

LR 5 - Service and Filing of Pleadings and Papers (See [Fed. R. Civ. P. 5](#))

LR 5-1 Types of Filers; Implications for Receipt of Service

(a) Registered Users

Attorneys admitted to the bar of this Court pursuant to LR 83-1, LR 83-3, and LR 83-4 must register with the Clerk's Office to establish a User Account in the CM/ECF system. Upon registration, attorneys are deemed to be Registered Users for purposes of these Local Rules.

(1) Mode of Filing

Unless otherwise limited by these rules, Registered Users must file all pleadings, documents (including attachments and exhibits), and other papers electronically through the CM/ECF system.

(2) Receipt of Service

Unless a Registered User has notified the Court that he or she wishes to opt out of electronic service, the Registered User has consented to receive service electronically and waived the right to receive such service by first class mail or personal service pursuant to Fed. R. Civ. P. 5(b)(2)(E). This consent does not affect service of a summons and complaint pursuant to Fed. R. Civ. P. 4; *i.e.*, there is no electronic service of a complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment.

(b) Non-Registered Users

For good cause shown in a specific case, attorneys may apply to the assigned judge for an exemption from the CM/ECF electronic filing requirements. (See LR 83-1(e).) Non-Registered Users include attorneys in the process of applying for admission to practice in the Court and any *pro se* party who is not approved by the Court as a Registered User.

(1) Mode of Filing

- (A) Non-Registered Users, other than attorneys, must file all documents with the Clerk's Office in paper form.
- (B) An attorney who is not a Registered User as described in LR 1-5(k) must submit the following initial case pleadings and documents as text-searchable PDF files on a CD-R at the time of case initiation: Complaint, Notice of Removal, and any State court papers in removal actions. The Civil Cover Sheet is to be included on the CD-R as a separate PDF file, but is not required to be in a text-searchable format. Any proposed summons for issuance must be included on the CD-R. Corporate Disclosure Statements, if filed at the same time as the Complaint or Notice of Removal, must be included on the CD-R as a separate text-searchable PDF file.

(2) Receipt of Service

A filing party is responsible for perfecting service on a Non-Registered User in any manner permitted by the Federal Rules of Civil Procedure or these local rules and for filing a Certificate of Service. (*See* LR 5-4(c).)

(c) *Pro Se* Party Litigants

A *pro se* party may apply to the assigned judge for permission to become either: (1) a Registered User; or (2) a recipient of electronic filing notices by e-mail without becoming a Registered User.

(1) Registered User

If approved as a Registered User, the Clerk will assign the *pro se* party a CM/ECF login and password. That individual will become a Registered User in the specific case, and the receipt by the *pro se* party of the Court's e-mail notices of electronic filing will constitute service upon the *pro se* party.

(2) Non-Registered User Receiving Electronic Filing Notices

If the *pro se* party is approved to receive electronic filing notices without becoming a Registered User, then the *pro se* party will not have access to the CM/ECF system for the purpose of filing documents, and there is no consent to electronic service by the *pro se* party. Accordingly, opposing parties are still required to serve paper copies of any documents on a *pro se* party who is approved to receive electronic filing notices by e-mail, but is not approved to become a Registered User.

LR 5-2 Electronic Filing

(a) CM/ECF User Manual

Registered Users are to follow the electronic filing requirements as described in detail in the CM/ECF User Manual on the Court's website at ord.uscourts.gov, on the For Attorneys page under the E-Filing tab. This manual may be updated periodically to conform to new releases or features of the CM/ECF system. Notice of any updates will be posted on the Court's website.

(b) Text-Searchable PDF Files Required

All pleadings and documents, including attachments and exhibits, must be filed as text-searchable PDF files, unless otherwise directed by the Court.

(c) Hyperlinks

(1) Authorization

Electronically filed documents may contain hyperlinks to other portions of the same document and/or hyperlinks to a location on the Internet that contains a source document for a citation.

(2) Citation Format

Hyperlinks to cited authority do not replace standard citation format. Complete citations must be included within the text of the document. Neither a hyperlink, nor any site to which it refers, is considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in an electronically filed document.

(3) Disclaimer

The Court neither endorses nor accepts responsibility for any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked.

(d) Facsimile (FAX) Filings (*See Fed. R. Civ. P. 5(d)*)

Facsimile filings are not allowed except in emergency situations, and then only when expressly approved in advance by the assigned judge and coordinated with the Clerk's Office.

