

1 R. Alexander Saveri (173102)
SAVERI & SAVERI, INC.
2 111 Pine Street, Suite 1700
San Francisco, CA 94111
3 Telephone: (415) 217-6810
Facsimile: (415) 217-6813

4 Liaison Counsel for Plaintiffs

5 Amy A. Stathos (169287)
6 JONES DAY
555 West Fifth Street, suite 4600
7 LA, CA 90013
Telephone: 213.489.3939
8 Facsimile: 213.243.2539

9 Attorneys for Defendants Bayer Corporation and
10 Bayer MaterialScience LLC and on behalf of all
domestic defendants

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

14 Coordination Special Title Proceeding (Rule 1550(b))

J.C.C.P. 4376

16 **In Re California Polychloroprene Cases**

CLASS ACTION

18 _____
19 This Document Relates to:

20 **ALL ACTIONS**

**STIPULATION AND
[PROPOSED] ORDER RE:
ELECTRONIC SERVICE**

Place: CCW-Courtroom 324
Hon. Victoria G. Chaney

FILED
LOS ANGELES SUPERIOR COURT

MAR 18 2005

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JOHN A. CLARKE, CLERK
E. Sabalboro
BY E. SABALBORO, DEPUTY

1 **WHEREAS**, the parties have investigated the electronic services offered by LexisNexis
2 File & Serve; and

3 **WHEREAS**, the parties have found that the proposal from LexisNexis File & Serve to
4 serve as the e-serve agent in this proceeding would facilitate proper and efficient service; and

5 **WHEREAS**, each party, through the undersigned counsel, has received information on
6 how to electronically serve documents.

7 **NOW THEREFORE**, it is hereby stipulated that:

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

10 In order to facilitate case management, document retrieval and case organization, the
11 parties will utilize the services of LexisNexis File & Serve ("LNFS") and its litigation system (the
12 "System") for providing electronic service, storage and delivery of court-filed and discovery-
13 related documents through a secure website to facilitate expeditious, efficient and economical
14 communication by and amongst counsel. LNFS shall be the only method of service considered as
15 valid and effective on all designated recipients pursuant to California Code of Civil Procedure,
16 inclusive.

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18 **II. SERVICE ONLY**

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

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

25 Within five (5) court days of this Order, liaison counsel for Plaintiffs and liaison counsel
26 for Defendants shall jointly submit to the LNFS representative a complete and current service list
27 of counsel of record for this litigation. The service list shall include all those parties in and
28

1 related to this J.C.C.P. 4376. Within ten (10) court days of this Order, each attorney of record for
2 this litigation, or within ten (10) court days of the entry of appearance for a new attorney of
3 record, shall sign up for electronic service in this litigation by completing the application located
4 at the website for **LexisNexis File & Serve *Advanced*** located at
5 <http://www.lexisnexis.com/fileandserve>.

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

7 **A. Establishment and Use of the LNFS Website Generally**

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9
10 1. When any counsel of record in this case wishes to serve a document, that
11 counsel shall serve the document according to all the requirements and procedures of this Order.
12 All references to "document" in this Order shall be interpreted to include any exhibits or
13 attachments to the document and shall include both court-filed documents and discovery requests.

14 2. LNFS shall establish and maintain an In Re California Polychloroprene
15 Cases Internet Website (the "Website") for this litigation. All documents served electronically by
16 the parties will be posted by LNFS to the Website as provided in this Order. LNFS will post
17 documents to the Website and shall serve each document as provided in this Order on the parties
18 included on the service list provided to LNFS in accordance with the procedures herein.

19
20 3. All documents to be served electronically shall be sent to LNFS via
21 electronic transfer of the document file to LNFS via the Internet (either as a word-processing file
22 or a scanned image of the document). All registered users should title their documents to identify
23 clearly the document and the party who is submitting such document.

24 4. Any document electronically served pursuant to this Order shall be sent to
25 LNFS by 6:30 p.m. on the same day that said document is filed with the Court or is otherwise to
26 be served upon the parties.

1 5. After LNFS receives a document, LNFS shall convert it into Adobe
2 Portable Document Format ("PDF") and post it to the Website within one (1) hour of receipt.

3 6. Within one hour of the time a document is posted to the Website, LNFS
4 shall send an email to all registered users notifying them that the document has been posted to the
5 Website (unless such registered user has declined to receive emails). The email shall contain
6 hypertext link(s) to the document location(s) on the System (or, if so designated by the recipient,
7 the email shall have the filed document attached thereto).

