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

JUN 06 2001

By: D. LIM, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO**

Coordination Proceeding  
Special Title (Rule 1550(b))

DSL CASES

JUDICIAL COUNCIL  
COORDINATION PROCEEDING  
No. 4151

**ELECTRONIC FILING AND  
SERVICE ORDER**

**I. GENERAL**

**A. APPLICATION OF ORDER.**

The Court hereby designates the above action, J.C.C.P. No. 4151 as an Electronic Filing (EFile) case, as described and governed by this Order. J.C.C.P. 4151 is assigned to the electronic filing and service system as created by a Service Agreement executed on August 13, 1999, between CourtLink, fna JusticeLink and the Superior Court of California, County of San Diego, (hereinafter referred to as "SDSC" or "Court"), or any successor system. All parties to the above case shall be deemed to consent to the entry of this Order and agree to be bound by its provisions by entering into an EFile Subscriber Agreement with CourtLink or the then-current vendor ("the Vendor"). Statutory filing fees will be paid directly to the Court as set forth below. The

1 commencement date for electronic filing and service shall be **August 1, 2001**.

2 B. DEFINITIONS.

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

4 1. EFile - Electronic transmission of an original document to the Court via  
5 the Vendor's system. An EFile consists of either an EDocument, an Elmage, or  
6 both.

7 2. EService - Electronic transmission of an original document to all other  
8 designated recipients via the Vendor's system. Upon completion of any  
9 transmission to the Vendor's system, a certified receipt is issued to the sender  
10 acknowledging receipt by the Vendor system. Once the Vendor has served all  
11 recipients, proof of electronic service is returned to the sender.

12 3. EDocument - An electronic file of a word-processing document which  
13 contains almost exclusively text.

14 4. Elmage - An electronic file of a document that has been scanned or  
15 converted to a graphical or image format.

16 C. ASSIGNMENT BY THE VENDOR OF PERSONAL IDENTIFICATION  
17 NUMBERS.

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

2 As of **August 1, 2001**, the commencement date of this Order, except as expressly  
3 provided herein, or as expressly authorized by the Court, all pleadings, motions,  
4 memoranda of law, declarations, orders or other documents filed in the above-entitled  
5 case shall be filed electronically through the system.

6 **A. SUBSEQUENT PLEADINGS.**

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

- 9 (1) Through the Vendor's system from the filing attorney's office;
- 10 (2) In person, by electronically filing through the Public Access Terminal  
11 located at the clerk's office. Parties filing in this manner shall be  
12 responsible for furnishing the pleading or instrument on an IBM formatted  
13 3 ½" computer disk, CD ROM, or any other disk compatible with the  
14 clerk's office-system to be uploaded in person; or,
- 15 (3) By faxing all documents and attachments to Vendor. Vendor shall then  
16 convert said documents and attachments to electronic form, file them  
17 with the Court, and serve designated parties as provided herein. Parties  
18 choosing to file via facsimile through Vendor shall be charged fees  
19 reflecting Vendor's then-current published rates for filing and service in  
20 this manner.

21 **B. MAINTENANCE OF ORIGINAL DOCUMENTS.**

22 Unless otherwise ordered by the Court, an original of all documents filed electronically,  
23 including signatures, shall be maintained by the party filing the document and shall be  
24 made available, upon reasonable notice, for inspection by other counsel or the Court.

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

26 Any pleading filed electronically shall be considered as filed with the Clerk of the  
27 Superior Court when it is first transmitted to the Vendor and the transmission is  
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1 completed ("authorized date and time" received by filing party) except that any  
2 document filed after 4:30 p.m. (Pacific Time) on a day the Court is open for business  
3 shall be deemed to have been filed on the next Court day. Vendor is hereby appointed  
4 the agent of the Clerk of the Superior Court as to the electronic filing, receipt, service,  
5 and/or retrieval of any pleading or document in EFile. Upon receipt and filing of a  
6 document the Vendor shall issue a confirmation that the document has been received  
7 and filed. the confirmation shall serve as proof the document has been filed.