(e) Exception for Filing of Administrative Records in Cases Seeking Judicial Review of Agency Actions

(1) Agency counsel filing an administrative record in cases seeking review of an agency action, as defined in the statute authorizing such review, must either:

(A) File the administrative record electronically and provide a paper judge's copy (*see LR 5-10*); or

(B) File a CD-ROM containing the administrative record as a physical exhibit by submitting it to the Clerk's Office attached to a Notice of Filing of the Administrative Record. The Clerk's Office will docket the CD-ROM as a physical exhibit to the Notice. The Clerk's Office will not transfer the content of the CD-ROM to CM/ECF, but in the event of appeal, will transmit the CD-ROM as part of the record. When filing the notice, the agency's counsel must submit to the Clerk's Office a judge's copy of the CD-ROM.

(2) This exception does not apply to Social Security disability benefit appeals arising under 42 U.S.C. §§ 405(g) and 1383(c).

Practice Tip

In actions arising under 42 U.S.C. §§ 405(g) and 1383(c), agency counsel **must** file the administrative record as **directed by** Standing Order 2016-12, *In re: The Electronic Filing of the Administrative Record in Social Security Cases*.

LR 5-3 Filing Availability and Deadline

(a) Availability

- (1) Electronic filing via the CM/ECF system is permitted at all times, except when the system is temporarily unavailable.
- (2) For after business hours filing of documents in paper form, *see* LR 77-2.

(b) Deadline

The filing deadline for any document is 11:59 p.m. (Pacific Time) on the day the document is required to be filed.

(c) Completion of Filing

A document will be considered filed when all components of the document reside in the official court record.

(d) Scheduled Court Proceedings

If an electronic filing relates to a scheduled court proceeding that is to be held within three business days of the filing, the filing party must concurrently telephone or e-mail the assigned judge's courtroom deputy to request that chambers be promptly notified of the e-filing.

LR 5-4 Service

(a) CM/ECF Electronic Service

Completion of Service: Electronic service is complete upon transmission of the Notice of Electronic Filing but is not effective if the serving party learns that it did not reach the person to be served.

(b) Notice of Electronic Service

The Notice of Electronic Filing will be transmitted to all Registered Users who have appeared in the case. Confirmation of receipt of the Notice of Electronic Filing fulfills the notice requirements of Fed. R. Civ. P. 5(b) and 77(d), and the filing party is not required to file a Certificate of Service. (*See* LR 5-4(c) for Certificate of Service requirements for paper documents.)

(c) Paper Service

The filing party is responsible for perfecting paper service in any manner permitted by the Federal Rules of Civil Procedure (and for filing a Certificate of Service with the Clerk's Office) for every:

- (1) Document permitted by these rules to be filed in paper instead of electronically;

- (2) Electronic filing that could not be electronically served upon a party or Registered User who appeared in the action; and
- (3) Document filed under seal [not served via electronic service](#).

LR 5-5 Documents that Must be Filed in Paper

The following documents cannot be filed electronically and must instead be filed in paper:

- (a) Case Initiating Documents Filed by Non-Registered Attorneys in Civil Cases. Unless otherwise ordered by the Court or permitted by these Local Rules, an attorney who is not a Registered User as described in LR 1-5(k) will file case initiating documents in paper and must also present a CD-R containing text-searchable PDF files of initial case papers at the time of filing.
- (b) Sealed and In Camera Documents [Not Filed Electronically](#).
- (c) Except those documents authorized for filing by a Registered User under seal pursuant to a protective order in a civil case, [sealed and in camera documents must be filed in paper](#). (See also LR 3-6, LR 3-7, and LR 26-4(b) and (c).)
- (d) Individual "Consent to Jurisdiction by a Magistrate Judge and Designation of the Normal Appeal Route" [and concurrently filed certificates of service for these](#) forms.

Individually identifiable health information protected under HIPAA. (See also 45 C.F.R. § 160.103.)

Practice Tip
Return of Service documents must be electronically filed.

LR 5-6 Paper Requirements

Paper copies filed with the clerk must be on one-sided 8 ½" x 11" white paper of good quality (not less than 13-pound weight), flat and unfolded, without back or cover. The paper must not be numbered down the left margin (except for exhibits that are deposition transcripts).

Rubber bands or large clips do not qualify as "permanent fastening devices" for purposes of this rule. Metal fasteners, ring or nylon binder posts may be used.

LR 5-7 Exhibits

- (a) Demonstrative, [Physical](#), or Oversized Exhibits

Demonstrative, [physical](#), or oversized exhibits need not be filed electronically.

- (b) Trial Exhibits

Electronic trial exhibits are to be submitted to the Clerk's Office per the requirements and procedures as described in "Submission Requirements for Electronic Trial Exhibits" found on the Court's website. Physical exhibits are to be handled in accordance with the trial judge's instructions.

