

IN RE: ELECTRONIC SERVICE : IN THE COURT OF COMMON PLEAS  
 IN ASBESTOS LITIGATION : DAUPHIN COUNTY, PENNSYLVANIA  
 : NO. 2006 CV 1216 AD

2006 SEP 13 PM 12:56

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 OFFICE OF  
 PROTHONOTARY

**ADMINISTRATIVE ORDER**

AND NOW, THIS 11<sup>TH</sup> day of SEPTEMBER, 2006, this order is

entered, in the interest of justice, to lessen unnecessary paperwork, and to provide for the most economical use of time and resources by all parties, counsel and the Court, since in the majority of the pending asbestos cases, the plaintiffs are represented by the same law firm and the defendants and their counsel are the same.

Therefore, it is hereby ordered that the following procedural rules shall apply in all cases filed in Dauphin County for the recovery of damages for injuries or death, exclusive of property damage claims, as the result of exposure to asbestos or to products containing asbestos.

**I. APPLICABILITY AND SERVICE**

A. This order shall apply to all asbestos personal injury cases now pending or hereafter filed in Dauphin County, exclusive of claims limited to property damage.

B. The Prothonotary shall send a copy of this Administrative Order to counsel for plaintiff in all pending asbestos cases. This Administrative Order shall be served by counsel for Plaintiff in all pending asbestos cases upon each party named as a Defendant and their counsel in all pending asbestos cases in Dauphin County. Any defendant joining an additional defendant shall serve a

copy of this Administrative Order on the additional defendant and their counsel. Each party and their counsel need only to be served once with a copy of this Administrative Order.

## **II. ELECTRONIC SERVICE OF DOCUMENTS**

A. Whenever counsel for a party is required to serve any document on counsel of record for another party, such service shall be accomplished by procedures set forth in this Administrative Order.

B. LexisNexis File & Serve will furnish a web based system for providing electronic service of documents.

C. On the same day that a document is filed with the Prothonotary's Office, counsel filing such document shall accomplish service of that document by means of the LexisNexis File & Serve system. This requires that counsel serving this document transmit a complete copy of the document as filed to LexisNexis File & Serve by either electronic transfer, fax transmission or by hard copy via commercial delivery or United States mail. Regardless of the method of transmission, all document service must be initiated on the LexisNexis File & Serve website in accordance with the procedures set forth on the website. In the event that electronic transmission of a document makes signature of counsel incapable of transmission, the place for signature in the document shall contain the statement "Signature of Counsel on Filed Original." The required certificate of service accompanying any document served by means of the LexisNexis File & Serve system shall state and certify the date, time and manner that the

document was transmitted to LexisNexis File & Serve for electronic service upon counsel.

D. Upon receipt of transmission of a document, LexisNexis File & Serve shall post the document on the LexisNexis File & Serve website.

Documents transmitted to LexisNexis File & Serve by electronic transfer shall be posted within one (1) hour of receipt by LexisNexis File & Serve. Documents transmitted to LexisNexis File & Serve by fax transmission shall be posted within six (6) hours of receipt by LexisNexis File & Serve. Documents transmitted to LexisNexis File & Serve by hard copy via commercial delivery or United States Mail shall be posted within twenty-four (24) hours of receipt by LexisNexis File & Serve.

E. Within one (1) hour of posting the document to the LexisNexis File & Serve website, LexisNexis File & Serve shall forward an email notification to all applicable counsel of record notifying such counsel of the posting.

F. Defense counsel shall be responsible for maintaining a complete and accurate service list of defense counsel in conjunction with LexisNexis File & Serve. On request, all counsel shall provide LexisNexis File & Serve with pertinent information necessary to proper operation of the LexisNexis File & Serve electronic service system.

G. The LexisNexis File & Serve electronic service system shall be privately funded by counsel in accordance with the terms set forth by LexisNexis File & Serve.

H. Electronic Service in the manner set forth in this Administrative Order shall be limited to service of documents upon counsel of record for a party already properly made a party to the action in question. Original process or other pleadings making and/or stating a new claim against a new party must be served in accordance with existing law.

I. This Administrative Order governs only the means by which documents are to be served. The filing of the original, hard, fully executed documents with the Prothonotary of Dauphin County remains mandatory in all respects.

### **III. EFFECTIVE DATE, MODIFICATION OR TERMINATION**

A. The electronic service system instituted by this Administrative Order shall become effective on October 1, 2006.

B. The electronic service system instituted by this Administrative Order shall be otherwise subject to modification or termination by further Order of Court as deemed necessary for the efficient administration of justice.

C. The electronic service system instituted by this Administrative Order shall be on a trial basis for one year. After the expiration of one year, the electronic service shall be permanent unless any party for good cause shown

petitions the court to review the system before the expiration of the one year.

BY THE COURT:

  
Richard A. Lewis, President Judge

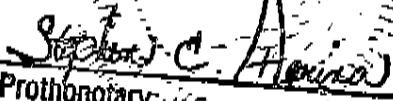
  
Lawrence F. Clark, Jr., Asbestos Oversight Judge

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- Visilka Mihailoff
- Stephen Farina, Prothonotary
- Carolyn Thompson, Esquire
- Deborah Freeman, Esquire
- Elaine Blass, Esquire
- Janice Savinis, Esquire, Suite 3626 Gulf Tower, 707 Grant Street, Pittsburgh, Pa. 15219

SEP 13 2006

I hereby certify that the foregoing is a true and correct copy of the original filed.

  
Prothonotary

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