File & ServeXpress™

San Francisco Superior Court - Asbestos Cases

Updating Service Lists
Instructions for Defense Firms

I. Adding Parties, Firms or Attorneys to File & ServeXpress Service Lists

Defense firms do not need approval from the plaintiff firm to add parties, firms or attorneys to the File & ServeXpress service lists.

A. Two Options

1. Adding While E-Filing & E-Serving a Document

Defense firms may add parties, firms or attorneys to the File & ServeXpress service lists "on the fly" during the process of e-filing and e-serving a document in a particular case. The firm should click the “Add Party/Attorney” button located on the “Sending Parties” tab or the “Service” tab. Completion of the filing transaction is required for the changes to be applied.

2. Adding By Using the Case & Party Management Feature

Defense firms may also add parties, firms or attorneys to the File & ServeXpress service lists by using the Case & Party Management feature. As part of this process, the firm will be required to upload documentation to support the request. The documentation may be a brief letter on firm stationery stating the change to be made or a court document (such as an answer) showing the party, firm and/or attorney in the header on the caption page. For additional instructions, click here to access the document entitled "Using Case & Party Management," which is posted on the San Francisco "Rules & Procedures" page located on the File & ServeXpress Resource Center.

B. Notice Requirement - Only For Adding Parties or Firms

After a defense firm has added a party or firm to a File & ServeXpress service list using either of the two methods explained above, the defense firm must give notice of the addition to the plaintiff firm.

If the defense firm is adding a party or firm based on e-filing an answer or substitution of attorney, and has e-served that document on the plaintiff firm, the defense firm has already given sufficient notice of the change. No additional notice is necessary.

Furthermore, defense firms should not notify the plaintiff firm when adding a party and firm to a Brayton case for the sole purpose of e-filing a dismissal related to that party.

When a notice is necessary, it must be a letter that is transmitted by fax or e-service to the plaintiff firm's designated contact person within 24 hours of the addition. In the letter, please state the reason why the party or firm was added to the File & ServeXpress service list. For a list of each plaintiff firm, its contact person and his/her fax number, click here to access the document entitled "Contact Information for Plaintiff Firms," which is posted on the San Francisco "Rules & Procedures" page located on the File & ServeXpress Resource Center.

IMPORTANT - Do not send notices of attorneys added: A defense firm should **not** notify the plaintiff firm when it has only added an attorney (and not a new party or firm) to a service list. In other words, if a firm is already on a service list and the defense firm simply adds another attorney from the same firm who represents the same party, the defense firm should not notify the plaintiff firm. Defense firms with multiple accounts on File & ServeXpress File & Serve for different office locations should refer to the example below to determine whether a notice is necessary.

> Example: A defense firm has multiple accounts on File & ServeXpress File & Serve - one account for its San Francisco office and another account for its Los Angeles office. The firm has only one attorney on a File & ServeXpress service list and that attorney is from the San Francisco office. The firm adds an attorney from the Los Angeles office who represents the same party to the service list. The defense firm must notify the plaintiff firm of the addition. The reason is that by adding the Los Angeles attorney, a new "firm" (the Los Angeles office) has been added to the service list. In contrast, the defense firm would not notify the plaintiff firm if it simply adds a second attorney from the San Francisco office who is representing the same party to the service list.

II. Removing Attorneys from File & ServeXpress Service Lists

Defense firms do not need approval from the plaintiff firm to remove attorneys from the File & ServeXpress service lists. However, at least one other attorney from the same firm must remain on the service list or the removal is not permitted.

> Example: A defense firm has one account on File & ServeXpress File & Serve. The firm has two attorneys on a service list. The firm may remove one of the attorneys from the service list.

