

**Invitation to Comment**

Title	Electronic Service: Authorize Electronic Service by Notice and Hyperlink (amend Cal. Rules of Court, rules 2.250, 2.252,2.253, 2.254, 2.255, 2.256, 2.258, 2.259, 2.260, 8.71, 8.73, 8.75, 8.76, 8.79, and 8.80; revise forms EFS-005, EFS-010, POS-050/EFS-050, and POS-050(P)/EFS-050(P))
Summary	<p>This proposal would amend the California Rules of Court on electronic filing and service to authorize electronic service of a document by providing electronic notice and a hyperlink as well as by the transmission of a document. The proposed rule changes will make the rules on electronic service consistent with the pending legislation, Senate Bill 1274, which will authorize service by notice and the provision of a hyperlink. Some additional amendments would be made to the rules on electronic filing and service to make them more flexible.</p> <p>The amendments would be made to many of the trial court rules on electronic filing and service (rules 2.250–2.260) and of the appellate e-filing pilot program rules for the Court of Appeal, Second Appellate District (rules 8.70–8.80).</p> <p>To be consistent with the statute and rules, four forms relating to electronic filing and service would be revised to use the term “electronic service address” instead of “electronic notification address.”</p>
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**Background**

Electronic service offers a quick, effective, and often cheaper means of serving documents than other existing methods, including mail. It is desirable to encourage the use of electronic service for the benefit of the public and the courts. Last year, the Court of Appeal in *Insyst, Ltd. v. Applied Materials, Inc.* (2009) 170 Cal.App.4th 1129 held that under existing law electronic service must involve the transmission of a document and providing a hyperlink to a document does not legally constitute electronic service. In response, the Judicial Council is sponsoring legislation this year to amend Code of Civil Procedure section 1010.6 to authorize, as an additional legal method of electronic service,

the service of documents by providing electronic notice and a hyperlink to a document. This legislation was introduced on February 19, 2010.<sup>1</sup>

Consistent with the proposed amendments to expand the methods of electronic service permitted by the statute on electronic service, amendments should also be made to many of the rules in the California Rules of Court on electronic filing and service in the trial courts (rules 2.250–2.260) and in the e-filing pilot program in the Court of Appeal, Second Appellate District (rules 8.70–8.80).<sup>2</sup> Those proposed rule amendments are the principal feature of this proposal.

### **Proposal**

Specifically this proposal would:

- Amend the rules on electronic filing and service—consistent with the proposed legislation—to include the authorization of service by notice and the provision of hyperlinks;
- Add new rule provisions relating to the integrity of electronic service, as provided in the legislation;
- Make certain other changes to the rules that are desirable at this time; and
- Revise four forms on electronic service and filing to use language referring to parties’ “electronic service address” consistent with the amended statute and rules.

Specific rules and form changes are described in greater detail below.

#### *Amendments to authorize service by notice and hyperlinks*

The main change to the law that will be made by the proposed Judicial Council legislation will be to authorize electronic service of documents not only by the electronic transmission of a document (“electronic transmission”), but also by giving electronic notice of service of a document and providing a hyperlink at which the document may be viewed and downloaded (“electronic notification”). To reflect this statutory change, the rules on electronic filing and service should be amended in several respects.

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<sup>1</sup> See Sen. Bill 1274 (Committee on Judiciary). The text is available online at [www.leginfo.ca.gov/pub/09-10/bill/sen/sb\\_1251-1300/sb\\_1274\\_bill\\_20100323\\_amended\\_sen\\_v98.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1251-1300/sb_1274_bill_20100323_amended_sen_v98.pdf).

<sup>2</sup> The appellate e-filing pilot program rules for the Second Appellate District were adopted by the Judicial Council at its meeting on April 23, and will go into effect on July 1, 2010. Those rules are based on the current trial court rules on electronic filing and service and do not include authorization for service by notification and the provision of a hyperlink. For all of the rules as well as the statute on electronic service and filing to consistently permit service by notification and the provision of hyperlinks beginning in January, 2011, the appellate as well as the trial court rules should be amended. Hence, the text of the proposed amendments in this Invitation to Comment shows recommended changes to both the trial court and appellate e-filing pilot program rules.

First, the definition of “electronic service” in rules 2.250(6) and 8.71(5) would be revised to be the same as the new definition in Code of Civil Procedure section 1010.6. Electronic service of a document would be defined as providing electronic service either by electronic transmission of a document or by electronic notification of the service of a document and the provision of a hyperlink to the document. Advisory committee comment to rules 2.250 and 8.71 would explain the background of the changes in the rules.

Second, in rules 2.260(f)(formerly (e)) and 8.80(f)(1)(formerly (e)(1)) on when service is complete, the text would be amended to state that electronic service of a document is complete at the time of the electronic transmission of the document “or at the time that the electronic notification of service of the document is sent.”

Throughout the rules, the term “electronic notification address” would be changed to “electronic service address.” This change is to avoid confusion. Because the amended statute and the rules would provide for electronic service by both transmission and notification, the “electronic service address” would be used to identify the address for both forms of electronic service. Using the older term “electronic notification address” might imply that the address was only for service by notification, which is not the case. Using the broader terminology “electronic service address” is clearer.

*Amendment to ensure the “integrity of electronic service”*

When the proposed legislation on electronic service was circulated in 2009, some commentators expressed concerns that service by hyperlinks might be unreliable and subject to abuse or gamesmanship. The Court Technology Advisory Committee reviewed these comments and concluded that the issues relating to the use of hyperlinks as a method of electronic service—and, more specifically, the concerns about the reliability and duration of hyperlinks—could be effectively addressed. Rather than doing this in the proposed statute, the legislation that has been introduced provides that the Judicial Council “shall adopt . . . rules relating to the integrity of electronic service.” (See amended section 1010.6(d).)

To accomplish this goal, the rules relating to service by providing a hyperlink must do at least three things: (1) ensure that the documents served can be viewed and downloaded using the hyperlink provided; (2) specify the length of time that documents provided by hyperlink must be available to the parties in the case; and (3) require that any documents served by notification and made available by hyperlink must not be altered from the time they are posted until they are removed. Accordingly, this proposal includes a recommendation to amend rules 2.260 and 8.80 by adding a new subdivision that would provide that:

A party that serves a document by means of electronic notification must:

- (1) Ensure that the document served can be viewed and downloaded using the hyperlink provided;
- (2) Maintain the hyperlink until all parties in the case have settled or the case has ended and the time for appeals has expired; and
- (3) Preserve the document served without any change, alteration, or modification from the time the document is posted until the time the hyperlink is terminated.

