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ORIGINAL FILED

MAY 17 2012

**LOS ANGELES
SUPERIOR COURT**

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

**COORDINATION PROCEEDINGS
SPECIAL TITLE (RULE 3.550)**

FIREMAN'S FUND INSURANCE CASES

JCCP No.: 4694

**ORDER AUTHORIZING ELECTRONIC
SERVICE**

Case assigned for all purposes to
Judge Kenneth R. Freeman

The Court has deemed this matter to be complex litigation within the meaning of the California Standards of Judicial Administration for Complex Litigation Section 19 and California Rules of Court, rule 3.400 et. seq. As such, this is a case that requires specialized management to avoid placing unnecessary burdens on the Court or the litigants, and to keep costs reasonable.

Pursuant to Code of Civil Procedure §187 and California Rule of Court 2.253(a), and the stipulation of the parties, the Court finds that entry of this Order is necessary for the just and more expeditious and efficient resolution of the above-captioned litigation.

When a party to this litigation wishes to serve a document to counsel of record, that party

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2 shall effectuate service of the document by the procedure set forth in this Order (subject to the
3 exceptions outlined herein):
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5 **I. LEXISNEXIS FILE & SERVE**

6 1. In order to facilitate case management, document retrieval and case
7 organization, the parties will utilize the services of LexisNexis File & Serve (“LNFS”) and its
8 litigation system (the “System”) for providing electronic service, storage and delivery of court-
9 filed and discovery-related documents through a secure website to facilitate expeditious, efficient
10 and economical communication by and amongst counsel. The Court, at its option, may also use
11 LNFS and its System for these purposes, and to communicate with counsel of record.
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13 **II. SERVICE ONLY**

14 2. The System shall apply only to the service of documents, and not to their
15 filing. Original documents must still be filed in the traditional manner (i.e., filing the signed
16 original document with the Court), pursuant to the applicable California Rules of Civil Procedure
17 and Local Rules of such Court.
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19 **III. SERVICE LIST & SIGN-UP**

20 3. Within five (5) days of this Order, Plaintiff’s counsel shall submit to the
21 LNFS representative Sharif Soofi, at sharif.soofi@lexisnexis.com a complete and current service
22 list of counsel of record for this litigation. Within ten (10) days of this Order, each attorney of
23 record for this litigation, or within fifteen (15) days of the entry of appearance for a new attorney
24 of record, shall register for electronic service in this litigation by completing the application
25 located at the following website: <http://www.lexisnexis.com/fileandserve> (**advanced
26 registration**).
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2 **IV. SERVICE OF DOCUMENTS AND WEBSITE**

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4 4. When any counsel of record wishes to serve a document, that counsel shall
5 serve the document according to all the requirements and procedures of this Order. All references
6 to “document” in this Order shall be interpreted to include any exhibits or attachments to the
7 document and shall include both pleadings and discovery-related documents (such as
8 interrogatories, requests for production, deposition notices/transcripts, etc.); provided, however,
9 that each attorney shall determine individually whether to utilize the System to serve
10 correspondence and/or the actual production of discovery documents in response to another
11 party’s request for production. All documents including attachments or exhibits shall have the
12 attachments and exhibits bookmarked on the pdf documents uploaded to the LNFS website.

13 5. LNFS shall establish and maintain an Internet website (the “Website”) for
14 this litigation. LNFS will post all documents served by the parties to the Website as provided in
15 this Order and shall serve each document on the parties included on the service list provided to
16 LNFS in accordance with the procedures herein.

17 6. Each attorney shall serve each document via electronic transfer of the
18 document file to LNFS via the Internet (either as a word-processing file or a scanned image of the
19 document). Each attorney shall title each document to identify the type and purpose of each
20 document and the party who is submitting such document. Each document electronically served
21 pursuant to this Order shall be deemed to have been served under the California Rules of Civil
22 Procedure.

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

26 8. Within one (1) hour of the time a document is posted to the Website, LNFS
27 shall send an email to all registered users notifying them that the document has been posted to the
28 Website (unless such registered user has declined to receive such email notifications). The email

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2 shall contain hypertext link(s) to the document location(s) on the System (or, if so designated by
3 the recipient, the email shall have the served document attached thereto).

