

Rule 126 - E-Filing Rules.

A. Requirement.

1. Pursuant to Code of Civil Procedure Section 1010.6, documents filed by represented parties in all limited and unlimited civil cases, class actions, consolidated actions, or group of actions, coordinated actions, and actions that are complex under California Rules of Court, rule 3.403, must be filed and served electronically unless the Court excuses the parties from doing so. Although not required, self-represented parties are encouraged to participate in electronic filing and service. Parties bound by these rules must serve self-represented parties and nonparties conventionally unless the self-represented party affirmatively agrees otherwise in the manner provided for in California Rules of Court, rule 2.251.

2. If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with electronic filing to the same extent that they would have been exempt had the documents been conventionally filed. This rule is subject to the provisions set forth in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250, *et. seq.*

3. A party that is required to file and serve documents electronically under this rule may be excused from the requirements if the party shows undue hardship or significant prejudice. A written request for exemption which sets forth verified facts demonstrating undue hardship or significant prejudice must be filed at the time of initial appearance in the case and served along with the party's initial pleading. Written requests for exemption submitted after the filing of a party's initial pleading must be based upon new or additional facts unknown to the party at the time of first appearance. The requesting party shall lodge a proposed order with the court. The court may summarily grant or deny the request based upon the facts set forth by the requesting party or, where additional information is required, schedule the matter for hearing. However, in the absence of a judicial order granting exemption from these rules, all parties to whom this rule applies must comply with its provisions.

B. Effective Date/Retroactive Effect of Designation.

1. These rules are effective October 1, 2014 or on such date thereafter that the e-filing system of the Kings County Superior Court becomes available for public use ("Effective Date"). Notice regarding the official launch date of the Court's e-filing system and the Effective Date of this Rule will be posted on the Court's website.
2. This rule does not require the re-filing, re-service, or translation into electronic format of any document filed or served before the Effective Date designation. However, the judge assigned to a Case may order the parties to e-file papers previously conventionally filed.
3. The rule shall apply to documents filed after the Effective Date, even if the case was initiated prior to the same.

C. Manner of Filing.

1. The electronic filing of documents must be affected using the Court's electronic service providers ("Vendor"). Vendor information is available on the Court's website. The Vendor will assign a confidential username and password to each party representative, which will be used to file, serve, and receive pleadings, orders, and other documents electronically filed in the Case. No attorney or party representative may knowingly or recklessly authorize or permit his/her username or password to be utilized by anyone other than the authorized attorneys or employees of the attorney's law firm.
2. All electronically filed documents, to the extent practicable, must be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other or further format as the Court may require. The document title entered on the e-filing system must be the same as that reflected in the caption of the document.
3. All documents, papers or pleadings directly related to a previously filed document, paper or pleading must include a caption reference to the previously filed document, paper, pleading or motion. *For example:*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KINGS

JOHN DOE,
Plaintiff,
vs.
JANE DOE,
Defendant.

No. 15C0000

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT BY
DEFENDANT JANE DOE**

4. The following types of documents may or must be filed conventionally unless otherwise required by the Court:
- A. A motion to file documents under seal must be filed electronically. Sealed documents must be filed and lodged conventionally.
 - B. Exhibits to declarations or other documents that are non-text articles, physical objects, or other documents not readily susceptible to electronic filing may be filed or lodged conventionally and in accordance with the direction of the Clerk. A notice of such filing must be filed and served electronically.
 - C. Documents served by hand in open court during trial (including motions, memoranda of points and authorities, and other matters presented to the Court in writing for decision) may be served conventionally. The document and proof of service must be e-filed before the close of business on the court day following service by hand in open court. In addition, the proof of service must reference the date the document was originally served in open court.
 - D. Requests for exemption from the Court's e-filing requirements and, when filed simultaneously with such Request, a party's initial pleading or initial responsive pleading in a case.
5. All electronically filed documents must be formatted in a manner that allows the court and its judicial officers to conduct word searches of the text.

D. Time of Filing. Electronically filed documents filed prior to midnight on a court day will be deemed filed as of that day, pursuant to Code of Civil Procedure section 1010.6(d)(1)(D) and California Rules of Court, rule 2.253(b)(7). For purposes of this Rule, filing occurs at the time the document is received by the court and a confirmation of receipt is created. (See, Cal. Rules of Court, rule 2.259(a)(1) and (c).) Any electronically filed document received by the Court at midnight, or filed on a non-court day, will be deemed filed on the first court day after it is received. This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This Rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.

