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JUL 06 2012

LOS ANGELES
SUPERIOR COURT

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21 SUPERIOR COURT OF THE STATE OF CALIFORNIA

22 COUNTY OF LOS ANGELES

23 Coordination Proceeding Special Title
24 (Rule 3.550)
25 FRESH & EASY WAGE AND HOUR
26 CASES

Case No. JCCP4705

**STIPULATED ORDER REGARDING
ELECTRONIC SERVICE**

Coordinated Cases:
Luna (BC435837)
Martinez (CIVRS1104607)

Complaint Filed: April 9, 2010

RECEIVED
JUN 28 2012
CCW, RM. 314

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14 Attorneys for Plaintiff, Deanna Weatherspoon
15 And Rene Luna
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1 Pursuant to the Court's Order on June 20, 2012, plaintiffs Deanna Weatherspoon, Rene
2 Luna and Yessenia Martinez (collectively "Plaintiffs") and defendant Fresh & Easy Neighborhood
3 Market, Inc. ("Defendant") agree to entry of this Stipulated Order Regarding Electronic Service:

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 procedures set forth in this Stipulated Order,
6 subject to the exceptions outlined herein:

7 **LexisNexis File & Serve**

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

14 **Service Only**

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

19 **Service List & Sign-Up**

20 3. Within five (5) days after the execution of this Stipulated Order, Plaintiff's counsel
21 shall submit to the FILE & SERVE representative Keith Foote, at keith.foote@lexisnexis.com, a
22 complete and current service list of counsel of record for this litigation. Within then (10) days of
23 following the execution of this Stipulated Order, each attorney of record for this litigation must
24 register for electronic service in this litigation by completing the application located at the
25 following website: <http://www.lexisnexis.com/fileandserve> (advanced registration).

26 **Service of Documents and Website**

27 4. When any counsel of record wishes to serve a document, that counsel must serve
28 the document according to all the requirements and procedures of this Stipulated Order. All

1 references to “document” in this Stipulated Order must be interpreted to include any exhibits or
2 attachments to the document and must include both pleadings and discover-related documents
3 (such as interrogatories, requests for production, deposition notices/transcripts, etc.). However,
4 each attorney must determine individually whether to utilize the System to serve correspondence
5 and/or the actual production of discovery documents in response to another party’s request for
6 production.

7 5. FILE & SERVE must establish and maintain an Internet website (the “Website”)
8 for this litigation. FILE & SERVE will post all documents served by the parties to the Website as
9 provided in this Stipulated Order and must serve each document on the parties included on the
10 service list provided to FILE & SERVE in accordance with the procedures herein.

11 6. Each attorney must serve each document via electronic transfer of the document
12 file to FILE & SERVE via the Internet (either as a word-processing file or a scanned image of the
13 document). Each attorney must title each document to identify the type and purpose of each
14 document and the party who is submitting such document. Each document electronically served
15 pursuant to this Order shall be deemed to have been personally served under the California Rules
16 of Civil Procedure.

17 7. After FILE & SERVE receives a document, FILE & SERVE shall convert the
18 document into Adobe Portable Document Format (“PDF”) and post it to the Website within one
19 (1) hour of receipt.

20 8. Within one (1) hour of the time a document is posted to the Website, FILE &
21 SERVE must send an email to all registered users notifying them that the document has been
22 posted to the Website (unless such registered user has declined to receive such email notification).
23 The email must contain hypertext link(s) to the document location(s) on the System, or, if so
24 designated by the recipient, the email must have the served document attached thereto.

25 9. The time for any response to documents served as described above shall be the
26 same as if the documents were personally served. California Code of Civil Procedure §
27 1010.6(a)(6) shall not apply.

28

1 10. Any document transmitted to the FILE & SERVE Website shall certify in the Proof
2 of Service that a true and correct copy was electronically served on counsel at the date and time
3 reflected on the Transaction Receipt provided after submitting a transaction on FILE & SERVE.

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

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

19 13. The System must contain an index of all served documents for the litigation that
20 will be searchable and sortable according to the methods that provide useful around-the-clock
21 access to the documents.

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

28

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

13 16. Any document transmitted to the System must certify in the Proof of Service that a
14 true and correct copy was electronically served on counsel of record by transmission to FILE &
15 SERVE.

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

19 18. FILE & SERVE will have available to counsel of record and the Court a 24-hour,
20 365 days help desk hotline at (888) 529-7587 and website,
21 <http://www.lexisnexis.com/filenadserve/support.asp>.

22 19. Any party appearing after the date of this Order will have fifteen (15) days from
23 their initial appearance to lodge any objections to this Stipulated Order and to seek exemption. A
24 copy of this Stipulated Order will be served on any newly appearing party with the initiating
25 pleadings. Exemptions may be granted in the discretion of the Court if it appears that a part would
26 suffer undue hardship or significant prejudice.

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1 20. A party whose electronic service address changes while the action or proceeding is
2 pending must promptly file a notice of change of address electronically with the court and must
3 serve this notice electronically on all other parties and with FILE & SERVE.

4 21. An electronic service address is presumed valid for a party if the party files
5 electronic documents with the Court from that address and has not filed and served notice that the
6 address is no longer valid.

7 22. FILE & SERVE will activate the message board function for this case. All
8 attorneys on the service list will automatically have access to the message board and start to
9 receive e-mail notification of new message board postings. If an attorney does not want to receive
10 the e-mail notifications or wants other staff members to receive e-mail notifications, they are to
11 contact customer support at FILE & SERVE at (888) 529-7587.


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13 **SO STIPULATED:**

14
15 Dated: June , 2012

16 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

17
18 By _____
19 David Van Pelt
20 Attorneys for Defendant FRESH & EASY
21 NEIGHBORHOOD MARKET INC.

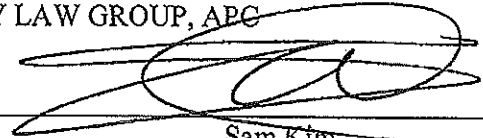
22
23 Dated: June 27, 2012

24 JOSE GARAY, APLC
25 By  _____
26 Jose Garay Paul Denis
27 Attorneys for Plaintiff YESSSENIA MARTINEZ
28

1 Dated: June 27, 2012

2 MAHONEY LAW GROUP, APC

3
4 By




Sam Kim
Attorneys for Plaintiff YESSSENIA MARTINEZ

6
7 Dated: June 27, 2012

8 THE COOPER LAW FIRM PC

9
10 By

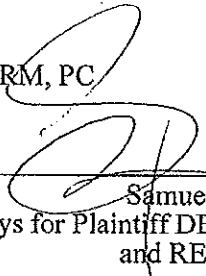


Scott B. Cooper
Attorneys for Plaintiff DEANNA WEATHERSPOON
and RENE LUNA

11
12
13
14 Dated: June 27, 2012

15 AEGIS LAW FIRM, PC

16
17 By



Samuel A. Wong
Attorneys for Plaintiff DEANNA WEATHERSPOON
and RENE LUNA

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21 IT IS SO ORDERED.

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25 JUL 06 2012

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ELIHU M. BERLE

Hon. Elihu M. Berhle