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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF) GENERAL ORDER NO. 14-01
ATTORNEY CASE-OPENING) (Supersedes Amended General Order
PILOT PROJECT) No. 13-01

The Local Rules for the Central District of California provide that, subject to certain exceptions, all documents filed in civil and criminal cases must be filed electronically using the Court’s Case Management/Electronic Case Filing (“CM/ECF”) System. L.R. 5-4.1, L.Cr.R. 49-1.1. One of the exceptions is case-initiating documents, such as complaints, which must be presented to the Clerk for filing in paper format. L.R. 3-2, L.R. 5-4.2(b)(2), L.Cr.R. 49-1.2(b)(2). Having determined, however, that it would benefit the Court, the bar, and the public to allow electronic filing of case-initiating documents, the Court established a pilot project to test this practice by Amended General Order No. 13-01. Because the pilot project enables attorneys to use CM/ECF to open new cases for matters not yet assigned a case number and for which no documents have previously been docketed, this pilot project is known as the Attorney Case-Opening Pilot Project (“Pilot Project”). By this General Order, the Court expands the Pilot Project to additional cases and documents.

Unless otherwise ordered by the Court, the expanded Pilot Project shall be in effect from the date of filing of this General Order to December 1, 2014. During that

1 time, documents otherwise required to be filed in paper format pursuant to Local Rule
2 3-2 may instead be filed electronically, subject to the provisions of this General Order.
3 The Court anticipates that electronic filing of case-initiating documents will be
4 expanded during or after the term of the Pilot Project.

5 **I. CASES DESIGNATED FOR PILOT PROJECT**

6 This General Order creates an exception to Local Rule 3-2 for all civil cases.

7 **II. DOCUMENTS ELIGIBLE FOR PILOT PROJECT**

8 All documents in civil cases will be exempted from Local Rule 3-2, except as set
9 forth below.

10 **A. Case-Initiating Documents**

11 Unless provided otherwise by Section II.D., complaints and notices of removal
12 may be filed electronically if: (a) the filing fee is paid online by credit card at the time
13 of filing; or (b) no filing fee is owed (*i.e.*, cases filed by the United States or fee-exempt
14 by statute). Only a complaint or a notice of removal may be filed electronically as the
15 case-initiating document in a civil case. If a case is one in which neither a complaint
16 nor a notice of removal will be the case-initiating document (for example, a case
17 brought on behalf of a minor that must be commenced with the filing of an application
18 for the appointment of a *guardian ad litem*, or other cases commenced by the filing of a
19 motion, petition, or application), then the case may not be opened electronically, and
20 the case-initiating document must be filed in paper format. Likewise, if the filing party
21 intends to pay the filing fee using some other payment method (for example, a cashier's
22 check), or if a party intends to file an application for *In Forma Pauperis* status (or for
23 permission to file without full prepayment of the filing fee), then the case may not be
24 opened electronically, and the case-initiating document must be filed in paper format.

25 **B. Concurrently Filed Documents**

26 If a case-initiating document is filed electronically, then all other documents
27 required to be filed concurrently with the case-initiating document, such as the Civil
28 Cover Sheet (Form CV-71), must also be filed electronically, except as set forth in

1 Section II.D. Additional information about the types of documents that must be filed
2 concurrently with a case-initiating document may be found in the “Attorney Case-
3 Opening Pilot Project User Manual,” available on the Court’s website. Attorneys who
4 choose to file a complaint electronically pursuant to this General Order are reminded of
5 the time limit on service of the summons and complaint set forth in Fed. R. Civ. P.
6 4(m). To ensure timely service is effected, the summons should be obtained
7 electronically either at the time of filing the complaint or as soon as possible thereafter;
8 instructions for obtaining the summons electronically are set forth in the User Manual.

9 **C. Subsequent Documents**

10 Once a civil case has been opened, regardless of whether the case was opened
11 electronically, subsequent documents otherwise subject to Local Rule 3-2 (such as third
12 party complaints, amended complaints, complaints in intervention, counterclaims, and
13 crossclaims) may be filed in that case electronically, except as set forth in Section II.D.

14 **D. Exceptions**

15 Notwithstanding the provisions of subsections II.A.-C., the following documents
16 may not be electronically filed:

- 17 (1) any document automatically sealed by statute or operation of law;
18 (2) any document accompanied by an application to seal the document or the
19 entire case; and
20 (3) any document exempted from electronic filing by order or rule other than
21 Local Rule 3-2.

22 **III. FILERS AUTHORIZED TO PARTICIPATE IN PILOT PROJECT**

23 Only attorneys who are admitted to the bar of the Central District of California
24 and who are registered CM/ECF Users may open cases electronically under this
25 General Order. *See* L.R. 5-4.1.3 (defining “CM/ECF User”). All other attorneys
26 (including attorneys appearing *pro hac vice* in a previous case in this district, even if
27 they possess a valid CM/ECF login and password) and all *pro se* litigants (that is,
28 people who are not represented by lawyers) must continue to present all case-initiating

1 and concurrently filed documents in paper format to the Clerk for filing. Subsequent
2 documents otherwise subject to Local Rule 3-2 may be filed electronically in any civil
3 case by any attorney of record in that case who is a registered CM/ECF User.

