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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF CONTRA COSTA**

**In Re Complex Litigation Matters**

**CASE NO.: MSC00-00000**

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**Plaintiff(s),**

ELECTRONIC CASE FILING  
STANDING ORDER

**v.**

*as amended effective April 11, 2011*

,  
**Defendant(s).**

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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:

**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 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

1 the first case management conference, they should meet and confer with all other parties who  
2 have appeared and present a stipulation to the court which includes the designation of an  
3 Electronic Filing Service Provider.

4 **III. Electronic Filing Service Providers.** Pursuant to Rule of Court 2.255 the court has  
5 contracted with two (2) Electronic Filing Service Providers (EFSPs) to establish an electronic  
6 filing system for the court. The currently designated EFSPs for the Complex Litigation Filing  
7 Project are:

8 LexisNexis File & Serve [[www.lexisnexis.com/fileandserve/](http://www.lexisnexis.com/fileandserve/)]

9 One Legal, Inc. [[www.onelegal.com/](http://www.onelegal.com/)]

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11 Due to limitations on electronic service, only one EFSP may be used in each matter. The first  
12 appearing party may select the EFSP, subject to modification by the court. If no selection is  
13 made prior to the initial case management conference, the Court will select the EFSP to be  
14 used by the parties.

15 **IV. Registration and Access.**

16 **Obligation to Register.** At least one attorney of record for each party in a matter  
17 designated for electronic filing must promptly register with the EFSP assigned or selected for  
18 that matter. Upon receipt by the EFSP of a properly executed click-through user agreement, the  
19 EFSP will assign to the user a confidential login and password to the system. Additional  
20 authorized users may be added at any time. No attorney or other user shall knowingly authorize  
21 or permit his or her username or password to be utilized by anyone, even another attorney of  
22 record. Attorneys of record who fail to timely register, or to keep registration information current  
23 shall be subject to such sanctions as may be imposed by the court.

24 **Obligation to Keep Information Current.** A party whose electronic notification address  
25 changes while the action or proceeding is pending must promptly file a notice of change of  
26 address with the court electronically and must serve this notice on all other parties or their

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1 attorneys of record. An electronic notification address is presumed valid for a party if the party  
2 files electronic 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 filed with the  
6 Clerk of Court shall be filed electronically through the designated EFSP. Except as otherwise  
7 provided in this Order, or otherwise authorized by the court, the court will not accept or file any  
8 pleadings or instrument in paper form.

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

- 12 (a) Party or parties filing/serving the document,
- 13 (b) Nature of the document,
- 14 (c) Party or parties against whom relief, if any, is sought, and
- 15 (d) Nature of the relief sought
- 16 (e.g., Defendant ABC Corporation's Motion for Summary Judgment")

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

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

24 **Deadlines.** Filing documents electronically does not alter any filing deadlines. All  
25 electronic transmissions of documents must be completed (i.e., received completely by the  
26 Clerk's Office) prior to 5:00 Pacific Time in order to be considered timely filed that day. Where a  
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1 specific time deadline is set by court order or stipulation, the electronic filing shall be completed  
2 by that time.

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

11 **Docket.** The record of filings and entries generated by the courts case management  
12 system for each case shall constitute the docket.

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

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

20 **Generally.** Parties otherwise subject to mandatory electronic filing may be excused from  
21 filing a particular document electronically if it is not available in electronic format and it is not  
22 feasible for the filer to convert it to electronic format by scanning it to PDF. Such a document  
23 may be manually filed with the Clerk of Court and served upon the parties in accordance with  
24 the applicable provisions of the Code of Civil Procedure and the Rules of Court for filing and  
25 service of non-electronic documents. Parties manually filing a document shall file electronically  
26 a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed  
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1 electronically.

2 **Exhibits.** Exhibits whose electronic original is not available to the filer, and which must  
3 therefore be scanned to PDF, should not be filed electronically if the file size of the individual  
4 scanned document would exceed the limit specified by the EFSP and the Court [5 Mb].

5 Exhibits filed on paper because they are too large to scan must be identified in the electronic  
6 filing by a Notice of Manual Filing attached in place of the actual document.

7 **Original documents.** In any proceeding that requires the filing of an original document,  
8 an electronic filer may file a scanned copy of a document if the original document is then filed  
9 with the court within ten (10) calendar days. [See Rule of Court 2.252(b)]

10 **Documents Lodged Conditionally.** Documents lodged with the court conditionally  
11 under seal, as provided in Rule of Court 2.551, may be submitted in paper form, pending  
12 hearing on a motion to seal.

13 **Copies of Non-California authorities not required.** The Complex Litigation  
14 Department has access to all non-California authorities and has, by its guidelines, waived the  
15 requirement to comply with Rule of Court 3.1113 (i). It is requested that parties **not** file such  
16 materials, manually or otherwise, or burden the Court with courtesy copies.

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

- 19 (1) all papers supporting or opposing any motion for summary judgment or  
20 summary adjudication;
- 21 (2) All issue conference statements as well as issue conference statement  
22 papers such as motions in limine or oppositions thereto.
- 23 (3) All motions and oppositions thereto set for hearing in the Discovery  
24 Department (60).
- 25 (4) all papers supporting or opposing any other motion wherein the total  
26 number of pages of the document or group of documents being filed,

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- 1 including exhibits, exceeds fifteen (15) pages [not including pages of  
2 proofs of service];
- 3 (5) all papers supporting or opposing any ex parte motion;
- 4 (6) all case management conference statements; and
- 5 (7) any papers other than those described above that the Court specifically  
6 orders to be supplemented with courtesy copies.

