

1 **EFSO**

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 , et al;

9
10 Plaintiff(s),

CASE NO.

11 -vs-

DEPT. NO.

12 , et al;

13 Defendant(s).
14

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16 **ELECTRONIC FILING AND SERVICE ORDER**

17 **I. GENERAL**

18 **A. APPLICATION OF ORDER**

19 Pursuant to EDCR 8.02(a), the Court hereby designates the above-entitled action
20 an Electronic Filing (EFile) case, as described and governed by this Order. This case is
21 assigned to the Electronic Filing Program (EFP) as created by the Clark County District
22 Court Electronic Filing Program Service Agreement dated October 4, 2002 between
23 Wiznet, Inc. and the District Court, Clark County, State of Nevada, (hereinafter referred
24 to as "Court"), or any successor program. All parties to the above case shall enter into
25 an Electronic Filing Subscriber Agreement with Wiznet or the then-current vendor ("the
26 Vendor") prior to the commencement date hereinafter set forth. Statutory filing fees will
27 be paid directly to the Court as set forth below. This Electronic Filing and Service
28 Order shall be filed and served in the traditional manner. The commencement date for

EXHIBIT K- CHANCERY COURTS
Meeting Date: 01-29-08
Document consists of 10 pages.
Entire Exhibit Provided.

1 electronic filing and service shall be the day of , 200 . All
2 subsequent filings and service upon parties shall be done through the Vendor's System.

3 **B. DEFINITIONS**

4 The following terms in this Order shall be defined as follows:

- 5 1. EDocument - An electronic file of a word processing document which
6 contains almost exclusively text.
- 7 2. EFile- Electronic transmission of an original document to the Court via the
8 Vendor's system. An EFile consists of either an EDocument, an Elmage,
9 or both.
- 10 3. Elmage - An electronic file of a document that has been scanned or
11 converted to a graphical or image format.
- 12 4. Email - A system for sending and receiving messages electronically over a
13 computer network or a message or messages sent or received by such a
14 system.
- 15 5. EService - Electronic transmission of an EDocument or Elmage to all
16 other designated recipients via the Vendor's system by Email. After a
17 successful transmission to the Vendor's system, a receipt sent by Email is
18 issued acknowledging confirmation by the Vendor's system. The Vendor
19 will transmit the EDocument via a URL link to all recipients by Email
20 (including the filing party) identifying the filing. This Email shall serve as
21 proof that the document has been filed with the Vendor. The associated
22 EDocument will contain the file stamp in the right hand corner of the first
23 page.

24 **C. ASSIGNMENT BY THE VENDOR OF EFP ACCESS INFORMATION**

25 Upon proper registration to the EFP and acceptance of the EFile Subscriber
26 Agreement, the Vendor (system) shall assign to the party or the party's designated
27 representative(s) an account on the system with secured access via a user specified
28 "user name" and password. This security access information must be used in order to

1 gain access to the system to electronically file, serve, receive, review, and retrieve
2 pleadings, Orders, and other documents filed in the assigned case. No "Registered
3 User" shall knowingly authorize or permit his/her access information to be utilized by
4 anyone other than authorized and EFP registered attorneys or employees of the
5 attorney's law firm, or designated co-counsel, unless it has been established in writing,
6 and furnished to the Vendor, that the designated party may file documents on behalf of
7 the assigning counsel.

8 9 **II. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS**

10 **A. SUBSEQUENT PLEADINGS**

11 The Clerk shall not accept nor file any pleadings or instruments in paper form,
12 except for those listed in Section V of this Order.

13 Parties must EFile a document through the Vendor system via the Internet at the
14 following URL:

15 <http://documentaccess.wiznet.com>

16 **B. MAINTENANCE OF ORIGINAL DOCUMENTS**

17 Unless otherwise ordered by the Court, an original of all documents filed
18 electronically, including original signatures, shall be maintained by the party filing the
19 document and shall be made available, upon reasonable notice, for inspection by other
20 counsel or the Court.

21 **C. TIME FOR FILING AND EFFECT OF USE OF EFILE**

22 Any pleading filed electronically shall be considered as filed with the Clerk of the
23 District Court when it is first transmitted to the Vendor and the transmission is
24 completed. Vendor is hereby appointed the agent of the Clerk of the District Court as to
25 the electronic filing, receipt, service, and/or retrieval of any pleading or document in the
26 EFP. Upon receipt of a document, the Vendor's system shall provide a link for the E-
27 Filer to access the confirmation that the document has been received. The link shall
28 serve as proof the document has been received. The document will be posted on the
Vendor's system and available for downloading and/or viewing.