Comments are invited on this proposed new subdivision. Specifically, comments are invited on whether the length of time proposed in paragraph (2) that the hyperlink must be maintained is appropriate or whether some shorter time—for example, 60 or 90 days—is preferable.

Comments are also invited on whether any additional issues need to be addressed by this provision—for example, what will happen if a party settles early or is dismissed from the case? Should the party still be responsible for maintaining a hyperlink to documents it served? If there are any such issues, how should they be resolved?

#### *Other proposed rule changes*

In addition to the amendments described above, this proposal would make a few other rule changes. For instance, rules 2.253(a) and 8.73(a) would be amended to state that the court may issue an order requiring electronic filing or service “provided that” rather than “after finding that” the order would not cause undue hardship or significant prejudice to any party. This amendment will make the rule consistent with the applicable statute, section 1010.6, which uses the “provided that” language. (See rule 2.253(a)(1) and 8.73(a)(1)). Rule 2.253(a) would also be amended to provide a new procedure for a party to be given notice and an opportunity to object if the court, on its own motion, intends to order electronic filing or service, or both. (See rule 2.253(a)(2).)<sup>3</sup>

Rule 2.254(a), on an Internet-accessible system, would be eliminated.<sup>4</sup> The language and intent of the subdivision is unclear.

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<sup>3</sup> This provision is already contained in the appellate e-filing pilot program rules (see rule 8.73(a)(2).)

<sup>4</sup> This subdivision was not included in the appellate pilot program rules.

Rules 2.255(a) and 8.75(a) would be amended to clarify that, even if the court contracts with more than one vendor, the vendors must accept filing from other electronic filing service providers to the extent that they are compatible with them.

The advisory committee comment on rule 2.256 would be repealed. The Web site referred to in the comment is not currently being maintained and updated.

Rules 2.260(c)(2) and 8.80(c)(2) would be amended to provide that a document may not be served electronically on a nonparty unless the nonparty consents to electronic service or electronic service is otherwise provided by law or court order.<sup>5</sup>

*Revision of forms*

To implement SB 1274 and the rule changes described above, some technical changes to four Judicial Council forms are required. Specifically, several of the new Electronic Filing and Service (EFS) forms adopted last year use the terminology “electronic notification address.” To be consistent with the terminology used in the pending legislation and the proposed amended rules, the terminology used throughout forms EFS-005, EFS-010, POS-050/EFS-050, and POS-050(P)/EFS-050(P) should be changed from “electronic notification address” to “electronic service address.”

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<sup>5</sup> Also, rule 2.252 would be amended to list proposed orders among the types of documents that may be filed and submitted to the court electronically. This amendment is discussed in detail in a separate Invitation to Comment.

Rules 2.250, 2.252, 2.253, 2.254, 2.255, 2.256, 2.258, 2.259, 2.260, 8.71, 8.73, 8.75, 8.76, 8.79, and 8.80 of the California Rules of Court would be amended, effective January 1, 2011, to read:

1  
2 **Title 2. Trial Court Rules**

3  
4 **Division 3. Filing and Service**

5  
6 **Chapter 2. Filing and Service by Electronic Means**

7  
8 **Rule 2.250. Definitions**

9  
10 As used in this chapter, unless the context otherwise requires:

- 11
- 12 (1) “Close of business” is 5 p.m. or any other time on a court day at which the court  
13 stops accepting documents for filing at its filing counter, whichever is earlier. The  
14 court must provide notice of its close-of-business time electronically. The court  
15 may give this notice in any additional manner it deems appropriate.
- 16
- 17 (2) A “document” is a pleading, a paper, a declaration, an exhibit, or another filing  
18 submitted by a party or by an agent of a party on the party’s behalf. A document  
19 may be in paper or electronic form.
- 20
- 21 (3) An “electronic filer” is a party filing a document in electronic form directly with  
22 the court, by an agent, or through an electronic filing service provider.
- 23
- 24 (4) “Electronic filing” is the electronic transmission to a court of a document in  
25 electronic form.
- 26
- 27 (5) An “electronic filing service provider” is a person or entity that receives an  
28 electronic filing from a party for retransmission to the court or for electronic  
29 service on other parties, or both. In submission of filings, the electronic filing  
30 service provider does so on behalf of the electronic filer and not as an agent of the  
31 court.
- 32
- 33 (6) “Electronic service” is service of a document on a party or other person by either  
34 electronic transmission or electronic notification.
- 35
- 36 (A) “Electronic transmission” means the electronic transmission of a document  
37 by electronic means to a party’s electronic notification address, either directly  
38 or through an electronic filing service provider, for the purpose of effecting  
39 service to the electronic service address at or through which a party or other  
40 person has authorized electronic service.
- 41

1 (B) “Electronic notification” means the notification of a party or other person that  
2 a document is served by sending an electronic message to the electronic  
3 service address at or through which the party or other person has authorized  
4 electronic service, specifying the exact name of the document served and  
5 providing a hyperlink at which the served document can be viewed and  
6 downloaded.

7  
8 Electronic service may be performed directly by a party, by an agent of a party  
9 including the party’s attorney, through an electronic filing service provider, or by a  
10 court.

11  
12 (7) “Regular filing hours” are the hours during which a court accepts documents for  
13 filing at its filing counter.

14  
15 (8) “Electronic ~~notification~~ service address” of a party means the electronic address at  
16 or through which the party has authorized electronic service.

17  
18 **Advisory Committee Comment**

19  
20 The definition of “electronic service” in paragraph (6) has been amended to provide that a party  
21 may effectuate service not only by the electronic transmission of a document, but also by  
22 providing electronic notification of where a document served electronically may be located and  
23 downloaded. This amendment is intended to modify the rules on electronic service to expressly  
24 authorize electronic notification as a legally effective alternative means of service to electronic  
25 transmission. The amendment changes the law on electronic service as understood by the court in  
26 *Insyst, Ltd. v. Applied Materials, Inc.* (2009) 170 Cal.App.4th 1129, which interpreted these rules  
27 as authorizing only electronic transmission as an effective means of electronic service.

