



**Superior Court of California
COUNTY OF ALAMEDA**

September 9, 2022

Notice to Attorneys and to All Interested Parties:

Invitation to Comment on Proposed Amendments to Local Rules and Forms

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Alameda hereby distributes for public comment the attached proposal to amend its local rule.

The proposal also may be viewed [here](#) or [here](#). In addition, a hard copy of the proposal is available upon request by email at pcomments@alameda.courts.ca.gov or by phone at 510-891-6012.

Important dates:

- The last day to comment is **October 28, 2022, at 5:00 p.m.**
- The proposed amendment takes effect upon approval of the Chair of the Judicial Council or on **January 1, 2023**, whichever is sooner.

Text of Proposed Rules and Amendments: *see attached.*

Comments must be submitted in writing to:

Andrew Taylor
Superior Court of California, County of Alameda
1225 Fallon Street, Room 209
Oakland, CA 94612
E-mail: pcomments@alameda.courts.ca.gov

Rule 3.27. Electronic filing and service

(a) ~~Effective date and m~~Mandatory use of electronic filing

Represented parties and other represented persons must participate in electronic filing (e-filing) using a court-approved electronic service provider (EFSP) and must serve and accept service electronically, except by court order or if other service is required by law. Under rule 2.253(b)(4) of the California Rules of Court, anyone required to e-file may request an exemption by filing a *Request For Exemption From Mandatory Electronic Filing and Service* (form EFS-007) with the assigned department or, if not assigned, with the supervising judge of the civil division.

~~The court adopts electronic filing (e-filing) in all civil and civil appeal proceedings as follows: Starting on October 12, 2021, or on a later effective date to be posted on the Court's website at [insert specific URL], e-filing is permissive. Any party may elect to complete filings using a court-approved Electronic Filing Service Provider ("EFSP"), and to receive service from such Electronic Filing Service Provider. Commencing January 1, 2022, or six weeks following a later posted launch date, e-filing will be mandatory for all represented parties. Counsel for represented parties must file and accept service using a court-approved EFSP. Any self-represented party who consents to participate in the e-filing system also consents to thereafter file, serve and accept service by electronic means.~~

(b) Permissive use of electronic filing

Self-represented parties and other self-represented persons may consent to participate in e-filing, using a court-approved EFSP, by filing a notice of consent with the court and serving all parties. Unless other service is required by law or court order, anyone who consents to participate in e-filing must serve and accept service electronically.

~~(b)(c)~~ ~~Technical~~Additional requirements

~~Filings shall be made through a court-approved EFSP. The Court will maintain and update as needed a Civil E-filing Page on its website that will contain relevant information, including technical requirements for e-filing, approved EFSPs and Frequently Asked Questions regarding e-filing. All filings Documents must be e-filed made in a searchable PDF format and otherwise comply with the technical requirements listed on the Court's website, which includes a list of court-approved EFSPs and Frequently Asked Questions. The mandatory courtesy-copy requirements under local rule 3.30(c) apply to all e-filings.~~

~~(c)~~ ~~Electronic service/mandatory use~~

~~All parties who are required or consent to e-filing must serve all documents electronically on those participating in electronic filing.~~

(d) Exceptions ~~to e-filing~~

The following documents ~~may not be e-filed~~ **must be filed non-electronically**:

- (1) Bench ~~W~~ warrants;
- (2) Subpoenaed documents;
- (3) Bonds;
- (4) Undertakings;
- (5) Certified judgments;
- (6) ~~Out-of-Sstate and/or Out-of-cCounty a~~ Abstracts ~~and/or c~~ Commissions;
- (7) ~~Sister-Sstate J~~ judgments;
- (8) Subpoenas for ~~Out-of-Sstate A~~ actions;
- (9) Payee ~~D~~ data ~~R~~ records; and
- ~~(9)~~(10) Any filing that requires the party to include a self-addressed stamped envelope.

~~(e) Sealed documents~~

- ~~(1) Confidential documents for which sealing is requested must be filed and served electronically by those subject to e-filing.~~
- ~~(2) Provisionally filed confidential documents that have been ordered to be sealed or may be the subject of a motion to file documents under seal must be filed or lodged with the Court by electronic submission. Redacted versions of any such documents must be filed electronically at the same time.~~
- ~~(3) The sealed document must be e-filed and the caption page must have "UN-REDACTED" in bold type under the title of the document. If there is no court order sealing the document, the un-redacted document will be filed as conditionally sealed until the court rules on the request to seal. The caption page of a redacted document must have "REDACTED" in bold type under the title of the document.~~
- ~~(4) Documents containing confidential material filed in connection with a discovery motion, which do not require a court order to be filed under seal, shall state the word "DISCOVERY" in bold and underlined on the title page and, as appropriate, the words "TO BE FILED UNDER SEAL" or "REDACTED." If only portions of the document are confidential, redacted and unredacted versions must be filed.~~
- ~~(5) Complete unredacted courtesy copies and redacted copies of any~~

~~confidential or redacted document must be physically lodged with the department where any hearing relating to those documents will be held. The courtesy copies must be placed in separate envelopes with the words "UNDER SEAL," "LODGED CONDITIONALLY UNDER SEAL" or "REDACTED" as appropriate on each envelope. The caption page for the enclosed document must be taped on the outside of the envelope.~~

~~(f)~~ **Official record**

~~The Court maintains the official court record in electronic format for all cases with the exception of items that have not been stored electronically.~~

Rule 3.27 amended effective January 1, 2023~~2~~; adopted effective July 1, 2022~~1~~.