1 D. SYSTEM OR USER FILING ERRORS

2 If it is shown that the electronic filing is not filed with the Court because of (1) an
3 error in the transmission of the document to the Vendor which was unknown to the
4 sending party, or (2) a failure to process the electronic filing when received by the
5 Vendor, the Court may enter an Order permitting the document to be filed nunc pro
6 tunc.

7
8 **III. FORM/FORMAT OF ELECTRONICALLY FILED DOCUMENTS**

9 A. FORMAT

10 All electronically filed documents shall, to the extent practicable, be formatted in
11 accordance with the applicable rules governing formatting of paper pleadings, and in
12 such other or further format as the Court may require from time to time. The date and
13 time of the hearing or trial in connection with which the document is submitted shall be
14 designated on the first page of each document.

15 So that this case may be easily recognizable as an EFile case, all documents
16 shall contain the wording of "ELECTRONIC FILING CASE" directly under the Dept. No.
17 on the first page of each document.

18 CASE NO.

19 DEPT. NO.

20 (ELECTRONIC FILING CASE)

21 TITLE OF DOCUMENT

22 B. REPRESENTATIONS BY USING A TYPOGRAPHICAL SIGNATURE

23 Every pleading, document, and instrument filed in the EFile system shall be
24 deemed to have been signed by the attorney or declarant and shall bear a facsimile or
25 typographical signature of such person, along with the typed name, address, telephone
26 number, and State Bar of Nevada number of a signing attorney. Typographical
27 signatures shall be treated as personal signatures for all purposes under the Nevada
28 Revised Statutes. A typographical signature shall be as follows:

1 /s/ John L. Smith

2 JOHN L. SMITH.

3 However, the originating party must still comply with Paragraph II.B of this Order.

4 All documents which bear a judge's signature shall be scanned and Efiled so the
5 judge's original signature will be shown thereon.

7 C. ELECTRONIC TITLE OF PLEADINGS AND OTHER DOCUMENTS

8 The electronic title of each electronically filed pleading or other document shall
9 include:

- 10 1. the case number,
- 11 2. the party or parties filing the document,
- 12 3. the title of the document,
- 13 4. the party or parties against whom relief, if any, is sought, and
- 14 5. the nature of the relief sought (i.e., John Doe's Motion to Compel
15 Discovery from Jim Smith).

16 The electronic title shall be used for administrative purposes only. The caption
17 and signature page of any document filed shall comply with the Nevada Rules of Civil
18 Procedure and the Eighth Judicial District Court Rules.

20 **IV. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS**

21 Service upon other parties will be made by the Vendor electronically through the
22 EFile system. Parties or their designated counsel shall receive all documents EFiled
23 through their EMail system or via access to the Vendor's system. **It is imperative that**
24 **all parties be registered with the Vendor before they can either file or be served**
25 **through the program. Each party is responsible for the accuracy of their own**
26 **service list through the Vendor's system for this case.**

1 A. EFFECT OF ELECTRONIC SERVICE

2 The electronic service of a pleading or other document shall be considered as
3 valid and effective service on all participants and shall have the same legal effect as an
4 original paper document.
5

6 B. CASE PORTFOLIO AND SERVICE LIST MANAGEMENT

7 It is incumbent upon the attorney or designated staff member to add the firm's
8 Email address in order to receive electronic service. This is accomplished by adding
9 the contact information to include firm name, firm contact and firm email address via the
10 My E-Service Contact List functionality. The My E-Service Contact List will then enable
11 users to attach this contact information to any case required that will populate and
12 create the E-Service Master List for any case in the EFP program. Until this is done,
13 you will not receive any electronic service of documents by other parties.
14

15 The designated user (either attorney or support staff member) will be responsible
16 for timely distribution of all EFilings to co-counsel and all relevant staff within their
17 respective law firms.
18

19 C. SERVICE ON PARTIES; TIME TO RESPOND OR ACT

20 EService shall be deemed complete at the time an EMail message containing a
21 URL link to that EDocument has been sent by the Vendor's system as reflected by the
22 file stamp appearing on the electronic transmittal. Notwithstanding any prior Order of
23 this Court, any period of notice or any right or duty to do any act or make any response
24 within any period or on a date certain after the service of the document, which time
25 period or date is prescribed by statute or rule of Court, shall be extended after service
26 by electronic transmission by three (3) Court days from mailing as set forth in EDCR
27 1.14(c). This extension shall not apply to extend the time for filing notice of intention to
28

1 move for new trial, or to move to vacate judgment pursuant to NRCP 59, or notice of
2 appeal.

