

FILED
 CLERK, U.S. DISTRICT COURT
 AUG 22 2002
 CENTRAL DISTRICT OF CALIFORNIA
 BY *A. Torjes* DEPUTY

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF:)
)
 ORDER DESIGNATING ALL FEDERAL) GENERAL ORDER
 DEBT COLLECTION ACT CASES FOR) NO. 02-11
 ELECTRONIC FILING)
 _____)

Pursuant to Federal Rules of Civil Procedure 5(e), the Court hereby authorizes and establishes operating rules for an experimental pilot project for the electronic filing, signing, verification, service and retrieval of pleadings and papers arising out of Title 20 USC Section 1080, Default of Student under Federal Loan Insurance Program.

IT IS HEREBY ORDERED that, absent good cause, all pleadings, documents, notices and orders in all cases arising out of Title 20 USC Section 1080, Default of Student under Federal Loan Insurance Program, filed in this district on or after January 1, 2003, shall be filed and noticed electronically, rather than on paper. Unless modified by orders of the Court, all Federal Rules of Civil

Procedures, Local Rules and orders of the Court shall continue to apply to cases which are subject to electronic filing.

The Clerk of the Court is authorized to establish procedures requiring pleadings and other documents filed in Title 20 USC Section 1080 cases within the jurisdiction of the Central District of California to be filed over the Internet.

IT IS FURTHER ORDERED:

1. All attorneys involved in the filing of Title 20 USC Section 1080 cases shall be required to accept electronic notice of documents that are filed electronically, pursuant to Federal Rules of Civil Procedure 5(a). It is incumbent upon those attorneys to see that their electronic filing accounts are properly established to receive those notices. Pro Se parties are exempted from the electronic filing requirements. The Court and parties to the action shall not be required to manually serve notices of documents that have been electronically filed, even if an attorney has not activated his or her electronically filing e-mail notification, unless the opposing party is acting Pro Se.
2. Documents filed by pro se litigants will continue to be filed and served in the traditional manner and will be scanned by the Clerk's Office into the electronic filing system.
3. Service of Process by electronic means is not authorized for pleadings

covered under Federal Rules of Civil Procedure 4.

4. Attorneys admitted to the bar of this court, who are participating in the pilot project , shall register as a Filing User of the Court's Electronic Filing System in a form prescribed by the Clerk. Once registration is completed, the Clerk's Office will notify the attorney of the assigned user log-in and password. In addition, attorneys must immediately notify the Clerk if they learn that their log-in and password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

5. In accordance with Local Rule 83-2.7, attorneys must notify the Clerk in writing within fourteen (14) days if their e-mail address changes; however, to ensure proper uninterrupted delivery of service of electronic mail, counsel should immediately notify the Clerk.

6. No attorney shall knowingly permit or cause to permit his/her log-in and password to be utilized by anyone other than an authorized employee of his/her law firm. Registered attorneys are responsible for all documents electronically filed using their log-in and password as if they had personally filed the document.

7. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm.

8. Attorneys shall be responsible for ensuring their electronic post office boxes are adequate to handle all documents that will be sent electronically, avoiding e-mails being returned to the sender. Any documents served by this Court that are returned as undeliverable will be mailed via regular U.S. Mail by the Clerk's Office within one day of receipt of said notice.

9. Registered attorneys must carefully examine the documents, exhibits or attachments to be electronically filed with the Court in order to protect his/her clients' sensitive and private information, e.g.: social security number, dates of birth, financial account numbers, names of minor children.. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading or document for compliance with this General Order.

Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to the full disciplinary power of the Court.

Counsel shall maintain the unredacted document in their office pending further order of the Court, the Appeal period has expired and shall, at the request of opposing counsel or parties, provide a copy of the complete document.

10. In the case of documents requiring multiple signatures, such as stipulations and joint pretrial orders, the filer of the document shall scan the

document in .pdf format and electronically submit the document to the Court. The filer shall maintain the original, signed documents for subsequent production for the Court if so ordered for inspection upon request by a party until one year after final resolution of the action (including the appeal, if any).

11. In the case of documents requiring signatures other than counsel of record, such as declarations, the filer of the document shall scan the document in .pdf format and electronically submit the document to the Court. The filer shall maintain the original, signed document for subsequent production for the Court if so ordered for inspection upon request by a party until one year after final resolution of the action (including the appeal, if any).

