INVITATION TO COMMENT
SPR18-38

Title	**Action Requested**
Technology: Rules Modernization Project	Review and submit comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes	**Proposed Effective Date**
Adopt form EFS-006	January 1, 2019
Proposed by	**Contact**
Information Technology Advisory Committee	Andrea Jaramillo, 916-263-0991
Hon. Sheila F. Hanson, Chair	andrea.jaramillo@jud.ca.gov
Civil and Small Claims Advisory Committee	Anne Ronan, 415-865-8933
Hon. Ann I. Jones, Chair	anne.ronan@jud.ca.gov

Executive Summary and Origin

As part of the Rules Modernization Project, the Information Technology Advisory Committee and Civil and Small Claims Advisory Committee recommend adopting a new form for withdrawal of consent to electronic service. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019.

The Proposal

The proposed form is *Withdrawal of Consent to Electronic Service* (form EFS-006). Under Code of Civil Procedure section 1010.6(a)(6),

> [a] party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form. The Judicial Council shall create the form by January 1, 2019.

The proposed form is modeled after *Consent to Electronic Service and Notice of Electronic Service Address* (form EFS-005-CV).

Alternatives Considered

Because the form is required by statute, no alternative was considered.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Implementation Requirements, Costs, and Operational Impacts

It is not expected that the new form will result in any significant costs or operational impacts on the courts.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Proposed form EFS-006 includes a proof of electronic service on page 2 of the form. There is a separate proof of electronic service form, POS-050/EFS-050, available as well. In light of the availability of POS-050/EFS-050, is it necessary to include a proof of electronic service as part of EFS-006?
  - If not, should language be included on EFS-006 directing the completion of a proof of service. For example, "You must complete a proof of service for this form. You may use a Judicial Council form for the proof of service. If you electronically serve the form, you may use form POS-050/EFS-050. If you serve by mail, you may use form POS-030."

Attachments and Links

1. Form EFS-006, at pages 3–4
2. Code of Civil Procedure section 1010.6, http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP

ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NO:	FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:

NAME:

FIRM NAME:

STREET ADDRESS:

CITY: STATE: ZIP CODE:

TELEPHONE NO.:   FAX NO. :

E-MAIL ADDRESS:

ATTORNEY FOR *(name)*:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

 STREET ADDRESS:

 MAILING ADDRESS:

CITY AND ZIP CODE:

 BRANCH NAME:

 PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENt:

FOR COURT USE ONLY

**DRAFT
Not approved by
the Judicial Council
2018-02-22**

CASE NUMBER:

JUDICIAL OFFICER:

DEPARTMENT:

WITHDRAWAL OF CONSENT TO ELECTRONIC SERVICE

1. ☐ The following self-represented party   or   ☐ the attorney for:

   a. ☐ plaintiff *(name):*

   b. ☐ defendant *(name):*

   c. ☐ petitioner *(name):*

   d. ☐ respondent *(name):*

   e. ☐ other *(describe and name):*

   withdraws consent to electronic service of notices and documents in the above-captioned action.

2. The mailing address for service on the person identified in item 1 is *(specify):*

   Street:

   City:

   State: Zip:

3. All notices and documents in the above-captioned action must be served on the person identified in item 1 at the address in item 2 as of *(date):*

Date:

_____
(TYPE OR PRINT NAME)

▶

_____
(SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 2

Form Approved for Optional Use
Judicial Council of California
EFS-006 [New January 1, 2019]

**WITHDRAWAL OF CONSENT TO ELECTRONIC SERVICE
(Electronic Filing and Service)**

Code Civ. Proc., § 1010.6(a)(6)
www.courts.ca.gov

CASE NAME:	CASE NUMBER:

(Note: *If you serve* Withdrawal of Consent to Electronic Service *by mail, you should use form POS-030,* Proof of Service by First-Class Mail–Civil, *instead of using this page.)*

PROOF OF ELECTRONIC SERVICE

WITHDRAWAL OF CONSENT TO ELECTRONIC SERVICE

1. I am at least 18 years old.

    My residence or business address is *(specify):*

2. I electronically served a copy of the *Withdrawal of Consent to Electronic Service* as follows:

    a. Name of person served:

       On behalf of *(name or names of parties represented, if person served is an attorney):*

    b. Electronic service address of person served:

    c. On *(date):*

    ☐ Electronic service of the *Withdrawal of Consent to Electronic Service* on additional persons is described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

▶

_____
(TYPE OR PRINT NAME OF DECLARANT)

_____
(SIGNATURE OF DECLARANT)

WITHDRAWAL OF CONSENT TO ELECTRONIC SERVICE
(Electronic Filing and Service)