

**LOCAL RULES OF THE COURT OF APPEAL
THIRD APPELLATE DISTRICT**

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Rule 5. Electronic Filing

(a) Definitions

As used in this local rule, unless the context otherwise requires:

- (1) “Court” means the Court of Appeal for the Third Appellate District.
- (2) “Electronic filing” is the electronic transmission to the court of a document in electronic form.
- (3) A “document” is:
 - (A) Any filing submitted to the court, including but not limited to a brief, a petition, an appendix, or a motion;
 - (B) Any document transmitted by a trial court to the court, including but not limited to a notice or a clerk’s or reporter’s transcript; or
 - (C) Any writing prepared by the court, including but not limited to an opinion, an order, or a notice.
- (4) A “file” is a unit of electronic information with a filename.
- (5) “TrueFiling” is the court’s electronic filing portal for registered users.
- (6) “Registered user” and “registered users” refer to a person or persons registered to use TrueFiling.
- (7) “EFS” means the court’s electronic filing system, which includes, but is not limited to, TrueFiling and the court’s file transfer protocol (FTP) server.
- (8) “EFS user” and “EFS users” refer to a user or users of the court’s electronic filing system.

(b) Mandatory electronic filing

Pursuant to the California Rules of Court, the court requires the electronic filing of all documents with the court unless this local rule provides otherwise. Electronic filing is mandatory for all attorneys filing with the court unless an exemption is granted; electronic filing is voluntary for all non-attorney self-represented litigants. This local rule applies in all cases, including pending cases in which paper documents have been filed before the effective date of this local rule. Except as provided in this local rule, an electronic filing will be accepted in lieu of any paper copies otherwise required by the California Rules of Court, and constitutes the official record of the court.

(c) Registration

(1) *Obligation to Register.* Each attorney in any proceeding in this court is obligated to become a registered user and obtain a username and password for access to TrueFiling unless an exemption is granted. Non-attorney self-represented litigants must become registered users if they wish to file electronically. Attorneys and non-attorney self-represented litigants may become registered users by registering at <<http://www.truefiling.com>>.

(2) *Responsibility; Obligation to Keep Account Information Current.* A registered user is responsible for all documents filed under the user's registered username and password. The registered user must comply with the requirements of the California Rules of Court.

(d) File Size Limitation; Documents Exceeding Limitation

(1) *File Size Limitation.* The file size limitation is 25 megabytes.

(2) *Documents Exceeding File Size Limitation.* Any electronic document larger than 25 megabytes must be filed in multiple files, each less than 25 megabytes.

(3) *Filing of Document Consisting of More Than Five Files.*

(A) *Manual Filing.* When a registered user files an electronic document consisting of more than five files, the document shall not be filed through TrueFiling, but instead shall be filed with the court in electronic format on flash drive, or alternatively on CD (compact disc) or DVD. When a registered user files a flash drive, CD, or DVD with the court, the registered user shall also file, on the same day, a "manual filing notification" in TrueFiling notifying the court and the parties that one or more documents have been filed on flash drive, CD or DVD and explaining the reason for the manual filing.

(B) *Naming Convention and Format for Files on Flash Drive, CD, or DVD.* Each file on a flash drive, CD, or DVD shall be separately named so the court and the parties can see the following identifying information without opening the file: (1) the case number, (2) the type of partial document on the file, (3) the page numbers included in the file, and (4) the last

name of the filing party. In addition, each file must comply with the format requirements of this local rule.

(C) *Manual Service.* The flash drive, CD, or DVD shall be served on the parties in accordance with the applicable requirements and procedures for service of paper documents.

(e) Format

(1) *Text Searchable Format.* All electronic documents must be in electronic text-searchable PDF (portable document format), or other searchable format approved by the court, while maintaining original document formatting. If an EFS user possesses only a paper document, the user must scan the document and convert it to an electronic document complying with this local rule. It is the EFS user's responsibility to ensure that any document filed is complete and readable. Electronically filed documents must comply with the content and form requirements of the California Rules of Court, with the exception of those provisions dealing exclusively with requirements for paper or as otherwise specified in this local rule.

