

## ALAMEDA COUNTY SUPERIOR COURT TECHNICAL E-FILING REQUIREMENTS

Pursuant to Alameda County Superior Court Local Rule 3.27, e-filing is optional for civil and civil appeals cases starting October 12, 2021 and mandatory starting January 1, 2022. As required by California Rules of Court, rule 2.254(a), this is the electronic publication of the technical requirements for e-filing documents. E-filing is also governed by rules 2.250-2.261 and 3.1110(f) of the California Rules of Court and California Code of Civil Procedure section 1010.6.

**1. Summary:** Rather than filing paper copies of documents, e-filing is the electronic filing of those documents as searchable PDF files. The filing attorney/party (“filer”) interacts with the court through an Electronic Filing Service Provider (“EFSP”), which receives the electronic filing and retransmits it to the court. The user creates an account, and the e-filing system manages the flow of the documents and fees to and from the court. The court will accept or reject the documents. The court will return a conformed copy of accepted documents to the filer through the EFSP’s electronic filing portal. The filer is responsible for service, which generally is also done electronically.

**2. Definitions:**

- a. **"Bookmark"** A PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.
- b. **"Electronic Filing" or “e-filing”** The electronic transmission to a court of a document in electronic form. (California Rules of Court, rule 2.250(b)(7).)
- c. **"Electronic Filing Service Provider"** A person or entity that receives an electronic filing from a party for retransmission to the court. In the submission of filings, the EFSP does so on behalf of the electronic filer and not as an agent of the court. (California Rules of Court, rule 2.250(b)(8).)
- d. **"Electronic Envelope"** A transaction through the electronic service provider for submission of documents to the court for processing that may contain one or more PDF documents attached.
- e. **"E-filing Page"** The webpage, maintained on the official court website, that gives litigants access to the approved Electronic Filing Service Providers.

- f. **"Electronic Signature"** For purposes of these local rules and in conformity with Code of Civil Procedure section 17, subdivision (b)(3), section 34, and section 1010.6, subdivision (b)(2), Government Code section 68150 (g), and California Rules of Court, rule 2.257, an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.
- g. **"Filer"** The person or entity filing a document.
- h. **"Hyperlink"** An electronic link providing direct access from one distinctively marked place in a hypertext or hypermedia document to another in the same or different document.
- i. **"PDF"** (Portable Document Format) As used in these Technical Requirements, a document format that preserves all fonts, formatting, colors, and graphics of the original source document, regardless of the application platform used to prepare the original source document.
- j. **"Redacted"** The editing of a document to remove, mask, or delete privileged or confidential information.
- k. **"Un-redacted"** A version/copy of a document containing all complete information including confidential or privileged information.

### 3. Electronic Filing

- a. **Represented Litigants** As authorized by California Rules of Court, rule 2.253(b), pursuant to Alameda County Local Rule 1.7, represented litigants must electronically file documents with the court through an approved EFSP. (Optional through December 31, 2021.)

### 4. Exempt Litigants

- a. Self-represented parties and non-parties are not required to e-file but are encouraged to do so. Self-represented parties and non-parties must be served

conventionally, unless the self-represented party or non-party agrees, in writing, to accept electronic service.

- b. Pursuant to Code of Civil Procedure section 1010.6 (d)(3) and California Rules of Court, rule 2.253(b)(4), any party may make application to the court requesting to be excused from filing documents electronically and be permitted to file documents by conventional means if the party shows undue hardship or significant prejudice. Such application will ordinarily be heard in the Department to which the case is assigned. If the case has not been assigned, the application will be determined by a Supervising Judge for the case type or assigned courthouse.

#### **5. Exempt Filings:**

- a. Pursuant to Local Rule 3.27(d), the following documents must be filed non-electronically:
  - (1) Bench Warrants
  - (2) Subpoenaed documents
  - (3) Bonds
  - (4) Undertakings
  - (5) Certified judgments
  - (6) Out of State or Out of County Abstracts or Commissions
  - (7) Sister State Judgments
  - (8) Subpoenas for Out of State Actions
  - (9) Payee Data Records

#### **6. Electronic Filing System Working Procedures (See also California Rules of Court, rule 2.255)**

- a. ESFPs must obtain and manage registration information for persons and entities electronically filing with the court.
- b. Each EFSP must promptly send filers confirmation of the receipt of any document that filers have transmitted for filing with the Clerk. Such confirmation must indicate the date and time of receipt stated in Pacific Time. The Clerk must review the document and transmit to the EFSP confirmation that the document

has been reviewed, accepted, or rejected by the Clerk. The Clerk must electronically endorse any document accepted for filing in accordance with California Rules of Court, rule 2.259(e), or must promptly transmit the Clerk's notice of rejection or amendment to the User through Vendor.

- c. Each EFSP shall collect filing fees for any electronically filed document. Each Filer must pay all required filing fees for e-filed documents to the EFSP. EFSP will invoice each filer monthly for the total amount of such filing fees. EFSP must remit filing fees to the Clerk. At such time, those fees are the sole property of the Clerk of the Superior Court. All requests for refunds of filing fees must be addressed to the Clerk and may be submitted electronically in the manner prescribed by the Clerk.

