



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF ) AMENDED GENERAL ORDER  
ATTORNEY CASE-OPENING ) NO. 13-01  
PILOT PROJECT ) (Supersedes General Order No. 13-01)

The Local Rules for the Central District of California provide that, subject to certain exceptions, all documents filed in civil and criminal cases must be filed electronically using the Court’s Case Management/Electronic Case Filing (“CM/ECF”) System. L.R. 5-4.1, L.Cr.R. 49-1.1. One of the exceptions is case-initiating documents, such as complaints, which must be presented to the Clerk for filing in paper format. L.R. 3-2, L.R. 5-4.2(b)(2), L.Cr.R. 49-1.2(b)(2). Having determined, however, that it would benefit the Court, the bar, and the public to allow electronic filing of case-initiating documents, the Court establishes by this General Order a pilot project to test this practice. Because the pilot project will enable attorneys to use CM/ECF to open new cases for matters not yet assigned a case number and for which no documents have previously been docketed, this pilot project will be known as the Attorney Case-Opening Pilot Project (“Pilot Project”).

Unless otherwise ordered by the Court, the Pilot Project shall be in effect from the date of filing of this General Order to December 1, 2014. During that time, in certain designated categories of cases, documents otherwise required to be filed in

1 paper format pursuant to Local Rule 3-2 may instead be filed electronically, subject to  
2 the provisions of this General Order. The Court anticipates that electronic filing of  
3 case-initiating documents will be expanded to additional categories of cases during or  
4 after the term of the Pilot Project.

5 **I. CASES DESIGNATED FOR PILOT PROJECT**

6 This General Order creates an exception to Local Rule 3-2 for the following  
7 kinds of cases (collectively, “Pilot Project Cases”):

- 8 A. student loan cases (filed pursuant to 20 U.S.C. § 1080, *et seq.*);
- 9 B. patent, trademark, and copyright cases; and
- 10 C. Employee Retirement Income Security Act (“ERISA”) cases (cases filed  
11 pursuant to 29 U.S.C. § 1001, *et seq.*).

12 In all other cases, Local Rule 3-2 will continue to apply until otherwise directed by the  
13 Court.

14 **II. DOCUMENTS ELIGIBLE FOR PILOT PROJECT**

15 All documents in Pilot Project Cases will be exempted from Local Rule 3-2,  
16 except as set forth below.

17 **A. Case-Initiating Documents**

18 Unless provided otherwise by Section II.D., complaints may be filed  
19 electronically in Pilot Project Cases if: (a) the filing fee is paid online by credit card at  
20 the time of filing; or (b) no filing fee is owed (*i.e.*, cases filed by the United States or  
21 fee-exempt by statute). Only a complaint may be filed electronically as the case-  
22 initiating document in a Pilot Project Case. If a case is one in which a complaint will  
23 not be the case-initiating document (for example, a case removed from state court, or a  
24 case brought on behalf of a minor that must be commenced with the filing of an  
25 application for the appointment of a *guardian ad litem*), then the case may not be  
26 opened electronically, and the case-initiating document must be filed in paper format.  
27 Likewise, if the filing party intends to pay the filing fee using some other payment  
28 method (for example, a cashier’s check), or if a party intends to file an application for

1 *In Forma Pauperis* status (or for permission to file without full prepayment of the  
2 filing fee), then the case may not be opened electronically, and the case-initiating  
3 document must be filed in paper format.

#### 4 **B. Concurrently Filed Documents**

5 If a case-initiating document is filed electronically, then all other documents  
6 required to be filed concurrently with the case-initiating document, such as the Civil  
7 Cover Sheet (Form CV-71), must also be filed electronically, except as set forth in  
8 Section II.D. Additional information about the types of documents that must be filed  
9 concurrently with a case-initiating document may be found in the “Attorney Case-  
10 Opening Pilot Project User Manual,” available on the Court’s website.

#### 11 **C. Subsequent Documents**

12 Once a Pilot Project Case has been opened, regardless of whether the case was  
13 opened electronically, subsequent documents otherwise subject to Local Rule 3-2 (such  
14 as third party complaints, amended complaints, complaints in intervention,  
15 counterclaims, and crossclaims) may be filed in that case electronically, except as set  
16 forth in Section II.D.