3 **D. SYSTEM OR USER SERVICE ERRORS**

4 If electronic service on a party does not occur because of (1) an error in the
5 transmission of the document to a party which error was unknown to the serving party
6 or Vendor, (2) a failure to process the electronic filing for service when received by the
7 Vendor, or (3) the party was erroneously excluded from the service list, the party to be
8 served, in the absence of extraordinary circumstances, shall be entitled to an Order
9 extending the date for any response or the period within which any right, duty or other
10 act must be performed.
11

12 **V. CONVENTIONAL FILING OF DOCUMENTS**

13 Notwithstanding the foregoing, the following types of documents may be filed
14 conventionally and need not be filed electronically, unless expressly required by the
15 Court.
16

17 **A. DOCUMENTS FILED UNDER SEAL**

18 A motion to file documents under seal shall be filed and served electronically.
19 However, the documents to be filed under seal shall be filed in paper form.

20 **B. EXHIBITS AND REAL OBJECTS**

21 Exhibits to declarations that are real objects, i.e., construction materials, core
22 samples, etc. or other documents, i.e. plans, manuals, etc., which otherwise may not be
23 comprehensibly viewed in an electronic format may be filed and served conventionally,
24 in paper form.

25 **VI. COLLECTION OF FEES**

26 **A. COURT FEES**

27 Any document requiring payment of a filing fee to the Clerk of District Court in
28

1 order to achieve valid filing status shall be filed electronically in the same manner as
2 any other EFile document. If a filing fee is required, immediately upon filing, the filing
3 party shall send to the Clerk of District Court a photocopy of the face sheet of the filing
4 with the Case No. indicated thereon, plus a check for filing fee(s) in the proper amount
5 in accordance with the current Clark County District Court Schedule of Fees. Statutory
6 filing fees must be tendered to the Clerk immediately following an electronic filing and
7 must in any event be postmarked no later than the next business day following the
8 electronic filing. However, if a filing fee is due on any ex parte application, it must be
9 received by the clerk no later than 24 hours following an electronic filing.

10 B. VENDOR FEES

11 The vendor filing fees are as follows:

12 Non-consolidated actions - \$6.00 for E-File Only, \$6.00 for E-Service only and
13 \$10.00 for E-File and E-Serve.

14 Consolidated actions - \$10.00 for E-File only, \$10.00 for E-Service Only and
15 \$15.00 for E-File and E-Serve.

16 Pricing above includes unlimited pages and unlimited parties to be served where
17 applicable. Each document must be filed separately. For example, an answer to third
18 party complaint and a motion to consolidate must be filed as two separate filings and a
19 Case Filing Form must be completed for each. That is the only way that each document
20 will be file stamped as the Vendor would have no way of knowing if one document is an
21 attachment to another or if it should have its own file stamp.

22
23 **VII. SERVICE OF ELECTRONIC FILING ORDER ON NEW PARTIES**

24 Any litigant filing a complaint or adding a party to this case by filing of an
25 amended complaint, third party-complaint, complaint in intervention, interpleader or
26 other initiating document shall be obligated to serve this Electronic Filing and Service
27 Order at the same time the pleading is served. Any such party having this Electronic
28 Filing and Service Order served upon them who does not want to participate in the
Electronic Filing Program may file a Request to be Excluded from the Electronic Filing

1 Program, (a Request form is attached). The Request must be filed and served upon all
2 parties to the action. These non-consenting parties shall be permitted to file their
3 documents in the conventional manner in the Clerk's Office, but it shall be incumbent
4 upon the party or counsel to notify the Clerk's Office at the time of filing that this case
5 has been designated as an Electronic Filing Case. The Clerk's Office shall e-file the
6 document for the party and it will be the responsibility of the non-consenting party to
7 effect service upon all the parties in the action and to file proof of service. There will be
8 no vendor fees to the non-consenting party.

9 DATED this _____ day of _____, 20____.

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11 _____
12 DISTRICT COURT JUDGE
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1 **REQT**

3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

6 Plaintiff(s),

8 -vs-

10 Defendant(s).

CASE NO.

DEPT. NO.

**REQUEST TO BE EXCLUDED FROM
THE ELECTRONIC FILING PROGRAM**

12 , the (Defendant, Third Party Defendant, or whatever the case may
13 be), hereby request(s) to be excluded from the Electronic Filing Program (EFP).

15 Pursuant to Paragraph VII of the Electronic Filing and Service Order (EFSO) on
16 file herein, the non-consenting party listed above shall file documents in the
17 conventional manner in the Clerk's Office, but it shall be incumbent upon the party or
18 counsel to notify the Clerk's Office at the time of filing that this case has been
19 designated as an Electronic Filing Case. The Clerk's Office shall e-file the documents
20 for the party and it will be the responsibility of the non-consenting party to effect service
21 upon all the parties in the action and to file proof of service. Further, pursuant to the
22 EFSO, there will be no vendor fees to the non-consenting party.

24 Dated this day of , 20 .

26 _____
Attorney

27 Dated this day of , 20 .

28 _____
District Court Judge