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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 3.550)

AVANDIA DRUG CASES

ORIGINAL FILE

OCT 6 2009
LOS ANGELES
SUPERIOR COURT

Judicial Council Coordination Proceeding
JCCP No. 4578

~~PROPOSED~~ ORDER ESTABLISHING
ELECTRONIC SERVICE VIA
LEXISNEXIS

Dept: 323
The Honorable Carolyn B. Kuhl

1 Pursuant to California Code of Civil Procedure § 1016.6 and Rule 2.253 of the California
2 Rules of Court, the Court finds that entry of this Order is necessary for the just and more expeditious
3 and efficient resolution of the above-captioned litigation.

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

7 **I. LEXISNEXIS FILE & SERVE**

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

14 **II. SERVICE ONLY**

15 File & Serve shall apply only to the service of documents, and not to their filing. Original
16 documents must still be filed with the Court in the traditional manner, pursuant to the applicable
17 provisions of the California Code of Civil Procedure, California Rules of Court and Local Rules of
18 this Court.

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

20 A. Within five (5) days of entry of this Order or five (5) days of the initiation of a new
21 case in this litigation, Plaintiffs' Liaison Counsel (*see* para. 2, *infra*) shall submit via email to
22 LexisNexis, Eservice@fileandserve.lexisnexis.com, a complete and current service list of counsel of
23 record for this litigation. Within five (5) days of entry of this Order, each attorney of record for this
24 litigation shall register for electronic service in this litigation by completing the registration located
25 at the following website: <http://www.lexisnexis.com/fileandserve>. Within five (5) days of the entry
26 of appearance for a new attorney of record, each new attorney of record shall notify Plaintiffs'
27 Liaison Counsel that they will need to be added to the service list and shall complete the registration
28 located at the following website: <http://www.lexisnexis.com/fileandserve>. Plaintiffs' Liaison

1 Counsel shall promptly notify LexisNexis of the new additions or changes to the service list by
2 submitting the new or changed information to Eservice@fileandserve.lexisnexis.com

3 B. Plaintiff's Liaison Counsel in the above-captioned litigation shall be liaison counsel
4 to LexisNexis for all service list changes. Plaintiff's Liaison Counsel shall be responsible for
5 monitoring the service list and advise Defendants' counsel of any changes or corrections. The
6 service list will identify one counsel of record for each firm, along with parties they represent, who
7 are to receive service of documents in the case utilizing File & Serve. Once a firm is registered on
8 File & Serve, each firm will be provided functionality on File & Serve to designate a firm
9 administrator to control the addition and deletion of registered users on File & Serve for their firm.

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

11 **A. Establishment and Use of the File & Serve Website Generally**

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

19 2. LexisNexis will maintain the File & Serve internet website for this litigation. When a
20 transaction is submitted on File & Serve, File & Serve will electronically serve each document on
21 the parties included on the service list provided to LexisNexis in accordance with the procedures
22 herein.

23 3. Each attorney shall serve each document via electronic transfer of the document
24 through File & Serve via the Internet (either as a word-processing file or a scanned image of the
25 document). Each attorney shall title each document to identify the type and purpose of each
26 document and the party who is submitting such document. Each document electronically served
27 pursuant to this Order shall be deemed to have been electronically served under the California Code
28

1 of Civil Procedure § 1016.6(a)(6) and the time to respond, if applicable, extended as provided in that
2 Section.

3 4. After an attorney uploads a document onto File & Serve, File & Serve will convert
4 such document into Adobe Portable Document Format (“PDF”)

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

9 6. Access to File & Serve will be limited to registered users. Registered users will
10 consist of authorized Court personnel, counsel of record and their designated staff members. Upon
11 registration, LexisNexis will provide each registered user with a user name and password to access
12 File & Serve and the documents served in the litigation.

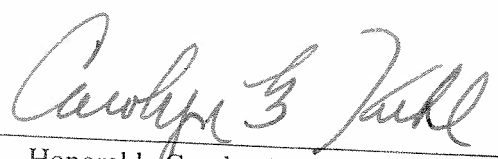
13 7. Every pleading, document and instrument served electronically shall bear a facsimile
14 or typographical signature of at least one of the attorneys of record, along with the typed name,
15 address, telephone number and State Bar Number of such attorney. Typographical signatures shall
16 be treated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

24 8. Any document transmitted to File & Serve shall certify in the Proof of Service that a
25 true and correct copy was electronically served on counsel of record by transmission through
26 LexisNexis File & Serve, the date and time to be used on the Proof of Service will be the date and
27 time reflected on the Transaction Receipt provided after submitting a transaction on File & Serve.
28

1 9. LexisNexis will make available to counsel of record and the Court a 24-hour 365 days
2 Customer Support hotline at (888) 529-7587 and website -
3 <http://www.lexisnexis.com/fileandserve/support.asp>. In addition, each attorney is instructed to
4 review **Exhibit A** attached to this Order which sets forth the procedure for registration with and
5 service through LexisNexis File & Serve. *See Exhibit A, LexisNexis File & Serve Welcome Kit.*

6 **IT IS SO ORDERED.**

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8 Dated: October 19, 2009

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Honorable Carolyn B. Kuhl