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Clerk of the Superior Court

DEC 27 2021

By: A. Husted, Deputy

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**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. 010122-22**

THIS COURT FINDS AND ORDERS AS FOLLOWS:

1. ELECTRONIC FILING AND IMAGING PROGRAM

On August 1, 2011, the San Diego Superior Court ("court") implemented an Electronic Filing and Imaging Pilot 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 Local Rule, 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  
2 divisions 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  
8 e-filing service providers. ("EFSPs")

9        Phase Five: Most recently, due to the COVID-19 pandemic and, pursuant to California  
10 Rules of Court ("CRC"), Appendix I: Emergency Rules Related to COVID-19, rule 3 in effect in  
11 2021, the 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  
15 for certain documents. (See SDSC Local Rules, rule 2.1.4.) Self-represented litigants have been  
16 encouraged, 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](http://www.sdcourt.ca.gov). (See San Diego Superior Court ("SDSC") Form Nos. CIV-409, PR-188 for  
20 e-filing requirements.)

## 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  
27 cases, which will be physically retained by the court for the period required by law. During this  
28 30-day period, these documents will not be stored in a manner that will allow a party or its attorney



1 to access them, and access will only be granted by order of the court upon a showing of good  
2 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  
11 Civil Case Cover Sheet). "Complex cases" include antitrust/trade regulation, mass tort,  
12 environmental/toxic tort, and securities litigation cases, as well as insurance coverage  
13 claims 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 California Code of Civil  
22 Procedure ("CCP") § 1010.6. All documents e-filed with the court must be in a text searchable  
23 format (i.e., optical character recognition ("OCR")). The court is unable to accept documents that  
24 do not comply with these requirements, or documents with certain characteristics including, but  
25 not limited to: forms with fillable fields, a negative image, or image that is saved as an "object" on  
26 the filed document.

27 E-filers are required to comply with the San Diego Superior Court's electronic filing  
28 requirements listed in the following forms available on the court's website: CIV-409 ("E-Filing

1 Requirements (Civil)”) and PR-188 (“E-Filing Requirements (Probate)”). These forms also  
2 contain a list of documents that are exempt from the mandatory e-filing requirements, including  
3 those documents that cannot be e-filed (“List of Excluded Documents”). To the extent the List of  
4 Excluded Documents conflicts with any San Diego Superior Court Local Rule (“Local Rule”), the  
5 applicable portions of the Local Rules are repealed and are superseded by this General Order and  
6 the e-filing requirements listed in CIV-409 and/or PR-188.

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

17 Additional and more specific information on electronic filing can be found on the court’s  
18 website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

#### 19 5. FILING AND SERVICE REQUIREMENTS IN ALL IMAGED CASES

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



1 in any other manner, as these documents will be imaged and the paper filings destroyed in  
2 accordance with this Order (except for those documents set forth in paragraph 8.a. below).  
3 Any original document, other than a will or bond in a probate case, that is included in a filed  
4 document in a case within the Program will be imaged and destroyed in accordance with this  
5 Order. Original documents may be lodged with the court, as necessary, under the procedures  
6 set forth in 7.a.(i) below.

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

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

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

18 g. Electronic Service: Electronic Service is governed by CCP § 1010.6, Probate Code §  
19 1215(c)(1), and CRC 2.251. A party or other person that is required to file documents  
20 electronically in an action must also serve documents and accept service of documents  
21 electronically, except when personal service is otherwise required by statute or rule, the court  
22 orders otherwise, the action includes a party or person that is not subject to mandatory e-filing  
23 in which case that party or person must be served by non-electronic methods unless they  
24 affirmatively consent to electronic service, or Probate Code § 1215(c)(1) applies. Parties or  
25 persons filing documents electronically must provide the EFSP with their correct contact  
26 information, including an updated email address, in each e-filed case. New parties must  
27 provide the EFSP with their email address for that case within seven (7) days of filing their  
28 first document or joining the case, whichever is earlier. A party whose electronic service email

1 address changes must, within seven (7) days of the change, notify the EFSP, file a "Notice of  
2 Change of Electronic Service Address" (Judicial Council ("JC") Form #EFS-010)  
3 electronically, and serve this notice electronically on all parties required to be served. (See  
4 CRC 2.251 (c) and (g)(1).) An email address used to file documents will be presumed valid if  
5 a party has not filed and served notice that the address is no longer valid.

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

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

9 a. Lodged Documents:

10 The "Notice of Lodgment" itself must be filed with the court. In accordance with CRC,  
11 rule 3.1302, the documents submitted with the notice must be lodged and not filed. The lodged  
12 documents will not be imaged, will not be part of the official court file, and will be returned in the  
13 manner requested or recycled if no manner of return is specified.