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29  
30 **Rule 2.252. Documents that may be filed electronically**

31  
32 **(a) In general**

33  
34 A court may permit electronic filing of a document in any action or proceeding  
35 unless the rules in this chapter or other legal authority expressly prohibit electronic  
36 filing.

37  
38 **(b) Original documents**

39  
40 In a proceeding that requires the filing of an original document, an electronic filer  
41 may file ~~a scanned~~ an electronic copy of a document if the original document is  
42 then filed with the court within 10 calendar days.

1 (c) **Application for waiver of court fees and costs**

2  
3 The court may permit electronic filing of an application for waiver of court fees and  
4 costs in any proceeding in which the court accepts electronic filings.

5  
6 (d) **Orders and judgments**

7  
8 The court may electronically file any notice, order, minute order, judgment, or  
9 other document prepared by the court.

10  
11 (e) **Proposed orders**

12  
13 Proposed orders may be filed and submitted electronically as provided in rule  
14 3.1312.

15  
16 (e)(f) **Effect of document filed electronically**

17  
18 (1) A document that the court or a party files electronically under the rules in this  
19 chapter has the same legal effect as a document in paper form.

20  
21 (2) Filing a document electronically does not alter any filing deadline.

22  
23 **Rule 2.253. Court order requiring electronic service or filing**

24  
25 (a) **Court order**

26  
27 (1) The court may, on the motion of any party or on its own motion, ~~after finding~~  
28 provided that such an the order would not cause undue hardship or significant  
29 prejudice to any party, order all parties in any class action, a consolidated  
30 action, a group of actions, a coordinated action, or an action that is complex  
31 under rule 3.403 to:

32  
33 ~~(1)~~(A) Serve all documents electronically, except when personal service is  
34 required by statute or rule;

35  
36 ~~(2)~~(B) File all documents electronically; or

37  
38 ~~(3)~~(C) Serve and file all documents electronically, except when personal  
39 service is required by statute or rule.

40  
41 (2) If the court proposes to make any order under (1) on its own motion, the  
42 court must mail notice to the parties. Any party may serve and file an



1                    opposition within 10 days after notice is mailed or such later time as the court  
2                    may specify.

3  
4    **(b) Additional provisions of order**

5  
6    The court's order may also provide that:

- 7  
8    (1) Documents previously filed in paper form may be resubmitted in electronic  
9       form; and  
10  
11    (2) When the court sends confirmation of filing to all parties, receipt of the  
12       confirmation constitutes service of the filing if the filed document is available  
13       electronically.

14  
15   **(c) Filing in paper form**

16  
17    When it is not feasible for a party to convert a document to electronic form by  
18    scanning, imaging, or another means, a court may allow that party to serve, file, or  
19    serve and file the document in paper form.  
20

21   **Rule 2.254. Responsibilities of court**

22  
23   ~~(a)~~ **Internet-accessible system**

- 24  
25    ~~(1) Except as provided in (2), a court that orders electronic filing must permit~~  
26       ~~filing over the Internet by means designed to ensure the security and integrity~~  
27       ~~of an Internet transmission.~~  
28  
29    ~~(2) The court may decide not to permit service and filing over the Internet if the~~  
30       ~~court determines that doing so would facilitate the management of a~~  
31       ~~particular action or proceeding and would not cause undue prejudice to any~~  
32       ~~party.~~  
33

34   ~~(b)~~**(a) Publication of electronic filing requirements**

35  
36    Each court that permits electronic filing must publish, in both electronic and print  
37    formats, the court's electronic filing requirements.  
38

39   ~~(e)~~**(b) Problems with electronic filing**

40  
41    If the court is aware of a problem that impedes or precludes electronic filing during  
42    the court's regular filing hours, it must promptly take reasonable steps to provide  
43    notice of the problem.

1  
2 **~~(d)~~(c) Public access to electronically filed documents**

3  
4 Except as provided in rules 2.250–2.260 and 2.500–2.506, an electronically filed  
5 document is a public document at the time it is filed unless it is sealed under rule  
6 2.551(b) or made confidential by law.

7  
8 **Rule 2.255. Contracts with electronic filing service providers**

9  
10 **(a) Right to contract**

- 11  
12 (1) A court may contract with one or more electronic filing service providers to  
13 furnish and maintain an electronic filing system for the court.  
14  
15 (2) If the court contracts with an electronic filing service provider, it may require  
16 electronic filers to transmit the documents to the provider.  
17  
18 (3) If ~~there is~~ the court contracts with a single an electronic service provider or  
19 the court has an in-house system, ~~it~~ the provider or system must accept filing  
20 from other electronic filing service providers to the extent ~~it~~ the provider or  
21 system is compatible with them.

22  
23 **(b) Provisions of contract**

24  
25 The court’s contract with an electronic filing service provider may allow the  
26 provider to charge electronic filers a reasonable fee in addition to the court’s filing  
27 fee. The contract may also allow the electronic filing service provider to make other  
28 reasonable requirements for use of the electronic filing system.

29  
30 **(c) Transmission of filing to court**

31  
32 An electronic filing service provider must promptly transmit any electronic filing,  
33 ~~with the~~ and any applicable filing fee, to the court.  
34

35 **(d) Confirmation of receipt and filing of document**

- 36  
37 (1) An electronic filing service provider must promptly send to an electronic filer  
38 its confirmation of the receipt of any document that the filer has transmitted  
39 to the provider for filing with the court.  
40  
41 (2) The electronic filing service provider must send its confirmation to the filer’s  
42 electronic ~~notification~~ service address and must indicate the date and time of  
43 receipt, in accordance with rule 2.259(a).

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(3) After reviewing the documents, the court must promptly transmit to the electronic filing service provider and the electronic filer the court’s confirmation of filing or notice of rejection of filing, in accordance with rule 2.259.

**(e) Ownership of information**

All contracts between the court and electronic filing service providers must acknowledge that the court is the owner of the contents of the filing system and has the exclusive right to control the system’s use.