> Example: A defense firm has multiple accounts on File & ServeXpress File & Serve for different office locations - one account for its San Francisco office and another account for its Los Angeles office. The defense firm has two attorneys from its San Francisco office on a service list and one attorney from its Los Angeles office on the same service list. The firm may remove one of the attorneys from its San Francisco

office, but may not remove the attorney from its Los Angeles office. The reason is the San Francisco and Los Angeles offices are considered a separate "firms" on the service lists. Therefore, removing the attorney from the Los Angeles office would also remove that office (or "firm") entirely from the service list. If the defense firm wants to remove the attorney from the Los Angeles office, it would need to follow the procedures in Section III below that explain how to remove an entire firm from a service list.

Defense firms may remove attorneys from the service lists by using the Case & Party Management feature. As part of this process, the firm will be required to upload documentation to support the request, which may be a brief letter on firm stationery stating the change to be made. For additional instructions, click here to access the document entitled "Using Case & Party Management," which is posted on the San Francisco "Rules & Procedures" page located on the File & ServeXpress Resource Center.

III. Removing Parties or Firms from File & ServeXpress Service Lists

A. Dismissals, Substitutions of Attorney, Withdrawals of Attorney and Disassociations of Attorney

1. Brayton & Baron Budd Cases

For dismissals, substitutions of attorney, withdrawals of attorney and disassociations of attorney in Brayton and Baron Budd cases, plaintiff firms will automatically remove parties or firms from the File & ServeXpress service lists through the data feeds.

Note - Dismissals in Brayton Cases: A party and firm will be removed from a Brayton case after the plaintiff firm has prepared the dismissal, but often before the defense firm has e-filed it. As a result, the defense firm may need to add the party and firm back to the case "on the fly" to e-file the dismissal. To do so, the defense firm should click the "Add Party/Attorney" button located on the "Sending Parties" tab during the process of e-filing. The notice requirement does not apply in this situation. Therefore, defense firms should not notify the plaintiff firm when adding a party and firm to a Brayton case for the sole purpose of e-filing a dismissal related to that party. In addition, the defense firm does not need to take any additional steps to remove the party and firm from the File & ServeXpress service list after the dismissal is e-filed. The data feed will automatically process the removal the next day.

If it has been more than one week since the plaintiff firm has been e-served with a dismissal, substitution of attorney, withdrawal of attorney or disassociation of attorney that removes a party and/or firm from a Brayton or Baron Budd case, defense firms may remove the party and/or firm from the File & ServeXpress service lists. To remove the party or firm, defense firms must use the Case & Party Management feature. As part of this process, the firm will be required to upload

documentation to support the request. That documentation must be one of the following:

- A dismissal of a complaint signed by the plaintiff firm;
- A substitution of attorney;
- A withdrawal of attorney;
- A disassociation of attorney; or
- The File & ServeXpress transaction ID for any of the above documents.

Note: Defense firms are not required to upload file-stamped (conformed) copies of the above documents.

For additional instructions, click here to access the document entitled "Using Case & Party Management," which is posted on the San Francisco "Rules & Procedures" page located on the File & ServeXpress Resource Center.

2. Paul Hanley & Levin Simes Cases

For dismissals, substitutions of attorney, withdrawals of attorney and disassociations of attorney in Paul Hanley and Levin Simes cases, defense firms are responsible for removing parties or firms from the File & ServeXpress service lists. To remove the party or firm, defense firms must use the Case & Party Management feature. As part of this process, the firm will be required to upload documentation to support the request. That documentation must be one of the following:

- A dismissal of a complaint signed by the plaintiff firm;
- A substitution of attorney;
- A withdrawal of attorney;
- A disassociation of attorney; or
- The File & ServeXpress transaction ID for any of the above documents.

Note: Defense firms are not required to upload file-stamped (conformed) copies of the above documents.

For additional instructions, click here to access the document entitled "Using Case & Party Management," which is posted on the San Francisco "Rules & Procedures" page located on the File & ServeXpress Resource Center.

IMPORTANT - For substitutions of attorney, withdrawals of attorney and disassociations of attorney: Defense firms must wait at least one week between the time it e-serves these documents on the plaintiff firm and the time it submits a request to remove a firm based on these document through the Case & Party Management feature. This one-week period will give the plaintiff firm time to remove the defense firm from its data feed. Otherwise, the data feed will automatically add the defense firm back on to the File & ServeXpress service list.

