

FILED
Superior Court of California
County of San Francisco

JUL 07 2011

CLERK OF THE COURT
BY: Craig B. [Signature]
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

COORDINATION PROCEEDING
SPECIAL TITLE [RULE 3.550(c)]

Judicial Council Coordination
Proceeding No.: 4649

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~~PROPOSED~~ CASE MANAGEMENT
ORDER NO. 3
ORDER FOR ELECTRONIC SERVICE

THIS DOCUMENT RELATES TO:
ALL CASES

Pursuant to Rule 3.541(b) of the California Rules of Court, the Court finds that entry of this Order will expedite the just determination of these coordinated actions. The Parties shall effectuate service of documents by the procedures set forth in this Order (subject to the exceptions outlined herein):

A. LEXISNEXIS FILE & SERVE

1. In order to facilitate case management, document retrieval and case organization, the Parties will utilize the service of LexisNexis File & Serve (“LNFS”) and its litigation system (the “System”) for providing electronic service, storage and delivery of court-filed documents through a secure website to facilitate expeditious, efficient and economical communication by and amongst counsel. The Court, at its option, may also use LNFS and the System for these purposes as well to communicate with counsel of record. The Parties shall pay in accordance with a written contract to be agreed upon with LNFS.

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~~PROPOSED~~ CASE MANAGEMENT ORDER NO. 3 - ORDER FOR ELECTRONIC SERVICE

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1 B. SERVICE ONLY

2 2. The System shall apply only to the service of documents, and not to their
3 filing. Original documents must still be filed in the traditional manner (i.e., filing the signed
4 original document with the Court), pursuant to the applicable California Rules of Civil Procedure
5 and Local Rules of such Court. A courtesy copy of all filed documents relating to a Court hearing
6 shall be delivered to Department 304.

7 C. SERVICE LIST & SIGN UP

8 3. Within fifteen (15) days of this Order, Plaintiffs' Liaison Counsel shall
9 submit to the LNFS representative Keith Foote (keith.foote@lexisnexis.com) a complete and
10 current service list of counsel of record for this litigation. Within fifteen (15) days of this Order,
11 each attorney of record for this litigation, or within fifteen (15) days of the entry of appearance
12 for a new attorney of record, shall register for electronic service in this litigation by completing
13 the application located at the following website: <http://www.lexisnexis.com/fileandserve>.

14 4. Plaintiffs' Liaison Counsel shall be liaison counsel to LNFS for all service
15 list changes. Plaintiffs' Liaison Counsel shall be responsible for monitoring the service list and
16 advise LNFS of any changes or corrections. The service list will identify one attorney of record
17 for each firm, along with parties they represent, who are to receive service of documents in the
18 case utilizing the System. Once a firm is registered on the System, each firm will be provided
19 functionality on the System to designate a firm administrator to control the addition and deletion
20 of registered users on the System for their firm.

21 D. SERVICE OF DOCUMENTS AND WEBSITE

22 5. When any counsel of record wishes to serve a document, that counsel shall
23 serve the document according to all the requirements and procedures of this Order. All references
24 to "document" in this Order shall be interpreted to include any exhibits or attachments to the
25 document; provided, however, that each attorney shall determine individually whether to utilize
26 the System to serve correspondence and/or the actual production of documents in response to
27 another party's request for production.

28 6. LNFS shall establish and maintain an Internet website (the "Website") for

1 this litigation. LNFS will post all documents served by the Parties to the Website as provided in
2 this Order and shall serve each document on the Parties included on the service list provided to
3 LNFS in accordance with the procedures herein.

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

10 8. After LNFS receives a document, LNFS shall convert such document into
11 Adobe Portable Document Format ("PDF") and post it to the Website within one (1) hour of
12 receipt.

13 9. Within one (1) hour of the time a document is posted to the Website, LNFS
14 shall send an email to all registered users notifying them that the document has been posted to the
15 Website (unless such registered user has declined to receive such email notifications, or made
16 other arrangements with LNFS). The email shall contain hypertext link(s) to the document
17 location(s) on the System (or, if so designated by the recipient, the email shall have the served
18 document attached hereto).

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

23 11. The System shall contain an index of all served documents for the litigation
24 that will be searchable and sortable according to methods that provide useful 24/7 365 days
25 access to the documents.

26 12. Access to the System will be limited to registered users. Registered users
27 will consist of authorized Court personnel, counsel of record and their designated staff members.
28 LNFS will provide each registered user with a user name and password to access the System and

1 the documents served in the litigation. LNFS personnel will perform all administrative functions
2 for the System, but all initial data, additions, deletions or changes to the service list must be
3 approved by the Plaintiffs and Defendants.

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

16 14. Any document transmitted to the System shall certify in the Proof of
17 Service that a true and correct copy was electronically served on counsel of record by
18 transmission to LNFS. The date and time to be used on the Proof of Service will be the date and
19 time reflected on the Transaction Receipt provided after submitting a transaction on LNFS.

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

23 16. Discovery, including discovery requests, responses to discovery requests,
24 preliminary disclosure forms, Plaintiff Fact Sheets and Defendant Fact Sheets, shall not be served
25 through the System.

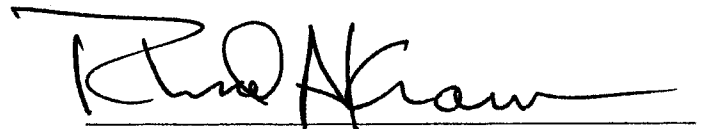
26 17. LNFS shall have available to counsel of record and the Court a 24-hour
27 365 days a week help desk hotline at (888) 529-7587 and website
28 <http://www.lexisnexis.com/fileandserve/support.asp>.

1 18. LNFS shall be instructed to place the Court on a list of those who can
2 access the documents served in this manner which are also filed, but not as to matters of
3 correspondence between the Parties. If LNFS is unable to do so, the remainder of this order shall
4 be effective, nonetheless.

5 19. The time for any response to documents served as described above shall be
6 extended by two court days pursuant to California Code of Civil Procedure § 1010.6(a)(6), unless
7 such documents are also personally served.

8 IT IS SO ORDERED:

9 Dated: 7-7, 2011



Hon. Richard A. Kramer
Judge of the Superior Court