**~~Advisory Committee Comment~~**

~~The Court Technology Advisory Committee recommends that electronic filing service providers comply with the technical standards specified on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling/](http://www.courtinfo.ca.gov/programs/efiling/). The committee anticipates that these rules may be amended to require compliance with the California Electronic Filing Technical Standards once the standards are sufficiently developed.~~

**Rule 2.256. Responsibilities of electronic filer**

**(a) Conditions of filing**

Each electronic filer ~~agrees to, and~~ must:

- (1) Comply with any court requirements designed to ensure the integrity of electronic filing and to protect sensitive personal information;
- (2) Furnish information the court requires for case processing;
- (3) Take all reasonable steps to ensure that the filing does not contain computer code, including viruses, that might be harmful to the court’s electronic filing system and to other users of that system;
- (4) Furnish one or more electronic ~~notification~~ service addresses, in the manner specified by the court, at which the electronic filer agrees to accept service; and
- (5) Immediately provide the court and all parties with any change to the electronic filer’s electronic ~~notification~~ service address.

1 **(b) Format of documents to be filed electronically**

2  
3 A document that is filed electronically with the court must be in a format specified  
4 by the court unless it cannot be created in that format. The format adopted by a  
5 court must meet the following requirements:

6  
7 (1) The software for creating and reading documents must be in the public  
8 domain or generally available at a reasonable cost.

9  
10 (2) The printing of documents must not result in the loss of document text,  
11 format, or appearance.

12  
13 If a document is filed electronically under the rules in this chapter and cannot be  
14 formatted to be consistent with a formatting rule elsewhere in the California Rules  
15 of Court, the rules in this chapter prevail.

16  
17  
18 **Rule 2.259. Actions by court on receipt of electronic filing**

19  
20 **(a) Confirmation of receipt and filing of document**

21  
22 (1) *Confirmation of receipt*

23  
24 When a court receives an electronically submitted document, the court must  
25 promptly send the electronic filer confirmation of the court's receipt of the  
26 document, indicating the date and time of receipt. A document is considered  
27 received at the date and time the confirmation of receipt is created.

28  
29 (2) *Confirmation of filing*

30  
31 If the document received by the court under (1) complies with filing  
32 requirements and all required filing fees have been paid, the court must  
33 promptly send the electronic filer confirmation that the document has been  
34 filed. The filing confirmation must indicate the date and time of filing and is  
35 proof that the document was filed on the date and at the time specified. The  
36 filing confirmation must also specify:

37  
38 (A) Any transaction number associated with the filing;

39  
40 (B) The titles of the documents as filed by the court; and

41  
42 (C) The fees assessed for the filing.

1 (3) *Transmission of confirmations*

2  
3 The court must send receipt and filing confirmation to the electronic filer at  
4 the electronic ~~notification~~ service address the filer furnished to the court  
5 under rule 2.256(a)(4). The court must maintain a record of all receipt and  
6 filing confirmations.

7  
8 (4) *Filer responsible for verification*

9  
10 In the absence of the court's confirmation of receipt and filing, there is no  
11 presumption that the court received and filed the document. The electronic  
12 filer is responsible for verifying that the court received and filed any  
13 document that the electronic filer submitted to the court electronically.

14  
15 **(b) Notice of rejection of document for filing**

16  
17 If the clerk does not file a document because it does not comply with applicable  
18 filing requirements or because the required filing fee has not been paid, the court  
19 must promptly send notice of the rejection of the document for filing to the  
20 electronic filer. The notice must state the reasons that the document was rejected  
21 for filing.

22  
23 **(c) Document ~~filed~~ received after close of business**

24  
25 A document that is ~~filed~~ received electronically ~~with~~ by the court after the close of  
26 business is deemed to have been ~~filed~~ received on the next court day.

27  
28 **(d) Delayed delivery**

29  
30 If a technical problem with a court's electronic filing system prevents the court  
31 from accepting an electronic filing during its regular filing hours on a particular  
32 court day, and the electronic filer demonstrates that he or she attempted to  
33 electronically file the document on that day, the court must deem the document as  
34 filed on that day. This subdivision does not apply to the filing of a complaint or any  
35 other initial pleading in an action or proceeding.

36  
37 **(e) Endorsement**

38  
39 (1) The court's endorsement of a document electronically filed must contain the  
40 following: "Electronically filed by Superior Court of California, County of  
41 \_\_\_\_\_, on \_\_\_\_\_ (date)," followed by the name of the court clerk.  
42

- 1 (2) The endorsement required under (1) has the same force and effect as a  
2 manually affixed endorsement stamp with the signature and initials of the  
3 court clerk.  
4  
5 (3) A complaint or another initial pleading in an action or proceeding that is filed  
6 and endorsed electronically may be printed and served on the defendant or  
7 respondent in the same manner as if it had been filed in paper form.  
8

9 **(f) Issuance of electronic summons**

- 10  
11 (1) On the electronic filing of a complaint, a petition, or another document that  
12 must be served with a summons, the court may transmit a summons  
13 electronically to the electronic filer.  
14  
15 (2) The electronically transmitted summons must contain an image of the court's  
16 seal and the assigned case number.  
17  
18 (3) Personal service of the printed form of a summons transmitted electronically  
19 to the electronic filer has the same legal effect as personal service of a copy  
20 of an original summons.  
21

22 **Rule 2.260. Electronic service**

23  
24 **(a) Consent to electronic service**

- 25  
26 (1) When a ~~notice~~ document may be served by mail, express mail, overnight  
27 delivery, or fax transmission, electronic service of the ~~notice~~ document is  
28 permitted when authorized by these rules.  
29  
30 (2) A party indicates that the party agrees to accept electronic service by:  
31  
32 (A) ~~Filing and~~ Serving a notice on all parties that the party accepts  
33 electronic service and filing the notice with the court. The notice must  
34 include the electronic ~~notification~~ service address at which the party  
35 agrees to accept service; or  
36  
37 (B) Electronically filing any document with the court. The act of electronic  
38 filing is evidence that the party agrees to accept service at the electronic  
39 ~~notification~~ service address the party has furnished to the court under  
40 rule 2.256(a)(4).  
41  
42 (3) A party that has consented to electronic service under (2) and has used an  
43 electronic filing service provider to ~~file and~~ serve and file documents in a