12. Attorneys in cases subject to electronic filing shall make available electronic mail addresses for service. Upon the filing of a document by a party, an e-mail message will be automatically generated by the electronic filing system and sent to all parties in the case. Receipt of this message shall constitute service on the receiving party.

13. Pursuant to Federal Rules of Civil Procedure 6(e), service by electronic mail constitutes service by mail, therefore, the three (3) additional days for mailing shall apply.

14. Documents filed electronically must be submitted in .pdf format.

15. The acceptance by the Clerk of a pleading or other paper electronically

filed in accordance with the Electronic Filing Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under F.R.Civ.P 77.

16. Electronic transmission of a document consistent with the Procedures for Electronic Filing adopted by the Court shall, upon the complete receipt of the same by the Clerk and together with the receipt of a Notice of Electronic Filing from the Court, constitute the filing of the document for all purposes of the Federal Rules of Civil Procedure and the Local Rules of this Court and shall constitute entry of that document onto the docket maintained by the Clerk pursuant to F.R.Civ.P. 58 and 79. Any order filed electronically without the original signature of a judge or the Clerk has the same force and effect as if the judge or Clerk had affixed their signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

17. Electronic files, consisting of the images of documents filed in cases or proceedings, are designated as and shall constitute the official record of the Court together with the other records kept by the Court.

18. Documents received electronically by the Court will be considered filed as of the date received, providing the documents comply with the Court's current document intake procedures, outlined in the Procedures for Electronic Filing.

Documents not in compliance will be electronically returned, by the Court, to the filing attorney.

19. Filing documents electronically does not alter any filing deadlines. All electronic transmissions of documents must be completed prior to midnight in order to be considered timely filed that day. Where a deadline is set by court order or stipulation for a specific time of day, the electronic filing shall be completed by that time. All times are pursuant to Pacific Standard or Pacific Daylight Savings time. Although parties can file documents electronically 24 hours a day, no personal assistance is available outside normal Court operating hours.

20. A document electronically filed with the Court electronically shall be deemed to be signed by a person (the "Signatory") when the password and log-in assigned to that person is used to electronically file the document. When the document is electronically filed with the Court, the filing shall bind the Signatory as if the paper were physically signed and filed, and shall function as the Signatory's signature, whether for purpose of F.R.Civ.P 11, to attest to the truthfulness of an affidavit or declaration, or for any other purpose.

21. All documents, exhibits and attachments must be submitted in electronic format. A particular component of a filing may be excused from electronic filing if it is not available in electronic format and it is not feasible for the filer to convert it to electronic format by scanning it, or by order of the Court. Such components shall not be filed electronically, but instead shall be manually filed with the Clerk of Court and served upon the parties in accordance with the

applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents. Parties manually filing a component shall electronically file a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically.

22. The Clerk shall deem the Electronic Filing Web Site “unavailable due to technical difficulties,” if it is subject to a technical failure on a given day and the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day. Pursuant to the Procedures for Electronic Filing, delayed filings shall be accompanied by a declaration or affidavit attesting that the filer attempted to file electronically at least two (2) times after 12:00 noon separated by at least one hour and were not able to file the documents due to such technical failure. An inability to electronically file does not alter filing deadlines.

23. In the event an Answer is filed, continued participation in the electronic filing pilot project shall be at the discretion of the district judge assigned to the case.

24. This General Order, as well as any amendments, operational guidelines and instructions, shall be posted on the Electronic Filing section of the Court’s web site and may be published in official legal newspapers in this district.

25. Until such time as the United States Court of Appeals for the Ninth

Circuit and the Federal Circuit institute rules and procedures to accommodate Electronic Case Filing, notices of appeal and other related documents to those courts shall be filed, and fees paid, as a manual filing rather than an electronic filing. Upon the filing of a Notice of Appeal or other related document, counsel shall electronically file a Notice of Manual Filing, as outlined previously in this Order. Appellants counsel shall provide paper copies of the documents that constitute the record on appeal to the District Court Clerk's Office.

In accordance with policies established by the Judicial Conference of the United States, the Court shall continue to provide access to those documents upon request at its courthouses and docket sheets will continue be available over the Internet via PACER.

Amendments to this order may be entered from time to time in keeping with the needs of the Court.

Dated: August 22, 2002