

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF SAN DIEGO

F I L E D
STEPHEN THUNBERG
Clerk of the Superior Court

OCT 13 2000

3
4 Coordination Proceeding
5 Special Title [Rule 1550(b)]

No. JCCP 4095

mlw
By: M. RADEMAKER, Deputy

6 [REDACTED]
General Order 1:

7 Electronic Filing

8 FIREARM CASES.

(Rev. 1 – 083100)

9 I. GENERAL

10 A. APPLICATION OF ORDER.

11 The Court hereby designates all firearm cases in the Judicial Council Coordinated
12 Proceeding Case #JCCP 4095 (hereinafter referred to as Firearm Cases) as
13 Electronic Filing (EFile) cases as described and governed by this General Order. All
14 Firearm cases are assigned to the electronic filing and service system as created by
15 a Service Agreement executed on August 13, 1999, between JusticeLink and the
16 Superior Court of California, County of San Diego, (hereinafter referred to as
17 "SDSC" or "Court"), or any successor system. All parties to any Firearm Case
18 pending in this court shall be deemed to consent to the entry of this General Order
19 and agree to be bound by its provisions by entering into an EFile Subscriber
20 Agreement with JusticeLink or the then-current vendor ("the Vendor"). Statutory
21 filing fees will be paid directly to the court as set forth below. The commencement
22 date for electronic filing and service shall be January 1, 2001.

23 B. DEFINITIONS.

24 The following terms in this General Order shall be defined as follows:

- 25
- 26 1. EFile – Electronic transmission of an original document to the Court via
27 the Vendor's system. An EFile consists of either an EDocument, an EImage,
28 or both.

1 2. EService – Electronic transmission of an original document to all other
2 designated recipients via the Vendor's system. Upon completion of any
3 transmission to the Vendor's system, a certified receipt is issued to the sender
4 acknowledging receipt by the Vendor system. Once the Vendor has served
5 all recipients, proof of electronic service is returned to the sender.

6 3. EDocument – An electronic file of a word-processing document which
7 contains almost exclusively text.

8 4. Elmage – An electronic file of a document that has been scanned or
9 converted to a graphical or image format.

10 C. ASSIGNMENT BY THE VENDOR OF PERSONAL IDENTIFICATION
11 NUMBERS.

12 Upon receipt by the Vendor of a properly executed EFile Subscriber Agreement, the
13 Vendor shall assign to the party's designated representative(s) a confidential
14 Personal Identification Number (PIN) which must be used to electronically file, serve,
15 receive, review, and retrieve pleadings, orders, and other documents filed in the
16 assigned case. No PIN holder shall knowingly authorize or permit his/her PIN to be
17 utilized by anyone other than authorized attorneys or employees of the attorneys'
18 law firm, or designated co-counsel, where it has been established in writing that
19 designated counsel may file documents on behalf of the assigning counsel.
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22 II. **ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS.**

23 As of the commencement date of this General Order, except as expressly provided
24 herein, or as expressly authorized by the Court, all pleadings, motions, memoranda
25 of law, declarations, orders, or other documents filed in the Firearm Cases shall be
26 filed electronically through the system.

27 A. SUBSEQUENT PLEADINGS.

28 The clerk shall not accept or file any pleadings or instruments in paper form. Parties
must EFile a document either:

- 1 (1) Through the Vendor's system from the filing attorney's office;
- 2 (2) In person, by electronically filing through the Public Access Terminal
- 3 located at the clerk's office. Parties filing in this manner shall be
- 4 responsible for furnishing the pleading or instrument on an IBM
- 5 formatted 3 1/2" computer disk, CD ROM, or any other disk compatible
- 6 with the clerk's office-system to be uploaded in person; or,
- 7 (3) By faxing all documents and attachments to Vendor. Vendor shall then
- 8 convert said documents and attachments to electronic form, file them
- 9 with the Court, and serve designated parties as provided herein.
- 10 Parties choosing to file via facsimile through Vendor shall be charged
- 11 fees reflecting Vendor's then-current published rates for filing and
- 12 service in this manner.
- 13

14 **B. MAINTENANCE OF ORIGINAL DOCUMENTS.**

15 Unless otherwise ordered by the Court, an original of all documents filed

16 electronically, including original signatures, shall be maintained by the party filing the

17 document and shall be made available, upon reasonable notice, for inspection by

18 other counsel or the Court.

19 **C. TIME FOR FILING AND EFFECT OF USE OF EFILE.**

20 Any pleading filed electronically shall be considered as filed with the Clerk of the

21 Superior Court when it is first transmitted to the Vendor and the transmission is

22 completed ("authorized date and time" received by filing party) except that any

23 document filed after 4:30 p.m. (Pacific Time) on a day the court is open for business

24 shall be deemed to have been filed on the next court day. Vendor is hereby

25 appointed the agent of the Clerk of the Superior Court as to the electronic filing,

26 receipt, service, and/or retrieval of any pleading or document in EFile. Upon receipt

27 and filing of a document the Vendor shall issue a confirmation that the document has

28 been received and filed. The confirmation shall serve as proof the document has

been filed.