1 case consents to service on that electronic filing service provider as the  
2 designated agent for service for the party in the case, until such time as the  
3 party designates a different agent for service.  
4

5 **(b) Maintenance of electronic service lists**

6  
7 A court that orders or permits electronic filing in a case must maintain and make  
8 available electronically to the parties an electronic service list that contains the  
9 parties' current electronic ~~notification~~ service addresses, as provided by the parties  
10 that have filed electronically in the case.  
11

12 **(c) Service by the parties**

13  
14 (1) Notwithstanding (b), parties are responsible for electronic service on all other  
15 parties in the case. A party may serve documents electronically directly, by  
16 an agent, or through a designated electronic filing service provider.  
17

18 (2) A document may not be electronically served on a nonparty unless the non-  
19 party consents to electronic service or electronic service is otherwise  
20 provided for by law or court order.  
21

22 **(d) Change of electronic ~~notification~~ service address**

23  
24 (1) A party whose electronic ~~notification~~ service address changes while the  
25 action or proceeding is pending must promptly file a notice of change of  
26 address electronically with the court and must serve this notice electronically  
27 on all other parties.  
28

29 (2) A party's election to contract with an electronic filing service provider to  
30 electronically file and serve documents or to receive electronic service of  
31 documents on the party's behalf does not relieve the party of its duties under  
32 (1).  
33

34 (3) An electronic ~~notification~~ service address is presumed valid for a party if the  
35 party files electronic documents with the court from that address and has not  
36 filed and served notice that the address is no longer valid.  
37

38 **(e) Reliability and integrity of documents served by electronic notification**

39  
40 A party that serves a document by means of electronic notification must:

41  
42 (1) Ensure that the documents served can be viewed and downloaded using the  
43 hyperlink provided;

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- (2) Maintain the hyperlink until all parties in the case have settled or the case has ended and the time for appeals has expired; and
- (3) Preserve the document served without any change, alteration, or modification from the time the document is posted until the time the hyperlink is terminated.

**(e)(f) When service is complete**

- (1) Electronic service of a document is complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.
- (2) If a document is served electronically, any period of notice, or any right or duty to act or respond within a specified period or on a date certain after service of the document, is extended by two court days, unless otherwise provided by a statute or a rule.
- (3) The extension under (2) does not extend the time for filing:
  - (A) A notice of intent to move for a new trial;
  - (B) A notice of intent to move to vacate the judgment under Code of Civil Procedure section 663a; or
  - (C) A notice of appeal.
- (4) Service that occurs after the close of business is deemed to have occurred on the next court day.

**(f)(g) Proof of service**

- (1) Proof of electronic service may be by any of the methods provided in Code of Civil Procedure section 1013a, except that the proof of service must state:
  - (A) The electronic ~~notification~~ service address of the person making the service, in addition to that person’s residence or business address;
  - (B) The date and time of the electronic service, instead of the date and place of deposit in the mail;



1 (C) The name and electronic ~~notification~~ service address of the person  
2 served, in place of that person's name and address as shown on the  
3 envelope; and  
4

5 (D) That the document was served electronically, in place of the statement  
6 that the envelope was sealed and deposited in the mail with postage  
7 fully prepaid.  
8

9 (2) Proof of electronic service may be in electronic form and may be filed  
10 electronically with the court.  
11

12 (3) Under rule 3.1300(c), proof of service of the moving papers must be filed at  
13 least five calendar days before the hearing.  
14

15 (4) The party filing the proof of electronic service must maintain the printed  
16 form of the document bearing the declarant's original signature and must  
17 make the document available for inspection and copying on the request of the  
18 court or any party to the action or proceeding in which it is filed, in the  
19 manner provided in rule 2.257(a).  
20

21 ~~(g)~~**(h)Electronic service by court**  
22

23 The court may electronically serve any notice, order, judgment, or other document  
24 issued by the court in the same manner that parties may serve documents by  
25 electronic service.  
26  
27  
28

1 Title 8. Appellate Rules

2  
3 Division 1. Rules Relating to the Supreme Court and Courts of Appeal

4  
5 Chapter 1. General Provisions

6  
7 Article 4. E-filing Pilot Project in Second Appellate District

8  
9  
10 Rule 8.71. Definitions

11  
12 As used in this article, unless the context otherwise requires:

- 13  
14 (1) “The court” is the Court of Appeal, Second Appellate District.
- 15  
16 (2) A document may be in paper or electronic form. A “document” is:
- 17  
18 (A) Any filing submitted to the reviewing court, including a brief, a petition, an  
19 appendix, or a motion;
- 20  
21 (B) Any document transmitted by a trial court to the reviewing court, including a  
22 notice or a clerk’s or reporter’s transcript; or
- 23  
24 (C) Any writing prepared by the reviewing court, including an opinion, an order,  
25 or a notice.
- 26  
27 (3) An “electronic filer” is a party filing a document in electronic form directly with  
28 the court, by an agent, or through an electronic filing service provider.
- 29  
30 (4) “Electronic filing” is the electronic transmission to a court of a document in  
31 electronic form.
- 32  
33 (5) An “electronic filing service provider” is a person or entity that receives an  
34 electronic filing from a party for retransmission to the court or for electronic  
35 service on other parties, or both. In submission of filings, the electronic filing  
36 service provider does so on behalf of the electronic filer and not as an agent of the  
37 court.
- 38  
39 (6) “Electronic service” is service of a document on a party or other person by either  
40 electronic transmission or electronic notification.
- 41  
42 (A) “Electronic transmission” means the electronic transmission of a document  
43 by electronic means to a party’s electronic notification address, either directly

1 ~~or through an electronic filing service provider, for the purpose of effecting~~  
2 ~~service to the electronic service address at or through with a party or other~~  
3 ~~person has authorized electronic service.~~

4  
5 (B) “Electronic notification” means the notification of a party or other person that  
6 a document is served by sending an electronic message to the electronic  
7 service address at or through which the party or other person has authorized  
8 electronic service, specifying the exact name of the document served and  
9 providing a hyperlink at which the served document can be viewed and  
10 downloaded.

11 .  
12 Electronic service may be performed directly by a party, by an agent of a party  
13 including the party’s attorney, through an electronic filing service provider, or by a  
14 court.

