

STATE OF NEW HAMPSHIRE
SUPERIOR COURT

Merrimack, ss.

Karen L. Lawrence,
on behalf of herself and all others
similarly situated

v.

Philip Morris Inc.

09-C-518

NH SUPERIOR COURT
MERRIMACK COUNTY
CONCORD, NH

2010 MAR 24 11 A 8:29

Stipulated Order Regarding Electronic Filing and Service

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned and ORDERED by the Court that, whenever any order or other document is issued by the Court or any pleading or any other documents are filed with the Court except for pleadings which contain information designated “Confidential” or “Highly Confidential” or attaches documents designated as “Confidential” or “Highly Confidential,” as defined in the Court’s Confidentiality Protective Order, such orders, pleadings, and other documents shall be issued or filed by electronic means, as set forth below:

1. The parties will utilize the services of LexisNexis and its litigation system File & Serve for providing electronic service, storage and delivery of court-filed and discovery-related documents through a secure website to facilitate expeditious, efficient and economical communication by and amongst counsel. The Court, at its option, may also use File & Serve for these purposes as well to communicate with counsel of record.

2. Within five (5) days of this Order, plaintiffs’ counsel shall submit via email to LexisNexis, (Eservice@fileandserve.lexisnexis.com), a complete and current service list of counsel of record for this litigation. Within five (5) days of this Order, each attorney of record

for this litigation, or within five (5) days of the entry of appearance for a new attorney of record, shall register for electronic service in this litigation by completing the registration located at the following website: <http://www.lexisnexis.com/fileandserve> and shall notify plaintiffs' counsel that they will need to be added to the service list.

3. Plaintiffs' counsel shall be liaison counsel to LexisNexis for all service list changes. Plaintiffs' counsel shall be responsible for monitoring the service list and advising defendant's counsel of any changes or corrections. The service list will identify counsel of record for each firm, along with parties they represent, who are to receive service of documents in the case utilizing File & Serve. Once a firm is registered on File & Serve, each firm will be provided functionality on File & Serve to designate a firm administrator to control the addition and deletion of registered users on File & Serve for their firm.

4. When any counsel of record wishes to serve a document, that counsel shall serve the document according to all the requirements and procedures of this Order. All references to "document" in this Order shall be interpreted to include any exhibits or attachments to the document and shall include both pleadings and discovery-related documents (such as interrogatories, requests for production, deposition notices/transcripts, etc.); provided, however, that each attorney shall determine individually whether to utilize File & Serve to serve correspondence and/or the actual production of discovery documents in response to another party's request for production.

5. LexisNexis will maintain the File & Serve internet website for this litigation. When a transaction is submitted on File & Serve, File & Serve will electronically serve each document on the parties selected by the filer at the time of filing, which are included on the service list provided to LexisNexis in accordance with the procedures herein.

6. Each attorney shall serve each document via electronic transfer of the document through File & Serve via the Internet (either as a word-processing file, Adobe Portable Document Format (“PDF”), or a scanned image of the document). Each attorney shall title each document to identify the type and purpose of each document and the party who is submitting such document.

7. After an attorney uploads a document onto File & Serve, File & Serve will convert such document into PDF automatically.

8. All documents posted on File & Serve will be identified by: (a) the name of the serving law firm; (b) the caption(s) of the case(s) to which the document belongs; (c) the title of the document set forth on its caption; and (d) the identity of the party on whose behalf the document is being served.

9. The parties anticipate that there will be issues of confidentiality and assertions of privilege with respect to certain filings and documents which may be contested and which may require rulings from the Court. Accordingly, until further order of the Court, access to File & Serve will be limited to registered users. Registered users will consist of authorized Court personnel, counsel of record and their designated staff members. Upon registration, LexisNexis will provide each registered user with a user name and password to access File & Serve and the documents served in the litigation.

10. Every pleading, document and instrument served electronically shall bear a facsimile or typographical signature of at least one of the attorneys of record, along with the typed name, address and telephone number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents. The serving party of any document requiring multiple signatures (*e.g.*, stipulations, joint status

reports) must list thereon all the names of other signatories by means of an “/s/_____” block for each. By submitting such a document, the serving party certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the serving party has the actual authority to submit the document electronically. The serving party must maintain any records evidencing this concurrence for subsequent production to the Court if so ordered or for inspection upon request by a party.

11. Any document transmitted to File & Serve shall certify in the Proof of Service that a true and correct copy was electronically served on counsel of record by transmission through LexisNexis File & Serve, the date and time to be used on the Proof of Service will be the date and time reflected on the Transaction Receipt provided after submitting a transaction on File & Serve.

12. No pleadings which contain information designated “Confidential” or “Highly Confidential” or attaches documents designated as “Confidential” or “Highly Confidential,” as defined in the Court’s Confidentiality Protective Order, and filed under seal or orders pertaining to such pleadings or documents shall be filed or issued by electronic service as outlined above. Rather, they shall be filed or issued in the conventional manner (*i.e.*, by regular mail or hand-delivery) in accordance with the Confidentiality Protective Order and applicable rules and procedures of the New Hampshire Superior Court. No party will disclose the substance of any sealed document through its pleadings without prior court approval or the agreement of the party producing said document. When documents are filed in conventional manner, attorneys must designate such filing online via LNFS and select document type of “Submitted Conventionally” to maintain consistency in notifications within the litigation.