3. All Other Cases (Besides Brayton, Baron Budd, Paul Hanley & Levin Simes Cases)

   For dismissals, substitutions of attorney, withdrawals of attorney and disassociations of attorney in all other cases (i.e., those cases other than Brayton, Baron Budd, Paul Hanley and Levin Simes cases), plaintiff firms are responsible for removing parties and firms from the File & ServeXpress service lists by using the Case & Party Management feature.

   If the plaintiff firm has not removed a party or firm in these circumstances, the defense firm may do so if it provides File & ServeXpress with the form entitled "Request to Remove Party/Law Firm from File & ServeXpress File & Serve Service List". This form must be approved and signed by the plaintiff firm, or the form must have become self-executing. Defense firms may then remove parties or firms by using the Case & Party Management feature. As part of this process, the defense firm will be required to upload the form to support the request.

   For additional instructions, click here to access the document entitled "Using Case & Party Management," which is also posted on the File & ServeXpress Resource Center. For a copy of the form, click here to access the document entitled "Request to Remove Party/Law Firm from Service List," which is posted on the San Francisco "Rules & Procedures" page located on the File & ServeXpress Resource Center.

B. All Other Situations Involving Removal of Parties or Firms

To remove a party or firm in situations other than dismissals, substitutions of attorney, withdrawals of attorney and disassociations of attorney, defense firms must use the form entitled "Request to Remove Party/Law Firm from File & ServeXpress File & Serve Service List". Examples of these situations are:

- A defense firm would like to be removed from a service list because it never represented a party in the case.
- A defense firm has two locations on a service list and would like to remove one of the locations.
- A defense firm that has appeared in the action would like to remove the agent for service of process for the party represented by the defense firm.

The form must be approved and signed by the plaintiff firm, or the form must have become self-executing. Defense firms may then remove parties or firms by using the Case & Party Management feature. As part of this process, the defense firm will be required to upload the form to support the request.

For additional instructions, click here to access the document entitled "Using Case & Party Management," which is also posted on the File & ServeXpress Resource Center.

For a copy of the form, click here to access the document entitled "Request to Remove Party/Law Firm from Service List," which is posted on the San Francisco "Rules & Procedures" page located on the File & ServeXpress Resource Center.

IV. Updating the File & ServeXpress Service List for the Master Asbestos Case

The case entitled "In Re Complex Asbestos Litigation" (case no. 828684) is also known as the "Master Asbestos Case." The File & ServeXpress service list for the Master Asbestos Case is an automated compilation of File & ServeXpress service lists from all other asbestos cases. To update the service list for the Master Asbestos Case, a party, firm and/or attorney must be added to, or removed from, the File & ServeXpress service list in all other asbestos cases first. Once that is done, the party, firm and/or attorney will be automatically added to, or removed from, the File & ServeXpress service list for the Master Asbestos Case.

V. Voluminous Additions or Removals

For additions or removals from the File & ServeXpress service lists that are too voluminous to make through the Case & Party Management feature, File & ServeXpress can make the changes. In this situation, the defense firm should call Client Support at 1-888-529-7587 for a ticket to be generated and tracked to completion.

The firm should be prepared to provide a spreadsheet listing the following information for each case where the service list needs to be changed: case name; case number; party name; name of the firm & attorney representing the party; and whether the change is an addition or removal of the party, firm and/or attorney. The spreadsheet should also include a column for, or be accompanied by, the appropriate documentation to support the type of changes requested (such as a column on the spreadsheet listing the File & ServeXpress transaction ID for each dismissal or a letter on the defense firm's stationery requesting File & ServeXpress to add the attorneys listed on the spreadsheet). Please refer to the previous sections above for a complete explanation of the documentation required for each type of service list change.

VI. Questions About These Instructions

Please call Client Support at 1-888-529-7587.