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JUL 11 2012

John A. Clarke, Executive Officer/Clerk
By: Debra McCullough, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 3.550)

JUDICIAL COUNCIL
COORDINATION PROCEEDING
NO. 4701

**TBC RETAIL GROUP WAGE AND
HOUR CASES**

ORDER AUTHORIZING ELECTRONIC
SERVICE

Included Actions:

Case assigned for all purposes to
Judge Kenneth R. Freeman

Quintana v. Big O. Tires, LLC et al.

Superior Court of California
County of Los Angeles
No. BC451272

Goegan, et al. v TBC Retail Group, et al.

Superior Court of California
County of Orange
No. 30201100510643

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

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2 stipulation of the parties, the Court finds that entry of this Order is necessary for the just and more
3 expeditious and efficient resolution of the above-captioned litigation.

4 When a party to this litigation wishes to serve a document to counsel of record, that party
5 shall effectuate service of the document by the procedure set forth in this Order (subject to the
6 exceptions outlined herein):

7
8 **I. LEXISNEXIS FILE & SERVE**

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

18 2. The System shall apply only to the service of documents, and not to their
19 filing. Original documents must still be filed in the traditional manner (i.e., filing the
20 signed original document with the Court), pursuant to the applicable California Rules of Civil
21 Procedure and Local Rules of such Court.
22

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

24 3. Within five (5) days of this Order, Plaintiff’s counsel shall submit to the
25 LNFS representative Sharif Soofi, at sharif.soofi@lexisnexis.com a complete and current service
26 list of counsel of record for this litigation. Within ten (10) days of this Order, each attorney of
27 record for this litigation, or within ten (15) days of the entry of appearance for a new attorney of
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2 record, shall register for electronic service in this litigation by completing the application located
3 at the following website: <http://www.lexisnexis.com/fileandserve> (advanced registration).
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5 **IV. SERVICE OF DOCUMENTS AND WEBSITE**
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7 4. When any counsel of record wishes to serve a document, that counsel shall serve the
8 document according to all the requirements and procedures of this Order. All references to
9 “document” in this Order shall be interpreted to include any exhibits or attachments to the
10 document and shall include both pleadings and discovery-related documents (such as
11 interrogatories, requests for production, deposition notices/transcripts, etc.); provided, however,
12 that each attorney shall determine individually whether to utilize the System to serve
13 correspondence and/or the actual production of discovery documents in response to another
14 party’s request for production. All documents including attachments or exhibits shall have the
15 attachments and exhibits bookmarked on the pdf documents uploaded to the LNFS website.
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17 5. LNFS shall establish and maintain an Internet website (the “Website”) for this
18 litigation. LNFS will post all documents served by the parties to the Website as provided in this
19 Order and shall serve each document on the parties included on the service list provided to LNFS
20 in accordance with the procedures herein.
21

22 6. Each attorney shall serve each document via electronic transfer of the document file to
23 LNFS via the Internet (either as a word-processing file or a scanned image of the document).
24 Each attorney shall title each document to identify the type and purpose of each document and the
25 party who is submitting such document. Each document electronically served pursuant to this
26 Order shall be deemed to have been served under the California Rules of Civil Procedure.
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28 7. After LNFS receives a document, LNFS shall convert such document into Adobe
Portable Document Format (“PDF”) and post it to the Website within one (1) hour of receipt.

