

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF:)
)
ORDER AUTHORIZING) GENERAL ORDER No. 05-01
ELECTRONIC FILING) (Supersedes General Order No. 03-06)
PILOT PROJECT)
_____)

I. Rules and Orders.

A. Authorization. Pursuant to Federal Rules of Civil Procedure 5(e) and 83 and Local Rule 5, the Court hereby authorizes and establishes operating rules for a pilot project for the electronic filing of pleadings and papers.

B. Modification by the Court. In extraordinary circumstances in a particular case, a judge may modify these rules in the interest of justice.

C. Applicability of Other Rules and Orders. Unless modified by orders of the Court, all Federal Rules of Civil Procedure, Local Rules, and Orders of the Court shall continue to apply to cases that are subject to electronic filing.

II. Definitions and Instructions.

The following definitions and instructions shall apply to these rules regarding electronic filing:

- A.** The term “ECF” refers to the Court’s Electronic Case Filing Project.
- B.** The term “ECF website” refers to the official Electronic Case Filing Internet site of the Central District of California at www.cacd.uscourts.gov/cmecf.
- C.** “Electronic Filing” refers to the process of logging onto the Court’s website and completing a transaction that includes the uploading of the document(s) to be filed in the Court’s system. Sending a document by e-mail shall not constitute an electronic filing.
- D.** The term “party” shall include counsel of record.
- E.** An “ECF User,” as set forth in Section IV below, is a person who is registered to use the ECF website. An ECF log-in and password shall constitute an attorney’s individual electronic signature equivalent.
- F.** Participation in the ECF system, upon receipt of an ECF login and password, shall constitute consent to electronic service pursuant to Federal Rule of Civil Procedure 5(b)(2)(D).
- G.** The “E-Mail Address of Record” is the e-mail address of each party to the case as maintained by the Clerk.

H. A “Notice of Electronic Filing” is generated automatically by the ECF system upon completion of an electronic filing. The Notice of Electronic Filing, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service. A copy of the Notice of Electronic Filing shall be attached to any document served in the traditional manner upon any party appearing pro se.

I. The term “participating judicial officers” refers to district and magistrate judges of this Court who permit the use of electronic case filing.

J. All hours stated shall be Pacific Standard Time.

K. All days are calculated according to the provisions of F.R.Civ.P. 6(a).

L. “PACER” is the Federal Judiciary’s system for Public Access to Court Electronic Records. A PACER account is necessary for retrieving documents from the ECF system. A firm may register for a PACER account by visiting the PACER Service Center’s website at <http://pacer.psc.uscourts.gov>.

M. Procedures and instructions for using the Court’s ECF system to implement these rules may be found on the ECF website along with other important ECF information.

N. The term “PDF” refers to Portable Document Format, a specific computer file format that is the only format in which a document may be electronically filed. Information about PDF may be found on the ECF website (see

Section VI. B).

III. Selection of Cases.

A. Judges. The Clerk shall maintain and post on the ECF website a list of participating judicial officers who have designated specific cases for the ECF program.

B. Pro Se Litigants. Documents filed by pro se litigants will continue to be filed and served in the traditional manner and will be scanned by the Clerk's Office into the electronic filing system.

C. Service of Pleadings and Documents. The Court and parties to the action shall not be required to manually serve pleadings and documents that have been electronically filed, unless the opposing party is appearing pro se.

D. Subsequent Termination or Modification. The assigned judge may terminate or modify application of ECF to any action.

IV. Registration and Access.

A. Obligation to Register. Each attorney of record is obligated to register as an ECF User as soon as practicable but no later than ten days after notification that the action is subject to ECF. Registration shall be on a form and in a manner as prescribed by the Clerk. Attorneys of record who fail to register timely shall be subject to such sanctions as may be imposed by the Court.

B. Obligation to Keep Account Information Current. An ECF log-in account is a permanent, individual electronic signature equivalent for a particular attorney. Registered attorneys are required to keep their account information current by promptly filing a notice regarding any change. In accordance with Local Rule 83-2.7, attorneys must notify the Clerk, in writing, within fourteen (14) days of any change in their e-mail address; however, to ensure proper uninterrupted delivery of service of electronic mail, counsel should immediately notify the Clerk.

Counsel participating in the electronic filing pilot project shall include their current e-mail address on all documents filed with the Court.

C. Obligation to Maintain Electronic Post Office Box. Attorneys shall be responsible for ensuring their electronic post office boxes are adequate to handle all documents that will be sent electronically. Any documents served by this Court that are returned as undeliverable will be mailed via regular U. S. Mail by the Clerk's Office. Counsel shall ensure that their e-mail service provider does not limit the size of attachments.

