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 CLERK, U.S. DISTRICT COURT  
 JUN 28 2005  
 CENTRAL DISTRICT OF CALIFORNIA  
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 BY *W*

5 Attorneys for Defendants 1996 Thomas O. Peters and  
 6 Kathleen S. Peters Revocable Trust and Thomas O. Peters

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CLERK, U.S. DISTRICT COURT  
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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA, RIVERSIDE BRANCH

11 CITY OF COLTON, a California  
 12 Municipal corporation,

Plaintiff,

vs.

14 AMERICAN PROMOTIONAL  
 15 EVENTS, INC.-WEST, et al.

Defendants.

CASE NO. CV 05-01479 JFW  
 (Ex)

[PROPOSED] ORDER  
 AUTHORIZING  
 ELECTRONIC SERVICE

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1 Pursuant to the Federal Rules of Civil Procedure, the Court finds that  
2 entry of this Order is necessary for the just and more expeditious and  
3 efficient resolution of the above-captioned litigation.

4 When a party to this litigation wishes to serve a document to counsel  
5 of record, that party shall effectuate service of the document by the  
6 procedure set forth in this Order (subject to the exceptions outlined herein):

7 **I. LEXIS-NEXIS FILE & SERVE**

8 1. In order to facilitate case management, document retrieval and  
9 case organization, the parties will utilize the services of LexisNexis File &  
10 Serve ("LNFS") formerly known as Verilaw, and its litigation website system  
11 (the "System") for providing electronic service, storage and delivery of  
12 court-filed and discovery-related documents through a secure website to  
13 facilitate expeditious, efficient and economical communication by and  
14 amongst counsel. Counsel of record may use the System to serve other  
15 documents as well (e.g., correspondence) and the Court, at its option, may  
16 also use LNFS and its System at no cost for these purposes as well to  
17 communicate with counsel of record.

18 **II. SERVICE ONLY**

19 1. The System shall apply only to the service of documents, and  
20 not to their filing. Original documents must still be filed in the traditional  
21 manner, pursuant to the applicable Federal Rules of Civil Procedure and  
22 Local Rules of such Court.

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

2 1. Within five (5) days of filing of this Order, Defendant Peters'  
3 counsel shall submit to the following email address of the responsible  
4 LNFS representative ([gerard.mccabe@lexisnexis.com](mailto:gerard.mccabe@lexisnexis.com)) a complete and  
5 current service list of counsel of record for this litigation. Within 10 days of  
6 this Order, each attorney of record for this litigation, or within five (5) days  
7 of the entry of appearance for a new attorney of record, shall register for  
8 electronic service in this litigation by completing the application located at  
9 the following website: <http://www.lexisnexis.com/fileandserve> (advanced  
10 registration).

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

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

13 1. When any counsel of record wishes to serve a document, that  
14 counsel shall serve the document according to all the requirements and  
15 procedures of this Order. All references to "document" in this Order shall  
16 be interpreted to include any exhibits or attachments to the document and  
17 shall include both pleadings and discovery-related documents (such as  
18 interrogatories, requests for production, deposition notices/transcripts,  
19 etc.); provided, however, that each attorney shall determine individually  
20 whether to utilize the System to serve correspondence and/or the actual  
21 production of discovery documents in response to another party's request  
22 for production.

23 2. LNFS shall establish and maintain an Internet website (the  
24 "Website") for this litigation. LNFS will post all documents served by the

1 parties to the Website as provided in this Order and shall serve each  
2 document on the parties included on the service list provided to LNFS in  
3 accordance with the procedures herein.

4 3. Each attorney shall serve each document via electronic transfer  
5 of the document file to LNFS via the Internet (either as a word-processing  
6 file or a scanned image of the document). Each attorney shall title each  
7 document to identify the type and purpose of each document and the party  
8 who is submitting such document. Each document electronically served  
9 pursuant to this Order shall be deemed to have been served under the  
10 Federal Rules of Civil Procedure.

11 4. Any document transmitted to the System shall certify in the  
12 Proof of Service that a true and correct copy was electronically served on  
13 counsel of record by transmission to LNFS. Service via the System shall be  
14 deemed compliant with Rules of Federal Procedure Rule 5(b)(2)(D), such  
15 that following service three (3) days shall be added to the prescribed period  
16 to file or serve any response.