LR 5-8 Clerk's Conversion of a Paper Filing into an Electronic Replacement

Clerk's Office staff may scan and convert a paper filing in its entirety to an electronic replacement for posting to the CM/ECF system. If a clerk does so, the paper filing may be returned to the filing party or disposed of in accordance with guidance from the Administrative Office of the U.S. Courts.

LR 5-9 Transcripts

Transcripts of courtroom proceedings held before judicial officers will be electronically filed.

LR 5-10 Judge's Paper Copy Requirements (*See LR 5-6 and LR 10-1(e) and Practice Tips*)

(a) Registered Users

Unless otherwise ordered by the Court, a paper copy, properly fastened pursuant to LR 10-1(e), of the following electronically filed documents, and the Notice of Electronic Filing, must be marked as a "JUDGE'S COPY" and delivered to the Clerk's Office within three business days after the electronic filing: Dispositive motions and motions for injunctive relief (including all related documents), Social Security administrative records, and any other documents (including all related documents) that, in the aggregate, are in excess of ten pages.

(b) Non-Registered Users

Unless otherwise required, Non-Registered Users need not provide a judge's copy.

LR 5-11 Documents Not Filed With the Court

(a) Documents Retained by Parties

Unless required by the Court in a particular proceeding, the following documents must be retained by the parties and not filed with the Court:

- (1) Notices of depositions and transcripts (*see LR 27 and LR 30*);
- (2) Interrogatories and responses (*see LR 33*);
- (3) Requests for production and responses (*see LR 34*);
- (4) Requests for admissions and responses (*see LR 36*);
- (5) Expert witness disclosures (*see LR 16 and LR 26*);
- (6) Unaccepted offers of judgment (*see LR 68*); and
- (7) Initial Disclosures (*see LR 26*).

(b) Service of Non-Filed Documents on Parties

Any document enumerated in LR 5-11(a) served pursuant to Fed. R. Civ. P. 5 must also be provided concurrently to a party by e-mail. Interrogatories, requests for production, and request for admissions must be e-mailed in Microsoft Word or Word Perfect format, not in PDF format, unless otherwise agreed by the parties.

Commentary

The purpose of LR 5-11(a)-(b) is to allow counsel to prepare responses to discovery documents easily and efficiently. This rule does not affect the prescribed period for taking any action in response to the document, which is calculated according to the selected method of service.

(c) Proposed Forms of Orders or Judgments (*See* 10-7)

- (1) Proposed forms of orders or judgments should not be submitted unless stipulated to by the parties or requested by the Court.
- (2) When requested by the Court, a proposed form of order or judgment submitted by counsel must include the words "SUBMITTED BY" and the signature line requirements of LR 11-1, *e.g.*

Example SUBMITTED BY:	John Q. Attorney John Q. Attorney OSB # 999-99999 (541) 999-9999 Attorney for Plaintiff Smith Corporation, Inc.
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- (3) If requested, the proposed document should be e-mailed in MS Word or WordPerfect format to the applicable judge. *See* Practice Tip for an example.

Practice Tip

E-mail addresses in the following format have been established for each Chambers to receive submitted jury instructions and proposed forms of order under LR 5-11(c): HZpropdoc@ord.uscourts.gov. In this example, the initials HZ are for Judge Hernandez and the initials are to change for each judge.

(d) Return of Unfiled Documents or Correspondence

The Clerk will not accept for filing any courtesy or information copies of documents or correspondence exchanged between the parties unless they are contemporaneously filed as an exhibit or appendix to a pleading or other document.

(e) Letter Correspondence to the Court

Unless directed by the Court, letters to the Court will not be docketed. (*See* Fed. R. App. P. 10(a) for guidance about including undocketed correspondence in the official record on appeal.)

LR 5-12 Request for Conformed Copies

A party may request the Clerk to conform a copy of any document presented on paper for filing. However, the filing party must provide the Clerk with a copy of the document and a postage-paid, addressed return envelope if the copy is to be returned by mail.

LR 5-13 Court Orders and Judgments

Every order or other Court-issued document filed electronically without the original signature of a judge or Clerk has the same force and effect as if the judge or Clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may also be issued as "text only" entries on the docket, without an attached document.

Practice Tip - Mailing Judgments to Registered Users

In accordance with Fed. R. Civ. P. 5(b) and 77(d), the Clerk's Office does not mail a paper copy of electronically filed judgments to Registered Users who have been electronically served.