14 b. Documents in Support of Judgments:

15 Applications for entry of a judgment that include an instrument, contract, or written  
16 obligation will have the relevant document(s) cancelled and merged if the judgment is entered, in  
17 accordance with CRC, rule 3.1806, after which the document will then be imaged and maintained  
18 in the electronic court record. The submitted document(s) will then be returned to the proffering  
19 party for safe-keeping. Parties must provide a suitable method of return along with the submitted  
20 document(s). If no method of return is included, the document(s) will be shredded and recycled.

21 **7. REQUIREMENTS SPECIFIC FOR PROBATE CASES:**

22 a. Filing/Lodging Documents for Calendared Matters:

23 i. The Notice of Lodgment itself must be filed with the court. In accordance with CRC,  
24 rule 3.1302 and Local Rule 4.3.3, the documents submitted with the notice must be  
25 lodged and not filed. The lodged documents will not be part of the official court file,  
26 and will be returned in the manner requested or recycled if no manner of return is  
27 specified.

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- 1           ii. A party filing a petition, motion or other paperwork that refers to a trust must file a  
2           copy of the trust under a "Trust Coversheet" in accordance with Local Rule 4.3.3.
- 3           iii. In support of an accounting of assets as required by Probate Code section 2620 or an  
4           interim accounting required by Local Rule 4.15.2, the account statements, closing  
5           escrow statements, and bill statements for a residential or long-term care facility may  
6           be filed with the court, under a "Financial Statement Coversheet."

7           8. ENHANCED ELECTRONIC ACCESS TO OFFICIAL COURT FILE AND  
8           COURT DOCUMENTS IN ALL IMAGED CASES

9           a. Access in Clerk's Business Offices: Public kiosks providing free access to the official  
10           electronic record of the court files for cases being handled under the Program are available in  
11           the below business offices:

- 12           • Hall of Justice Civil Business Office, 330 West Broadway, San Diego, California 92101;
- 13           • East County Family Business Office, 250 E. Main Street, El Cajon, California, 92020;
- 14           • South County Family Business Office, 500 Third Avenue, Chula Vista, California, 91910;
- 15           • Central Courthouse, Probate Business Office, 1100 Union Street, San Diego, California,  
16           92101; and
- 17           • North County Civil Business Office, 325 S. Melrose Drive, Vista, California, 92081.

18           The public may access these files and view all public portions of the files just as they  
19           currently can in the paper court files. If there are people waiting to use the kiosks, a time limit of  
20           15 minutes will be imposed. Additional time will be permitted after waiting in line to use one of  
21           the kiosks again. Any changes to this policy will be made by the Presiding Judge of the court and  
22           the new policy will be posted in the applicable business offices.

23           b. Notice Regarding Electronic Access: In accordance with CRC, rule 2.504, the public accessing  
24           court records electronically, are advised that the Manager of Central Court Civil and Small  
25           Claims Operations is the court staff member who may be contacted about the requirements for  
26           accessing the court's records electronically in all divisions of the court supporting imaging and  
27           e-filing.

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1 c. Copyright and other proprietary rights may apply to information in a case file, absent express  
2 grant of additional rights by the holder of the copyright or other proprietary right. In this  
3 regard, you are advised:

4 i. Use of such information in a case file is permissible only to the extent permitted by law  
5 or court order; and,

6 ii. Any use inconsistent with proprietary rights is prohibited.

7 d. Access to Confidential Documents: Court documents classified or considered confidential  
8 pursuant to statute or rule of court shall remain confidential and may not be released except to  
9 the extent necessary to comply with the law.

10 e. The electronic records of cases within the Program available for viewing in the business offices  
11 are the official records of the court. There is no charge for accessing or viewing court files in  
12 the business offices. Copies, including certified copies, of any documents in an electronic  
13 court file may be obtained by paying the applicable fee. The court's "Fee Schedule" is  
14 available online on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov). (See SDSC Form No. ADM-  
15 001). Additional instructions about obtaining printed copies of records from the electronic file  
16 will be provided at the kiosk locations in the applicable business offices; instructions are also  
17 available online at the court's website listed above.

18 f. Any person who willfully destroys or alters any court record maintained in electronic form is  
19 subject to the penalties imposed by Government Code section 6201.

20 g. No person shall photograph or otherwise record any digital images of documents displayed on  
21 the kiosk screens in the business offices.

22 h. Remote Electronic Access of Program Cases: Court documents from records of cases within  
23 the Program are available in electronic format for viewing and printing remotely to the extent  
24 permitted by California law and/or CRC, rule 2.503(b), by visiting the court's website and

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1 paying the required fees. (See SDSC Form No. ADM-001 for the court's "Fee Schedule").

2 This Order shall become effective on January 1, 2022 and expire on December 31, 2022,  
3 unless otherwise ordered by this court.

4 IT IS SO ORDERED.

5 DATED: December 27, 2021



**HONORABLE MICHAEL T. SMYTH  
PRESIDING JUDGE**

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