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

20 6. Within one (1) hour of the time a document is posted to the  
21 Website, LNFS shall send an email to all registered users notifying them  
22 that the document has been posted to the Website (unless such registered  
23 user has declined to receive such email notifications). The email shall  
24 contain hypertext link(s) to the document location(s) on the System (or, if

1 so designated by the recipient, the email shall have the served document  
2 attached thereto).

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

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

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1           9.    The System shall contain an index of all served documents for  
2 the litigation that will be searchable and sortable according to methods that  
3 provide useful access to the documents at any time, subject to System  
4 maintenance. LNFS shall notify all registered users (as defined in Section  
5 III above) of the System at least 24 hours before the System is made  
6 unavailable for any reason, or as soon as practicable if advance notice  
7 cannot be given.

8           10. Access to the System will be limited to registered users.  
9 Registered users will consist of authorized Court personnel, counsel of  
10 record and their designated staff members. LNFS will provide each  
11 registered user with a user name and password to access the System and  
12 the documents served in the litigation. LNFS personnel will perform all  
13 administrative functions for the System, but all initial data, additions,  
14 deletions or changes to the service list must be approved by the Plaintiff  
15 and Defendants.

16           11. Every pleading, document and instrument served electronically  
17 shall bear an original signature or one of the following: a photocopy or  
18 facsimile copy of an original signature, a typographical signature of the  
19 serving attorney, or a representation that the original signature is on file  
20 with the serving attorney ("Signature Substitute"). A Signature Substitute  
21 shall be treated exactly as a personal signature for purposes of  
22 electronically served documents under the Federal Rules of Civil  
23 Procedure. Any document requiring multiple signatures (e.g., stipulations,  
24 joint status reports) may be served with one or more Signature Substitutes

1 By submitting such a document, the serving party certifies that each of the  
2 other signatories has expressly agreed to the form and substance of the  
3 document and that the serving party has the actual authority to submit the  
4 document electronically. The serving party must maintain any records  
5 evidencing this concurrence for subsequent production to the Court if so  
6 ordered or for inspection upon request by a party.

7 12. Any document transmitted to the System shall certify in the  
8 Proof of Service that a true and correct copy was electronically served on  
9 counsel of record by transmission to LNFS.

10 13. In the event a party believes the date and/or time stamp on a  
11 document submitted by that party to be erroneous, or LNFS fails to process  
12 and post a document otherwise properly submitted, the party shall submit  
13 to LNFS, for service pursuant to this Order, proof of compliance with this  
14 Order within 10 days of the date of attempted submission, or within 5  
15 business days of the date that the party knew or had reason to know of the  
16 alleged error, whichever is later. If no party challenges the proof of  
17 compliance, LNFS shall process and stamp the document as if received  
18 according to proof. Any party may challenge the proof of compliance  
19 within 5 days by letter to LNFS, which shall serve the letter on the parties.  
20 If proof of compliance is challenged, the party seeking to establish  
21 compliance must seek relief from the Court or as otherwise appropriate.

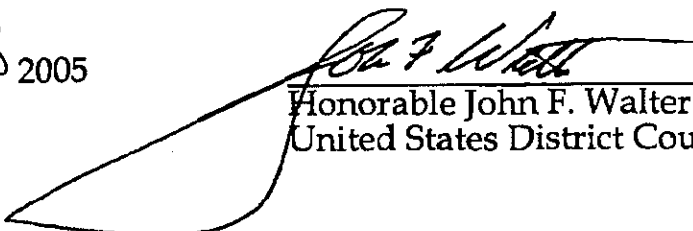
22 14. Until further notice, only the title page of documents filed  
23 under seal ("sealed documents") pursuant to Local Rule 79-5.1 shall be  
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served through the System. The service of sealed documents shall be made pursuant to the applicable Federal Rules of Civil Procedure.

15. LNFS shall have available to counsel of record and the Court a 24-hour 365 days help desk hotline at (888) 529-7587 and website - <http://www.lexisnexis.com/fileandserve/support.asp>.

DATED: June 28 2005



Honorable John F. Walter  
United States District Court

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