1 D. SYSTEM OR USER FILING ERRORS.

2 If the electronic filing is not filed with the court because of (1) an error in the
3 transmission of the document to the Vendor which was unknown to the sending
4 party, or (2) a failure to process the electronic filing when received by the Vendor,
5 the court may enter an order permitting the document to be filed nunc pro tunc.
6

7 **III. FORM/FORMAT OF ELECTRONICALLY FILED DOCUMENTS.**

8 A. FORMAT.

9 All electronically filed documents shall, to the extent practicable, be formatted in
10 accordance with the applicable rules governing formatting of paper pleadings, and in
11 such other or further format as the Court may require from time to time. Pleadings,
12 briefs or other instruments may exceed page limitation rules to a maximum of two (2)
13 additional pages when the additional pages are attributable to the electronic
14 conversion or filing process. The date and time of the hearing or trial in connection
15 with which the document is submitted shall be designated on the cover page of each
16 document.
17

18 B. REPRESENTATIONS BY USING A TYPOGRAPHICAL SIGNATURE.

19 Every pleading, document, and instrument filed in the EFile system shall be deemed
20 to have been signed by the attorney or declarant and shall bear a facsimile or
21 typographical signature of such person, along with the typed name, address,
22 telephone number, and State Bar of California number of a signing attorney.
23 Typographical signatures shall be treated as personal signatures for all purposes
24 under the California Code of Civil Procedure.

25 C. ELECTRONIC TITLE OF PLEADINGS AND OTHER DOCUMENTS.

26 The electronic title of each electronically filed pleading or other document shall
27 include:

- 28 (1) the corresponding case number, if any, from the original pre-

1 consolidation jurisdiction,

2 (2) the party or parties filing the paper,

3 (3) the nature of the paper,

4 (4) the party or parties against whom relief, if any, is sought, and

5 (5) the nature of the relief sought (i.e., "797362-6: John Doe's Motion to
6 Compel Discovery from Jim Smith").

7 The title shall be used for administrative purposes only. The caption and signature
8 page of any document filed shall contain the name of the attorney and, if applicable,
9 the name of the law firm representing the party and the name of the party on whose
10 behalf the document is filed.
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13 **IV. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS.**

14 All parties shall make service upon other parties electronically through the EFile
15 system. Parties, or their designated counsel, shall receive all documents EFiled and
16 EServed upon them via access to the Vendor's system.

17 **A. EFFECT OF ELECTRONIC SERVICE.**

18 The electronic service of a pleading or other document shall be considered as valid
19 and effective service on all participants and shall have the legal effect as an original
20 paper document.

21 **B. SERVICE ON PARTIES; TIME TO RESPOND OR ACT.**

22 EService shall be deemed complete at the time a document has been received by
23 Vendor's system as reflected by the authorized date and time appearing on the
24 electronic transmittal. Notwithstanding any prior order of this Court, any period of
25 notice or any right or duty to do any act or make any response within any period or
26 on a date certain after the service of the document, which time period or date is
27 prescribed by statute or rule of court, shall be extended after service by electronic
28 transmission by two (2) court days. This extension shall not apply to extend the time

1 for filing notice of intention to move for new trial, or to move to vacate judgment
2 pursuant to California Code of Civil Procedure, section 663a, or notice of appeal.

3 C. SYSTEM OR USER SERVICE ERRORS.

4 If electronic service on a party does not occur because of (1) an error in the
5 transmission of the document to a party which error was unknown to the serving
6 party or Vendor, (2) a failure to process the electronic filing for service when
7 received by the Vendor, OR (3) the party was erroneously excluded from the service
8 list, the party to be served, in the absence of extraordinary circumstances, shall be
9 entitled to an order extending the date for any response or the period within which
10 any right, duty or other act must be performed.
11

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13 V. CONVENTIONAL FILING OF DOCUMENTS.

14 Notwithstanding the foregoing, the following types of documents may be filed
15 conventionally and need not be filed electronically, unless expressly required by the
16 Court.

17 A. DOCUMENTS FILED UNDER SEAL.

18 A motion to file documents under seal shall be filed and served electronically.
19 However, the documents to be filed under seal shall be filed in paper form.

20 B. EXHIBITS AND REAL OBJECTS.

21 Exhibits to declarations or other documents that are real objects or which otherwise
22 may not be comprehensibly viewed in an electronic format may be filed and served
23 conventionally, in paper form.

24 C. LODGMENTS.

25 Documents attached to a Notice of Lodgment may be lodged and served
26 conventionally in paper form. However, the actual document entitled "Notice of
27 Lodgment" shall be filed electronically.
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1 **VI. COLLECTION OF FEES.**

2 A. COURT FEES.

3 Any instrument requiring payment of a filing fee to the Clerk of the Superior Court in
4 order to achieve valid filing status shall be filed electronically in the same manner as
5 any other EFile document. If a filing fee is required, immediately upon filing, the
6 filing party shall send to the Clerk of the Superior Court, a photocopy of the face
7 sheet of the filing indicating thereon the JusticeLink filing ID#, plus a check for filing
8 fee(s) in the proper amount in accordance with the current San Diego Superior Court
9 Schedule of Fees. Statutory filing fees must be tendered to the Clerk immediately
10 following an electronic filing and must in any event be postmarked no later than the
11 next business day following the electronic filing. However, if a filing fee is due on
12 any ex parte application, it must be received by the clerk no later than 24 hours
13 following an electronic filing.
14

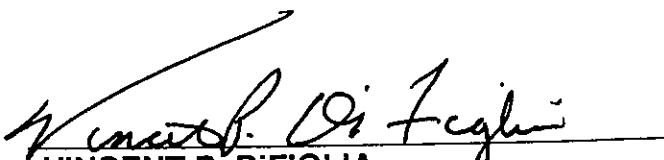
15 B. VENDOR FEES.

16 Fees charged by Vendor to parties or attorneys for access to and electronic
17 transmission of documents are solely the property of Vendor and are in addition to
18 any charges associated with statutory filing fees of the Superior Court.
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21 **VII. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS.**

22 The Court may issue, file, and serve notices, orders, and other documents
23 electronically, subject to the provisions of this General Order.
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25 DATED: *October 13, 2000*

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VINCENT P. DiFIGLIA
Judge of the Superior Court