15  
16 (7) “Electronic notification service address” of a party means the electronic address at  
17 or through which the party has authorized electronic service.

18  
19 **Advisory Committee Comment**

20  
21 The definition of “electronic service” in paragraph (5) has been amended to provide that a party  
22 may effectuate service not only by the electronic transmission of a document, but also by  
23 providing electronic notification of where a document served electronically may be located and  
24 downloaded. This amendment is intended to modify the rules on electronic service to expressly  
25 authorize electronic notification as a legally effective alternative means of service to electronic  
26 transmission. The amendment changes the law on electronic service as understood by the court in  
27 *Insys, Ltd. v. Applied Materials, Inc.* (2009) 170 Cal.App.4th 1129, which interpreted these rules  
28 as authorizing only electronic transmission as an effective means of electronic service.

29  
30  
31 **Rule 8.73. Court order requiring electronic service or filing**

32  
33 **(a) Court order**

34  
35 (1) The court may, on the motion of any party or on its own motion, ~~after finding~~  
36 provided that such an the order would not cause undue hardship or significant  
37 prejudice to any party, order all parties to:

38  
39 (A) Serve all documents electronically, except when personal service is  
40 required by statute or rule;

41  
42 (B) File all documents electronically; or  
43

1 (C) Serve and file all documents electronically, except when personal  
2 service is required by statute or rule.

3  
4 (2) The court will not:

5  
6 (A) Order a self-represented party to electronically serve or file documents;

7  
8 (B) Order a party to electronically serve or file documents if the party  
9 would be required to pay a fee to an electronic filing service providers  
10 to file or serve documents and the party objects to paying this fee in its  
11 opposition to the motion under (1); and

12  
13 (C) Order a trial court to electronically serve or file documents.

14  
15 (3) If the reviewing court proposes to make an order under (1) on its own motion,  
16 the court must mail notice to the parties. Any party may serve and file an  
17 opposition within 10 days after the notice is mailed or as the court specifies.

18  
19 **(b) Additional provisions of order**

20  
21 The court's order may also provide that documents previously filed in paper form  
22 may be resubmitted in electronic form.

23  
24 **(c) Filing in paper form**

25  
26 When it is not feasible for a party to convert a document to electronic form by  
27 scanning, imaging, or another means, a court may allow that party to serve, file, or  
28 serve and file the document in paper form.

29  
30  
31 **Rule 8.75. Contracts with electronic filing service providers**

32  
33 **(a) Right to contract**

34  
35 (1) The court may contract with one or more electronic filing service providers to  
36 furnish and maintain an electronic filing system for the court.

37  
38 (2) If the court contracts with an electronic filing service provider, the court may  
39 require electronic filers to transmit the documents to the provider.

40  
41 (3) If ~~there is~~ the court contracts with a single an electronic service provider or  
42 the court has an in-house system, the ~~court~~ provider or system must accept

1 filing from other electronic filing service providers to the extent ~~it~~ the  
2 provider or system is compatible with them.

3  
4 **(b) Provisions of contract**

5  
6 The court's contract with an electronic filing service provider may allow the  
7 provider to charge electronic filers a reasonable fee in addition to the court's filing  
8 fee. The contract may also allow the electronic filing service provider to make other  
9 reasonable requirements for use of the electronic filing system.

10  
11 **(c) Transmission of filing to court**

12  
13 An electronic filing service provider must promptly transmit any electronic filing  
14 and ~~the~~ any applicable filing fee to the court.

15  
16 **(d) Confirmation of receipt and filing of document**

17  
18 (1) An electronic filing service provider must promptly send to an electronic filer  
19 its confirmation of the receipt of any document that the filer has transmitted  
20 to the provider for filing with the court.

21  
22 (2) The electronic filing service provider must send its confirmation to the filer's  
23 electronic ~~notification~~ service address and must indicate the date and time of  
24 receipt, in accordance with rule 8.79(a).

25  
26 (3) After reviewing the documents, the court must promptly transmit to the  
27 electronic filing service provider and the electronic filer the court's  
28 confirmation of filing or notice of rejection of filing, in accordance with rule  
29 8.79.

30  
31 **(e) Ownership of information**

32  
33 All contracts between the court and electronic filing service providers must  
34 acknowledge that the court is the owner of the contents of the filing system and has  
35 the exclusive right to control the system's use.

36  
37

1 **Rule 8.76. Responsibilities of electronic filer**

2  
3 **(a) Conditions of filing**

4  
5 Each electronic filer ~~agrees to, and~~ must:

- 6  
7 (1) Comply with any court requirements designed to ensure the integrity of  
8 electronic filing and to protect sensitive personal information;  
9  
10 (2) Furnish information that the court requires for case processing;  
11  
12 (3) Take all reasonable steps to ensure that the filing does not contain computer  
13 code, including viruses, that might be harmful to the court’s electronic filing  
14 system and to other users of that system;  
15  
16 (4) Furnish one or more electronic ~~notification~~ service addresses, in the manner  
17 specified by the court, at which the electronic filer agrees to accept service;  
18 and  
19  
20 (5) Immediately provide the court and all parties with any change to the  
21 electronic filer’s electronic ~~notification~~ service address.  
22

23 **(b) Format of documents to be filed electronically**

24  
25 A document that is filed electronically with the court must be in a format specified  
26 by the court unless it cannot be created in that format. The format adopted by a  
27 court must meet the following requirements:

- 28  
29 (1) The software for creating and reading documents must be in the public  
30 domain or generally available at a reasonable cost.  
31  
32 (2) The printing of documents must not result in the loss of document text,  
33 format, or appearance.  
34

35 If a document is filed electronically under the rules in this article and cannot be  
36 formatted to be consistent with a formatting rule elsewhere in the California Rules  
37 of Court, the rules in this article prevail.  
38  
39  
40

1 **Rule 8.79. Actions by court on receipt of electronic filing**

2  
3 **(a) Confirmation of receipt and filing of document**

4  
5 (1) *Confirmation of receipt*

6  
7 When the court receives an electronically submitted document, the court must  
8 promptly send the electronic filer confirmation of the court's receipt of the  
9 document, indicating the date and time of receipt. A document is considered  
10 received at the date and time the confirmation of receipt is created.