8 **D. SYSTEM OR USER FILING ERRORS.**

9 If it is shown that the electronic filing is not filed with the Court because of (1) an error  
10 in the transmission of the document to the Vendor which was unknown to the sending  
11 party, or (2) a failure to process the electronic riling when received by the Vendor, the  
12 Court may enter an order permitting the document to be filed nunc pro tunc.

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

15 **A. FORMAT.**

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

24 **B. REPRESENTATIONS BY USING A TYPOGRAPHICAL SIGNATURE.**

25 Every pleading, document, and instrument filed in the EFile system shall be deemed  
26 to have been signed by the attorney or declarant and shall bear a facsimile or  
27 typographical signature of such person, along with the typed name, address, telephone  
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1 number, and State Bar of California number of a signing attorney. Typographical  
2 signatures shall be treated as personal signatures for all purposes under the California  
3 Code of Civil Procedure. However, the originating party must still comply with  
4 Paragraph 11.B of this order.

5 **C. ELECTRONIC TITLE OF PLEADINGS AND OTHER DOCUMENTS.**

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

- 7 (1) the case number,
- 8 (2) the party or parties filing the paper,
- 9 (3) the nature of the paper,
- 10 (4) the party or parties against whom relief, if any, is sought, and
- 11 (5) the nature of the relief sought (i.e., John Doe's Motion to Compel  
12 Discovery from Jim Smith").

13 The electronic title shall be used for administrative purposes only. The caption and  
14 signature page of any document filed shall comply with the California Rules of Court.

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16 **IV. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS.**

17 All parties shall make service upon other parties electronically through the EFile  
18 system. Parties, or their designated counsel, shall receive all documents EFiled and  
19 EServed upon them via access to the Vendor's system. The exception to this general  
20 order is a Motion for Determination of Good Faith Settlement. Said motions shall be  
21 served pursuant to Code of Civil Procedure section 877.6(a)(2) unless otherwise  
22 ordered by the Court.

23 **A. EFFECT OF ELECTRONIC SERVICE.**

24 The electronic service of a pleading or other document shall be considered as valid  
25 and effective service on all participants and shall have the same legal effect as an  
26 original paper document.

1           B.     SERVICE ON PARTIES; DESIGNATED ATTORNEY.

2           An abbreviated service list will be used for all CourtLink filings and services. Each firm  
3           shall designate to the Court the single attorney whose name will appear on the  
4           abbreviated list. The designated "service" attorney will be responsible for timely  
5           distribution of all EServed filings to co-counsel within their own firms.

6           C.     SERVICE ON PARTIES; TIME TO RESPOND OR ACT.

7           EService shall be deemed complete at the time a document has been received by  
8           Vendor's system as reflected by the authorized date and time appearing on the  
9           electronic transmittal. Notwithstanding any prior order of this Court, any period of  
10          notice or any right or duty to do any act or make any response within any period or on  
11          a date certain after the service of the document, which time period or date is prescribed  
12          by statute or rule of court, shall be extended after service by electronic transmission  
13          by two (2) court days in lieu of the 5 days for mailing as set forth in Code of Civil  
14          Procedure Section 1013. This extension shall not apply to extend the time for filing  
15          notice of intention to move for new trial, or to move to vacate judgment pursuant to  
16          California Code of Civil Procedure, Section 663a, or notice of appeal.

17          D.     SYSTEM OR USER SERVICE ERRORS.

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

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26        V.     **CONVENTIONAL FILING OF DOCUMENTS.**

27          Notwithstanding the foregoing, the following types of documents may be filed  
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1 conventionally and need not be filed electronically, unless expressly required by the  
2 Court.

3 A. DOCUMENTS FILED UNDER SEAL.

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

6 B. EXHIBITS AND REAL OBJECTS.

7 Exhibits to declarations that are real objects, i.e., construction materials, plans,  
8 manuals, or other documents, which otherwise may not be comprehensibly viewed in  
9 an electronic format may be filed and served conventionally, in paper form.

10 C. LODGMENTS.

11 Documents attached to a Notice of Lodgment may be lodged and served  
12 conventionally in paper form. However, the actual document entitled "Notice of  
13 Lodgment" shall be filed electronically.

