

STATE OF MICHIGAN

IN THE 44TH CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

EDWARD VEZINA, SUZANNE VEZINA
and EDWARD VEZINA, JR.,

Plaintiffs,

v

Case No. 06-22115-NZ
HONORABLE: DAVID J. READER

ESTATE OF MICHAEL JOHN LAFAVE,
deceased, SARAH MARIE RIBAS,
GRANT WILLIAM CZUJ, DAVID HAROLD
LAWRENCE, PRESTON ASHTON MEYERS,
STEPHEN DONALD CASSELMAN,
KATHRYN RAE LAWRENCE, RYAN LEE
CORCORAN, SHANNON KIMBERLY BRISCOE,
KIM ALLYN BRISCOE, MELISSA ANNE SHORT,
JUSTIN JAMES WIDMAYER, STEPHANIE COOKE,
and MICHAEL FRANK COOKE,

ORDER ESTABLISHING
LEXISNEXIS AS
DOCUMENT
DEPOSITORY
AND AUTHORIZING
ELECTRONIC SERVICE

Defendants,

ESTATE OF MICHAEL JOHN LAFAVE and SARAH M. RIBAS,

Counter-Plaintiffs,

v

EDWARD VEZINA, SUZANNE VEZINA, and
EDWARD VEZINA, JR.,

Counter-Defendants,

TRUE COPY
NON. DAVID J. READER
44TH CIRCUIT COURT



ESTATE OF MICHAEL JOHN LAFAVE and SARAH M. RIBAS,

Cross-Plaintiffs

v

GRANT CZUJ, DAVID H. LAWRENCE,
PRESTON MEYERS and STEPHEN CASSELMAN

Cross-Defendants.

ESTATE OF MICHAEL JOHN LAFAVE and SARAH M. RIBAS,

Third-Party Plaintiffs

v

JEFFREY CZUJ, PAMELA CZUJ,
ALEX WENNER, JONATHAN WENNER,
ALEX BUCKLAND, and JESSICA MUELLER,

Third-Party Defendants.

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**ORDER ESTABLISHING LEXISNEXIS AS DOCUMENT DEPOSITORY
AND AUTHORIZING ELECTRONIC SERVICE**

At a session of said Court held in the
City of Howell, County of Livingston,
on _____
PRESENT: Hon. David J. Reader

This matter having come before the Court on Motion of Defendant/Cross-Plaintiff/Counter-Plaintiff/Third-Party Plaintiff THE ESTATE OF MICHAEL JOHN LAFAVE for an ORDER ESTABLISHING LEXISNEXIS AS DOCUMENT DEPOSITORY AND AUTHORIZING ELECTRONIC SERVICE pursuant to MCR 2.302(F) in furtherance of this Court's Order Creating Document Depository and Governing Discovery entered June 4, 2007, and the Court finding that entry of this Order is necessary for the just and more expeditious and efficient resolution of the above-captioned litigation.

NOW THEREFORE, IT IS HEREBY ORDERED that when a party to this litigation wishes to serve a document to counsel of record, that party may, at its option, effectuate service of the document by the procedure set forth in this Order (subject to the exceptions outlined herein):

I. LEXISNEXIS FILE & SERVE

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

II. SERVICE ONLY

2. The System shall apply only to the service of documents, and not to their filing. Original documents must still be filed in the traditional manner (i.e., filing the signed original document with the Court), pursuant to the applicable Michigan Court Rules and Local Rules of this Court.

III. SERVICE LIST & SIGN-UP

3. Within five (5) days of this Order, counsel for SARAH RIBAS and ESTATE OF MICHAEL JOHN LAFAVE shall submit to the LNFS representative (Christopher D. Shaw, Esq. @ christopherdean.shaw@lexisnexis.com) a complete and current service list of counsel of record for this litigation. Within five (5) days of this Order, each attorney of record for this litigation, or within five (5) days of the entry of appearance for a new attorney of record, shall register for electronic service in this litigation by completing the application located at the following website: <http://www.lexisnexis.com/fileandserve>.

