

**ORIGINAL FILED**

JAN 28 2010

LOS ANGELES  
SUPERIOR COURT

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16 Attorneys for Defendant  
Airtouch Cellular  
17

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
19 **COUNTY OF LOS ANGELES**

20 IN RE VERIZON WIRELESS  
21 CONSOLIDATED CASES.

LEAD CASE NO. BC369372

[Assigned to the  
Hon. Peter D. Lichtman, Dept. 322]

23 **CLASS ACTION/PRIVATE**  
24 **ATTORNEYS GENERAL ACTION**

25 **STIPULATION AND ~~ORDER~~**  
26 **ORDER AUTHORIZING**  
27 **ELECTRONIC SERVICE**

Discovery Cutoff:  
Motion Cutoff:

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**(ADDITIONAL COUNSEL FOR PLAINTIFFS)**

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1 Plaintiffs Michael Aleman, Howard Baron, Todd R. Bregman, John Darnell, Saul  
2 Deleon, Elizabeth Hoyt, Florence Harrison, Ashley Huffman, Jorge Ibuado, Mary Katz,  
3 Daniel Krofta, Sylvie L. Miller, James Mitchell, Cynthia C. Padilla, Michael S. Sandy,  
4 Shlomit Shamam, Terald Smith, Eric Velasco, Anthony G. Villeda, and Demetrius  
5 Williams (collectively, "Plaintiffs"), and Defendant Airtouch Cellular ("Defendant"),  
6 hereby stipulate as follows:

7 WHEREAS, the number of parties in this action and the amount of paper required  
8 to serve and to communicate with such parties may result in a substantial burden and  
9 expense to the parties and the Court;

10 WHEREAS, during the August 27, 2009 status conference, the Court directed the  
11 parties to establish a single depository for the service of all documents;

12 WHEREAS, the entry of an Order Authorizing Electronic Service would facilitate  
13 the just, expeditious and efficient handling of this action;

14 WHEREAS, counsel for all Parties respectfully request that this Court enter the  
15 [Proposed] Order Authorizing Electronic Service subject to the following procedures and  
16 conditions:

17 **I. LEXISNEXIS FILE & SERVE**

18 To facilitate case management, document retrieval and case organization, the  
19 parties will use the services of LexisNexis File & Serve ("LNFS") and its litigation system  
20 (the "System") for providing electronic service, storage and delivery of court-filed and  
21 discovery-related documents through a secure website. The Court, at its option, may also  
22 use LNFS and its System for these purposes as well to communicate with counsel of  
23 record.

24 **II. SERVICE ONLY**

25 The System shall apply only to the service of documents, and not to their filing.  
26 Original documents must still be filed, pursuant to the applicable California statutes and  
27 Local Rules.

28

1 **III. SERVICE LIST & SIGN-UP**

2 Within 10 days of this Order, Plaintiffs' counsel shall submit to the LNFS  
3 representative Christopher D. Shaw (christopherdean.shaw@lexisnexis.com) a complete  
4 and current service list of counsel of record for this litigation. Within 20 days of this  
5 Order, or within 10 days of the entry of appearance for a new attorney of record, each  
6 attorney of record shall register for electronic service in this litigation by completing the  
7 application located at the following website: <http://www.lexisnexis.com/fileandserve>.

8 **IV. SERVICE OF DOCUMENTS AND WEBSITE**

9 **A. Establishment and Use of the LNFS Website Generally**

10 1. When any counsel of record wishes to serve a document, that counsel  
11 shall serve the document according to all the requirements and procedures of this Order,  
12 except where permitted otherwise by the Court. All references to "document" in this  
13 Order shall be interpreted to include any exhibits or attachments to the document and shall  
14 include both pleadings and discovery-related documents (such as interrogatories, requests  
15 for production, deposition notices/transcripts, etc.); provided, however, that each attorney  
16 shall determine individually whether to use the System to serve correspondence, actual  
17 production of discovery documents in response to another party's request for production,  
18 and/or other voluminous pleadings, documents and exhibits.

19 2. LNFS shall establish and maintain an Internet website (the  
20 "Website") for this litigation. LNFS will post all documents served by the parties to the  
21 Website as provided in this Order and shall serve each document on the parties included  
22 on the service list provided to LNFS in accordance with the procedures herein.

23 3. Each attorney shall serve each document via electronic transfer of the  
24 document file to LNFS via the Internet (either as a word-processing file or a scanned  
25 image of the document). Each attorney shall title each document to identify the type and  
26 purpose of each document and the party who is submitting such document. Each  
27 document electronically served pursuant to this Order shall be deemed to have been  
28 served under the California Code of Civil Procedure.

1           4. After LNFS receives a document, LNFS shall convert such document  
2 into Adobe Portable Document Format (“PDF”) and post it to the Website within one (1)  
3 hour of receipt.

4           5. Within one (1) hour of the time a document is posted to the Website,  
5 LNFS shall send an email to all registered users notifying them that the document has  
6 been posted to the Website (unless such registered user has declined to receive such email  
7 notifications). The email shall contain hypertext link(s) to the document location(s) on the  
8 System (or, if so designated by the recipient, the email shall have the served document  
9 attached thereto). Service is complete at the time that the document is posted to the  
10 Website, unless the document is posted to the Website after 5:00 pm Pacific time, in  
11 which case service is considered to have occurred on the next court day. Any period of  
12 notice or any right or duty to act or respond within a specified period to a document  
13 served electronically is extended by one court day.

