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SUPERIOR COURT OF CALIFORNIA

COUNTY OF CONTRA COSTA

Plaintiff(s)

v.

Defendant(s)

Case No: MSC

ELECTRONIC CASE
FILING - STANDING
ORDER

Pursuant to California Rules of Court 2.253, 2.254(b) and 3.751, the Court enters the following Standing Order, applicable to all matters designated by the Court for electronic filing:

**** Attention: See section XI (Proposed Order for Court Signature) concerning submission of proposed orders for signature.**

I. Applicability of Other Rules and Orders: Except to the extent modified by this Order, approved stipulation or other order of the Court, all California Rules of Civil Procedure, Local Rules, and orders of the Court, all California Rules of Civil Procedure, Local Rules, and orders of the Court shall continue to apply to cases which are subject to electronic filing. Electronic filing is subject to the provisions of California Rules of Court 2.250 to 2.261, as those Rules may be amended from time to time.

II. Selection of Cases: Most matters classified by the Court as Complex Litigation will be designated for mandatory e-filing. However papers should not be e-filed until the Court enters a specific order, designating an Electronic Filing Service Provider. That will usually be done at the first case management conference. If any party believes e-filing should begin sooner than the first case management conference, they should meet and confer with all other parties who have appeared and present a stipulation to the Court which includes the designation of an Electronic Filing Service Provider.

1 **III. Electronic Filing Service Provider:** Pursuant to Rule of Court 2.255

2 the Court has contracted with an Electronic Filing Service Provider (EFSP)
3 to establish an electronic filing system for the Court. The currently designated
4 EFSP for the Complex litigation Filing Project is:

5 **File & ServeXpress (www.fileandservexpress.com)**

6 **IV. Registration and Access:**

7 **Obligation to Register.** At least one attorney of record for each party
8 in a matter designated for electronic filing must promptly register with the EFSP.
9 Upon receipt by the EFSP of a properly
10 executed click-through user agreement, the EFSP will assign to the user a confidential
11 login and password to the system. Additional authorized users may be added
12 at any time. No attorney or other user shall knowingly authorize or permit his
13 or her username or password to be utilized by anyone, even another attorney
14 of record. Attorneys of record who fail to timely register, or to keep registration
15 information current shall be subject to such sanctions as may be imposed
16 by the Court.

17 **Obligation to Keep Information Current.** A party whose electronic
18 notification address changes while the action or proceeding is pending must
19 promptly file a Notice of Change of Address with the Court electronically and
20 must serve this notice on all parties or their attorney of record. An electronic
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1 notification address is presumed valid for a party if the party files electronic
2 documents with the Court from that address and has not filed and served notice
3 that the address is no longer valid.

4 **V. Electronic Filing Requirements:**

5 **Generally:** In any case subject to electronic filing, all documents to be
6 filed with the Clerk of the Court shall be filed electronically through the EFSP.
7 Except as otherwise provided in this Order, or otherwise authorized by the Court,
8 the Court will not accept or file any pleadings or instrument in paper form.

9 **Format.** All electronically filed and served pleadings shall, to the extent
10 practicable, be formatted in accordance with the applicable rules governing
11 formatting of paper pleadings. The electronic document title of each pleading
12 or other document shall include:

- 13 a. Party or parties filing/serving the document;
- 14 b. Nature of the document;
- 15 c. Party or parties against whom relief, if any, is sought; and,
- 16 d. Nature of the relief sought.

17 (e.g., "Defendant ABC Corporation's Motion for Summary Judgment")

18 Where the filer possesses only a paper copy of a document, it should be scanned
19 to PDF format.

20 **Completion of Filing:** Electronic transmission of a document consistent
21 with the procedures adopted by the Court shall, upon the complete receipt of the
22 same by the Clerk and together with the receipt of acceptance by the Court,
23 transmitted from the EFSP, constitute filing of the document for all purposes
24 of the Code of Civil Procedure and the Rules of Court, and shall constitute entry
25 of that document onto the docket maintained by the Clerk.

26 **Deadlines.** Filing documents electronically does not alter any filing
27 deadlines. All electronic transmissions of documents must be completed
28 (i.e., received completely by the Clerk's office) prior to midnight Pacific Time in order

1 to be considered timely filed that day. Where a specific time deadline is set
2 by Court Order or stipulation, the electronic filing shall be completed by that
3 time.

4 **Technical Failures:** The Clerk shall deem the electronic filing
5 system to be subject to a technical failure on a given day if the Court is unable
6 to accept filings continuously or intermittently over the course of any period of
7 time greater than one hour after 12:00 noon that day, in which case filings due
8 that day which were not filed due solely to such technical failures shall become
9 due the next business day. Such delayed filings shall be accompanied by a
10 declaration or affidavit attesting to the filing person's failed attempts to file
11 electronically at least two times after 12:00 noon separated by at least one hour
12 on each day of delay due to such technical failure.

