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Superior Court of California
County of Los Angeles

SEP 06 2012

John A. Clarke, Executive Officer/ Clerk
By: B. Del Barrio, Deputy

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

Coordination Proceeding
Special Title Rule (3.550)

) Case No. JCCP4710

) ORDER AUTHORIZING ELECTRONIC
) SERVICE

WRIGHT HIP SYSTEM CASES

) Assigned for All Purposes to:
) Honorable Jane L. Johnson
) Dept. 308

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 shall effectuate service of the document by the procedure set forth in this Order (subject to the exceptions outlined herein):

1
2 **I. LEXISNEXIS FILE & SERVE**

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

9
10 **II. SERVICE ONLY**

11 The System shall apply only to the service of documents, and not to their
12 filing. Original documents must still be filed in the traditional manner (i.e., filing the signed
13 original document with the Court), pursuant to the applicable California Rules of Civil Procedure
14 and Local Rules of such Court.

15
16 **III. SERVICE LIST & SIGN-UP**

17 Within five (5) days of this Order, Plaintiff's counsel shall submit to the
18 LNFS representative Keith Foote, at keith.foote@lexisnexus.com a complete and current service
19 list of counsel of record for this litigation. Within ten (10) days of this Order, each attorney of
20 record for this litigation, or within ten (15) days of the entry of appearance for a new attorney of
21 record, shall register for electronic service in this litigation by completing the application located
22 at the following website: <http://www.lexisnexus.com/fileandserve> (advanced registration).

23
24 **IV. SERVICE OF DOCUMENTS AND WEBSITE**

25 When any counsel of record wishes to serve a document, that counsel shall serve the
26 document according to all the requirements and procedures of this Order. All references to
27 "document" in this Order shall be interpreted to include any exhibits or attachments to the
28 document and shall include both pleadings and discovery-related documents (such as

1 interrogatories, requests for production, deposition notices/transcripts, etc.); provided, however,
2 that each attorney shall determine individually whether to utilize the System to serve
3 correspondence and/or the actual production of discovery documents in response to another
4 party's request for production. All documents including attachments or exhibits shall have the
5 attachments and exhibits bookmarked on the pdf documents uploaded to the LNFS website.

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

10 Each attorney shall serve each document via electronic transfer of the document file to LNFS via
11 the Internet (either as a word-processing file or a scanned image of the document). Each
12 attorney shall title each document to identify the type and purpose of each document and the
13 party who is submitting such document. Each document electronically served pursuant to this
14 Order shall be deemed to have been served under the California Rules of Civil Procedure.
15 After LNFS receives a document, LNFS shall convert such document into Adobe Portable
16 Document Format ("PDF") and post it to the Website within one (1) hour of receipt.

17 Within one (1) hour of the time a document is posted to the Website, LNFS shall send an
18 email to all registered users notifying them that the document has been posted to the Website
19 (unless such registered user has declined to receive such email notifications). The email shall
20 contain hypertext link(s) to the document location(s) on the System (or, if so designated by the
21 recipient, the email shall have the served document attached thereto).

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

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

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

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

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

25 Every pleading, document and instrument served electronically shall bear a facsimile or
26 typographical signature of at least one of the attorneys of record, along with the typed name,
27 address, telephone number and State Bar of California number of such attorney. Typographical
28 signatures shall be treated exactly as personal signatures for purposes of electronically served

1 documents under the California Rules of Civil Procedure. The serving party of any document
2 requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all the
3 names of other signatories by means of an "s/ ____" block for each. By submitting such a
4 document, the serving party certifies that each of the other signatories has expressly agreed to the
5 form and substance of the document and that the serving party has the actual authority to submit
6 the document electronically. The serving party must maintain any records evidencing this
7 concurrence for subsequent production to the Court if so ordered or for inspection upon request
8 by a party.

9 Any document transmitted to the System shall certify in the Proof of Service that a true
10 and correct copy was electronically served on counsel of record by transmission to LNFS.
11 Until further notice, documents filed under seal ("sealed documents") shall not be served through
12 the System. Instead, the service of sealed documents shall be made pursuant to the applicable
13 California Rules of Civil Procedure.

14 LNFS shall have available to counsel of record and the Court a 24-hour 365 days help
15 desk hotline at (888) 529-7587 and website <http://www.lexisnexis.com/fileandserve/support.asp>.
16 Any party appearing after the date of this order, shall have fifteen days from their initial
17 appearance to lodge any objections to this Order and to seek exemption. A copy of this Order
18 shall be served upon any newly appearing party with the initiating pleadings. Exemptions may be
19 granted in the discretion of the Court if it appears that a party would suffer undue hardship or
20 significant prejudice.

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

26 Lexis/Nexis shall activate the message board function for the above entitled case. All
27 attorneys on the service list will automatically have access to the Message Boards and start to
28 receive e-mail notifications of new message board postings. If an attorney does not want to

1 receive the e-mail notifications or wants other staff members to receive e-mail notifications, they
2 are to contact customer support at Lexis Nexis (888-529-7587). All attorneys will be charged
3 \$6.00 per firm per month for this service.
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5 **IT IS SO ORDERED.**

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7 Dated: 9/6/12

JANE L. JOHNSON

JANE L. JOHNSON
Judge of the Superior Court

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