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9 **Attorneys for Defendants AstraZeneca Pharmaceuticals LP;**
10 **Zeneca, Inc.; AstraZeneca LP; and AstraZeneca PLC**

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
12 IN AND FOR THE COUNTY OF MARICOPA

13 ROBERT J. SWANSTON, individually and)
14 on behalf of himself and all others similarly)
situated,)

15 Plaintiff,)

16 vs.)

17 TAP PHARMACEUTICAL PRODUCTS,)
18 INC.; et al.,)

19 Defendants.)

CV2002-004988

[PROPOSED]
ORDER RE ELECTRONIC
SERVICE

(Assigned to the Honorable Peter B.
Swann)

20 Pursuant to the Arizona Rules of Civil Procedure, and upon Stipulation of the
21 parties and for good cause appearing,

22 **IT IS HEREBY ORDERED** as follows:

23 When a party to this litigation wishes to serve a document to counsel of record,
24 that party shall effectuate service of the document by the procedure set forth in this
25 Order (subject to the exceptions outlined herein).
26

1 **I. LEXISNEXIS FILE & SERVE**

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

9 **II. SERVICE ONLY**

10 File & Serve shall apply only to the service of documents, and not to their
11 filing. Original documents must still be filed in the manner provided in applicable
12 Arizona Rules of Civil Procedure and Local Rules of this Court.

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

14 1. Within five (5) days of receiving notice of this Order, each attorney of
15 record for this litigation shall confirm that s/he is registered for electronic service, and
16 if not already registered, shall so register for electronic service in this litigation by
17 completing the registration located at the following website:

18 <http://www.lexisnexis.com/fileandserve>.

19 2. Plaintiff's Counsel and Defendants' assigned liaison counsel shall work
20 together to assure that LexisNexis has correct service information. Once a firm is
21 registered on File & Serve, each firm is to designate a firm administrator to control
22 the addition and deletion of registered users on File & Serve for their firm.

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

24 **A. Establishment and Use of the File & Serve Website Generally**

25 1. When any counsel of record wishes to serve a document, that counsel
26 shall serve the document according to all the requirements and procedures of this

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

8 2. LexisNexis will maintain the File & Serve internet website (“File &
9 Serve”) for this litigation. When a transaction is submitted on File & Serve, File &
10 Serve will electronically serve each document on the parties included on the service
11 list provided to LexisNexis in accordance with the procedures herein.

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

18 4. After an attorney uploads a document onto File & Serve, File & Serve
19 will convert such document into Adobe Portable Document Format (“PDF”)

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

24 6. Access to File & Serve will be limited to registered users. Registered
25 users will consist of authorized Court personnel, counsel of record and their
26 designated staff members. Upon registration, LexisNexis will provide each registered

1 user with a user name and password to access File & Serve and the documents served
2 in the litigation.

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

16 8. Any document transmitted to File & Serve shall certify in the Proof of
17 Service that a true and correct copy was electronically served on counsel of record by
18 transmission through LexisNexis File & Serve, the date and time to be used on the
19 Proof of Service will be the date and time reflected on the Transaction Receipt
20 provided after submitting a transaction on File & Serve.

21 9. LexisNexis will make available to counsel of record and the Court a 24-
22 hour, 365 days Customer Support hotline at (888) 529-7587 and website -
23 <http://www.lexisnexis.com/fileandserve/support.asp>. In addition, each attorney is
24 instructed to review Exhibit A attached to this Order which sets forth the procedure
25 for registration with and service through LexisNexis File & Serve. *See* Exhibit A,
26 LexisNexis File & Serve Welcome Kit.

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IT IS SO ORDERED this 3 day of Sept., 2008.

Peter B. Swann

THE HONORABLE PETER B. SWANN
Judge, Maricopa County Superior Court Judge

CN2002-004988