#### 17 **D. Exceptions**

18 Notwithstanding the provisions of subsections II.A.-C., the following documents  
19 may not be electronically filed, even in Pilot Project Cases:

- 20 (1) any document automatically sealed by statute or operation of law;
- 21 (2) any document accompanied by an application to seal the document or the  
22 entire case; and
- 23 (3) any document exempted from electronic filing by order or rule other than  
24 Local Rule 3-2.

### 25 **III. FILERS AUTHORIZED TO PARTICIPATE IN PILOT PROJECT**

26 Only attorneys who are admitted to the bar of the Central District of California  
27 and who are registered CM/ECF Users may open cases electronically under this  
28 General Order. *See* L.R. 5-4.1.3 (defining “CM/ECF User”). All other attorneys

1 (including attorneys appearing *pro hac vice* in a previous case in this district, even if  
2 they possess a valid CM/ECF login and password) and all *pro se* litigants (that is,  
3 people who are not represented by lawyers) must continue to present all case-initiating  
4 and concurrently filed documents in paper format to the Clerk for filing. Subsequent  
5 documents otherwise subject to Local Rule 3-2 may be filed electronically in a Pilot  
6 Project Case by any attorney of record in that case who is a registered CM/ECF User.

#### 7 **IV. PROCEDURES FOR OPENING A CASE ELECTRONICALLY UNDER** 8 **THE PILOT PROJECT**

9 The provisions that follow govern electronic case-opening under the Pilot  
10 Project.<sup>1</sup> Attorneys should also refer to the “Attorney Case-Opening Pilot Project User  
11 Manual,” available on the Court’s website, for more details on the procedures required  
12 for opening a Pilot Project Case online.

##### 13 **A. Optional Participation**

14 Participation in the Pilot Project is optional, not mandatory. Thus, during the  
15 Pilot Project, Pilot Project Cases may continue to be opened by presenting case-  
16 initiating documents to the Clerk for filing in paper format, and all documents  
17 otherwise subject to Local Rule 3-2 may be filed in paper format in any Pilot Project  
18 Case.

##### 19 **B. Filing Fees**

20 To open a case electronically, any filing fees owed must be paid online at the  
21 time the case-initiating document is filed. The fees must be paid by credit card using  
22 “pay.gov,” a secure government-wide collection portal, to which the CM/ECF System  
23 will direct the filer at the time of filing. More information about “pay.gov” is available  
24 at [pay.gov](http://pay.gov).

---

25  
26  
27 <sup>1</sup>For purposes of this General Order, “electronic case-opening” is a two-step process that  
28 includes: (1) opening a case in the CM/ECF System; and (2) filing a case-initiating document  
electronically in that case.

**C. Assignment of Case Number**

A case opened electronically in the CM/ECF System by an attorney will automatically be issued a case number. The Clerk may subsequently assign a new case number if necessary.

**D. Assignment of Judicial Officer(s)**

After a case has been opened and a case-initiating document has been electronically filed, the Clerk will assign the case to a district judge and/or a magistrate judge in accordance with the Court's General Orders. The Clerk will then file a notice of assignment of judge, which will prompt the CM/ECF System to e-mail a Notice of Electronic Filing ("NEF") to the attorney who e-filed the case-initiating document. The assigned judges' initials must be included in the case number on all subsequently filed documents.

**E. Mandatory Chambers Copies**

Local Rule 5-4.5, regarding the delivery of mandatory chambers copies, continues to apply to all electronically filed documents – including all case-initiating and other documents filed electronically pursuant to this General Order. Mandatory chambers copies of case-initiating documents must include the NEF of the notice of assignment of judge attached as the first page.

**F. Date of Filing**

A case will be deemed filed on the date the electronic submission of a case-initiating document through CM/ECF, including all exhibits and attachments to that case-initiating document, is completed, with the deadline for completion being midnight Pacific Standard Time or Pacific Daylight Time, whichever is in effect. Filers should allow sufficient time to complete the full filing process prior to midnight, if filing on a particular date is necessary. Nothing in this General Order authorizes the Court to extend a deadline that, by statute or rule, may not be extended.

**G. Application of Other Rules**

Except as noted with respect to Local Rule 3-2, all federal and local rules continue to apply to documents filed pursuant to this General Order.

IT IS SO ORDERED.



---

CHIEF UNITED STATES DISTRICT JUDGE

*Date of Approval of General*

*Order No. 13-01 by the Court:*

March 19, 2013

*Date of Filing of Amended General*

*Order No. 13-01 by the Clerk:*

October 7, 2013