IV. SERVICE OF DOCUMENTS AND WEBSITE

A. Establishment and Use of the LNFS Website Generally

4. When any counsel of record wishes to serve a document, that counsel may, at his or her option, serve the document according to all the requirements and procedures of this Order. All references to “document” in this Order shall be interpreted to include any exhibits or attachments to the document and shall include both pleadings and discovery-related documents (such as interrogatories, requests for production, deposition notices/transcripts, etc.); provided, however, that each attorney shall determine individually whether to utilize the System to serve correspondence and/or the actual production of discovery documents in response to another party’s request for production.

5. LNFS shall establish and maintain an Internet website (the “Website”) for this litigation. LNFS will post all documents served by the parties to the Website as provided in this Order and shall

serve each document on the parties included on the service list provided to LNFS in accordance with the procedures herein.

6. Each attorney desiring to serve a document pursuant to the procedures set forth in this Order shall serve each document via electronic transfer of the document file to LNFS via the Internet (either as a word-processing file or a scanned image of the document). Each attorney shall title each document to identify the type and purpose of each document and the party who is submitting such document. Each document electronically served pursuant to this Order shall be deemed to have been served under the Michigan Rules of Civil Procedure.

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

8. Within one (1) hour of the time a document is posted to the Website, LNFS shall send an email to all registered users notifying them that the document has been posted to the Website (unless such registered user has declined to receive such email notifications). The email shall contain hypertext link(s) to the document location(s) on the System (or, if so designated by the recipient, the email shall have the served document attached thereto).

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

10. The System shall contain an index of all electronically served documents for this action that will be searchable and sortable according to methods that provide useful 24/7 365 days' access to the documents.

11. Access to the System will be limited to registered users. Registered users will consist of authorized Court personnel, counsel of record and their designated staff members. Upon registration,

LNFS will provide each registered user with a user name and password to access the System and the documents served in the litigation.

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

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

14. 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>. In addition, each attorney is instructed to review Exhibit A attached to this Order which sets forth the procedure for registration with and service through LexisNexis File & Serve. See Exhibit A, *LexisNexis File & Serve Welcome Kit*.

IT IS SO ORDERED.

DAVID J. READER P-27877

CIRCUIT COURT JUDGE

Exhibit A **LexisNexis® File & Serve Welcome Kit**

Step 1. Registration

If your firm has a LexisNexis File & Serve account, *contact your firm's administrator to obtain a user name & password for yourself and anyone else who will need to serve or access documents in the case. The administrator will follow the Instructions for Existing Subscribers in Section A.*

If this is your firm's first LexisNexis File & Serve case, *you will need to create a LNF&S account before registering. The firm must designate an administrator who will create the account and add users. The administrator will follow the Instructions for New Subscribers in Section B.*

To find out if your firm has a LexisNexis File & Serve account or the name of your administrator, please call Customer Support at 1.888.529.7587.

Section A: Instructions for Existing Subscribers (Administrator registers new users)

1. Sign on to www.lexisnexis.com/fileandserve
2. Select Preferences in the upper right hand corner of the screen. Click Firm Profile.
3. Click the Add Users tab and enter user information for every attorney and staff member who will need a user ID and password. Include full name, phone, fax, email and bar number (for attorneys). All attorneys of record must have a user ID and password.

Section B: Instructions for New Subscribers (Administrator sets up account and registers users)

1. Visit www.lexisnexis.com/fileandserve/lawfirms/register.asp and click Register.
2. Add organization information.
3. Add user information for administrator (primary contact).
4. Add user information for every attorney and staff member in your firm who will need a user ID and password. Include full name, phone, fax, email and bar number (for attorneys). All attorneys of record must have a user ID and password.
5. Review system requirements.
6. Review and accept Terms of Service Agreement by selecting an authorizing attorney.

Step 2: Training

We strongly recommend that all of the users in your firm (including attorneys) take advantage of LexisNexis File & Serve free, online training classes.

Classes will cover:

- The basics of using the LexisNexis File & Serve system to serve documents
- Searching online case files
- Setting up User and Firm Profiles

Class dates and times:

Eservice Only

- Every Tuesday and Thursday, 10:30 AM – 11:30 AM PST

To register for a class, please go to: <http://www.lexisnexis.com/fileandserve/training.asp>

Then choose "Michigan" from the drop down menu for attorneys and law firm staff.

For training questions, email: fileandservetraining@lexisnexis.com