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

18           7. The System shall contain an index of all served documents for the  
19 litigation that will be searchable and sortable according to methods that provide constant  
20 access to the documents.

21           8. Access to the System will be limited to registered users. Registered  
22 users will consist of authorized Court personnel, counsel of record and their designated  
23 staff members. LNFS will provide each registered user with a user name and password to  
24 access the System and the documents served in the litigation. LNFS personnel will  
25 perform all administrative functions for the System, but all initial data, additions,  
26 deletions or changes to the service list must be approved by the Plaintiffs and Defendants.

27           9. Every pleading, document and instrument served electronically shall  
28 bear a facsimile or typographical signature of at least one of the attorneys of record, along

1 with the typed name, address, telephone number and State Bar of California number of  
2 such attorney. Typographical signatures shall be treated exactly as personal signatures for  
3 purposes of electronically served documents under the California Rules of Civil  
4 Procedure. The serving party of any document requiring multiple signatures (e.g.,  
5 stipulations, joint status reports) must list thereon all the names of other signatories by  
6 means of an "s/ \_\_\_\_" block for each. By submitting such a document, the serving party  
7 certifies that each of the other signatories has expressly agreed to the form and substance  
8 of the document and that the serving party has the actual authority to submit the document  
9 electronically. The serving party must maintain any records evidencing this concurrence  
10 for subsequent production to the Court if so ordered or for inspection upon request by a  
11 party.

12 10. Any document transmitted to the System shall certify in the Proof of  
13 Service that a true and correct copy was electronically served on counsel of record by  
14 transmission to LNFS.

15 11. Until further notice, documents filed under seal ("sealed documents")  
16 shall not be served through the System. Instead, the service of sealed documents shall be  
17 made pursuant to the applicable California Code of Civil Procedure.

18 12. LNFS shall provide to counsel of record and the Court a hotline at  
19 (888) 529-7587 and website—<http://www.lexisnexis.com/fileandserve/support.asp>.

20  
21 Dated: ~~October 12, 2009~~ January 21, 2010

Respectfully submitted,

Initiative Legal Group APC

22  
23 By: Mónica Balderrama  
24 Mónica Balderrama  
25 Shawn Westrick  
Gregory Yu  
Interim Co-Lead Counsel for Plaintiffs

26 Dated: ~~October 12, 2009~~ January 12, 2010

Knapp Petersen & Clarke

27  
28 By: André E. Jardim  
André E. Jardim

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Hilary M. Goldberg  
K.L. Myles  
Interim Co-Lead Counsel for Plaintiffs

*January 11, 2010*  
Dated: ~~October~~, 2009

Jones Day  
By: *Deborah C. Saxe*  
Deborah Saxe  
Cindi Pusateri  
Counsel for Defendant Airtouch Cellular

**ORDER**

The Court finds that entry of this Order is necessary for the expeditious and efficient handling of the above-captioned matter.

IT IS SO ORDERED.

*1/20/10*

**PETER D. LICHTMAN**

Hon. Peter D. Lichtman  
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles. I declare that I am over the age of eighteen  
4 (18) and not a party to this action. My business address is: Initiative Legal Group LLP, 1800  
Century Park East, 2<sup>nd</sup> Floor, Los Angeles, California 90067.

5 On January 21, 2010 I served the within document(s) described below as:

6 **STIPULATION AND [PROPOSED] ORDER AUTHORIZING**  
7 **ELECTRONIC SERVICE**

8 on the interested parties in this action by placing true copies thereon enclosed in sealed envelopes  
9 addressed as follows:

10 Deborah C. Saxe  
11 Liat Yamini  
12 Jones Day  
13 555 S. Flower Street, 50th Floor  
Los Angeles, California 90071

André E. Jardini  
Knapp, Petersen & Clarke  
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Glendale, California 91203

14 Catherine Starr  
15 24325 Crenshaw Boulevard #211  
16 Torrance, California 90505

Rene L. Barge  
Katherine Odenbreit  
Class Action Litigation Group  
4911 Warner Avenue, Suite 201  
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17 Peter Muhic  
18 Barroway Topaz Kessler Meltzer &  
19 Check, LLP  
280 King of Prussia Road  
Radnor, PA 19087

Dennis F. Moss  
Gregory N. Karasik  
Spiro Moss LLP  
11371 W. Olympic Boulevard, 5th Floor  
Los Angeles, California 90064

20 Sahag Majarian II  
21 Law Offices of Sahag Majarian II  
18250 Ventura Boulevard  
22 Tarzana, California 91356

- 23 (X) MAIL: I deposited such envelope in the mail at Los Angeles, California. The envelopes  
were mailed with postage thereon fully prepaid.  
24 (X) (STATE) I declare under penalty of perjury under the laws of the State of California that  
25 the above is true and correct.

26 EXECUTED this document on January 21, 2010, at Los Angeles, California.

27 JoAnne Sierks  
28 JoAnne Sierks