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15 **VI. COLLECTION FEES.**

16 A. COURT FEES.

17 Any instrument requiring payment of a filing fee to the Clerk of the Superior Court in  
18 order to achieve valid filing status shall be filed electronically in the same manner as  
19 any other EFile document. If a filing fee is required, immediately upon filing, the filing  
20 party shall send to the Clerk of the Superior Court, a photocopy of the face sheet of the  
21 filing indicating thereon the JusticeLink filing ID#, plus a check for filing fee(s) in the  
22 proper amount in accordance with the current San Diego Superior Court Schedule of  
23 Fees. Statutory filing fees must be tendered to the Clerk immediately following an  
24 electronic filing and must in any event be postmarked no later than the next business  
25 day following the electronic filing. However, if a filing fee is due on any ex parte  
26 application, it must be received by the Clerk no later than 24 hours following an  
27 electronic filing.

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**B. VENDOR FEES.**

Fees charged by Vendor to parties or attorneys for access to and electronic transmission of documents are solely the property of Vendor and are in addition to any charges associated with statutory filing fees of the Superior Court.

**VII. SERVICE OF ELECTRONIC FILING ORDER ON NEW PARTIES.**

Any litigant filing a complaint or adding a party to this case by filing of an amended complaint, cross-complaint, complaint in intervention, interpleader or other initiating document shall be obligated to serve this Electronic Filing Order at the same time the pleading is served.

**VIII. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS.**

The Court may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of this Order.

IT IS SO ORDERED.

DATE: JUN 0 9 2001

CHARLES R. HAYES

\_\_\_\_\_  
CHARLES R. HAYES,  
JUDGE OF THE SUPERIOR COURT



<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input checked="" type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> FAMILY COURT, 1501 6TH AVE, SAN DIEGO, CA 92101-3296 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input type="checkbox"/> KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 <input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792 <input type="checkbox"/> JUVENILE COURT, 1701 MISSION AVE., OCEANSIDE, CA 92054-7102	<b>FOR COURT USE ONLY</b>  <b>F I L E D</b> <b>STEPHEN THUNBERG</b> <b>Clerk of the Superior Court</b>  <b>JUN - 6 2001</b>  <b>By: R. HENDERSON, Deputy</b>
PLAINTIFF(S)/PETITIONER(S) In Re: DSL Cases	JUDGE: Charles R. Hayes DEPT: 66
DEFENDANT(S)/RESPONDENT(S)	CASE NUMBER JCCP 4151
<b>CLERK'S CERTIFICATE OF SERVICE BY MAIL</b> <b>(CCP 1013a(4))</b>	

I, **STEPHEN THUNBERG**, certify that: I am not a party to the above-entitled case; that on the date shown below, I served the following document(s):

**ELECTRONIC FILING AND SERVICE ORDER**

on the parties shown below by placing a true copy in a separate envelope, addressed as shown below; each envelope was then sealed and, with postage thereon fully prepaid, deposited in the United States Postal Service at:  San Diego  Vista  El Cajon  Chula Vista  Oceanside, California.

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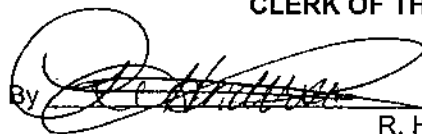
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**STEPHEN THUNBERG**  
**CLERK OF THE SUPERIOR COURT**

Date: June 6, 2001

By  \_\_\_\_\_, Deputy  
 R. Henderson

In Re: DSL Cases

CASE NUMBER:

JCCP 4151

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**STEPHEN THUNBERG**  
**CLERK OF THE SUPERIOR COURT**

Date: June 6, 2001

By  Deputy


R. Henderson

In Re: DSL Cases	CASE NUMBER: JCCP 4151
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Chair, Judicial Council of California  
Administrative Office of the Courts  
ATTN: Coordination Attorney  
Office of General Counsel  
455 Golden Gate Avenue, 5tFloor  
San Francisco, CA 94102-3660

**STEPHEN THUNBERG**  
**CLERK OF THE SUPERIOR COURT**

Date: June 6, 2001

By  \_\_\_\_\_, Deputy  
R. Henderson