LR 5-14 Retention Requirements (See LR 10-3)

(a) Documents Containing Original Signatures of Non-Registered Users

Electronically filed documents such as affidavits or declarations under penalty of perjury that contain original signatures of persons who are not Registered Users must be maintained in their original paper form by the Registered User until the later of:

- (1) The final disposition of the case, including appeal or expiration of the time for appeal; or
- (2) The expiration of any relevant statute of limitations.

(b) Production of Original

On request of the Court or a party, the Registered User must provide the document for review.

LR 5-15 Personal Privacy Issues (See also LR 10-3)

Information posted on the CM/ECF system may not be downloaded for uses inconsistent with the privacy concerns of any person.

Amendment History to LR 5

June 1, 2000

LR 5-1(c)(5)	The word "Handling" was stricken.
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June 1, 2002	
Generally	Cross-references added.
LR 5-1(c)	Section (c) deleted and moved to LR 5.2(a). Subsequent rules re-numbered.
LR 5-2(b)	New Rule.
LR 5-3	Advisory Note amended by striking Note #4.
June 1, 2006	
Generally	Cross References added and updated.
LR 5-1(a)	New Rule. Subsequent sections re-lettered.
LR 5-1(b)	New Rule. Text from LR 5.3 was moved to LR 5.1(b).
LR 5-1(c)	The word "conventionally filed" added.
LR 5-1(d)	New Rule. Text from old LR 100.10 moved to this new rule.
LR 5-1(g)	Item #4 added to Practice Tip.
LR 5-2	Heading modified.
LR 5-2(b)	The phrase "...enumerated in LR 5.2(a)(2), (3), and (4).. " added to second sentence.
LR 5-3	Rule text moved to LR 5.1(b). Subsequent sections renumbered.
LR 5-5	New Rule. Moved text of LR 10.3 to this rule. Heading Policy was added. The phrase "... on or after June 1, 2002..." stricken. Sections (b), (c), and (d) added to conform with August 2, 2004, amendments to the E-Government Act of 2002.
December 1, 2009	
LR 5-1(a)	The word "must" substituted for "shall."
LR 5-1(c)	The phrase "filed in hard copy" substituted for "conventionally filed."

LR 5-1(d)-(g)	Relocated from LR 100. Practice Tip #2 deleted as redundant with LR 5-1(f).
LR 5-1(i)	Removed word "and" and added comma.
LR 5-2(b)	Altered text from "shall also be served concurrently on a party" to "must also be provided concurrently to a party . . ." Edited Commentary section.
LR 5-3	Changed cross-reference from "LR 11-3" to "Fed. R. Civ. P. 5(d)."
LR 5-5	Deleted former LR 5.5 as redundant with the subsequently enacted Fed. R. Civ. P. 5.2.
Generally	Updated cross-references.
March 1, 2012	
LR 5	Updated cross reference in the title from LR 100-7 to LR 100-8.
LR 5-1(a)	Modified section to specify the filing requirements for Registered Users, Non-Registered Users, and All Users, including the duties to provide judges' copies and, when required, sufficient copies of documents for service by the U.S. Marshals Office.
LR 5-1(b)	LR 5-1(b) deleted. Subsequent sections renumbered.
LR 5-1(c)	LR 5-1(c) deleted. Subsequent sections renumbered.
LR 5-1(h) now LR 5-1(f)	Modified the sentence to include "stipulated to by the parties or" after the word "unless" and added the following: "If requested, the proposed document should be sent in MS Word or WordPerfect format to the applicable judge. See Practice Tip for an example." Omitted cross reference to LR 79.
LR 5-1(i) now LR 5-1(g)	Added the words "on paper" to the first sentence. Removed "self-" from reference to the addressed envelope in second sentence and added the words "if the copy is to be returned by mail." Deleted the following sentence: "Without the extra copy and postage-paid envelope, the Clerk will not conform and return the document by mail."
LR 5-1(k) now LR 5-1(j)	Deleted "and included in the case file" from the first sentence.
LR 5-1 Practice Tips	Deleted the phrase "(whether original or a copy)" from Practice Tip 1. Omitted former Practice Tip 3. Added Practice Tip from former LR 79-1, and added a new Practice Tip for judge's e-mail addresses for submission of proposed orders under former LR 5-1(h), renumbered LR 5-1(f).