D. Authorizing Use of User ID and Password by Others. An ECF User may authorize another person to file a document using the User ID and Password of the ECF User provided, however, that the ECF User shall be responsible for any document so filed. If, at any time, an ECF User believes that

the security of his or her password has been compromised, the ECF User shall immediately notify the Court via e-mail or the telephone number as posted on the ECF website.

V. Filing of Documents.

A. Initiating Documents. Complaints (including Third-Party Complaints) and other initiating documents shall be filed, in duplicate, fees paid, and summons issued and served in the traditional manner on paper rather than electronically. For cases subject to ECF pursuant to Section III.B. above, all manually-filed documents shall be submitted in electronic form (PDF format only) within three days of the date the initiating document is filed. Submission of initiating documents must be made by e-mail to the Court's designated e-mail address, rather than by e-filing. Failure to timely e-mail PDF copies of initiating documents shall be subject to such sanctions as may be imposed by the Court.

B. Documents Filed on Paper in Cases Designated for ECF Other Than Initiating Document. Whenever a paper filing is made of any document in a case designated for electronic filing, the document shall be submitted in electronic form (PDF format only) within three days. If submission of the document or paper in PDF format is not practicable, it may be manually filed. (See Section VII.)

C. Documents E-Filed in Cases Not Designated for ECF. Filings in

cases not designated for electronic filing should be made on paper only. In the event a document is electronically filed in a case not designated for electronic filing, a paper copy of the electronically filed document shall be submitted to the Court, in duplicate, for the purpose of completing the paper file. The document will be deemed filed as of the electronic filed date and the paper copy should not be refiled. The paper copies should be clearly marked: “**E-filed on [date], Copy for paper file.**” A copy of the Notice of Electronic Filing shall be attached to the paper copies.

D. Electronic Filing.

A. Generally. In any case subject to electronic filing, all documents required to be filed with the Clerk shall be filed electronically on the ECF website, except as provided otherwise in Section VII or authorized otherwise by the Court. Unless modified by orders of the Court, all Federal Rules of Civil Procedure, Local Rules and orders of the Court shall continue to apply to cases which are subject to electronic filing.

B. Format. Documents filed electronically must be submitted in PDF format to permit text searches and to facilitate transmission and retrieval. Before any documents are electronically filed, the ECF User shall convert the documents to PDF format. The documents may not be scanned. (See Section X for rules governing the filing of documents with signatures not those of the ECF User.)

C. Obligation to Protect Sensitive and Private Information. In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002 (as Amended), the parties shall refrain from including, and/or shall redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court.

1. **Social Security Numbers:** If an individual's Social Security Number must be included in a document, only the last four digits of that number should be used.
2. **Names of Minor Children:** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
3. **Dates of Birth:** If an individual's date of birth must be included in a document, only the year should be used.
4. **Financial Account Numbers:** If financial account numbers are relevant, identify the name or type of account and the financial institution where maintained, and only indicate the last four digits of the account number.
5. **Home Address:** If a home address must be included, only the city and state should be listed.

D. E-Government Act Requirements When Filing Documents With Sensitive and Private Information. A party who must file a document containing

the personal data identifiers as listed in Section C above shall: (1) file a redacted version of the document excluding the personal data identifiers; **or** (2) file a redacted version of the document with unique identifiers (e.g., 1, 2, 3 or A, B, C) used in place of the personal data identifiers, along with a reference list, filed under seal, indicating the complete personal data identifiers and unique identifiers used in their place; **or** (3) file the complete unredacted document under seal. (Refer to Section VII. B. for procedures in filing the complete unredacted document or reference list under seal.)

Parties shall carefully examine the documents, exhibits or attachments to be electronically filed with the Court in order to protect the clients' sensitive and private information. The responsibility for redacting or placing under seal these personal data identifiers rests solely with counsel and the parties. The Clerk will not review any pleadings or documents for compliance with this General Order.

Counsel and the parties are cautioned that failure to redact or place under seal these personal data identifiers may subject them to the full disciplinary power of the Court. If a redacted version of the document is filed, counsel shall maintain the unredacted document in their office pending further order of the Court or resolution of the action (including the appeal, if any) and shall, at the request of opposing counsel or parties, provide a copy of the complete document.

E. Hyperlinks. Documents filed electronically may only contain

hyperlinks to sections of the same document. Hyperlinks to other documents, websites, source documents or citations are not permitted.

F. Completion of Filing. Electronic transmission of a document consistent with the procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk and upon receipt of a Notice of Electronic Filing from the Court, constitute filing of the document for all purposes of the Federal Rules of Civil Procedure and the Local Rules of this Court.

