

**FILED**

AUG 28 2006

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA, County of Santa Clara  
BY *[Signature]* DEPUTY  
**ROWENA WALKER**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
DEPARTMENT 17**

**In Re Complex Litigation Matters**

**ELECTRONIC FILING AND SERVICE  
STANDING ORDER**

**I. GENERAL**

This Standing Order applies to all actions now or hereafter designated by the Court for electronic filing and service, effective September 1, 2006:

**A. APPLICABILITY OF OTHER STATUTES, RULES, AND ORDERS**

Except to the extent supplemented by this Order, an approved stipulation, or other order of the Court, the California Code of Civil Procedure, the California Rules of Court, and the Santa Clara County Local Civil Rules govern electronic filing and service.

1           B.        DESIGNATED ACTIONS

2           All actions provisionally designated as complex pursuant to CRC 1800(c), and all actions  
3           classified by the Complex Litigation Judge as Complex Litigation are designated for electronic  
4           filing and service unless exempted by order of the Complex Litigation Judge for good cause..

5           C.        ELECTRONIC FILING SERVICE PROVIDER (VENDOR)

6           The Court has contracted with an electronic filing service provider (Vendor) to furnish and  
7           maintain an electronic filing system for the Court. The Court's Electronic Filing Website  
8           address is <http://www.scefiling.org>. The Court's Vendor **is:**

9           Andy Jamieson  
10          Glotrans  
11          2915 McClure St., Oakland, CA 94609  
12          Telephone: 510-208-4775  
13          Email: [ajam@glotrans.com](mailto:ajam@glotrans.com)

14        **II.   REGISTRATION   AND   DESIGNATION   OF   ELECTRONIC   NOTIFICATION**  
15        **ADDRESS**

16        Each party who appears in an action designated for electronic filing and service must promptly  
17        register with Vendor and provide an electronic notification address at which the party agrees to  
18        accept service. Vendor will assign the party a confidential login and password to the Court's  
19        electronic filing system.

20        **III.   ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS.**

21        Except as expressly provided herein, or as expressly authorized by the Court, all pleadings,  
22        motions, memoranda of law, declarations, orders, or other documents filed in the above-entitled  
23        case shall be filed through the Court's electronic filing system.

24        A.        METHODS OF FILING

25        A document may be filed by:

1.        Using the confidential login and password provided by the Vendor to transmit the document in electronic form over the Internet; or

1           2.       Mailing or faxing the document in paper form to Vendor, who shall then convert  
2                   it to electronic form, file it with the Court, and serve it on designated parties.

3                   Parties choosing this method of filing will be charged an additional fee reflecting  
4                   Vendor's then-current published rates for this additional service.

5       B.       FORMAT

6           A document submitted for electronic filing shall be in PDF format. The document shall  
7           also comply with the rules that would apply if the document were filed in paper form.

8       C.       MAINTENANCE OF ORIGINAL DOCUMENTS

9           An original of all documents filed electronically, including original signatures, shall be  
10           maintained by the party filing the document.

11      D.       COMPLETION OF FILING

12           When a party transmits a document in electronic form over the Internet for filing through the  
13           Court's electronic filing system, a confirmation of receipt will be sent to the party's electronic  
14           notification address. The Court will promptly review the document and send a notice indicating  
15           whether the document has been accepted for filing or rejected.

16      E.       DATE OF FILING

17           A document may be electronically transmitted to the Court's electronic filing system at any time  
18           on any day. If the document is accepted for filing, the date of filing will be the date on which the  
19           document was transmitted, provided that the transmission occurred prior to 5:00 pm pacific time  
20           on a court day. Otherwise, the date of filing will be the next court day.

21      F.       SYSTEM OR USER FILING ERRORS

22           If a document is rejected because of (1) an error in the transmission of the document to the  
23           Vendor which was unknown to the transmitting party, or (2) a failure to process the electronic  
24           transmission, the Court may enter an order permitting the document to be filed nunc pro tunc.  
25

1 **IV. ELECTRONIC SUMMONS**

2 On electronic filing of a complaint, a petition, or another document that must be served with a  
3 summons, the party shall electronically transmit the summons together with the document.

4 **V. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS**

5 All parties shall make service upon other parties through the Court's electronic filing system.

6 Parties, or their designated counsel, shall receive all documents electronically filed and served  
7 upon them via access to the Court's electronic filing system. However, a Motion for  
8 Determination of Good Faith Settlement may alternatively be served pursuant to Code of Civil  
9 Procedure section 877.6 (a)(2).

10 **A. EFFECT OF ELECTRONIC SERVICE**

11 The electronic service of a pleading or other document shall be considered as valid and effective  
12 service on all participants and shall have the same legal effect as an original paper document.

13 **B. SERVICE OF ELECTRONICALLY FILED DOCUMENTS**

14 The Vendor will provide electronic service for all documents requiring service, including those  
15 which are not filed with the Court,.