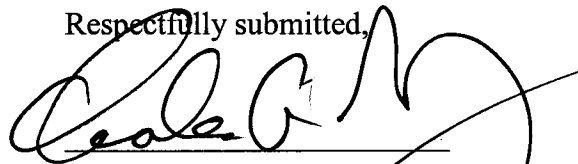
13. File & Serve shall apply to both the service of documents and their filing. Any pleading filed or document served pursuant to this Order shall be deemed to be filed or served as of the date and time it is transmitted or sent to LexisNexis. For pleadings or documents that are served by mail rather than electronically, such pleadings shall be deemed "filed" upon receipt by the Court, and all other documents shall be deemed "served" upon mailing.

14. Any document electronically filed by 11:59 PM Eastern Time, shall be deemed filed on that date.

15. LexisNexis will make available to counsel of record and the Court a 24-hour 365 days Customer Support hotline at (888) 529-7587 and website - <http://www.lexisnexis.com/fileandserve/support.asp>. In addition, each attorney is instructed to review Exhibit A attached to this Order which sets forth the procedure for registration with and service through LexisNexis File & Serve. See Exhibit A, *LexisNexis File & Serve Welcome Kit*.

Respectfully submitted,

Dated: March 22, 2010

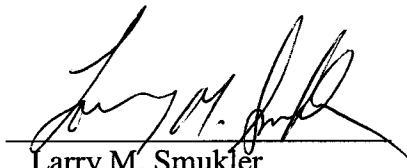


Dated: March 23, 2010



Dated: _____

Dated: 4/21/10



Larry M. Smukler
Presiding Judge

Your File & Serve Litigation Executive:
(Insert name)
(Insert phone)
(Insert email)

Exhibit A

LexisNexis® File & Serve Welcome Kit

Step 1. Registration

If this is your firm's first LexisNexis File & Serve case ("LNF&S"), you will need to create a LNF&S account before registering. The firm must designate an administrator who will create the account and add users. The administrator will follow the Instructions for New Subscribers in Section A.

If your firm has a LexisNexis File & Serve account, contact your firm's administrator to obtain a user name & password for yourself and anyone else who will need to serve or access documents in the case. The administrator will follow the Instructions for Existing Subscribers in Section B.

To find out if your firm has a LexisNexis File & Serve account or the name of your administrator, please call Customer Support at 1.888.529.7587.

Section A: Instructions for New Subscribers (Administrator sets up account and registers new users)

1. Visit www.lexisnexis.com/fileandserve/lawfirms/register.asp and click Register.
2. Add organization information.
3. Add user information for administrator (primary contact).
4. Add user information for every attorney and staff member in your firm who will need a user ID and password. Include full name, phone, fax, email and bar number (for attorneys). **All attorneys of record must have a user ID and password.**
5. Review system requirements.
6. Review and accept Terms of Service Agreement by selecting an authorizing attorney.

Section B: Instructions for Existing Subscribers (Administrator adds users to existing account)

1. Sign on to www.lexisnexis.com/fileandserve
2. Select Preferences in the upper right hand corner of the screen. Click Firm Profile.
3. Click the Add Users tab and enter user information for every attorney and staff member who will need a user ID and password. Include full name, phone, fax, email and bar number (for attorneys). **All attorneys of record must have a user ID and password.**

Step 2: Training

We strongly recommend that all of the users in your firm (including attorneys) take advantage of LexisNexis File & Serve free, online training classes.

Classes will cover:

- The basics of using LexisNexis File & Serve to serve documents
- How to retrieve your documents
- Setting up User Preferences

To register for a class, please sign on to the product, click on the Resource Center link in the upper right of the product, then choose your state from the drop down menu for online training classes under Education & Training. Dates and times of classes will be posted on the Resource Center.

For training questions, call 800-399-6934 or email fileandservetraining@lexisnexis.com

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

Merrimack Superior Court
163 North Main St./PO Box 2880
Concord NH 03302-2880

Telephone: (603) 225-5501
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

Case Name: **Denise Tremblay et al v. Philip Morris, Inc.**
Case Number: **217-2009-CV-00518 217-2009-CV-00519**

Please be advised that on April 21, 2010 Judge Smukler made the following order relative to:
Protective Order "So ordered."

Stipulated Order Regarding Electronic Filing and Service Approved

April 23, 2010

William S. McGraw
Clerk of Court

(485)

C: Judith Bernstein-Gaeta, ESQ; James Rosenthal, ESQ; Stephen M Tillery, ESQ; Maximilian C Gibbons, ESQ; Philip Curtis, ESQ; Charles G. Douglas, III; Wilbur A. Glahn, III; Stephen A. Swedlow, ESQ