11  
12 (2) *Confirmation of filing*

13  
14 If the document received by the court under (1) complies with filing  
15 requirements, the court must promptly send the electronic filer confirmation  
16 that the document has been filed. The filing confirmation must indicate the  
17 date and time of filing and is proof that the document was filed on the date  
18 and at the time specified. The filing confirmation must also specify:

- 19  
20 (A) Any transaction number associated with the filing;  
21  
22 (B) The titles of the documents as filed by the court; and  
23  
24 (C) The fees assessed for the filing.

25  
26 (3) *Transmission of confirmations*

27  
28 The court must send receipt and filing confirmation to the electronic filer at  
29 the electronic ~~notification~~ service address that the filer furnished to the court  
30 under rule 8.76(a)(4). The court must maintain a record of all receipt and  
31 filing confirmations.

32  
33 (4) *Filer responsible for verification*

34  
35 In the absence of the court's confirmation of receipt and filing, there is no  
36 presumption that the court received and filed the document. The electronic  
37 filer is responsible for verifying that the court received and filed any  
38 document that the electronic filer submitted to the court electronically.  
39  
40

1 (b) **Notice of rejection of document for filing**

2  
3 If the clerk does not file a document because it does not comply with applicable  
4 filing requirements, the court must promptly send notice of the rejection of the  
5 document for filing to the electronic filer. The notice must state the reasons that the  
6 document was rejected for filing.

7  
8 (c) **Document ~~filed~~ received after close of business**

9  
10 A document that is ~~filed~~ received electronically with the court after 11:59 p.m. is  
11 deemed to have been ~~filed~~ received on the next court day.

12  
13 (d) **Delayed delivery**

14  
15 If a technical problem with a court’s electronic filing system prevents the court  
16 from accepting an electronic filing on a particular court day, and the electronic filer  
17 demonstrates that he or she attempted to electronically file the document on that  
18 day, the court must deem the document as filed on that day.

19  
20 (e) **Endorsement**

- 21  
22 (1) The court’s endorsement of a document electronically filed must contain the  
23 following: “Electronically filed by California Court of Appeal, Second  
24 Appellate District, on \_\_\_\_\_ (date),” followed by the name of the court clerk.  
25  
26 (2) The endorsement required under (1) has the same force and effect as a  
27 manually affixed endorsement stamp with the signature and initials of the  
28 court clerk.  
29  
30 (3) A record on appeal, brief, or petition in an appeal or original proceeding that  
31 is filed and endorsed electronically may be printed and served on the  
32 appellant or respondent in the same manner as if it had been filed in paper  
33 form.  
34

35 **Rule 8.80. Electronic service**

36  
37 (a) **Consent to electronic service**

- 38  
39 (1) When a ~~notice~~ document may be served by mail, express mail, overnight  
40 delivery, or fax transmission, electronic service of the ~~notice~~ document is  
41 permitted when authorized by these rules.  
42  
43 (2) A party indicates that the party agrees to accept electronic service by:



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43

(A) ~~Filing and~~ Serving a notice on all parties that the party accepts electronic service and filing the notice with the court. The notice must include the electronic ~~notification~~ service address at which the party agrees to accept service; or

(B) Electronically filing any document with the court. The act of electronic filing is evidence that the party agrees to accept service at the electronic ~~notification~~ service address that the party has furnished to the court under rule 8.76(a)(4).

(3) A party that has consented to electronic service under (2) and has used an electronic filing service provider to ~~file and~~ serve and file documents in a case consents to service on that electronic filing service provider as the designated agent for service for the party in the case, until such time as the party designates a different agent for service.

**(b) Maintenance of electronic service lists**

When the court orders or permits electronic filing in a case, it must maintain and make available electronically to the parties an electronic service list that contains the parties' current electronic ~~notification~~ service addresses, as provided by the parties that have filed electronically in the case.

**(c) Service by the parties**

(1) Notwithstanding (b), parties are responsible for electronic service on all other parties in the case. A party may serve documents electronically directly, by an agent, or through a designated electronic filing service provider.

(2) A document may not be electronically served on a nonparty unless ~~otherwise provided by law or court order~~ the nonparty consents to electronic service or electronic service is otherwise provided for by law or court order.

**(d) Change of electronic ~~notification~~ service address**

(1) A party whose electronic ~~notification~~ service address changes while the appeal or original proceeding is pending must promptly file a notice of change of address electronically with the court and must serve this notice electronically on all other parties.

(2) A party's election to contract with an electronic filing service provider to electronically file and serve documents or to receive electronic service of

1 documents on the party's behalf does not relieve the party of its duties under  
2 (1).

- 3  
4 (3) An electronic ~~notification~~ service address is presumed valid for a party if the  
5 party files electronic documents with the court from that address and has not  
6 filed and served notice that the address is no longer valid.

7  
8 **(e) Reliability and integrity of documents served by electronic notification**

9  
10 A party that serves a document by means of electronic notification must:

- 11  
12 (1) Ensure that the documents served can be viewed and downloaded using the  
13 hyperlink provided;  
14  
15 (2) Maintain the hyperlink until all parties in the case have settled or the case has  
16 ended and the time for appeals has expired; and  
17  
18 (3) Preserve the document served without any change, alteration, or modification  
19 from the time the document is posted until the time the hyperlink is  
20 terminated.

21  
22 **(e)(f) When service is complete**

- 23  
24 (1) Electronic service of a document is complete at the time of the electronic  
25 transmission of the document or at the time that the electronic notification of  
26 service of the document is sent.  
27  
28 (2) Service that occurs after 11:59 p.m. is deemed to have occurred on the next  
29 court day.