16 **C. SYSTEM OR USER SERVICE ERRORS**

17 If electronic service on a party does not occur because of (1) an error in the transmission of the  
18 document to a party which error was unknown to the serving party or Vendor, (2) a failure to  
19 process the electronic filing for service when received by the Vendor, or (3) the party was  
20 erroneously excluded from the service list, the party to be served, in the absence of extraordinary  
21 circumstances, shall be entitled to an order extending the date for any response or the period  
22 within which any right, duty or other act must be performed.

23 **VI. CONVENTIONAL FILING OF DOCUMENTS**

24 Parties otherwise subject to an electronic filing order may be excused from filing a particular  
25 document electronically if it is not available in electronic format and it is not feasible for the filer

1 to convert it to electronic format by scanning it to PDF. Such a document may be manually filed  
2 with the Clerk of Court and served upon the parties in accordance with the applicable provisions  
3 of the Code of Civil Procedure and the California Rules of Court for filing and service of non-  
4 electronic documents. Parties manually filing a document shall file electronically a Notice of  
5 Manual Filing setting forth the reason(s) why the document cannot be filed electronically.

6 A. DOCUMENTS FILED UNDER SEAL

7 A motion to file documents under seal shall be filed and served electronically. However,  
8 documents lodged with the Court conditionally under seal, as provided in CRC 243.2(d), shall be  
9 submitted in paper form, pending hearing on a motion to seal.

10 B. EXHIBITS AND REAL OBJECTS

11 Exhibits to declarations that are real objects, i.e., construction materials, core samples, etc. or  
12 other documents, i.e., plans, manuals, etc. which otherwise may not be comprehensively viewed  
13 in an electronic format may be filed and served conventionally, in paper form.

14 C. LODGMENTS

15 Documents attached to a Notice of Lodgment may be lodged and served conventionally in paper  
16 form. However, the actual document entitled "Notice of Lodgment" shall be filed electronically.

17 **VII. COLLECTION OF FEES**

18 A. COURT FEES

19 Statutory filing fees shall be paid to Vendor for electronic transfer to the Court.. Parties shall  
20 pay filing fees to Vendor by credit card at the time of the electronic filing.

21 B. VENDOR FEES

22 Fees charged by Vendor to parties or attorneys for access to and electronic transmission of  
23 documents are solely the property of Vendor and are in addition to any charges associated with  
24 statutory filing fees of the Superior Court.

25 **VIII. SERVICE OF ELECTRONIC FILING ORDER ON NEW PARTIES**

1 Any litigant filing a complaint or adding a party to a case by filing of an amended complaint,  
2 cross-complaint, complaint in intervention, interpleader or other initiating document shall serve  
3 this Standing Order at the same time the pleading is served.

4 **IX. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS**

5 The Court may issue, file, and serve notices, orders, and other documents electronically, subject  
6 to the provisions of this Standing Order. No paper service will be made by the Court.

7 **X. PUBLIC ACCESS AND PRIVACY**

8 A. PERSONAL IDENTIFIERS

9 Except as provided in CRC 2070 through 2077, an electronically filed document is a public  
10 document at the time it is filed unless it is sealed under CRC 243.2(b) or made confidential by  
11 law. [See CRC 2054(d)]. In order to promote electronic access to case files while also protecting  
12 personal privacy and other legitimate interests, parties must refrain from including, or must  
13 redact where inclusion is necessary, the following personal data identifiers from all pleadings  
14 and other papers filed with the Court, including exhibits thereto, whether filed electronically or  
15 in paper, unless otherwise ordered by the Court.

- 16 (a) **Social Security numbers.** If an individual's social security number must be  
17 included in a pleading or other paper, only the last four digits of that number  
18 should be used.
- 19 (b) **Names of minor children.** If the involvement of a minor child must be  
20 mentioned, only the initials of that child should be used.
- 21 (c) **Dates of birth.** If an individual's date of birth must be included in a pleading  
22 or other paper, only the year should be used.
- 23 (d) **Financial account numbers.** If financial account numbers are relevant, only  
24 the last four digits of these numbers should be used.
- 25

1           B.    PRIVILEGED OR CONFIDENTIAL INFORMATION

2           No party shall intentionally include within pleadings, nor attach as exhibits, any other matter  
3           that the party knows to be properly subject to a claim of privilege or confidentiality.

4           C.    FILING OF SENSITIVE DOCUMENTS

5           A party wishing to file a document containing the personal data identifiers listed above, or  
6           material known to be subject to a claim of privilege, may file an unredacted document under  
7           seal as provided herein. The party must file a redacted copy for the public file.

8           D.    RESPONSIBILITY FOR REDACTION

9           The responsibility for redacting personal identifiers and privileged or confidential information  
10          rests solely with counsel and the parties. The Clerk will not review each pleading or other paper  
11          for compliance. The Court may impose sanctions for violation of these requirements.

12        **XI. SIGNATURES**

13          The requirements for signatures on documents are set forth in CRC 2057.

14        **XII. HARD COPY DOCUMENTS**

15          The Court will maintain the hard copy file as the official Court record. Filers will be required to  
16          provide two hard copies of documents electronically filed within three court days of receiving  
17          notice of acceptance for filing.

18  
19        Dated:    **'AUG 28 2006**



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Honorable Jack Komar  
Judge of the Superior Court