
DocuSign eSignature Upheld in Court as Legal and Valid

DocuSign Certificate of Trust presented as evidence supporting a judgment in favor of the Plaintiffs in Superior Court of California Case No. CUD-13 644781

3300 Clay Street, a property located in the Pacific Heights neighborhood of San Francisco, was the subject of a court case in the Superior Court of the State of California. WB Coyle, one of the property's tenancy-in-common co-owners, had lost his rights of possession of the property after failing to make payments on his portion of the mortgage and was in default of the tenancy-in-common agreement. The remaining coowners were proceeding with a forced sale process of his two units and had executed purchase offers on March 14, 2013, to purchase the units. Mr. Coyle, understanding that he was going to lose his ownership interest, signed lease agreements with two tenants to rent each of the two units in order to undermine the value of the units and the building. He signed these agreements despite an order by arbitration proceedings that neither unit be rented to any third parties.

The challenge

At the center of the dispute were the two lease agreements signed by the tenants. Both Mr. Coyle and the tenants claimed they had signed these agreements on March 1, 2013, prior to the former owner being divested of his ownership. The Plaintiffs in the case, the other coowners of the building, believed the lease agreements had in fact been signed several weeks later, on March 18, 2013, after the divestiture, when Mr. Coyle would not legally have been able to lease the units that he no longer owned.

A common challenge in litigation, this case came down to Mr. Coyle and his tenants' word against that of the Plaintiffs. With two sets of witnesses and two different stories, often cases are decided on which witness is more credible. Fortunately in this case, however, the lease agreements in question were executed using DocuSign. Damon Dean, head of DocuSign mobile product management, was called to testify in the case as an expert witness. Mr. Dean provided the court incontrovertible evidence based on DocuSign technology that Mr. Coyle and his tenants were lying about the date when lease agreements were actually signed. Because the documents were signed using DocuSign, Plaintiffs' attorneys were able to show the precise moment that these documents were created, electronically delivered and signed.

“The most beneficial, persuasive evidence we were able to present was the testimony surrounding DocuSign and the actual DocuSign documents.”

Mark Epstein
Plaintiffs' Attorney
Seiler Epstein Ziegler & Applegate LLP

DocuSign facts

DocuSign processes millions of documents daily. Yet in every instance that DocuSign documents have been challenged, DocuSign has met the requirements for contract formation and has provided the necessary data to validate the underlying agreement. That is because DocuSign maintains a court-admissible certificate of completion that provides proof of the signing process – including who DocuSigned what, when and where – for all parties in the transaction.

Solution

Mr. Dean testified about the procedures used by DocuSign to track the time of creation of documents, their delivery to the intended recipients for signature and the date and time that the recipients electronically affixed their signatures. Every signed DocuSign document comes with a certificate of completion that provides proof of the signing process to all parties of the transaction. This certificate includes information from the audit trail to establish the who, what, when and how of the document-signing ceremony. DocuSign maintains a complete, automated history of every viewing, printing, sending, signing, or declining activity on a document. Once a document is signed, the certificate of completion is attached as proof of the signing process to all parties of the transaction.

In this case, DocuSign's certificate showed that although they were backdated to March 1, 2013, the lease documents were actually created on March 18, 2013, delivered by email to the tenants for their signature and signed by the defendants shortly before noon that same day. Mr. Dean's objective, thirdparty testimony and the actual certificates were key factors in the judgment being awarded in favor of the Plaintiffs. According to the Plaintiff's attorneys, Mr. Dean's explanation of how DocuSign works, its reliability and the actual certificates that were entered as key pieces of evidence were vital in supporting the case.




Document key aspects of your agreement

DocuSign can provide electronic records that are admissible in evidence to support the existence, authenticity and valid acceptance of a contract. All documents are digitally sealed with industry-standard technology that indicates the electronic signature is valid and the document has not been tampered with since it was downloaded from DocuSign. DocuSign also maintains a complete, automated history of every viewing, printing, sending, signing or declining activity. Every signed DocuSign document also comes with a court-admissible certificate of completion that provides proof of the signing process to all transaction parties. With DocuSign, you can be confident you are relying on technology that satisfies current regulations and statutes, such as the Uniform Electronic Transactions Act (UETA), the US Federal E-SIGN Act and EU Directive 1999/93/EC, among others.

DocuSign technology allows you to make sure your signers are who they say they are. Multiple levels of authentication based on email, access code, SMS, phone and geo-location increase the thresholds required by signers to prove their identity before accessing documents. DocuSign also accepts and records authentication by other systems that are integrated with DocuSign via industry-standard protocols.

About DocuSign

DocuSign helps organizations connect and automate how they prepare, sign, act on, and manage agreements. As part of the DocuSign Agreement Cloud, DocuSign offers eSignature: the world's #1 way to sign electronically on practically any device, from almost anywhere, at any time. Today, more than 500,000 customers and hundreds of millions of users in over 180 countries use DocuSign to accelerate the process of doing business and to simplify people's lives.

Certificate of Completion		
Envelope Number: 442C2E783A499C8F5429E370A3207	Status: Completed	
Subject: Agreement for Services		
Code: signed		
Source Envelope:	Signatures: 1	Envelope Originator:
Document Pages: 1	Initials: 0	Melanie Deschutes, CPM
Certificate Pages: 2		123 Denise Blvd
Address: Enabled		San Francisco, CA 90001
Envelope Stamping: Enabled		melanie.deschutes@gmail.com
		IP Address: 54.218.177.230
Record Tracking		
Status: Original	Holder: Melanie Deschutes, CPM	Location: DocuSign
07-20-2014 11:07 PT	melanie.deschutes@gmail.com	
Signer Events		Signature
Amy Demo amy.alveman@docuSign.com Alpha One Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered ID:		 Sent: 09-20-2014 11:09 PT Viewed: 09-20-2014 11:09 PT Signed: 09-20-2014 11:09 PT Using IP Address: 174.46.233.200
In Person Signer Events		Signature
Editor Delivery Events		Status
Agent Delivery Events		Status
Intermediary Delivery Events		Status
Certified Delivery Events		Status
Carbon Copy Events		Status
Denise Ravelli denise.ravelli@mailnesia.com Chief Product Officer Ravelli Clearing Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered ID:		 Sent: 09-20-2014 11:09 PT
Mike Marsh mike.marsh@mailnesia.com Melanie Deschutes Properties Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered ID:		 Sent: 09-20-2014 11:09 PT

DocuSign Certificate of Completion

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