4 **IV. PROCEDURES FOR OPENING A CASE ELECTRONICALLY UNDER**
5 **THE PILOT PROJECT**

6 The provisions that follow govern electronic case-opening under the Pilot
7 Project.¹ Attorneys should also refer to the “Attorney Case-Opening Pilot Project User
8 Manual,” available on the Court’s website, for more details on the procedures required
9 for opening a civil case online.

10 **A. Optional Participation**

11 Participation in the Pilot Project is optional, not mandatory. Thus, during the
12 Pilot Project, all civil cases may continue to be opened by presenting case-initiating
13 documents to the Clerk for filing in paper format, and all documents otherwise subject
14 to Local Rule 3-2 may be filed in paper format in any civil case.

15 **B. Filing Fees**

16 To open a case electronically, any filing fees owed must be paid online at the
17 time the case-initiating document is filed. The fees must be paid by credit card using
18 “pay.gov,” a secure government-wide collection portal, to which the CM/ECF System
19 will direct the filer at the time of filing. More information about “pay.gov” is available
20 at pay.gov.

21 **C. Assignment of Case Number**

22 A case opened electronically in the CM/ECF System by an attorney will
23 automatically be issued a case number. The Clerk may subsequently assign a new case
24 number if necessary.

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27 ¹For purposes of this General Order, “electronic case-opening” is a two-step process that
28 includes: (1) opening a case in the CM/ECF System; and (2) filing a case-initiating document
electronically in that case.

D. Assignment of Judicial Officer(s)

1 After a case has been opened and a case-initiating document has been
2 electronically filed, the Clerk will assign the case to a district judge and/or a magistrate
3 judge in accordance with the Court's General Orders. The Clerk will then file a notice
4 of assignment of judge, which will prompt the CM/ECF System to e-mail a Notice of
5 Electronic Filing ("NEF") to the attorney who e-filed the case-initiating document.
6 The assigned judges' initials must be included in the case number on all subsequently
7 filed documents.
8

E. Mandatory Chambers Copies

9 Local Rule 5-4.5, regarding the delivery of mandatory chambers copies,
10 continues to apply to all electronically filed documents – including all case-initiating
11 and other documents filed electronically pursuant to this General Order. Mandatory
12 chambers copies of electronically filed case-initiating documents must include the NEF
13 of the notice of assignment of judge attached as the first page.
14

F. Date of Filing

15 A case will be deemed filed on the date the electronic submission of a case-
16 initiating document through CM/ECF, including all exhibits and attachments to that
17 case-initiating document, is completed, with the deadline for completion being
18 midnight Pacific Standard Time or Pacific Daylight Time, whichever is in effect. Filers
19 should allow sufficient time to complete the full filing process prior to midnight, if
20 filing on a particular date is necessary. Nothing in this General Order authorizes the
21 Court to extend a deadline that, by statute or rule, may not be extended.
22

23 Attempts to electronically submit case-initiating documents not eligible for the
24 Pilot Project (see Section II.A., *supra*) will be rejected; cases so initiated will be closed,
25 and any filing fees paid will be automatically re-funded. Case-initiating documents
26 rejected as ineligible for the Pilot Project must be re-submitted in paper format as
27 required by Local Rule 3-2, at which time a new case number will be assigned. The
28 case will be deemed filed as of the date the case-initiating document is filed in paper

1 format, and will not relate back to the improperly initiated action.

2 **G. Application of Other Rules**

3 Except as noted with respect to Local Rule 3-2, all federal and local rules
4 continue to apply to documents filed pursuant to this General Order.

5 **H. Refunds**

6 Except as set forth above in Section IV.F., filing fees paid to open a case
7 electronically will generally not be refundable, even if a case is filed in error or is
8 dismissed by the Court. Exceptions may be made for: (1) duplicate payments, where
9 the filer inadvertently paid the filing fee more than once in the same case; and (2) filing
10 fees paid mistakenly in cases in which no filing fees were due. Requests for refunds
11 must be made by following the procedures set forth in the "Attorney Case-Opening
12 Pilot Project User Manual," available on the Court's website. If granted, refunds will
13 be processed electronically through the credit card system; no checks will be issued.

14 Requests for refunds based on one of the grounds set forth in the preceding
15 paragraph may be granted by the Clerk; requests for refunds based on any other
16 grounds will be directed by the Clerk to the presiding judge for determination. In the
17 event that a particular attorney or law firm continues to make repeated mistakes when
18 submitting fees and requesting refunds, the Court may consider remedial action, such
19 as issuing an order to show cause why further requests for refunds should be
20 considered.

21 IT IS SO ORDERED.

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23 _____
24 CHIEF UNITED STATES DISTRICT JUDGE

25 *Date of Approval by the Court:* February 12, 2014

26 *Date of Filing by the Clerk:* February 18, 2014