(2) *Pagination.* The page numbering of an electronic document must begin with the first page or cover page as page 1 and use only Arabic numerals (e.g., 1, 2, 3) throughout the document. The page number need not appear on the cover page. Briefs may not contain more than one numbering system, e.g., they may not contain Roman numerals for the table of contents and Arabic numerals for the body of the brief. When a document, transcript, or record is filed in both paper format and electronic format, the pagination in both versions must comply with this subparagraph or the party must accurately cite to the correct page for both versions.

(3) *Documents Consisting of Multiple Files.* A document consisting of multiple files shall:

(A) Include on the cover page of each file (i) the file number for that file, (ii) the total number of files for that document, (iii) the page numbers contained in that file, and (iv) the total number of pages for that document. (Example: File 1 of 4, pp. 1-299 of 1198.)

(B) Contain its own table(s) and index stating the contents of that file.

(C) Be paginated consecutively across all files (e.g., if the first file ends on page 300, the cover of the second file shall be page 301).

(4) *Tabs.* Documents shall include tabs to the extent required by the California Rules of Court. A tab shall be a separate page identifying the content following the tab (such as a page stating "Exhibit A").

(5) *Electronic Bookmarks.* An electronic bookmark is a text link that appears in the bookmarks panel of an electronic document. An electronic bookmark is different from a hyperlink. Each document shall include an electronic bookmark to each heading, subheading and component of the document (such as a table of contents, table of authorities, petition, verification, points and authorities, declaration, certificate of word count, certificate of interested

entities or persons, or a proof of service if included within the document). Each document shall also include an electronic bookmark to the first page of each tab, exhibit, or attachment, if any. Each bookmark to a tab, exhibit, or attachment shall include the letter or number of the tab, exhibit, or attachment and a description of the tab, exhibit, or attachment.

(6) *Hyperlinks*. Hyperlinks are not required. However, if an EFS user elects to include hyperlinks in a document, the hyperlink may be active and should be formatted to standard citation format as provided in the California Rules of Court.

(7) *No Color*. Notwithstanding provisions to the contrary in the California Rules of Court, electronic documents shall not have color covers, color signatures, or other color components absent leave of court. This requirement does not apply to the auto-color feature of hyperlinks.

(f) Signatures

For registered users, a registered username and password is the equivalent of an electronic signature.

(g) Superior Court Record

(1) *Record of Administrative Proceedings*. In addition to any administrative record provided by the trial court pursuant to the California Rules of Court, registered users seeking review of an administrative determination must submit an electronic copy of the administrative record to the court in compliance with this local rule.

(2) *Appendix*. Any appendix filed pursuant to the California Rules of Court must be filed by EFS users in electronic format in compliance with this local rule.

(3) *Reporter's Transcript*. A registered user who orders a reporter's transcript of proceedings must also request a copy of the transcript in electronic format and must submit an electronic copy to the court in compliance with this local rule.

(4) *Transmissions by the Superior Court*. The court authorizes and encourages the superior courts within the Third Appellate District to engage in the electronic service and electronic filing of documents, including, but not limited to, the clerk's transcript and reporter's transcripts. If a superior court transmits electronic documents to the court in lieu of paper, the court will accept electronic documents complying with the California Rules of Court and this local rule. A superior court shall transmit electronic documents to the court through the court's FTP server using credentials provided by the court. If a superior court transmits electronic documents to the court, it shall also make the electronic documents available to the parties.

(h) Personal Identifiers and Privacy Issues

To protect personal privacy and other legitimate interests, parties and their attorneys must not include, or must redact where inclusion is necessary, personal identifiers such as Social

Security numbers, driver's license numbers, and financial account numbers from all documents filed as part of the court's public record, whether filed in paper or electronic format, unless otherwise provided by law or ordered by the court. If an individual's Social Security number or financial account number is required in a document filed as part of the court's public record, only the last four digits of the number shall be used.

