

James E. Fosler
Fosler Law Group, Inc.
737 West Fifth Ave., Suite 205
Anchorage, Alaska 99501
Telephone: (907) 277-1557
Fax: (907) 277-1657

Attorneys for STATE OF ALASKA

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

STATE OF ALASKA,)
)
 Plaintiffs,)
)
 vs.)
)
 ALPHARMA BRANDED PRODUCTS)
 DIVISION, INC., et al.,)
)
 Defendants.)
)

Case No: 3AN-06-12026 CI

CASE MANAGEMENT ORDER NO. 1

**STIPULATION AND ORDER REGARDING ELECTRONIC SERVICE OF
PLEADINGS AND DISCOVERY-RELATED DOCUMENTS**

WHEREAS the State of Alaska has filed this case against 41 defendant pharmaceutical companies and most of these defendants have both national and local counsel; therefore, the parties expect that over 100 lawyers from approximately 70 different law firms will eventually enter an appearance in the case.

WHEREAS traditional methods of service of pleadings will result in enormous burden and expense to the parties.

FILED
STATE OF ALASKA
THIRD DISTRICT
06 DEC 13 PM 3:27
CLERK TRIAL COURTS
BY _____ DEPUTY

WHEREAS in order to facilitate efficient case management, document retrieval, and case organization, the parties agree that, when any party wishes to serve a document on any other party, the party shall effectuate service of the document electronically by the procedure set forth in this order.

WHEREAS nothing in this order shall affect how pleadings and other court documents are filed with the Court.

WHEREAS all defendants who have been serviced with process in the case have consented to the entry of this stipulation and order, and have authorized Thomas A. Matthews to sign this stipulation and order on their behalf.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, and subject to Order of this Court, as follows:

I. LEXIS/NEXIS FILE AND SERVE

A. The parties agree to utilize the services of LexisNexis File & Serve ("LNFS") and its litigation system (the "system") for providing electronic service, storage, and delivery of court-filed and discovery-related documents. LNFS shall be bound by the terms of any protective order entered in the case.

II. SERVICE ONLY

B. The system shall apply only to the service of documents between the parties, and not to the filing of documents with the Court. In other words, pleadings and other court documents must still be filed with the Court in the traditional manner.

III. SERVICE LIST AND SIGNUP

C. Within five days of entry of this order, James E. Fosler, co-counsel for plaintiff, shall submit to Christopher D. Shaw, Esq. at christopherdean.shaw@lexisnexis.com a list of those attorneys who have entered an appearance on behalf of the Plaintiff State of Alaska, and Helen Witt, defendants' liaison counsel, shall submit a list of those attorneys who have entered an appearance on behalf of any defendant, identifying the party that the attorney represents. Within ten days of entry of this order, each attorney who has entered an appearance in the case shall register for electronic service by completing the application located at the following website: <http://www.lexisnexis.com/fileandserve> (advance registration). Each attorney's password shall be treated as if it were for "attorney's eyes only" pursuant to any protective order entered by the Court.

D. Mr. Fosler shall be responsible for making sure that any attorney who enters an appearance on behalf of plaintiff is served with a copy of this order within five days of the attorney entering an appearance. Ms. Witt shall be responsible for making sure that any attorney who enters an appearance on behalf of any defendant gets a copy of this order within five days of the attorney entering an appearance. Each such attorney shall register for electronic service in this litigation as required in Paragraph C within ten days of their receipt of this Order.

IV. SERVICE OF DOCUMENTS AND WEB SITE

E. Establishment and use of the LNFS website generally

1. All documents shall be served as provided in this order. The term "document" includes any exhibits or attachments to the document and includes both pleadings and discovery related documents (such as interrogatories, requests for production, deposition notices/transcripts, etc.); provided, however, that each attorney shall determine individually whether to utilize this system to serve correspondence or the actual production of discovery documents.

2. LNFS shall establish and maintain an Internet website (the "website") for this case. LNFS will post all documents served by the parties to the website as provided in this order and shall serve each document on the parties included on the service list provided to LNFS in accordance with the procedures herein.

3. Each attorney shall serve each document by electronic transfer to LNFS through the Internet (either as a word processing file or Adobe PDF). Bulky or voluminous attachments, such as exhibits, need not be served via electronic transfer if doing so would be impractical or unduly burdensome. In such circumstances, the attachments shall be served conventionally. However, in order to maintain an electronic record of served documents, a party serving conventionally shall also serve by LNFS a one-page document identifying the document that is being served conventionally. Documents electronically served pursuant to this order shall be deemed served effective on the date the document is transmitted to LNFS.

STIPULATION REGARDING ELECTRONIC SERVICE

State of Alaska v. Alharma Branded Products Division, Inc., et al., 3AN-06-12026 CI

4. After LNFS receives a document, LNFS shall convert the document into Adobe PDF format and post the document to the web site within one hour of receipt.

5. Within one hour of the time a document is posted to the web site, LNFS shall send an e-mail to all registered users notifying them that the document has been posted to the web site (unless such registered user has declined to receive such e-mail notifications). The e-mail shall contain a hypertext link to the document's location on the system (or, if a registered user chooses, the e-mail shall have the served document attached to it).