G. Deadlines. Filing documents electronically does not alter any filing deadlines. All electronic transmissions of documents must be completed (i.e., received completely by the Clerk's Office) prior to midnight Pacific Standard Time in order to be considered timely filed on that day. Where a specific time of day deadline is set by Court order or stipulation, the electronic filing shall be completed by that time. Although parties can file documents electronically 24 hours a day, attorneys and parties are strongly encouraged to file all documents during normal working hours of the Clerk's Office.

H. Notice of Discrepancies For Electronically Filed Documents. Documents filed electronically with the Court will be considered filed as of the date received, provided the documents comply with the Federal Rules of Civil Procedure and the Local Rules of this Court. The Clerk's Office will notify the ECF User and the Court of any discrepancies found in electronically filed

documents via a Notice of Discrepancies For Electronically Filed Documents.

I. Correcting Errors in E-Filed Documents. After a document is electronically filed, only the Clerk's Office can make any necessary corrections. As soon as possible after an error is discovered, the ECF User should notify the Clerk's Office of the error via e-mail or telephone as posted on the ECF website.

J. Technical Failures. If an ECF User is unable to electronically file a document, the ECF User must immediately contact the Clerk's Office via e-mail or the telephone number posted on the ECF website. The ECF User shall then attempt to file the document electronically at least two times after 12:00 noon, separated by at least one hour. If, after at least two attempts after 12:00 noon, the ECF User cannot electronically file the document, the document will be accepted for electronic filing the next business day. Such delayed filing shall be accompanied by a declaration or affidavit setting forth the facts of the ECF User's failed attempts to file electronically. A history of technical failures lasting longer than one hour will be posted on the ECF website.

K. Docket. Except as otherwise provided in this General Order, the acceptance by the Clerk of a document electronically filed in accordance with the Electronic Filing Procedures shall constitute entry of that pleading or other paper on the docket maintained by the Clerk under Federal Rules of Civil Procedure 58, 77 and 79.

VII. Exceptions and/or Waivers from Electronic Filing.

A. Generally. Parties otherwise participating in ECF may be excused from filing a particular document or component electronically if it is not available in electronic format and it is not possible for the ECF User to convert it to PDF format by scanning or if the document or component is being filed under seal. Such document or component shall not be filed electronically, but instead shall be manually filed, in duplicate, with the Clerk and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents and under seal documents. Parties manually filing a document or component under this provision shall file electronically a Notice of Manual Filing setting forth the reason(s) why the document or component cannot be filed electronically.

B. Under Seal Documents. Documents ordered to be placed under seal shall be filed manually in the manner prescribed by Local Rule 79-5. A paper copy of the order that requires the document(s) to be placed under seal shall be attached to the under seal documents and delivered to the Clerk's Office. A motion to file documents under seal may be filed electronically.

C. Initial Pleadings and papers. Initial papers commencing an action must be filed in the traditional manner. (See Section V. A.)

D. Records for Bankruptcy Appeals and Administrative Review Cases, and Court Reporter Transcripts. In Bankruptcy appeals and administrative review cases such as Social Security appeals, ERISA and IDEA, the record from the court or agency shall not be submitted electronically but shall be submitted in the traditional manner. Parties are required to electronically file a Notice of Manual Filing to indicate the case record is being manually filed. (See Section VII.)

Court reporter transcripts of proceedings shall continue to be filed in the traditional manner along with a Receipt for Reporter's Transcript.

E. Exhibits. Exhibits for which the electronic original is not available to the filer and must therefore be scanned to PDF should be filed electronically only when the size of the document does not exceed the limit specified on the ECF website. Scanning documents often produces files that are too large to be readily usable. Exhibits that are filed on paper because they are too large to scan should be identified in the electronic filing by a Notice of Manual Filing attached in place of the actual document. Exhibits filed in PDF format must comply with Section X. C.

VIII. Orders.

A. Proposed Orders. When a proposed order accompanies a filing, the proposed order in PDF format should be included, as an attachment, to the main electronically-filed document (e.g., stipulations and motions).

B. Format. Documents transmitted pursuant to this section shall be submitted in PDF format. The Court may, at its discretion, require an additional copy of a proposed order to be submitted in a different format such as WordPerfect or manually.

C. Orders from the Court. Any order filed electronically, without the original signature of a judge or the Clerk, has the same force and effect as if the judge or Clerk had affixed their signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

IX. Service of Electronically-Filed Documents.

A. Generally. Parties in cases subject to ECF shall make available electronic mail addresses for service. Upon the filing of a document by a party, a Notice of Electronic Filing is automatically generated by the ECF system and sent via e-mail to all parties in the case. Receipt of the Notice of Electronic Filing shall constitute service on the receiving party.

