

Proposed Changes to Local Rules 203; 1007; and 1012

203 VENUE

(a) [General Rule] When, under California law, “North County” would be a “proper county” for venue purposes, all filings for such matters shall be in the appropriate division of the Clerk’s office in North County. All other filings shall be made in the Clerk’s office in the appropriate division of the Court in South County.

(b) [Real Property Cases] Notwithstanding whether venue may be proper in a different geographic area (North County or South County) under subdivision (a) of this rule, any case which asserts a claim under the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 et seq.), under the Williamson Act (Gov. Code, § 51200 et seq.), or which asserts a claim based upon title, use, or regulation of specific real property shall be filed initially in the geographic area where the real property that is the subject of the dispute is situated. Cases subject to this subdivision may be venued in a different division only upon a showing of good cause made to the appropriate department of the Court in the geographic area where the real property is situated.

(c) [Designation and Change of Venue] In electronic filings, the party making the filing shall designate the appropriate division of the Court based upon subdivisions (a) and (b) of this rule. The title of the Court required to be placed on the first page of documents pursuant to CRC 2.111 includes the name of the appropriate Court division. Any filing erroneously made in a division of the Court may be transferred to the appropriate division upon motion of any party or on the court’s own motion. Upon the motion of any party or on the court’s own motion, and upon good cause shown, the matter may be transferred to a different division. Nothing in this rule shall affect the power of the Presiding Judge or Assistant Presiding Judge to distribute court business as otherwise permitted by law.

1007 LODGING VOLUMINOUS DOCUMENTS AND ADMINISTRATIVE RECORDS

(a) [Form of Record] A single e-filed or e-lodged document may not be larger than 25 megabytes. In all cases where exhibits or other documents are required to be e-filed or e-lodged under Local Rule 1012, including proceedings brought under Code of Civil Procedure section 1094.5 or otherwise requiring the lodging or filing of an administrative record, and the exhibits or other documents to be e-filed or e-lodged would otherwise exceed 25 megabytes in a single document, the document to be e-filed or e-lodged must be separated into sequentially numbered volumes, each volume of which does not exceed 25 megabytes. If the number of volumes exceeds 10 volumes, an electronic version of all volumes may alternatively be lodged in tangible form (i.e., on a flash drive, CD, or DVD) in lieu of e-lodging the documents. In all cases where multiple volumes are e-filed or e-lodged (or otherwise filed or lodged), the parties are strongly encouraged to e-file an appendix to their papers containing

excerpts from the lodged volumes of those specific pages cited in their papers (and limited other pages necessary for context) to facilitate review of the cited materials.

(b) [Confidential Records] If any part of the e-lodged record is confidential, the party lodging the e-lodged record must clearly identify and separate the record into a public access version, if any part is not confidential, and a confidential version. The confidential version shall be lodged provisionally under seal. If the confidential part of the e-lodged record is confidential by law, the party lodging the e-lodged record shall include in its notice of lodging both a statement that the confidential version of the e-lodged record is confidential by law and a citation to the authority for confidentiality. Otherwise, the parties shall comply with CRC 2.550 and 2.551.

1012 E-FILING AND E-SERVICE

(a) Scope.

(1) Mandatory E-Filing. Except as set forth in subdivision (a)(2), all documents presented for filing or lodging in all civil cases, including limited, unlimited, complex, small claims, family law, and probate, must be electronically filed (e-filed) or electronically lodged (e-lodged), respectively, with the court as provided in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250 through 2.261.

(2) Exceptions to Mandatory E-Filing. The following documents are not subject to mandatory e-filing or e-lodging under subdivision (a)(1):

(i) Documents presented for filing or lodging by a self-represented party. Although not required, self-represented parties are encouraged to e-file documents.

(ii) Documents ordered by the court as exempt from e-filing or e-lodging. A party may seek a court-ordered exemption by ex parte application for reason of undue hardship, significant prejudice, or other good cause.

(iii) Documents and other materials that are not feasibly converted to electronic form by scanning, imaging, or other means.

(iv) Documents and other materials that are so voluminous that they may be alternatively lodged in tangible form as set forth in Local Rule 1007.

(v) Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for JNOV, motions to quash service for personal jurisdiction, and petitions for writs. Although not required, e-filing of these documents is encouraged.

(vi) Original documents required for a proceeding, including bench warrants, subpoenaed documents, affidavits re real property of small value, bonds, undertakings, account statements submitted by a conservator, letters (probate, guardianship, conservatorship), and wills and codicils (for filing or safekeeping).

(vii) Trial exhibits. Trial exhibits are to be filed, lodged, or otherwise made available to the court pursuant to the respective department's policy and orders for such exhibits.

(3) Procedure for Excepted Documents. Unless otherwise ordered by the court, documents listed in subdivision (a)(2)(i), (ii), (iv), and (v) may be permissively e-filed or e-lodged, as applicable, with the court at the election of the filing party. Documents excepted from mandatory e-filing or e-lodging under subdivision (a)(2), and not permissibly e-filed or e-lodged, are to be filed or lodged with the court as provided by the Code of Civil Procedure and California Rules of Court for documents not e-filed or e-lodged.

(b) Procedure for E-Filing.

(1) Use of Approved Provider. The electronic filing of documents required by this rule must be effected through a court-approved electronic filing service provider. A list of approved electronic filing service providers is available on the court's website: sbcourts.org. In addition to terms required by the California Rules of Court, the court's contract with an electronic filing service provider may require that documents e-filed meet court-provided specifications.

(2) E-Filing Fees. Electronic filing service providers may charge reasonable fees in addition to any filing fees required by the court. Any party who has received a fee waiver from the court, or who has otherwise obtained an order of the court waiving such fees, is exempt from the fees and costs associated with electronic filing.

(3) Courtesy Copies. The court may by order require the delivery of paper courtesy copies of e-filed documents.

(c) Format of E-Filed Documents.

(1) Required Formatting. All electronic documents must be in text searchable format and must comply with the formatting and content requirements of the California Rules of Court for electronic documents, including particularly CRC 3.1110(f)(4) requiring electronic bookmarks. Additional formatting requirements are set forth on the court's website: sbcourts.org.

(2) Compliance. Compliance with all of the formatting requirements for electronic documents is extremely important for the court's timely consideration of e-filed documents. In cases of noncompliance, the court may, in its discretion, order any, or all, of the following in addition to any other sanction permitted by law: (i) the noncomplying document to be stricken as improperly filed; (ii) the continuance of the hearing to which the noncomplying document pertains; or, (iii) the imposition of monetary sanctions for violation of the California Rules of Court or these Local Rules, following adequate notice and an opportunity to be heard.

(d) E-Service.

(1) Mandatory E-Service. E-filed Documents shall be served electronically by and on (i) each party who has appeared and is represented by counsel and (ii) all other persons entitled to service and expressly consenting to electronic service, unless personal service is required by statute or other law or unless the court orders otherwise. Electronic service (e-service) shall be made in the

manner, and subject to the requirements of, Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.251. “E-filed Documents” include all documents that have been, or subsequent to service will be, e-filed or presented for e-filing with the court pursuant to this rule.

(2) Permissive E-Service. In all cases where e-filing is mandatory under subdivision (a)(1) and e-service is not mandatory under subdivision (d)(1), e-service is optional as provided in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.251. Parties are strongly encouraged to file an express consent to electronic service with the court. (See Judicial Council Form EFS-005-CV.)