

FILED
MAY 22 2006
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In the matter of Procedural Rules for)
Electronic Case Filing)
)
)
_____)

General Order No. 550

Federal Rules of Civil Procedure 5 and 83, and Federal Rule of Criminal Procedure 57 authorize courts to establish practices and procedures for filing, signing, and verifying documents by electronic means. This Court intends to implement an Electronic Case Filing (“ECF”) System in the fall of 2006. This system will provide for the creation, retention, and storage of court records and service of notice and court orders by electronic means. Registered users will be permitted to electronically file documents beginning on September 18, 2006. With certain defined exceptions, the Court shall require all documents in civil and criminal cases to be filed within the ECF system beginning on November 1, 2006. The purpose of this Order is to authorize the implementation of the ECF System. Both this Order and the Court’s Administrative Policies and Procedures Manual governing the use of the ECF system shall be made available to the public on the Court’s website.

IT IS THEREFORE ORDERED AS FOLLOWS:

I. Definitions

1. CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM, or CM/ECF, means the Internet-based system for filing documents and maintaining court case files in the United States District Court for the Southern District of California.
2. ELECTRONIC FILING means uploading a document directly from the registered user's computer in "Portable Document Format" (.pdf), using the CM/ECF system to file that document in the court's case file.
3. REGISTERED USER or FILING USER is an individual who is registered to use CM/ECF in the Southern District of California and has been issued a login and password by the court.
4. “.pdf” refers to Portable Document Format, a proprietary file format developed by Adobe Systems, Inc. A document file created with a word processor, or a paper document which has been scanned, must be converted to Portable Document Format to be electronically filed with the court.
5. NOTICE OF ELECTRONIC FILING, or NEF, is a notice automatically generated by the CM/ECF system at the time a document is filed with the court. The notice sets forth the time of filing, the name of the attorney and/or party filing the document, the type of document,

the text of the docket entry, the name of the party and/or attorney receiving the notice, and an electronic link (hyperlink) to the filed document which allows recipients to retrieve the document automatically.

II. Scope of Electronic Filing

1. Except as prescribed by local rule, order, or other procedure, the Court has designated all cases to be assigned to the Electronic Case Filing (“ECF”) System.
2. Registered users will be permitted to electronically file documents beginning on September 18, 2006. With certain defined exceptions, the Court shall require all documents in civil and criminal cases to be filed within the ECF System beginning on November 1, 2006.
3. Attorneys wishing to obtain an ECF exemption may seek relief in the manner set forth in the Court’s Administrative Policies and Procedures Manual.
4. The electronic filing of petitions, pleadings, motions, or other documents by an attorney who is a registered participant in the Electronic Case Filing System, using the registered attorney’s login and password, shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.
5. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm or organization.
6. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm or organization.
7. The electronic filing of pleadings or other documents in accordance with the Electronic Case Filing Procedures shall constitute entry of that pleading or other document on the docket kept by the Clerk under Federal Rule of Civil Procedure 79.
8. The Office of the Clerk shall enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Electronic Case Filing Procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under Federal Rule of Civil Procedure 58 and Federal Rule of Criminal Procedure 55.
9. The NEF that is automatically generated by the Court’s Electronic Filing System constitutes service of the filed document on Filing Users. A certificate of service is required to be filed and must state the manner in which service or notice was accomplished on each party.
10. Participation in the Electronic Case Filing System by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49. Participants in the Electronic Case Filing System, by receiving a password from the Court, agree to receive service by electronic means.

III. Amendments to the Local Rules

1. A new Local Civil Rule 5.4 shall be added as follows:

Civil Rule 5.4: Electronic Case Filing

- a. **Scope of Electronic Case Filing.** Except as prescribed by local rule, order, or other procedure, the Court has designated all cases to be assigned to the Electronic Filing System. Unless otherwise expressly provided in the Court’s Electronic Case Filing Administrative Policies and Procedures Manual, the Court’s Local Rules, or in exceptional circumstances preventing a registered user from filing electronically, as of November 1, 2006 all

petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court by a registered user in connection with a case assigned to the Electronic Filing System shall be electronically filed.

b. **Consequences of Electronic Filing.** Electronic transmission of a document to the Electronic Filing System in the manner prescribed by the Court's Administrative Policies and Procedures Manual, together with the transmission of an NEF from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk in accordance with Fed. R. Civ. P. 58 and 79.

c. **Service of Pleadings and Documents Filed Electronically.** The NEF that is automatically generated by the Court's Electronic Filing System constitutes service of the filed document on Filing Users. Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and these Local Rules. A certificate of service is required when a party electronically files a document, and must state the manner in which service or notice was accomplished on each party.

