

CaseHomePage Sample Electronic Case Management Order

California State Courts

[Caption Page]

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

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 THE COURT hereby makes the following Electronic Case Management Order
3 ("ECMO") relating to filing, service procedures and Document Repository services in
4 the captioned matter as set forth below:

- 5 1. All documents to be filed and/or served in this matter shall conform to the
6 procedures set forth in this ECMO.
- 7 2. Subject to the terms of the ECMO, ExtraAccess Services, Inc., dba
8 CaseHomePage ("CaseHomePage"), with its principal place of business at
9 1601 Corporate Drive #4498, Petaluma, CA 94955 is hereby designated as
10 the exclusive provider of an Internet web site for the management of this
11 case (the "Web Site") and for service of case documents. For purposes of
12 this Order, CaseHomePage submits to the Court's jurisdiction.
- 13 3. The Web Site for this case is located at www.casehomepage.com. The file
14 name for this case on the Web Site will be designated by CaseHomePage
15 in an easily identifiable manner. Once a master service list is provided,
16 CaseHomePage will provide a username and password for each law firm or
17 pro se litigant named therein. The username and password provided may
18 not be shared with other litigants or third parties.
- 19 4. The Web Site shall have the following minimum attributes:
- 20 a. Permit the Court, counsel, *pro se* litigants and other person(s)
21 authorized by the Court ("other authorized persons") to upload
22 documents and post Bulletin Board items;
- 23 b. Permit viewing and retrieval by the Court, counsel, parties, and
24 other authorized persons of all documents and Bulletin Board
25 items posted on the Web Site;
- 26 c. Permit viewing and retrieval by the Court, counsel, parties,
27 expert witnesses, and other authorized persons of all posted
28 deposition transcripts. (Unless otherwise instructed by the

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

Court, permission to view and retrieve deposition transcripts will require approval of the court reporting agency that recorded the deposition); and

- d. Provide appropriate security limiting access to the Web Site.
- 5. CaseHomePage shall provide technical support for the Web Site.
- 6. CaseHomePage shall establish folders within the Web Site.
- 7. All documents shall be filed and served as follows:
 - a. The original of any document required to be filed in this matter shall be filed with the Court;
 - b. The filing party shall submit a version of the document to be posted on the Web Site to CaseHomePage by file transfer protocol (FTP) upload (any Corel WordPerfect Suite, Microsoft Office Suite, and/or PDF format is acceptable). A document to be posted on the Web Site may also be faxed or delivered to CaseHomePage, although FTP transfer is the preferred method of delivery. Faxed or delivered documents will be scanned at an additional charge and posted to the Web Site. Documents requiring an original attorney signature may be posted on the Web Site with the attorney's name indicated on the signature line (rather than an actual signature). If the version of the document submitted to CaseHomePage does not bear the attorney's signature, a signed version of that document shall be maintained and made available for production, if necessary. Notwithstanding the above, filings with the Court will bear an original attorney signature as otherwise required. Delivery of documents to CaseHomePage by whatever means shall occur on the same day that the document is filed with the Court.

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

- Documents served on other parties but not filed with the Court shall be submitted to CaseHomePage in the same manner;
- c. If a document to be served and/or filed with the Court has non-digitized material that cannot be transmitted via FTP upload, the party submitting the document shall either: (i) scan the material (or have a third party vendor scan the material) and upload it to CaseHomePage; (ii) send or deliver the material to CaseHomePage for scanning and uploading; or (iii) fax the material to CaseHomePage for scanning and uploading. Whenever possible, all related documents (e.g., motions and exhibits thereto) should be uploaded concurrently for posting on the Web Site;
 - d. The submitting party shall upload or otherwise provide to CaseHomePage an "Electronic Proof of Service", either by attaching it to the applicable document for posting on the Web Site or by submitting it concurrently as a separate document. The Electronic Proof of Service provided to CaseHomePage shall identify the name of the individual submitting the document or bear that person's signature. If the Electronic Proof of Service submitted to CaseHomePage does not bear a signature, a signed version of that document shall be maintained and made available for production, if necessary. Notwithstanding the above, an original, signed version of the Electronic Proof of Service will be included with all Court filings;
 - e. Once the filing party has complied with all of the requirements of Paragraphs 7(a) – (d), service of the document upon all parties shall be deemed complete. CaseHomePage shall post documents in the appropriate folder(s) on the Web Site. For

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

each document posted on the Web Site, CaseHomePage shall indicate the date it was uploaded and the date it was posted;

- f. With respect to motions, unless otherwise ordered, the applicable briefing and filing schedules set forth under the California Code of Civil Procedure and the California Rules of Court shall govern. The filing party must call the Court clerk to schedule a hearing date, consistent with these requirements, prior to filing the motion; and
- g. All documents filed with the Court or served on other parties prior to the set-up of the Web Site, including the Summons and Complaint, shall be uploaded or otherwise submitted to CaseHomePage.