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2 8. Within one (1) hour of the time a document is posted to the Website, LNFS shall send
3 an email to all registered users notifying them that the document has been posted to the Website
4 (unless such registered user has declined to receive such email notifications). The email shall
5 contain hypertext link(s) to the document location(s) on the System (or, if so designated by the
6 recipient, the email shall have the served document attached thereto).
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8 9. Electronic service shall be complete at the time of transmission, provided any period of
9 notice or any right or duty to do any act or make any response within any period or on a date
10 certain after the service of the document, which time period or date is prescribed by statute or rule
11 of court, shall be extended after service by electronic transmission by two court days, but the
12 extension shall not extend the time for filing notice of intention to move for new trial, notice of
13 intention to move to vacate judgment pursuant to Code of Civil Procedure § 663a, or notice of
14 appeal.
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16 10. In the event a document that is to be filed with the Court is rejected by the Court for
17 filing after it has been posted on the Website by LNFS, the rejection was caused by an aspect of
18 the caption of the document, and the party seeking to file the document successfully files it with
19 the Court within two (2) business days of its rejection with revisions to the caption only, then the
20 party filing the document shall promptly submit a notice of successful filing, including the date of
21 the filing and the revised page(s) of the caption, to LNFS for posting on the Website. In all other
22 circumstances in which a document to be filed with the Court is rejected for filing after LNFS has
23 posted it on the Website, the party that caused the document to be posted shall promptly notify
24 LNFS in writing that the document was rejected by the Court for filing. LNFS shall cause a
25 permanent notation to be placed on the Website in conjunction with that document memorializing
26 the fact of rejection.
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2 11. All documents posted on the System will be identified by: (a) the name of the serving
3 law firm; (b) the caption(s) of the case(s) to which the document belongs; (c) the title of the
4 document set forth on its caption; and (d) the identity of the party on whose behalf the document
5 is being served.

6 12. The System shall contain an index of all served documents for the litigation that will
7 be searchable and sortable according to methods that provide useful 24/7 365 days' access to the
8 documents.
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10 13. Access to the System will be limited to registered users. Registered users will consist
11 of authorized Court personnel, counsel of record and their designated staff members. LNFS will
12 provide each registered user with a user name and password to access the System and the
13 documents served in the litigation. LNFS personnel will perform all administrative functions for
14 the System, but all initial data, additions, deletions or changes to the service list must be approved
15 by the Plaintiffs and Defendants.
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17 14. Every pleading, document and instrument served electronically shall bear a facsimile
18 or typographical signature of at least one of the attorneys of record, along with the typed name,
19 address, telephone number and State Bar of California number of such attorney. Typographical
20 signatures shall be treated exactly as personal signatures for purposes of electronically served
21 documents under the California Rules of Civil Procedure. The serving party of any document
22 requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all the
23 names of other signatories by means of an "s/ ____" block for each. By submitting such a
24 document, the serving party certifies that each of the other signatories has expressly agreed to the
25 form and substance of the document and that the serving party has the actual authority to submit
26 the document electronically. The serving party must maintain any records evidencing this
27 concurrence for subsequent production to the Court if so ordered or for inspection upon request
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2 by a party.15. Any document transmitted to the System shall certify in the Proof of Service that a
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4 true and correct copy was electronically served on counsel of record by transmission to LNFS.

5 16. Until further notice, documents filed under seal ("sealed documents") shall not be
6 served through the System. Instead, the service of sealed documents shall be made pursuant to
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8 the applicable California Rules of Civil Procedure.

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

11 18. Any party appearing after May 14, 2012, shall have fifteen days from their initial
12 appearance to lodge any objections to this Order and to seek exemption. A copy of this Order
13 shall be served upon any newly appearing party with the initiating pleadings. Exemptions may be
14 granted in the discretion of the Court if it appears that a party would suffer undue hardship or
15 significant prejudice.
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17 19. Counsel for Plaintiff is Ordered to prepare, serve and file within 5 days, a Service
18 List identifying all parties and their counsel which shall include the name of lead and backup
19 attorneys, addresses, including email addresses, and telephone numbers for all counsel.
20 Counsel for Plaintiff is further ordered to serve a copy of this ORDER AUTHORIZING
21 ELECTRONIC SERVICE on all counsel concurrent with service of the Service List.
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23 20. Lexis/Nexis shall activate the message board function for the above entitled case.
24 All attorneys on the service list will automatically have access to the Message Boards and
25 start to receive e-mail notifications of new message board postings. If an attorney does not
26 want to receive the e-mail notifications or wants other staff members to receive e-mail
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notifications, they are to contact customer support at Lexis Nexis (888-529-7587). All attorneys will be charged \$6.00 per firm per month for this service.

IT IS SO ORDERED.

Dated: July 11, 2012

KENNETH R. FREEMAN

Kenneth R. Freeman, Judge