**7. Obligation to Keep Information Current.** Each party or non-party that is required to or had agreed to e-file must furnish that party's electronic service address when first e-filing any paper in a matter. Each party can have only one e-service address in each case. A party whose electronic service address changes while the matter is pending must promptly e-file a notice of change of electronic service address on Judicial Council Form EFS-010, Notice to Change Electronic Service Address, with the court and must serve this notice on all other parties or their attorney(s) of record. An electronic service address is presumed valid for a party if the party files electronic documents with the court from that address and has not filed and served notice that the address is no longer valid. (California Rules of Court, rule 2.256)

## **8. Technical Requirements**

- a. Electronic documents must be electronically filed in PDF, text searchable format when technologically feasible without impairment of the document's image.
- b. Preferably, the table of contents for any filing should be bookmarked to each referenced section.
- c. Pursuant to California Rules of Court, rule 3.1110(f)(4). Unless they are submitted by a self-represented party, electronic exhibits must include electronic bookmarks with links to the first page of each exhibit and with

bookmark titles that identify the exhibit number or letter and briefly describe the exhibit.

- d. Attachments to primary documents must be bookmarked. Examples include, but are not limited to, the following:
  - i. Depositions;
  - ii. Declarations;
  - iii. Exhibits (including exhibits to declarations);
  - iv. Transcripts (including excerpts within transcripts);
  - v. Points and Authorities;
  - vi. Citations; and
  - vii. Supporting Briefs.
- e. **Hyperlinks.** Use of hyperlinks within documents (including attachments and exhibits) is strongly encouraged.
- f. **Accompanying Documents.** Each document accompanying a single pleading must be electronically filed as a separate digital PDF document.
- g. **Multiple Documents.** Multiple documents relating to one case can be uploaded in one envelope transaction.
- h. **Writs and Abstracts.** Writs and Abstracts must be submitted as a separate electronic envelope.
- i. **Electronic Title of Documents.** The document title entered on the EFSP system must be the same as that reflected in the caption of the document.
- j. **Redaction.** Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to redact confidential information (such as using initials for names of minors, using the last four digits of a social security number, and using the year for date of birth) so that the information shall not be publicly displayed.
- k. **Sealed Documents.** Alameda County Superior Court Local Rule 3.27(e) states the requirement for filing of confidential documents for which sealing is required. See also California Rules of Court, rules 2.550-51.

**9. Date of filing.**

- a. Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. shall be deemed to have been effectively filed on that court day if accepted for filing. Any document received electronically on a non-court day, is deemed to have been effectively filed on the next court day if accepted. (California Rules of Court, rule 2.253(b)(6); Code Civ. Proc. § 1010.6(b)(3).)
- b. Notwithstanding any other provision of this order, if a digital document is not filed in due course because of: (1) an interruption in service; (2) a transmission error that is not the fault of the transmitter; or (3) a processing failure that occurs after receipt, the court may order, either on its own motion or by noticed motion submitted with a declaration for court consideration, that the document be deemed filed as of the attempted transmission date.

**10. Electronic Service** generally, see California Rules of Court, rule 2.251.) Filers are deemed to have agreed to accept electronic service at the electronic service address they provide. (California Rules of Court, rule 2.251(C)(3).) Self represented parties and parties exempt from e-filing must affirmatively consent to acceptance of electronic service. (California Rules of Court, rule 2.251(b)(1)(B).)

**11. Documents Issued by the Court.** The Court may issue, file, and serve notices, orders, and other documents electronically subject to the provisions of these e-filing Rules.

**12. Printed Courtesy Copies.**

- a. Pursuant to Alameda County Superior Court Local Rule 3.30(c), an identical courtesy copy of any e-filed document submitted in support of, in opposition to, or in connection with any motion or application must be delivered to the courtroom clerk assigned to the Department in which the motion or application will be heard. For regular motions, such delivery must be made by noon the court day after the paper is filed, lodged, or otherwise submitted. For in limine motions or matters on which the hearing will be two court days or fewer from filing, the courtesy copies shall be delivered the same day as filing. For ex parte motions, the courtesy copies must be delivered consistent with each

department's ex parte schedule available on the court's website. This rule does not apply to administrative records in writ proceedings.

- b. During trial, motions, memoranda, and matters presented to the Court in writing for decision may be served in open court in hard copy form after having been e-filed.

### **13. Waiver of Fees and Costs For Electronically Filed Documents**

- a. Fees and costs associated with electronic filing are waived for any litigant who has received a fee waiver. (California Rules of Court, rules 2.253(b)(1), 2.258(b), Code Civ. Proc. §1010.6(d)(2).)
- b. Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure section 1010.6 (b)(6), and California Rules of Court, rule 2.252(t), may be electronically filed in any authorized action or proceeding.

**14. Signatures.** All electronic filings shall be electronically signed as provided in California Rules of Court, rule 2.257.

**15. User Technical Problems.** If a Filer is temporarily unable to e-file due to technical problems, the filer may request an extension of time due to technical problems by ex parte motion. Alternatively, the filer may file by faxing documents and attachments to the EFSP. EFSP must then convert those documents to electronic form, file them with the Clerk, and serve designated parties as provided. If e-filing or service does not occur due to (1) error in the transmission of the document to the EFSP or served party that was unknown to the sending party, (2) EFSP's failure to process the electronic document, (3) a party's erroneous exclusion from the service list, or (4) other technical problems experienced by the EFSP, then the Filer affected may be entitled to an extension for any response or the period within which any right, duty, or other act must be performed, provided the filer demonstrates that they attempted to file or complete service on a particular day and time. The court may establish policies and procedures for the way in which a filer may demonstrate he or she attempted to file or complete service on a particular day and time. The Clerk may determine whether a filer has complied with established policy and procedure authorizing an extension of time.