B. Parties Who Have Not Registered as ECF Users.

1. Defendants in the Initial Complaint. Upon the filing of a new action which is subject to ECF, the Plaintiff(s) shall serve notice upon all defendants that the action is subject to ECF, along with an ECF User registration form.

2. Third-Party Defendants. Upon the filing of a third-party

complaint in an action which is subject to ECF, the third-party plaintiff(s) shall serve notice upon the third-party defendant that the action is subject to ECF, and shall serve an ECF User registration form together with the third-party complaint. If the third-party defendant is a registered ECF User pursuant to Section II(D), the third-party answer shall be filed electronically. Otherwise, concurrent with the non-electronic filing of the third-party answer or other documents responsive to the third-party complaint, the third-party defendant shall file with the Clerk the information required to become a registered ECF User pursuant to Section IV(A). The third-party defendant shall within ten (10) days of the date of manual filing, submit the answer or other responsive documents in electronic form (PDF format only), to the e-mail address designated for that purpose which may be found on the ECF website.

The third-party complaint shall be filed in the traditional manner. (See Section V.)

3. Others. In an action subject to ECF, when service of a document other than a third-party complaint is required to be made upon a person who is not a registered ECF User, a paper copy of the document shall be served on the person (as otherwise required by the Federal Rules of Civil Procedure or the Local Rules), along with a copy of the Notice of Electronic Filing and an ECF User registration form. If the person so served is permitted or required to respond to the

document, such time to respond shall be computed as prescribed in the Federal Rules of Procedure, the Local Rules and/or an Order of the Court. Such person must register as an ECF User as soon as practicable, and thereby become subject to ECF for the purposes of the action, except persons appearing pro se. (See Section III. C.) The party shall, within ten (10) days of manually filing any responsive documents, submit those documents in electronic form (PDF format) to the e-mail address designated for that purpose which may be found on the ECF website.

C. Service of the Court's Orders. Orders filed by the Court in cases designated for electronic filing will be served on parties only via the e-mail Notice of Electronic Filing. No paper service will be made by the Court, unless the party is appearing pro se.

X. Signatures.

A document filed with the Court electronically shall be deemed to be signed by the person (the "Signatory") when the document identifies the person as a Signatory and the filing complies with either subparagraph (A) or (B) of this Section. Any filing in accordance with any of these methods shall bind the Signatory as if the document was physically signed and filed, and shall function as the Signatory's signature, whether for purposes of Rule 11 of the Federal Rules of Civil Procedure, to attest to the truthfulness of an affidavit, or declaration, or for any other purpose.

A. ECF Users. In the case of a Signatory who is an ECF User, such document shall be deemed signed, regardless of the existence of a physical signature on the document, provided that such document is filed using the User ID and Password of the Signatory.

B. Documents Requiring Multiple Signatures. In the case of documents requiring multiple signatures, such as stipulations and joint pretrial orders, the ECF User shall scan the signed document in PDF format and electronically submit the document to the Court. The ECF User shall maintain the original, signed documents for subsequent production to the Court if so ordered for inspection upon request by a party until one year after final resolution of the action (including the appeal, if any). The ECF User may attach a scanned image of the signature page(s) of the document being electronically filed in lieu of maintaining the paper record for subsequent production if required.

C. Documents Requiring Signatures Other Than Parties. In the case of documents requiring signatures other than the attorneys of record, the ECF User shall scan the document in PDF format and electronically submit the document to the Court, along with a separate declaration stating, under penalty of perjury, that the ECF User has the original document and that it is identical to the one being filed in PDF format. The ECF User shall maintain the original, signed document for subsequent production to the Court if so ordered for inspection upon request by a

party or the Court's own motion until one year after final resolution of the action (including the appeal, if any).

XI. Record on Appeal.

Until such time as the United States Courts of Appeals for the Ninth Circuit and the Federal Circuit institute rules and procedures to accommodate Electronic Case Filing, notices of appeal to those courts shall be filed, and fees paid, in the traditional manner on paper rather than electronically. All further documents relating to the appeal shall be filed and served in the traditional manner as well. Counsel for appellant(s) shall provide paper copies of the documents that constitute the record on appeal to the District Court Clerk's Office.

XII. Access to Rules.

These policies, as well as operational guidelines and instructions, shall be posted on the ECF website and may be published in official legal newspapers in this district. Any amendments to ECF procedures shall be similarly published.

Amendments to this order may be entered from time to time in keeping with the needs of the Court.

Dated: January 18, 2005