E. Technical Problems.

1. At certain times, unexpected technical problems may temporarily preclude a User from electronic filing or serving one or more documents. Only those unexpected technical problems occurring at the fault of the Vendor or the Court will provide “good cause” for an automatic one court-day extension of an electronic filing or service deadline. In such circumstances, the document must be served or filed on the next court-day; electronically or, if the system remains inoperable, by conventional means.
2. Maintenance or other system issues requiring a period of inoperability of the e-filing system for which notice has been posted by the Vendor or on the Court’s website, does not provide “good cause” for an automatic extension of any filing or service deadline. During noticed periods of inoperability, documents may be filed by conventional means.
3. Technical errors on the part of the User do not provide “good cause” for an automatic one court-day extension of relevant electronic filing or service deadlines, nor an excuse from e-filing requirements. Users are encouraged to take appropriate steps to avoid last-minute filings and service. Counsel error in connection with e-filing requirements must be addressed under California Code of Civil Procedure Section 473, subdivision (b).

F. Obligation to Keep Information Current. A party whose electronic notification address changes while the action or proceeding is pending must promptly file a notice of change of address with the court electronically and must serve this notice on all other parties or their attorneys of record. An electronic notification address is presumed valid for a party if the party files electronic documents with the court from that address and has not filed and served notice that the address is no longer valid.

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

H. Confirmation of Receipt of Lodged and Filed Documents. Vendor is hereby appointed the agent of the Clerk as to the electronic filing, receipt, service and/or retrieval of any document in the e-file system. Vendor must promptly send Users confirmation of the receipt of any document that Users have transmitted to Vendor for filing or lodged with the Clerk. Such confirmation must indicate the date and time of receipt stated in Pacific Time. The Clerk must review the document and transmit to the Vendor confirmation that the document has been reviewed, accepted, or rejected by the Clerk. The Clerk must electronically endorse any document accepted for filing in accordance with CRC 2.259(e), or must promptly transmit the Clerk's notice of rejection or amendment to the User through Vendor.

I. Payment of Statutory Filing Fees. Vendor is hereby appointed as the agent of the Clerk with respect to collecting statutory filing fees for any electronically filed document. Each User must pay all required filing fees for electronically filed documents to Vendor. Vendor must remit filing fees to the Clerk. At such time, those fees are the sole property of the Clerk of the Superior Court of California, County of Kings. All requests for refunds of filing fees must be addressed to the Clerk and may be submitted electronically in the manner prescribed by the Clerk.

J. Signatures on E-Filed Documents.

1. Every item which is electronically filed or served is deemed to have been signed by a licensed attorney, court official, or person authorized to execute proofs of service if it bears a typographical signature of such person, e.g., “/s/ Adam Attorney,” along with the typed name, address, telephone number, and State Bar of California number of a signing attorney. Such typographical signatures are personal signatures for all purposes under the California Code of Civil Procedure. Judges may use graphic signatures.
2. Electronically filed documents requiring a signature under penalty of perjury may be filed consistent with paragraph 1, however, the actual handwritten signature page of the documents must be made available for inspection by other parties and/or the court consistent with California Rules of Court, rule 2.257(a).
3. Electronically filed documents which do not require a signature under penalty of perjury are deemed signed by the submitting party if it bears a typographical or graphic signature.
4. All electronically filed or served documents including original signatures must be retained for the time period set forth in California Rules of Court, rule 2.251.

K. Electronic Service of Documents and Proof of Service.

1. Except as provided in A(1) or upon order of the court, Users must electronically serve all electronically filed documents on all parties. Users may electronically serve other documents not electronically filed upon other Users. Users must receive electronically served and filed documents via access to the Vendor's system. This Rule does not modify the obligations of service as set forth in the California Code of Civil Procedure.
2. A party may choose to serve documents required to be electronically filed under these Rules by means in addition to electronic service, but not instead of e-service. The time for response to documents shall be the earlier of those attributable to the various means of service.
3. Any proof of electronic service must comply with CRC 2.251(i).

L. Effect of Electronic Service. The e-service of a document is effective service on all Users. Documents electronically served by the close of business on court days are deemed to have been served on that day. Otherwise, they are deemed served the next court day. The filing and service provisions of CCP § 1010.6 and CRC 2.250, *et. seq.* apply.

M. Electronic Filing and Service of Orders and Other papers by Court. The Court may issue, file, and serve notices, orders, and other documents electronically subject to the provisions of these e-filing rules, CCP § 1010.6, and CRC 2.250, *et. seq.*

N. Official Record of the Court. The electronic record created by the electronic filing or maintenance of pleadings and other documents, along with any documents and/or exhibits conventionally filed and/or maintained by the court, shall constitute the official record of the court for all purposes.

O. Failure to Comply. Any document which fails to comply with this Rule, California Rules of Court and/or applicable statutes, may be refused or rejected filing by the Clerk and/or his designated agent.