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Superior Court of California *County of Los Angeles*

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PROPOSED REVISIONS TO LOCAL COURT RULES

The following proposed amendments to the Local Rules are in response to a public comment.
The affected rule is:

- Rule 3.4 Electronic Filing
Amend rule to reflect current electronic filing processes.

The proposed amendments were reviewed and approved by both the Los Angeles Superior Court's Rules Committee and Executive Committee.

View LASC Local Rules at <http://www.lacourt.org>

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3.4 ELECTRONIC FILING

Pursuant to Government Code section 68150, trial court records may be created, maintained, and preserved in electronic format. Any document the court receives electronically must be clerically processed and must satisfy all legal filing requirements to effectively be filed as an official court record. (Cal. Rules of Court, rules 2.100 *et seq.*, 2.253(b)(6).)

(a) Mandatory Electronic Filing. ~~Pursuant to the operative General Order re Mandatory Electronic Filing for Civil (“General Order”), represented parties in civil actions must file documents electronically.~~ **The Los Angeles Superior Court mandates electronic filing of all documents in all civil case types by litigants represented by attorneys** unless the court exempts parties from doing so. The electronic filing of documents must be effected using an approved electronic service provider. ~~Electronic service provider information is~~ **Instructions on electronic filing are** available on the court’s website at www.lacourt.org. **The following definitions apply:**

(1) Bookmark. A bookmark is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.

(2) Electronic Envelope. An electronic envelope is a transaction through an electronic filing service provider for submission of documents to the court for processing which may contain one or more PDF documents attached (and Proposed Orders in Word).

(3) Electronic Filing. Electronic Filing (e-filing) is the electronic transmission to a court of a document in electronic form. (Cal. Rules of Court, rule 2.250(b)(7).)

(4) Electronic Filing Service Provider. An electronic filing service provider is a person or entity that receives an electronic filing from a party or other person for retransmission to the court. In the submission of filings, the electronic filing service provider does so on behalf of the electronic filer and not as an agent of the court. (Cal. Rules of Court, rule 2.250(b)(8).)

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(5) **Electronic Signature.** For purposes of these Local Rules and in conformity with Code of Civil Procedure sections 17(b)(3), 34, and 1010.6(b)(1), Government Code section 68150, subdivision (g), and California Rules of Court, rule 2.257(a), the term “Electronic Signature” is defined as 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 document.

(6) **Hyperlink.** A hyperlink is 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.

(7) **Portable Document Format (PDF).** PDF is a digital document format that preserves all fonts, formatting, colors, and graphics of the original source document, regardless of the application platform used.

(b) **Documents Exempt from Electronic Filing.** The following documents shall not be submitted electronically:

(1) **Peremptory challenges or challenges for cause of a judicial officer pursuant to Code of Civil Procedure sections 170.6 or 170.3;**

(2) **Bonds/undertaking documents;**

(3) **Trial and evidentiary hearing exhibits;**

(4) **Any *ex parte* application that is filed concurrently with a new complaint, including those that will be handled by a Writs and Receivers department in the Stanley Mosk Courthouse; and**

(5) **Documents submitted conditionally under seal. The actual motion or application shall be electronically submitted. A courtesy copy of the electronically filed motion or application to submit documents conditionally under seal must be provided with the documents submitted conditionally under seal.**

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(b) **Litigants** Exemptions from Mandatory Electronic Filing. Self-represented litigants are exempt from mandatory electronic filing requirements. Although not required, self-represented litigants are encouraged to participate in electronic filing and service. In addition, represented parties may apply for exemption from electronic filing requirements **and be permitted to file documents by conventional means if the party shows undue hardship or significant prejudice** as set forth in the operative General Order.

(d) Electronic Filing System Working Procedures. Electronic filing service providers must obtain and manage registration information for persons and entities electronically filing with the court. Such providers shall ensure that electronic filing service is accessible to individuals with disabilities and clearly state on their website that an individual with a disability may request accommodation.

(e) Confirmation of Receipt. The court shall promptly send confirmation of receipt of the document indicating the date and time of receipt. If a document received by the court complies with the filing requirements and all required fees have been paid, the court shall promptly notify the party or person who submitted the document. The electronic filing service provider shall ensure any notification from the court regarding the status of an electronic submission is forwarded to the party or person on whose behalf the electronic filing service provider electronically submitted the document to the court.

(f) Technical Requirements.

(1) Documents must be electronically submitted in PDF text searchable format when technologically feasible without impairment of the document's image. Proposed Orders must be in both PDF and Word versions. The Word version must be submitted as a separate document in the same electronic envelope/transaction. (Cal. Rules of Court, rule 3.1312.)

(2) The table of contents for any document submitted must be bookmarked.