d. **Consent to electronic service.** Registration as a Filing User constitutes consent to electronic service of all documents as provided in this General Order and in accordance with the Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure.

e. **Official Court Record.** The official Court record will be the electronic file maintained on the Court's servers. This includes information transmitted to the Court in electronic format, as well as documents filed in paper form, scanned, and made a part of the electronic record to the extent permitted by the Court's policies. The official record will also include any documents or exhibits that may be impractical to scan. The electronic file maintained on the Court's servers shall contain a reference to any such documents filed with the Court. For cases initiated prior to the implementation of the Electronic Filing System, the official Court record will include both the pre-implementation paper file maintained by the Clerk, as well as the post-implementation electronic files maintained on the Court's servers. The Clerk's Office shall not maintain a paper court file in any case initiated on or after the effective date of these procedures except as otherwise provided in these procedures.

2. A new Local Civil Rule 58.1 shall be added as follows:

Civil Rule 58.1: Entry of Court-Issued Documents

All orders, decrees, judgments, and proceedings of the Court will be filed in the Electronic Filing System, which will constitute entry on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

3. A new Local Civil Rule 77.2 shall be added as follows:

Civil Rule 77.2: Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action within the Electronic Filing System, the Clerk will transmit to filing users a Notice of Electronic Filing. Electronic transmission of the NEF constitutes the Notice required by Fed. R. Civ. P. 77(d). The Clerk shall

give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

4. Local Criminal Rule 1.1(e) shall be amended with the addition of new subpart 7 as follows:

7. Rule 5.4 Electronic Case Filing

The remainder of the subparts shall be re-numbered accordingly.

5. A new Local Criminal Rule 49.1 shall be added as follows:

Criminal Rule 49.1: Service of Motions and Notice of Court Orders

a. **Consequences of Electronic Filing.** Electronic transmission of a document to the Electronic Filing System in the manner prescribed by the Court's Administrative Policies and Procedures Manual, together with the transmission of an NEF from the Court, constitutes filing of the document for all purposes of the Federal Rules of Criminal Procedure, including Fed. R. Crim. P. 49(d), and constitutes entry of the document on the docket kept by the Clerk in accordance with Fed. R. Crim. P. 55.

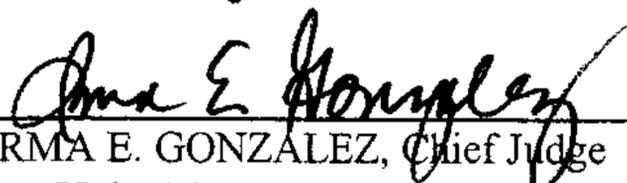
b. **Service of Papers.** The NEF that is automatically generated by the Court's Electronic Filing System constitutes service of the filed document on Filing Users. Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and these Local Rules. A certificate of service is required when a party electronically files a document, and must state the manner in which service or notice was accomplished on each party.

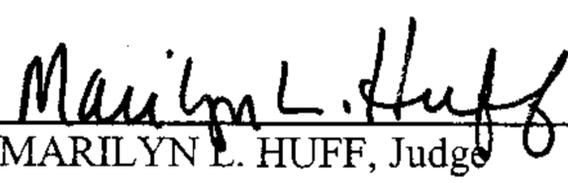
c. **Notice of Court Orders.** All orders, decrees, judgments, and proceedings of the Court will be filed in the Electronic Filing System, which will constitute entry on the docket kept by the clerk under Fed. R. Crim. P. 49(c) and 55. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner

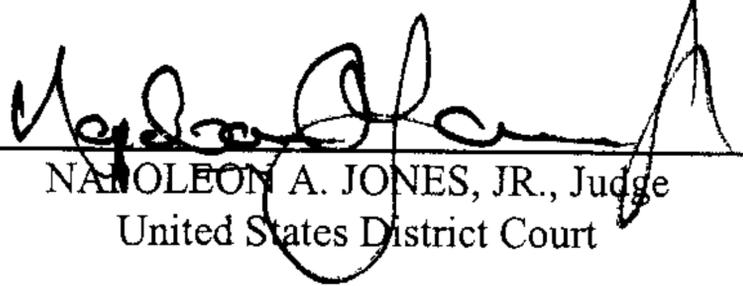
The period for public comment shall be until August 11, 2006. Absent further order of this Court, the effective date of the Rule changes is September 5, 2006. Any comments should be submitted to the Clerk, U.S. District Court, at 880 Front Street, Room 4290, San Diego, California 92101-8900. Please note on the envelope: In re: Electronic Case Filing.