6. In the event a document filed with the Court is rejected by the Court after it has been posted on the website by LNFS, the party that caused the document to be posted shall promptly notify LNFS in writing that the document was rejected for filing. LNFS shall promptly notify all parties on whom that document was served of the fact of rejection, and shall cause a permanent notation to be placed on the website stating the fact of rejection.

7. All documents posted on the system shall be identified by:

- a. The name of the serving law firm;
- b. a caption of the case to which the document belongs;
- c. The title of the document set forth on its caption; and
- d. the identity of the party on whose behalf the document is being served.

8. The system shall contain an index of all served documents that is searchable, sortable, and allows 24-hour, 365-day access.

9. Access to the system will be limited to registered users. Registered users will consist of authorized counsel of record and their designated staff members (and court personnel, if the court chooses to use the system). LNFS will provide each registered user

STIPULATION REGARDING ELECTRONIC SERVICE

State of Alaska v. Alpharma Branded Products Division, Inc., et al., 3AN-06-12026 CI

with a username and password to access the system and the documents served in the case.

LNFS personnel will perform all administrative functions for the system.

10. Every pleading, document, and instrument served electronically shall bear a handwritten or typographical signature of at least one of the attorneys of record. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the rules applicable to civil actions in this court. The serving party of any document requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all of the names of other signatories by meaning of a "/s/ _____" block for each. By submitting such a document, the serving party certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the serving party has the actual authority to submit the document electronically.

11. Any document transmitted through the system shall certify in the Proof of Service that a true and correct copy was electronically served by transmission to LNFS pursuant to this Order. Documents filed under seal shall not be served through the system, but should be served conventionally.

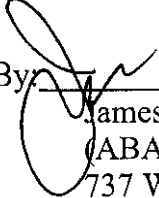
12. LNFS shall have available a 24-hour, 365-day helpdesk hotline at 888-529-7587 and customer support website at <http://www.lexisnexis.com/fileandserve/support.asp>.

STIPULATION REGARDING ELECTRONIC SERVICE

State of Alaska v. Alharma Branded Products Division, Inc., et al., 3AN-06-12026 CI

FOSLER LAW GROUP, INC.

Dated: 12/13/06

By: 
James E. Fosler
(ABA No. 9711055)
737 W. Fifth Ave., Suite 205
Anchorage, Alaska 99501
Telephone: (907) 277-1557
Fax: (907) 277-1657

BEASLEY, ALLEN, CROW, METHVIN, PORTIS
& MILES, PC
W. DANIEL MILES, III
CLINTON C. CARTER
218 Commerce Street (36104)
PO Box 4160
Montgomery, AL 36103-4160
Telephone: (334) 269-2343
Fax: (334) 954-7555
(*pro hac vice* application pending)

MINER, BARNHILL & GALLAND, PC
CHARLES BARNHILL (*pro hac vice* pending)
ELIZABETH J. EBERLE (*pro hac vice* pending)
44 East Mifflin Street, Suite 803
Madison, WI 53703
(608) 255-5200
(608) 255-5380 (fax)
(*pro hac vice* application pending)

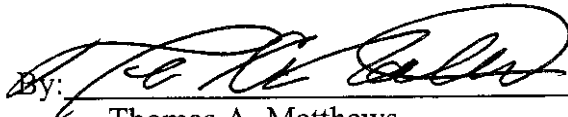
MINER, BARNHILL & GALLAND, PC
ROBERT S. LIBMAN (*pro hac vice* pending)
14 West Erie Street
Chicago, IL 60610
Telephone: (312) 751-1170
Fax: (312) 751-0438
(*pro hac vice* application pending)

Attorneys for State of Alaska

STIPULATION REGARDING ELECTRONIC SERVICE
State of Alaska v. Alpharma Branded Products Division, Inc., et al., 3AN-06-12026 CI

MATTHEWS & ZAHARE, PC

Dated: 12/13/06

By: 

Thomas A. Matthews
(ABA No. 8511179)
431 W. 7th Ave., Suite 207
Anchorage, AK 99501
Telephone: (907) 276-1516
Fax: (907) 276-8955

KIRKLAND & ELLIS

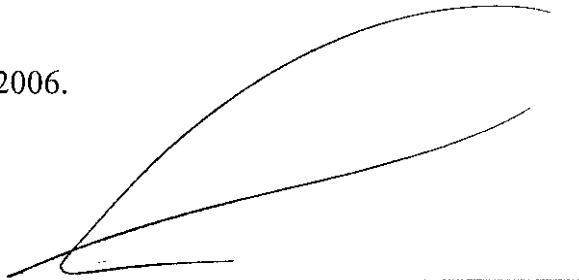
Helen Witt
Brent Caslin
200 East Randolph Drive
Chicago, IL 60601-6636
Telephone: (312) 861-2000
Fax: (312) 861-2200
(*pro hac vice* application pending)

*Attorneys for the Boehringer Ingelheim defendants
and with the consent of and on behalf of all
defendants who have been serviced with process.*

ORDER

IT IS SO ORDERED.

DATED this 14 day of December 2006.



William F. Morse
Superior Court Judge

STIPULATION REGARDING ELECTRONIC SERVICE

State of Alaska v. Alharma Branded Products Division, Inc., et al., 3AN-06-12026 CI

I certify that on 12/15/06 a copy Foster
of the above was mailed to the Matthews
following at their addresses of record
Morse
Judicial Assistant Morse