial case originating filing, all parties
23 must, to the extent it is feasible to do so, place the words “IMAGED FILE” in all caps
24 immediately under the title of the pleading on all subsequent pleadings filed in the action.
- 25 c. Original Documents: Original underlying documents, other than wills and bonds in probate
26 cases, or other original documents the court is required to maintain, that are relevant to a case
27 should not be attached as exhibits to filed documents or filed in any other manner, as these
28 documents will be imaged and the paper filings destroyed in accordance with this order. Original

1 documents in probate cases may be lodged with the court, as necessary, under the procedures set
2 forth in 7.a.(i) below.

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

6 e. Exhibits: Any exhibits attached to a pleading presented for filing must have the exhibit tabs
7 located at the bottom of the respective documents, in accordance with CRC, rule 3.1110, and
8 each exhibit must be preceded by a cover page that contains solely the word "Exhibit" and the
9 exhibit's identifying number or letter.

10 f. Confidential Documents: Any documents classified or considered confidential pursuant to
11 statute, rule of court, or local rule shall be filed with the court and will be imaged and destroyed
12 in accordance with this order. Access to the imaged confidential document(s) shall be as set
13 forth in paragraph 8.d. below.

14 g. Electronic Service: Electronic Service is governed by CCP section 1010.6, Probate Code section
15 1215(c)(1), and CRC, rule 2.251. A party or other person that is required to file documents
16 electronically in an action must also serve documents and accept service of documents
17 electronically, except when personal service is otherwise required by statute or rule, the court
18 orders otherwise, the action includes a party or person that is not subject to mandatory e-filing
19 in which case that party or person must be served by non-electronic methods unless they
20 affirmatively consent to electronic service, or Probate Code section 1215(c) applies. Parties or
21 persons filing documents electronically must provide the EFSP with their correct contact
22 information, including an updated email address, in each e-filed case. New parties must provide
23 the EFSP with their email address for that case within seven (7) days of filing their first document
24 or joining the case, whichever is earlier. A party whose electronic service email address changes
25 must, within seven (7) days of the change, notify the EFSP, file a "Notice of Change of Electronic
26 Service Address" (Judicial Council ("JC") Form #EFS-010) electronically, and serve this notice
27 electronically on all parties required to be served. (See CRC, rule 2.251(c) and (g)(1).) An email
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1 address used to file documents will be presumed valid if a party has not filed and served notice
2 that the address is no longer valid.

- 3 h. Original Documents: E-filers must maintain originals of all documents that are e-filed with the
4 court, including but not limited to those documents containing signatures, pursuant to CRC, rule
5 2.257.

6 6. SPECIFIC REQUIREMENTS FOR CIVIL CASES OTHER THAN PROBATE:

- 7 a. Lodged Documents: The "Notice of Lodgment" itself must be filed with the court. In
8 accordance with CRC, rule 3.1302, the documents submitted with the notice must be lodged and
9 not filed. The lodged documents will not be imaged, 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 specified.
- 11 b. Negotiable Instruments: If e-filing a negotiable instrument pursuant to CRC, rule 3.1806, the
12 court may, in its discretion, deem the electronic version the original and order it cancelled and
13 merged into the judgment.

14 7. SPECIFIC REQUIREMENTS FOR PROBATE CASES:

- 15 a. Filing/Lodging Documents for Calendared Matters:

- 16 i. Lodgments will not be accepted unless specifically authorized by statute, rule, or court
17 order. If submitting a lodgment, the applicable statute, rule, or court order must be clearly
18 identified in the caption of the lodgment (e.g., "California Rules of Court, rule 2.551").
- 19 ii. When a pleading with supporting exhibits is e-filed, the exhibits shall be attached to the
20 document regardless of the number of pages. An index of exhibits must be included,
21 each exhibit must be separated by a page bearing the exhibit designation, and
22 bookmarking of exhibits is required.
- 23 iii. A party filing a petition, motion, or other paperwork that refers to a trust must file a copy
24 of the trust under a "Trust Coversheet" in accordance with SDSC Local Rule 4.3.3.
- 25 iv. In support of an accounting of assets as required by Probate Code section 2620 or an
26 interim accounting required by SDSC Local Rule 4.15.2, the account statements, closing
27 escrow statements, and bill statements for a residential or long-term care facility may be
28 filed with the court, under a "Financial Statement Coversheet."

1 8. 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 electronic
4 record of the public portions of court files for cases being handled under the Program are
5 available in 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 15
14 minutes will be imposed. Additional time will be permitted after waiting in line to use one of the
15 kiosks again. Any changes to this policy will be made by the Presiding Judge of the court and the
16 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 accessing
18 court records electronically are advised that the Manager of the Central courthouse civil and
19 small claims operations is the court staff member who may be contacted about the requirements
20 for accessing the court's records electronically in all divisions of the court supporting imaging
21 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 regard,
24 users are advised:

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

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- 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 to
3 the extent necessary to comply with the law.
- 4 e. The electronic records of cases within the Program available for viewing in the business offices
5 are the official records of the court. There is no charge for accessing or viewing court files in
6 the business offices. Copies, including certified copies, of any documents in an electronic court
7 file may be obtained by paying the applicable fee. The court's Fee Schedule is available online
8 on the court's website at www.sdcourt.ca.gov. (See SDSC Form #ADM-001). Additional
9 instructions about obtaining printed copies of records from the electronic file will be provided at
10 the kiosk locations in the applicable business offices; instructions are also available online at the
11 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 on
15 the kiosk screens in the business offices.
- 16 h. Remote Electronic Access of Program Cases: Court documents from records of cases within the
17 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 paying
19 the required fees. (See SDSC Form #ADM-001 [Fee Schedule]).

20 This order shall become effective on January 1, 2023, and expire on December 31, 2023,
21 unless otherwise ordered by this court.

22 IT IS SO ORDERED.

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24 DATED: December 28, 2022



25 **HONORABLE MICHAEL T. SMYTH**
26 **PRESIDING JUDGE**
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