March 1, 2013	
LR 5-1(f)	Cross reference changed from LR 84 to LR 84.1.
LR 5-1(j)	New subsection.
LR 5-2(b)	Deleted "to" after "agreed".
March 1, 2014	
LR 5	Generally, italicized the word "See" in the section captions and rule references.
LR 5-1	Changed caption from "Filing Requirements" to "Types of Filers; Implications for Receipt of Service." Omitted former LR 5-1(a)-(j) and inserted modified versions of former LRs 100-1, -2, and -4, and Practice Tip 1 from LR 100-5. Former LR 5-1(d) Scheduled Court Proceedings changed as "three (3)" is now "three."
LR 5-2(a)	New section based on a modified version of former LR 100-3. Practice Tip is based on the Practice Tip to former LR 5-1. Former LR 5-2 is modified and moved to LR 5-10.
LR 5-2(b)	New section based on a modified version of former LR 100-2(b). Former LR 5-2 is modified and moved to LR 5-10.
LR 5-2(c)	New section based on a modified version of former LR 100-9. Former LR 5-2 is modified and moved to LR 5-10.
LR 5-2(d)	Former LR 5-3.
LR 5-3	New section based on former LR 5-1(b)-(e). Former LR 5-3 is modified and moved to LR 5-2(d).
LR 5-4	New section based on a modified version of former LR 100-8. Former LR 5-4 is modified and moved to LR 5-3(a)(2).
LR 5-5	New section based on a modified version of former LR 100-5(a) and former Practice Tip 2 to LR 100-5.
LR 5-6	New section based on a modified version of former LR 100-5(b)-(c).
LR 5-7	New section based on a modified version of former LR 100-6.
LR 5-8	Former LR 5-1(j).
LR 5-9	New section based on a modified version of former LR 100-7.

LR 5-10(a)-(b)	Former LR 5-2 and Commentary.
LR 5-10(c)	Former LR 5-1(f).
LR 5-10(d)	Former LR 5-1(h).
LR 5-10(e)	Former LR 5-1(i).
LR 5-11	Former LR 5-1(g).
LR 5-12	New section based on a modified version of former LR 100-10.
LR 5-13	New section based on former LR 100-11.
LR 5-14	New section based on former LR 100-12.
May 1, 2015	
LR 5-1(b)	Moved Practice Tip into text of rule.
LR 5-2(a)	Moved Practice Tip into text of LR 5-10(c).
March 1, 2016	
LR 5-3(a)(2)	Deleted the first sentence. Changed "after-hours filing" to "after business hours filing" in the second sentence.
LR 5-5(b)	Updated cross-reference from "LR 3-6, LR 3-7, and LR 3-8" to "LR 3-6, LR 3-7, and LR 26-4(b) and (c)."
LR 5-6	New Rule. Moved text from LR 10-1(g) to this rule.
LR 5-7	Renumbered from LR 5-6 to LR 5-7.
LR 5-8	Renumbered from LR 5-7 to LR 5-8.
LR 5-9	Renumbered from LR 5-8 to LR 5-9.
LR 5-10	Renumbered from LR 5-9 to LR 5-10. Updated cross-reference from "LR 10-1(e), (g) and Practice Tips" to "LR 5-6 and LR 10-1(e) and Practice Tips."
LR 5-11	Renumbered from LR 5-10 to LR 5-11.
LR 5-11(b)	Changed "MS Word" to "Microsoft Word," and "WordPerfect" to "Word

	Perfect." Updated cross-reference from "LR 5-10(a)" to "LR 5-11(a)."
LR 5-11(b) Commentary	Updated cross-reference from "LR 5-10(a)-(b)" to "LR 5-11(a)-(b)."
LR 5-11(c)	Updated cross-reference from "LR 84.1" to "LR 10-7."
LR 5-11(c)(1)	Changed "order" to "orders."
LR 5-11(c) Practice Tip	Updated cross-reference from "5-10(c)" to "5-11(c)."
LR 5-12	Renumbered from LR 5-11 to LR 5-12.
LR 5-13	Renumbered from LR 5-12 to LR 5-13.
LR 5-14	Renumbered from LR 5-13 to LR 5-14.
LR 5-15	Renumbered from LR 5-14 to LR 5-15.
	<u>March 1, 2017</u>
<u>LR 5-2(e)</u>	<u>New provision and Practice Tip.</u>
<u>LR 5-4(c)(3)</u>	<u>After "under seal," added "not served via electronic service."</u>
<u>LR 5-5(b)</u>	<u>In the heading, added "Not Filed Electronically." after "Documents." In the rule text, after "in a civil case," added comma and "sealed and in camera documents must be filed in paper."</u>
<u>LR 5-5(c)</u>	<u>After "Route," added "and concurrently filed certificates of service for these."</u>
<u>LR 5-7(a)</u>	<u>Added comma and "physical," after "demonstrative" in the subheading and rule text.</u>