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(3) Electronic documents, including but not limited to declarations, proofs of service, and exhibits or attachments, must be bookmarked within the document pursuant to California Rules of Court, rule 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked item (e.g., exhibits, declarations, deposition excerpts) and with bookmark titles that identify the bookmark item and briefly describe the item.

(4) Exhibits or attachments to primary documents must be bookmarked. Examples include, but are not limited to, the following:

(A) Depositions;

(B) Declarations;

(C) Exhibits (including exhibits to declarations);

(D) Transcripts (including excerpts within transcripts);

(E) Points and Authorities;

(F) Citations; and

(G) Supporting Briefs.

(5) Use of hyperlinks within documents (including exhibits and attachments) is strongly encouraged.

(6) Accompanying documents must be electronically submitted as a separate digital document in PDF format.

(7) Multiple documents relating to one case can be uploaded and submitted in one electronic envelope.

(8) Writs and abstracts must be submitted in a separate electronic envelope.

(9) Sealed Documents. If a judicial officer orders documents to be filed under seal, those documents must be filed electronically (unless exempted under subdivision b); the burden

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of accurately designating the documents as sealed at the time of electronic submission is the submitting party's responsibility.

(10) 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.

(e) Timing for Electronic Filing. Any document received electronically before midnight on a court day ~~is~~ shall be deemed to have been effectively filed on that court day if accepted for filing. Any document received on a non-court day is deemed to have been effectively filed on the next court day if accepted for filing. (Cal. Rules of Court, rule 2.253(b)(6); Code Civ. Proc., § 1010.6(b)(3).) This Rule does not affect the timing requirements for any documents that must be filed by a designated time on the due date.

Notwithstanding any other provision of this Local Rule, 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 and/or that the document's filing date conform to the attempted transmission date.

(d) Timing for Exempted Filing. All filings exempt from mandatory filing requirements under subdivisions (b) and (c) must be filed at the clerk's filing window no later than 4:30 p.m. The clerk's office will open to the public at 8:30 a.m. for filing documents and other official public services, and close at 4:30 p.m. each court day. Except as directed by the court, the clerk may not allow the public to enter the offices for the purpose of filing papers or obtaining other official services after 4:30 p.m. Persons in the clerk's office at 4:30 p.m. may complete their filing.

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(e) Lodged Materials. All separate exhibits (*i.e.*, deposition transcripts, bulky items, *etc.*) not attached to filed papers and presented for motions and trials must be lodged with the court in time for the hearing, or at such other time as the court orders. All lodged exhibits will be returned to counsel for preservation after the hearing unless ordered by the court. A party must either submit a self-addressed stamped envelope with lodged material, or submit an attorney-service pick-up slip where the attorney service has been instructed by counsel to pick up the lodged material without reminder from the clerk. **The actual "Notice of Lodgment" document shall be electronically filed.**

(j) Waiver of Fees and Costs for Electronically Filed Documents. Requests to waive court fees and costs pursuant to Code of Civil Procedure section 1010.6 (b)(6) and California Rules of Court, rule 2.252(f), may be electronically submitted in any authorized action or proceeding. Fees and costs associated with electronic filing must be waived for any litigant who has received a granted fee waiver. (Cal. Rules of Court, rules 2.253(b), 2.258(b); Code Civ. Proc., § 1010.6(d)(2).)

(k) Electronic Signatures. An electronic signature shall have the same legal effect as an original signature. All electronic filings must comply with California Rules of Court, rule 2.257, and Code of Civil Procedure section 1010.6(b)(1).

When a document requires the signature under penalty of perjury of any person, the document shall be deemed to have been signed by that person if filed electronically (a) if the person has signed a printed form of the document before, or on the same day as, the date of filing or (b) if the person has signed the document using a computer or other technology.

(f) Time for Filing of Ex Parte Applications. *Ex parte* applications subject to mandatory electronic filing, **including all documents in support thereof,** must be **electronically filed no later than 10:00 a.m. on the date before the ex parte hearing** ~~filed pursuant to the timing set forth in all operative General Orders.~~ **Any written opposition to an ex parte application must be electronically**

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143 **filed by 8:30 a.m. on the day of the *ex parte* hearing. A printed courtesy copy of any opposition**
144 **to an *ex parte* application must be provided to the court on the day of the *ex parte* hearing.** In the
145 Central District, if a party is exempt from electronic filing, *ex parte* application papers for all **limited**
146 civil matters, including unlawful detainer matters, must be filed at the first-floor filing window at the
147 Stanley Mosk Courthouse, and fees paid, by 11:00 a.m.

148 (Rule 3.4 [7/1/2011, 7/1/2019, 1/1/2020] amended and effective _____)