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

21 8. All documents posted on the System will be identified by:
22
23 a. the name of the filing law firm;
24 b. the title of the document set forth on its caption; and
25 c. the identity of the party on whose behalf the document is being
26 served.

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1 9. The System shall contain an index of all electronically served documents
2 for the litigation that will be searchable and sortable according to methods that provide useful
3 access to the documents 24 hours a day, seven days a week.

4 10. Access to the System will be limited to registered users. Registered users
5 will consist of counsel of record and their designated staff members. LNFS will provide each
6 registered user with a user name and password to access the System and the documents filed in
7 the litigation. LNFS personnel will perform all administrative functions for the System, but all
8 initial data, additions, deletions or changes to the service list must be approved by liaison counsel
9 for both Plaintiffs and Defendants.

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

21 12. Any document transmitted to the System shall certify in the Proof of
22 Service that "a true and correct copy was electronically served on counsel of record by
23 transmission to LNFS for service on all counsel of record by electronic service pursuant to the
24 Order Re: Electronic Service."
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13. Until further notice, documents filed under seal ("sealed documents") shall not be served through the System. Instead, the service of sealed documents shall be made pursuant to traditional means.

14. To address any technical questions that may arise during the course of this litigation, LNFS shall also have available to counsel of record and the Court a 24-hour 7-days a week help desk hotline at (888) 529-7587.

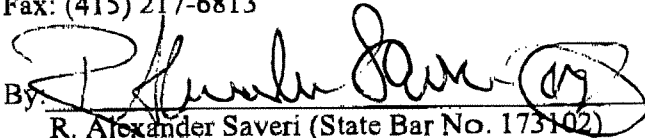
B. Application To Other Actions

This order authorizing electronic service applies to all actions currently included in In Re California Polychloroprene Cases, J.C.C.P. 4376, and shall in the future automatically be applicable to all actions hereinafter added to J.C.C.P. 4376, whether by order of the Judicial Counsel Coordinated Proceedings, order of this Court, or stipulation of the parties.

IT IS SO STIPULATED

Dated: March 16, 2005

SAVERI & SAVERI, INC.
111 Pine Street, Suite 1700
San Francisco, CA, 94111
Tel.: (415) 217-6810
Fax: (415) 217-6813

By: 
R. Alexander Saveri (State Bar No. 173102)

Plaintiffs' Liaison Counsel

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Dated: March 10, 2005

JONES DAY
555 West Fifth Street, suite 4600
L.A, CA 90013
Tel.: (213) 489-3939
Fax: (213) 243-2539

By: Amy A. Stathos
Amy A Stathos (State Bar No 169287)

Attorneys for Defendants Bayer
Corporation and Bayer Material Science I.I.C and
on behalf of all domestic defendants

IT IS SO ORDERED:

DATED:

3/18/05

Victoria Chaney
VICTORIA CHANEY

Los Angeles Superior Court Judge

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PROOF OF SERVICE BY MAIL

I, the undersigned, say:

I am a citizen of the United States and I am employed in the office of a member of the Bar of this Court. I am over the age of 18 and not a party to the within action. My business address is 1801 Avenue of the Stars, Suite 307, Los Angeles, CA 90067

On March 17, 2005, I served upon the interested parties in this action pursuant to Cal. Code Civ. Proc., Sec. 415.30 the document described as follows:

**STIPULATION AND [PROPOSED] ORDER
RE: ELECTRONIC SERVICE**

By U.S. Mail: I caused a true and correct copy of the above-listed documents to be mailed to all counsel of record (see attached service list).

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct. Executed on March 17, 2005 at the City of Los Angeles, the County of Los Angeles, the State of California.