8. Upon the posting of any document or Bulletin Board item on the Web Site, CaseHomePage shall send an email message to those individuals named in the service list provided to CaseHomePage. The email notice from CaseHomePage shall identify each new posting and the file folder in which it is contained. It will also include a hyperlink directly to the item that was posted. Parties are responsible for keeping CaseHomePage advised of current email addresses.

9. Electronic Document Repository: A Document Repository shall be established at CaseHomePage. All parties shall supply an index to the Document Repository concurrently with any deposit, with the supplemented index in pdf format.

10. Permitted Discovery and Required Responses: The following discovery between parties is permitted and responses required during the discovery stay:

- a. Production and Deposit of Documents. The term “document” shall have the same meaning as the term “writing,” defined in

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

the California Evidence Code section 250, and is meant to be all-inclusive. Within thirty (30) days of the date this Order is entered or thirty (30) days after a party's first appearance, whichever is later, each party shall provide the Repository electronic copies (in pdf format) of all non-privileged, non-protected documents, including oversized and color documents. The obligation to deposit documents is a continuing obligation such that if any party discovers additional responsive documents (other than documents received from the Repository itself), they shall be deposited within thirty (30) days of the party's receipt of the additional documents with notice to all parties as required herein.

- b. Copying and Indexing. Each party shall number each page of all documents to be deposited and index the documents with reasonable specificity. Each document number shall be preceded by a unique letter code identifying the depositing party.
- c. Notice. When a party has deposited the numbered and indexed documents in the Repository, that party shall promptly serve on all parties a Notice of Compliance to which the party shall attach the index of documents deposited and the date the documents were deposited. Additionally, once the documents are available on the case website, CaseHomePage will post a message on the Bulletin Board, thus notifying all counsel via email.
- d. Privileged and Protected Documents. Any party withholding any document(s) on grounds of privilege or other protection shall deposit in the Repository and serve upon all parties a Privilege Log listing the author, all recipients, the date, a description of

1 the document(s), and the privilege claimed.

2 e. Cost of Compliance. The depositing party shall bear the costs of
3 compliance with its own deposit obligations. There shall be no
4 fees for maintaining the Document Repository. Documents may
5 be viewed and printed at no additional charge.

- 6 11. There is no cost to the Court for the procedures established by this Order.
7 Unless otherwise agreed, each law firm or pro se litigant indicated on the
8 original or amended service list shall pay fees and other charges whether or
9 not the Member uses the service. Members that are thirty (30) or more
10 days delinquent in paying their fees and/or charges in full may be restricted
11 by CaseHomePage without further action from the Court. A Member which
12 has been restricted for failure to pay will be deemed (i) served any
13 documents posted on the Web Site during the period of restriction and (ii)
14 on notice of all Bulletin Board items posted during the period of restriction.
15 Access and use of the Web Site are subject to the Terms of Use posted at
16 www.casehomepage.com.
- 17 12. Each Member shall designate at least one person to receive electronic
18 notification from CaseHomePage. There is no additional charge for added
19 designees.
- 20 13. Within five (5) days, all parties shall provide
21 _____ (the "Liaison") with the following
22 information: (i) name of party; (ii) name of law firm representing party; (iii)
23 attorneys of record at law firm; (iv) address of law firm; (v) phone and fax
24 numbers of law firm; and (vi) email addresses of individuals at law firm
25 designated to receive email notification from CaseHomePage. Within ten
26 (10) days, the Liaison shall provide CaseHomePage with an initial service
27 list for posting on the Web Site which includes the above information. The
28 service list shall be arranged alphabetically by firm name. All parties shall

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

review for accuracy the service list posted to the Web Site.

- 14. Whenever any changes to a party's information on the initial service list occur, the party shall inform CaseHomePage of the changes via the Information Change Form on the Web Site. CaseHomePage will post an updated service list reflecting the changes. When a party has been dismissed, the party shall inform CaseHomePage via the Case Exit Form on the Web Site. Once CaseHomePage receives the Case Exit Form, the Dismissed Party's access to the case file shall be terminated and the Dismissed Party will no longer be billed by CaseHomePage on a going forward basis. The Dismissed Party will remain responsible for all unpaid fees and charges incurred to date. If the Liaison is dismissed from the case, the Court will appoint another party to act as Liaison.
- 15. CaseHomePage will provide the above-listed services until one of the following three events occur: (i) all parties have exhausted their appeals (or all appeal periods have lapsed); (ii) all parties have informed CaseHomePage of dismissal; or (iii) the Court instructs CaseHomePage to terminate the service.

IT IS SO ORDERED.

Dated: _____

By: _____
Superior Court Judge