The responsibility for excluding or redacting identifiers from all documents filed with the court rests solely with the parties and their attorneys. Neither TrueFiling nor the Clerk of the Court has any responsibility to review documents for compliance.

(i) Sealed or Confidential Material

Sealed or confidential material may be filed electronically. EFS users must comply with the California Rules of Court pertaining to sealed and confidential material, with the exception of those provisions pertaining exclusively with requirements for paper or as otherwise specified in this local rule.

(j) Filing Deadlines

Electronic filing does not alter any filing deadlines. An electronic filing not completely received by the court by 11:59 p.m. will be deemed to have been received on the next court day. If a specific time of day is set for filing by court order or stipulation, the electronic filing shall be completed by that time. Although the EFS permits users to transmit electronic documents 24 hours a day, EFS users should be aware that telephone or online assistance may not be available outside of normal court business hours, and requests for immediate relief made after the close of the court's normal business hours may not be addressed until the next court day.

(k) Motion to Accept Filing as Timely Following TrueFiling Technical Failure

If a registered user fails to meet a filing deadline imposed by court order, rule or law because of a TrueFiling failure, the registered user may file the document in electronic or paper format as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. A late submission that missed a jurisdictional deadline will be accepted for filing pursuant to this subparagraph only if the deadline was missed due to a TrueFiling failure. The initial point of contact for anyone experiencing difficulty with TrueFiling shall be the toll-free telephone number posted on the TrueFiling Web site.

The court is not responsible for malfunctions or errors occurring in the electronic transmission or receipt of electronically filed documents.

(l) Service

Registration with TrueFiling constitutes consent to receive service through the EFS. Documents prepared by the court will be served on EFS users through the EFS or by electronic notification.

Submission of a petition for review through TrueFiling that is accepted for filing by the Supreme Court constitutes service of a copy of the petition on this court in accordance with the California Rules of Court.

(m) Filing Fees

TrueFiling is operated by a vendor pursuant to a contract with the court. The vendor will assess fees for each electronic filing via TrueFiling in accordance with the schedule posted on the TrueFiling Web site, as approved by the court. TrueFiling fees will be considered recoverable costs under the California Rules of Court. The vendor is designated as the court's agent for collection of court-imposed fees where required for any electronic filing made by registered users, and any associated credit card or bank charges or convenience fees.

If a non-attorney self-represented litigant with a fee waiver chooses to file documents electronically, that litigant is exempt from the fees and costs associated with electronic filing. The persons and entities identified in Government Code section 6103 are also exempt from the fees and costs associated with the EFS.

(n) Exemptions

(1) Non-attorney self-represented litigants may, but are not required to, register for electronic filing. Non-attorney self-represented litigants who opt to register for electronic filing must comply with this local rule and the requirements of the EFS.

(2) When it is not feasible for a registered user to convert a document to electronic format by scanning, imaging or other means, the document may be filed in paper format with a declaration setting forth the reason that electronic filing was not feasible.

(3) If the requirements of this local rule cause undue hardship or significant prejudice to any registered user, the registered user may file a motion for an exemption from the requirements of this local rule.

(o) Rejection of an Electronic Filing for Noncompliance

The court will reject an electronic filing if it does not comply with the requirements of this local rule.

(p) Sanctions for Noncompliance

Failure of counsel to timely register, and failure of any registered user to comply with electronic filing requirements, unless exempted, may be subject to sanctions imposed by the court.

(q) Original Documents

The court may scan any paper document into an electronic format, in which case the electronic document will be deemed the original for purposes of the court record.

(r) Posting and Publication

The Clerk of the Court is directed to post a copy of this local rule on the court's Web site and submit a copy to the Reporter of Decisions for publication.

Dated: September 27, 2017



Presiding Justice