30  
31 **(f)(g) Proof of service**

- 32  
33 (1) Proof of electronic service may be by any of the methods provided in Code of  
34 Civil Procedure section 1013a, except that the proof of service must state:  
35  
36 (A) The electronic ~~notification~~ service address of the person making the  
37 service, in addition to that person's residence or business address;  
38  
39 (B) The date and time of the electronic service, instead of the date and  
40 place of deposit in the mail;  
41

1 (C) The name and electronic ~~notification~~ service address of the person  
2 served, in place of that person's name and address as shown on the  
3 envelope; and  
4

5 (D) That the document was served electronically, in place of the statement  
6 that the envelope was sealed and deposited in the mail with postage  
7 fully prepaid.  
8

9 (2) Proof of electronic service may be in electronic form and may be filed  
10 electronically with the court.  
11

12 (3) The party filing the proof of electronic service must maintain the printed  
13 form of the document bearing the declarant's original signature and must  
14 make the document available for inspection and copying on the request of the  
15 court or any party to the action or proceeding in which it is filed, in the  
16 manner provided in rule 8.77(a).  
17

18 **(g) Electronic service by court**  
19

20 The court may electronically serve any notice, order, opinion, or other document  
21 issued by the court in the same manner that parties may serve documents by  
22 electronic service.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY  <b>DRAFT</b> <b>03-15-10</b>  <b>NOT APPROVED</b> <b>BY JUDICIAL</b> <b>COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER:  DEFENDANT/RESPONDENT:	CASE NUMBER:  JUDICIAL OFFICER:
<b>CONSENT TO ELECTRONIC SERVICE AND NOTICE OF ELECTRONIC SERVICE ADDRESS</b>	DEPT.:

1.  the following party or  the attorney for:

- a.  plaintiff (name):
- b.  defendant (name):
- c.  petitioner (name):
- d.  respondent (name):
- e.  other (describe):

consents to electronic service of notices and documents in the above-captioned action.

2. The electronic service address of the person identified in item 1 is (specify):

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
 (SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:	CASE NUMBER:
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(Note: If you serve Consent to Electronic Service and Notice of Electronic Service Address by mail, you should use form POS-030, Proof of Service by First-Class Mail, instead of using this page.)

**PROOF OF ELECTRONIC SERVICE**  
**CONSENT TO ELECTRONIC SERVICE AND NOTICE OF ELECTRONIC SERVICE ADDRESS**

1. I am at least 18 years old and not a party to this action. I am a resident of or employed in the county where the electronic service took place.

a. My residence or business address is (specify):

b. My electronic service address is (specify):

2. I electronically served a copy of the Consent to Electronic Service and Notice of Electronic Service Address as follows:

a. Name of person served:

b. Electronic service address of person served:

On behalf of (name or names of parties represented, if person served is an attorney):

c. On (date):

d. At (time):

Electronic service of the Consent to Electronic Service and Notice of Electronic Service Address on additional persons is described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY  <b>DRAFT 03-15-10</b>  <b>NOT APPROVED BY JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____  DEFENDANT/RESPONDENT: _____	CASE NUMBER: _____  JUDICIAL OFFICER: _____
<p style="text-align: center;"><b>NOTICE OF CHANGE OF ELECTRONIC SERVICE ADDRESS</b></p>	DEPT.: _____

1.  the following party or  the attorney for:
- a.  plaintiff *(name):*
  - b.  defendant *(name):*
  - c.  petitioner *(name):*
  - d.  respondent *(name):*
  - e.  other *(describe and name):*

is changing his or her electronic service address for electronic service of notices and documents in the above-captioned action.

- 2. The current electronic service address of the person identified in item 1 is *(specify):*
- 3. The new electronic service address of the person identified in item 1 is *(specify):*
- 4. All notices and documents regarding the action should be sent to the new electronic service address as of *(date):*

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶  
\_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:	CASE NUMBER:
------------	--------------

**PROOF OF ELECTRONIC SERVICE  
NOTICE OF CHANGE OF ELECTRONIC SERVICE ADDRESS**

1. I am at least 18 years old and not a party to this action.

a. My residence or business address is *(specify)*:

b. My electronic service address is *(specify)*:

2. I electronically served a copy of the *Notice of Change of Electronic Service Address* as follows:

a. Name of person served:

On behalf of *(name or names of parties represented, if person served is an attorney)*:

b. Electronic service address of person served:

c. On *(date)*:


d. At *(time)*:

Electronic service of the *Notice of Change of Electronic Service Address* on additional persons is described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF DECLARANT)

 \_\_\_\_\_  
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY  <b>DRAFT 3-15-10</b>  <b>NOT APPROVED BY JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:  JUDICIAL OFFICER:
<b>PROOF OF ELECTRONIC SERVICE</b>	DEPT.:

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is *(specify):*

b. My electronic **service** address is *(specify):*

2. I electronically served the following documents *(exact titles):*

The documents served are listed in attachment *(Form POS-050 (D)/EFS-050(D) may be used for this purpose.)*

3. I electronically served documents listed in 2 as follows:

a. Name of person served:

On behalf of *(name or names of parties represented, if person served is an attorney):*

b. Electronic **service** address of person served:

c. On *(date):*

d. At *(time):*

The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment. *(Form POS-050(P)/EFS-050(P) may be used for this purpose.)*

Date:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  \_\_\_\_\_

(TYPE OR PRINT NAME OF DECLARANT) (SIGNATURE OF DECLARANT)



SHORT TITLE:	CASE NUMBER:
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**ATTACHMENT TO PROOF OF ELECTRONIC SERVICE (ADDITIONAL PERSONS SERVED)**

*(This attachment is for use with form POS-050/EFS-050.)*

**NAMES, ADDRESSES, AND OTHER APPLICABLE INFORMATION ABOUT PERSONS SERVED:**

**Name of Person Served**

**Electronic Service Address**

**Date and Time of Electronic Service**

*(If the person served is an attorney, the party or parties represented should also be stated.)*

		Date: _____
		Time: _____
		Date: _____
		Time: _____
		Date: _____
		Time: _____
		Date: _____
		Time: _____
		Date: _____
		Time: _____
		Date: _____
		Time: _____
		Date: _____
		Time: _____

## Item SPR10-22 Response Form

**Title:** **Electronic Service: Rule Amendments to Authorize Electronic Service by Notice and Hyperlink; Revision of Forms on Electronic Filing and Service**  
(amend Cal. Rules of Court, rules 2.250–2.260 and 8.70–8.80; revise forms EFS-005, EFS-010, POS-050/EFS-050, and POS-050(P)/EFS-050(P))

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_

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**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

### **To Submit Comments**

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

**Internet:** <http://www.courtinfo.ca.gov/invitationstocomment/>

**Email:** [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

**Mail:** Ms. Camilla Kieliger  
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<b>DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 18, 2010</b>
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*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.*