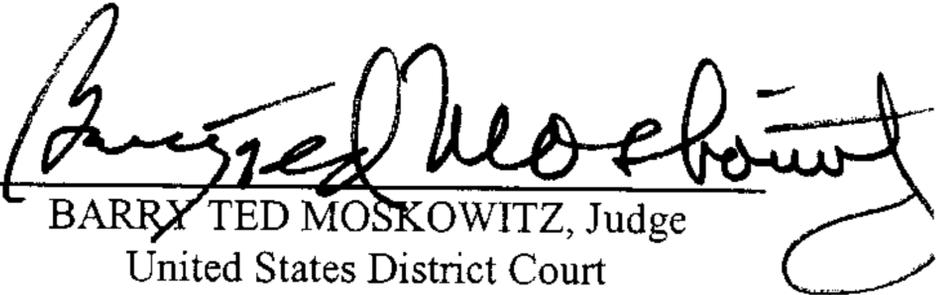
IT IS SO ORDERED

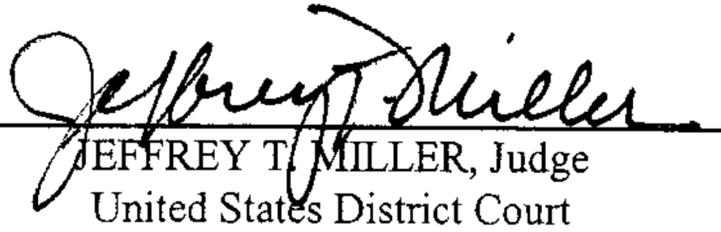
DATED: May 22, 2006

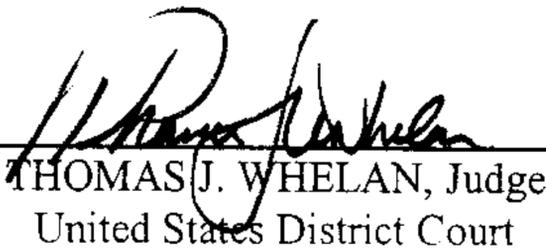

IRMA E. GONZALEZ, Chief Judge
United States District Court


MARILYN L. HUFF, Judge
United States District Court


NAPOLEON A. JONES, JR., Judge
United States District Court

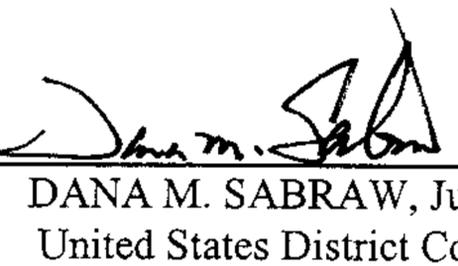

BARRY TED MOSKOWITZ, Judge
United States District Court


JEFFREY T. MILLER, Judge
United States District Court

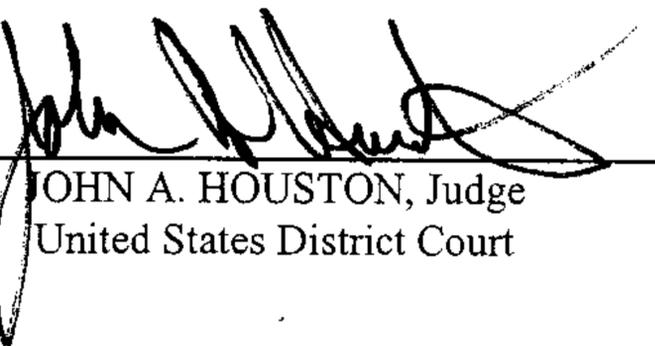

THOMAS J. WHELAN, Judge
United States District Court

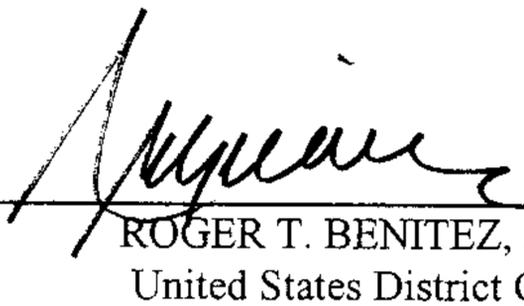

M. JAMES LORENZ, Judge
United States District Court

Out of District
LARRY A. BURNS, Judge
United States District Court


DANA M. SABRAW, Judge
United States District Court


WILLIAM Q. HAYES, Judge
United States District Court


JOHN A. HOUSTON, Judge
United States District Court


ROGER T. BENITEZ, Judge
United States District Court