4 9. Electronic service shall be complete at the time of transmission, provided
5 any period of notice or any right or duty to do any act or make any response within any period or
6 on a date certain after the service of the document, which time period or date is prescribed by
7 statute or rule of court, shall be extended after service by electronic transmission by two court
8 days, but the extension shall not extend the time for filing notice of intention to move for new
9 trial, notice of intention to move to vacate judgment pursuant to Code of Civil Procedure § 663a,
10 or notice of appeal.

11 10. In the event a document that is to be filed with the Court is rejected by the
12 Court for filing after it has been posted on the Website by LNFS, the rejection was caused by an
13 aspect of the caption of the document, and the party seeking to file the document successfully
14 files it with the Court within two (2) business days of its rejection with revisions to the caption
15 only, then the party filing the document shall promptly submit a notice of successful filing,
16 including the date of the filing and the revised page(s) of the caption, to LNFS for posting on the
17 Website. In all other circumstances in which a document to be filed with the Court is rejected for
18 filing after LNFS has posted it on the Website, the party that caused the document to be posted
19 shall promptly notify LNFS in writing that the document was rejected by the Court for filing.
20 LNFS shall cause a permanent notation to be placed on the Website in conjunction with that
21 document memorializing the fact of rejection.

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

26 12. The System shall contain an index of all served documents for the litigation
27 that will be searchable and sortable according to methods that provide useful 24/7 365 days'
28 access to the documents.

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

8 14. Every pleading, document and instrument served electronically shall bear a
9 facsimile or typographical signature of at least one of the attorneys of record, along with the typed
10 name, address, telephone number and State Bar of California number of such attorney.
11 Typographical signatures shall be treated exactly as personal signatures for purposes of
12 electronically served documents under the California Rules of Civil Procedure. The serving party
13 of any document requiring multiple signatures (e.g., stipulations, joint status reports) must list
14 thereon all the names of other signatories by means of an “s/____” block for each. By submitting
15 such a document, the serving party certifies that each of the other signatories has expressly agreed
16 to the form and substance of the document and that the serving party has the actual authority to
17 submit the document electronically. The serving party must maintain any records evidencing this
18 concurrence for subsequent production to the Court if so ordered or for inspection upon request
19 by a party.

20 15. Any document transmitted to the System shall certify in the Proof of
21 Service that a true and correct copy was electronically served on counsel of record by
22 transmission to LNFS.

23 16. Until further notice, documents filed under seal (“sealed documents”) shall
24 not be served through the System. Instead, the service of sealed documents shall be made
25 pursuant to the applicable California Rules of Civil Procedure.

26 17. LNFS shall have available to counsel of record and the Court
27 a 24-hour 365 days help desk hotline at (888) 529-7587 and website
28 <http://www.lexisnexis.com/fileandserve/support.asp>.

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2 18. Any party appearing after May 17, 2012, shall have fifteen days from their
3 initial appearance to lodge any objections to this Order and to seek exemption. A copy of this
4 Order shall be served upon any newly appearing party with the initiating pleadings. Exemptions
5 may be granted in the discretion of the Court if it appears that a party would suffer undue
6 hardship or significant prejudice.

7 19. Counsel for Plaintiff is Ordered to prepare, serve and file within 5 days, a
8 Service List identifying all parties and their counsel which shall include the name of lead and
9 backup attorneys, addresses, including email addresses, and telephone numbers for all counsel.
10 Counsel for Plaintiff is further ordered to serve a copy of this ORDER AUTHORIZING
11 ELECTRONIC SERVICE on all counsel concurrent with service of the Service List.

12 20. LNFS shall activate the message board function for the above entitled case.
13 All attorneys on the service list will automatically have access to the Message Boards and start to
14 receive e-mail notifications of new message board postings. If an attorney does not want to
15 receive the e-mail notifications or wants other staff members to receive e-mail notifications, they
16 are to contact customer support at LNFS (888-529-7587). All attorneys will be charged \$6.00 per
17 firm per month for this service.

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19 **IT IS SO ORDERED.**

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23 Dated: May 17, 2012

24 **KENNETH R. FREEMAN**
25 _____
26 Kenneth R. Freeman, Judge
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