7 Courtesy copies are to be delivered no later than the following court day from the date of  
8 electronic filing. For ex parte motions they should be provided as early as reasonably feasible.

9 Courtesy copies of electronically filed documents other than those described above should  
10 not be delivered to the complex litigation department.

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12 **IX. Public Access and Privacy**

13 **Personal Identifiers** Except as provided in Rules of Court 2.250 through 2.260 and  
14 2.500 through 2.506, an electronically filed document is a public document at the time it is filed  
15 unless it is sealed under rule 2.551 or made confidential by law. (See Rule of Court 2.254(d).)  
16 To promote electronic access to case files while also protecting personal privacy and other  
17 legitimate interests, parties must refrain from including, or must redact where inclusion is  
18 necessary, the following personal data identifiers from all pleadings and other papers filed with  
19 the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise  
20 ordered by the court:

21 (a) **Social Security numbers.** If an individual's social security number must be  
22 included in a pleading or other paper, only the last four digits of that number  
23 should be used.

24 (b) **Names of minor children.** If the involvement of a minor child must be  
25 mentioned, only the initials of that child should be used.

26 (c) **Dates of birth.** If an individual's date of birth must be included in a pleading or  
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1 other paper, only the year should be used.

2 **(d) Financial account numbers.** If financial account numbers are relevant, only the  
3 last four digits of these numbers should be used.

4 **Privileged or confidential information.** No party shall intentionally include within  
5 pleadings, nor attach as exhibits, any other matter that the party knows to be properly subject to  
6 a claim of privilege or confidentiality.

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

11 **Responsibility for Redaction.** The responsibility for redacting personal identifiers and  
12 privileged or confidential information rests solely with counsel and the parties. The Clerk will not  
13 review each pleading or other paper for compliance. The court may impose sanctions for  
14 violation of these requirements.

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

17 **Documents under penalty of perjury.** When a document to be filed electronically  
18 provides for a signature under penalty of perjury, the document is deemed signed by the  
19 declarant if, before filing, the declarant has signed a printed form of the document. By  
20 electronically filing the document, the electronic filer certifies that he or she has complied with  
21 this requirement and that the original, signed document is available for inspection and copying  
22 at the request of the court or any other party. At any time after the document is filed, any other  
23 party may serve a demand for production of the original signed document. The terms of Rule of  
24 Court 2.257 shall apply to any such demand.

25 **Documents not under penalty of perjury** If a document does not require a signature  
26 under penalty of perjury, the document is deemed signed by the party submitting it if the

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1 document is filed electronically.

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

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

11 **Generally.** Proposed orders accompanying motions or oppositions should be e-filed with  
12 the moving or opposing papers. Such proposed orders must be clearly marked as “proposed”.

13 **Signature Copies.** For the purpose of signing of orders, after the hearing the prevailing  
14 party must e-mail to the court at [cxlit@contracosta.courts.ca.gov](mailto:cxlit@contracosta.courts.ca.gov) a signature copy, in word-  
15 processing format so that it can be modified, if needed, and dated, prior to signing. Other than  
16 the space for the Court to date and sign the order, all other blanks should be filled in. The e-  
17 mail transmitting the proposed order to the Court must be cc'd to all other parties in the case.

18 **Format.** The e-mailed copy may be in any of the following formats: WordPerfect (.wpd);  
19 Microsoft Word (.doc); Plain Text / ACSII (.txt).

20 **Timing of Signature Copies.** Excepting for orders pursuant to C.C.P. § 877.6 (a)(2),  
21 and stipulated orders, proposed orders should not be e-mailed until the Court has indicated that  
22 the requested relief will be granted. Orders e-mailed prior to the ruling of the court will not be  
23 retained and replacement orders will be necessary.

24 Orders to be held for the statutory time period provided my C.C.P. § 877.6 (a)(2) of 20 or  
25 25 days may be sent when the notice of settlement is filed. Orders by stipulation may be sent  
26 when the stipulation is e-filed. If the order is indicated upon the same document as the  
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1 stipulation, the document should be e-mailed as one word processing document.

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3 **E-mailing Requirements.**

- 4 (a) "Subject" or "Heading": This must indicate the case name (at least in  
5 shortened form) and the date of hearing. For orders by stipulation "By  
6 Stipulation" must replace the hearing date. For C.C.P. § 877.6 (a)(2) orders  
7 the code section and last day for objection must be indicated.
- 8 (b) Accompanying message: This should include the case number, any  
9 information as to the opportunity of opposing parties to object or seek  
10 modification of the submitted order, and any other information that would be  
11 helpful to the Court.

12 **Service of the Court's Orders.** Orders filed by the court in cases designated for  
13 electronic filing will be served: (a) through the EFSP; or (b) by e-mail from the court to the  
14 address(es) provided to the EFSP. No paper service will be made by the court.

15 **XII. Service of Electronically Filed Documents.**

16 **Generally.** The designated EFSP will provide electronic service for all documents  
17 requiring service, including those which are not filed with the court, as provided in Rule of Court  
18 2.260. Delivery of e-service documents through the EFSP to other registered users shall be  
19 considered as valid and effective service and shall have the same legal effect as an original  
20 paper document. Recipients of e-service documents shall access their documents through the  
21 EFSP. The parties are also strongly encouraged to check the docket in their case on the court's  
22 Open Access web site at regular intervals.

23 **Proof of Service** Proof of service shall be made in the manner provided in Rule of Court  
24 2.260(c).

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26 **XIII. Service of this Order.** A copy of this Standing Order must be served with the initiating  
27 pleading by any plaintiff, petitioner, or cross-complainant.

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Dated: \_\_\_\_\_

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Barry P. Goode  
Judge of the Superior Court