13 **Docket:** The record of filings and entries generated by the Courts case
14 management system for each case shall constitute the docket.

15 **VI. Electronic Summons:** On electronic filing of a complaint, a petition, or
16 another document that must be served with a summons, the Court will transmit
17 a summons electronically to the filer. The summons will contain an image of the
18 Court's seal and the assigned case number. Personal service of the printed form
19 of a summons transmitted electronically to the electronic filer has the same legal
20 effect as personal service of a copy of an original summons. (Rule of Court 2.259(f)(3).)

21 **VII. Permissible Manual Filing (Rule 2.253(c))**

22 **Generally:** Parties otherwise subject to mandatory electronic filing may
23 be excused from filing a particular document electronically if it is not available
24 in electronic format and is not feasible for the filer to convert it to electronic
25 format by scanning it to PDF. Such a document may be manually filed with the
26 Clerk of the Court and served upon the parties in accordance with the applicable
27 provisions of the Code of Civil Procedure and the Rules of Court for filing and
28 service of non-electronic documents. Parties manually filing a document

1 shall file electronically a Notice of Manual Filing setting forth the reason(s)
2 why the component cannot be filed electronically.

3 **Exhibits:** Exhibits whose electronic original is not available to the filer,
4 and which must be therefore scanned to PDF, should not be filed
5 electronically if the file size of the individual scanned document would
6 exceed the limit specified by the EFSP and the Court (5Mb).
7 Exhibits filed on paper because they are too large to scan must be identified
8 in the electronic filing by a Notice of Manual Filing attached in place of
9 the actual document.

10 **Original Documents:** In any proceeding that requires the filing
11 of an original document, an electronic filer may file a scanned copy
12 of a document if the original document is then filed with the Court within
13 ten (10) calendar days. (See Rule of Court 2.252(b)).

14 **Documents Lodged Conditionally:** Documents lodged with the
15 Court conditionally under seal, as provided in Rule of Court 2.551, may be submitted
16 in paper form, pending hearing on a Motion to Seal.

17 **Copies of Non-California authorities are not required.**

18 The Complex Litigation Department has access to all non-California
19 authorities and has, by its guidelines, waived the requirement to comply
20 with Rule of Court § 3.1113 (i). It is requested that parties **not** file such materials,
21 manually or otherwise, or burden the Court with courtesy copies.

22 **VIII. Courtesy Copies of Pleadings:** A courtesy copy of any of the
23 following papers shall be delivered to the chambers of the Judge that
24 will be hearing the matter:

- 25 1) All papers supporting or opposing any motion for
26 Summary Judgment or Summary Adjudication;
27 2) All Issue Conference Statements as well as Issue
28 Conference Statement papers such as motions in limine

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or oppositions thereto.

- 3) All motions and oppositions thereto set for hearing in the Discovery Department.
- 4) All papers supporting or opposing any other motion wherein the total number of pages of the document or group of documents being filed, including exhibits, exceeds fifteen (15) pages (not including pages of Proofs of Service);
- 5) All papers supporting or opposing any Ex Parte Motion;
- 6) All Case Management Conference Statements; and
- 7) Any papers other than those described above that the Court specifically orders to be supplemented with courtesy copies.

Courtesy copies are to be delivered no later than the following Court day from the date of the electronic filing. For Ex Parte Motions, they should be provided as early as reasonably feasible. Courtesy copies of electronically filed documents other than those described above should not be delivered to the complex litigation department.

IX. Public Access and Privacy

Personal Identifiers: Except as provided in Rules of Court 2.250 through 2.260 and 2.500 through 2.506, an electronically filed document is a public document at the time it is filed unless it is sealed under rule 2.551 or made confidential by law. (See Rule of Court 2.254(d).) To Promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties must refrain from including, or must redact where inclusion is necessary, the following personal data identifiers from all pleadings and other papers filed with the Court,

1 including exhibits thereto, whether filed electronically or in
2 paper, unless otherwise ordered by the Court.

3 a) **Social Security Numbers:** If an individual's social
4 security number must be included in a pleading or
5 other paper, only the last four digits of that number
6 should be used.

7 b) **Names of minor children:** If the involvement of a
8 minor child must be mentioned, only the initials of
9 that child should be used.

10 c) **Dates of Birth:** If an individual's date of birth must be
11 included in a pleading or other paper, only the year
12 should be used.

13 d) **Financial account numbers:** If financial account
14 numbers are relevant, only the last four digits of these
15 numbers should be used.

16 **Privileged or Confidential Information:** No party shall
17 intentionally include within pleadings, nor attach as exhibits, any other matter
18 that the party knows to be properly subject to a claim of privilege or confidentiality.