Jill Levine Betts

SERVICE LIST
In Re California Polychloroprene Cases
Case No. J.C.C.P. 4376

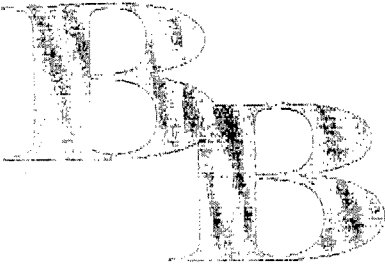
PLAINTIFFS' COUNSEL

<p>1 2 3 4 5 6 7 8 9 10</p> <p>Guido Saveri (22349) R. Alexander Saveri (173102) Geoffrey C. Rushing (126910) SAVERI & SAVERI, INC. 111 Pine Street, Suite 1700 San Francisco, CA, 94111 Tel.: (415) 217-6810 Fax: (415) 217-6813</p> <p><i>Attorneys for Plaintiff Stuart Grusin</i></p>	<p>Michael P. Lehmann (77152) Christopher L. Lebsock (184546) THE FURTH FIRM LLP 225 Bush Street, 15 Floor San Francisco, CA 94104 Tel.: (415) 433-2070 Fax: (415) 982-2076</p> <p><i>Attorneys for Plaintiff Marcia Wright</i></p>
<p>11 12 13 14 15 16</p> <p>Randy R. Renick (179652) THE LAW OFFICES OF RANDY R. RENICK 128 North Fair Oaks Avenue, Suite 204 Pasadena, CA, 91103 Tel.: (626) 585-9608 Fax: (626) 577-7079</p> <p><i>Attorneys for Plaintiff Stuart Grusin</i></p>	<p>Joseph M. Patane LAW OFFICES OF JOSEPH M. PATANE 2280 Union Street San Francisco, CA 94123 Tel.: (415) 563-7200 Fax: (415) 346-0679</p> <p><i>Attorneys for Plaintiff Robert Kerson</i></p>
<p>17 18 19 20 21</p> <p>Mario N. Alioto TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP 2280 Union Street San Francisco, CA 94123 Tel.: (415) 563-7200 Fax: (415) 346-0679</p> <p><i>Attorneys for Plaintiff Scott Lamson</i></p>	<p>Lawrence Genoro Papale LAW OFFICES OF LAWRENCE GENORO PAPALE 1308 Main Street, Suite 117 St. Helena, CA 94574 Tel: 707-963-1704 Fax: 707-963-0706</p> <p><i>Attorneys for Plaintiff Regina Cerda</i></p>

DEFENDANTS' COUNSEL

<p>George D. Ruttinger CROWELL & MORING LLP 1001 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2595 Tel.: (202) 624-2500 Fax: (202) 628-5116</p> <p><i>Attorneys for Defendant DuPont Dow Elastomers, LLC</i></p>	<p>Deborah E. Arbabi CROWELL & MORING LLP 3 Park Plaza, 20th Floor Irvine, CA 92614-8505 Tel.: (949) 263-8400 Fax: (949) 263-8414</p> <p><i>Attorneys for Defendant DuPont Dow Elastomers, LLC</i></p>
<p>William S. Farmer COLLETTE & ERICKSON LLP Bank of America Center 555 California Street, 43rd Floor San Francisco, CA 94104-1791 Tel.: (415) 788-4646 Fax: (415) 788-6929</p> <p><i>Attorneys for Defendant Polimeri Europa Americas, Inc. and Polimeri Europa S.P.A.</i></p>	<p>Mark Leddy CLEARY GOTTlieb STEEN AND HAMILTON LLP 2000 Pennsylvania Ave. NW Washington, DC 20006 Tel.: (202) 974-1500 Fax: (202) 974-1999</p> <p><i>Attorneys for Defendant Polimeri Europa Americas, Inc. and Polimeri Europa S.P.A.</i></p>
<p>Amy Stathos JONES DAY 555 West Fifth Street, suite 4600 LA, CA 90013 Tel.: 213.489.3939 Fax: 213.243.2539</p> <p><i>Attorneys for Defendant Bayer Corporation and Bayer MaterialScience, LLC and Bayer AG</i></p>	<p>William O'Reilly JONES DAY 51 Louisiana Ave. NW Washington DC 20001-2113 TEL: 202.879.3852. FAX: 202.626.1700</p> <p><i>Attorneys for Defendant Bayer Corporation and Bayer MaterialScience, LLC and Bayer AG</i></p>

LAW OFFICES of BRIAN BARRY



Brian Barry
E-mail: bbarry1@yahoo.com
Of Counsel
Jill Levine Betts
E-mail: jlllevine1@yahoo.com
Steve Chroman
sbclaw@hotmail.com

March 17, 2005

VIA FACSIMILE (213) 639-1363

The Honorable Victoria Chaney
Superior Court of California, County of Los Angeles
Central District
Central Civil West Courthouse, Dept. 324
600 South Commonwealth Venue
Los Angeles, California 90005

Re: In Re California Polychloroprene Cases, J.C.C.P. No. 4376

Dear Judge Chaney:

Attached for your convenience is a copy of a Stipulation which was delivered to the courthouse for filing this morning. I am told by our filing service that our messenger was diverted to the third floor, in accordance with the instructions posted on the door of Dept. 324. In the interest of time, I am also transmitting this copy via facsimile, as our conference call is scheduled for Monday and I understand there is often a delay in papers reaching your chambers from the third floor. I apologize for the duplication of paperwork.

Very truly yours,

Kathleen H. Langan

cc: All counsel