19 **Filing of Sensitive Documents:** A party wishing to file a document
20 containing the personal data identifiers listed above, or material known to be
21 subject to a claim of privilege, may file an unredacted document under
22 seal as provided herein. The party must file a redacted copy for the public file.

23 **Responsibility for Redaction:** The responsibility for redacting
24 personal identifiers and privileged or confidential information rests solely with
25 counsel and the parties. The Clerk will not review each pleading or
26 other paper for compliance. The Court may impose sanctions
27 for violation of these requirements.

1 **X. Signatures (Rule of Court 2.257)**

2 **Documents under penalty of perjury:** When a document to be filed
3 electronically provides for a signature under penalty of perjury, the document is deemed
4 signed by the declarant if, before filing, the declarant has signed a printed
5 form of the document. By electronically filing the document, the electronic
6 filer certifies that he or she has complied with this requirement and that
7 the original, signed document is available for inspection and copying at the
8 request of the Court or any other party. At any time after the document is filed, any
9 other party may serve a demand for production of the original signed document.
10 The terms of Rule of Court 2.257 shall apply to any such demand.

11 **Documents not under penalty of perjury:** If a document does not
12 require a signature under penalty of perjury, the document is deemed signed
13 by the party submitting it, if the document is filed electronically.

14 **Documents requiring signatures of opposing parties:** When
15 a document to be filed electronically, such as a stipulation, requires the
16 signatures of opposing parties, the following procedure applies: 1) The party
17 filing the document must obtain the signatures of all parties on a printed
18 form of the document; 2) The party filing the document must maintain
19 the original, signed document and must make it available for inspection and
20 copying as provided in Rule of Court 2.257(c)(2); 3) By electronically
21 filing the document, the electronic filer indicates that all parties have signed
22 the document and that the filer has the signed original in his or her possession.

23 **XI. Proposed Orders for Court Signature.**

24 **Generally:** Proposed orders accompanying motions or oppositions should
25 be e-filed with the moving or opposing papers. Such proposed orders must be
26 clearly marked as "proposed".

27 **Signature Copies:** For the purpose of signing of orders, after the hearing the
28 prevailing party must e-mail to the Court at cxlit@contracosta.courts.ca.gov

1 a signature copy in PDF format and a Word version in .doc format so that it can be modified,
2 if needed, and dated, prior to signing . Other than the space for the Court
3 to date and sign the order, all other blanks should be filled in. The e-mail
4 transmitting the proposed order to the Court must be cc'd to all other parties
5 in the case.

6 **Format:** The e-mailed copy may ONLY be in the following formats:
7 Microsoft Word (.doc) and PDF

8 **Timing of Signature Copies:** Except for orders pursuant to
9 C.C.P. § 877.6 (a)(2), and stipulated orders, proposed orders should not
10 be e-mailed until the Court has indicated that the requested relief will be
11 granted. Orders e-mailed prior to the ruling of the Court will not be retained
12 and replacement orders will be necessary.
13 Orders to be held for the statutory time period provided by C.C.P. §877.6 (a)(2)
14 of 20 or 25 days may be sent when the Notice of Settlement is filed. Orders
15 by stipulation may be sent when the stipulation is e-filed. If the order is indicated
16 upon the same document as the stipulation, the document should be e-mailed as one word
17 processing document.

18 **E-mailing Requirements:**

- 19 (a) "Subject" or "Heading": This must indicate the case name
20 (at least in shortened form) and the date of the hearing. For
21 orders by stipulation, "By Stipulation" must replace the
22 hearing date for C.C.P. § 877.6 (a)(2) orders; the code section,
23 and the last day for objection must be indicated.
24 (b) Accompanying message: This should include the case number,
25 any information as to the opportunity of opposing parties
26 to object or seek modification of the submitted order, and any
27 other information that would be helpful to the Court.
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Service of the Court's Orders: Orders filed by the Court in cases designated for electronic filing will be served: a) through the EFSP; or b) by e-mail from the Court to the address(es) provided to the EFSP. No paper service will be made by the Court.

XII. Service of Electronically Filed Documents:

Generally: The designated EFSP will provide electronic service for all documents requiring service, including those which are not filed with the Court, as provided in Rule of Court 2.260. Delivery of e-service documents through the EFSP to other registered users shall be considered as valid and effective service and shall have the same legal effect as an original paper document. Recipients of e-service documents shall access their documents through the EFSP. The parties are also strongly encouraged to check the docket in their case on the Court's Open Access web site at regular intervals.

Proof of Service: Proof of service shall be made in the manner provided in Rule of Court 2.260(c).

XII. Service of this Order: A copy of this Standing Order must be served with the initiating pleading by any Plaintiff, Petitioner, or Cross Complainant.

Dated:

Edward G. Weil
Judge of the Superior Court