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5 Attorneys for Defendants
TESORO REFINING AND MARKETING CO.
6 VALERO MARKETING & SUPPLY CO.

ORIGINAL FILED
FEB 22 2010
LOS ANGELES
SUPERIOR COURT

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF LOS ANGELES

9 COORDINATION PROCEEDING)
SPECIAL TITLE RULE 3.550(C))

10 **PROP 65 PROPANE GAS CASES**)

11 Coordinated Actions:)

12 Sowinski, in the Public Interest. v. B.P.)
13 Products North America, Inc., et al.,)

14 Sowinski, in the Public Interest, v. Amana)
15 Corporation, et al.,)

16 Sowinski, in the Public Interest, v.)
17 Amerigas Propane L.P., et al.)

JUDICIAL COUNCIL)
COORDINATION PROCEEDING NO.)
4564)

Superior Court, County of Los Angeles,)
Case No. BC 393707)

Superior Court, County of Los Angeles,)
Case No. BC 393706)

Superior Court, County of San)
Francisco, Case No. CGC-08-480871)

18 **NOTICE OF ENTRY OF ORDER**)
19 **AUTHORIZING ELECTRONIC**)
20 **SERVICE**)


Assigned to Hon. Ann I. Jones)
Department 308 – Central Civil West)

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on or about February 2, 2010, the Court entered
3 the an Order Authorizing Electronic Service in the above-captioned matter. A true and
4 correct copy of the Order Authorizing Electronic Service is attached hereto as Exhibit 1.

5 Dated: February 22, 2010.

6 PILLSBURY WINTHROP SHAW PITTMAN LLP
7 MARK E. ELLIOTT
8 CAROLINE L. PLANT

9 By 
10 Caroline Plant

11 Attorneys for Defendants
12 TESORO REFINING & MARKETING CO. AND
13 VALERO MARKETING & SUPPLY CO.
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ORIGINAL FILED

FEB - 2 2010

**LOS ANGELES
SUPERIOR COURT**
FEB - 7 2010

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF LOS ANGELES

9 COORDINATION PROCEEDING
10 SPECIAL TITLE RULE 3.550(C)

11 **PROP 65 PROPANE GAS CASES**

12 Coordinated Actions:

13 Sowinski, in the Public Interest. v. B.P.
Products North America, Inc., et al.,

14 Sowinski, in the Public Interest, v. Amana
15 Corporation, et al.,

16 Sowinski, in the Public Interest, v.
Amerigas Propane L.P., et al.

JUDICIAL COUNCIL
COORDINATION PROCEEDING NO.
4564

Superior Court, County of Los Angeles,
Case No. BC 393707

Superior Court, County of Los Angeles,
Case No. BC 393706

Superior Court, County of San
Francisco, Case No. CGC-08-480871

~~[PROPOSED]~~ ORDER
AUTHORIZING ELECTRONIC
SERVICE

*Assigned to Hon. Judge Ann Jones
Department 308 – Central Civil West*

1 Pursuant to California Code of Civil Procedure sections 128 and 187, and California
2 Rules of Court 2.253(a) and 3.751, the Court finds that entry of this Order is necessary for the
3 just and efficient resolution of the above referenced actions ("Actions").

4 **I. LEXIS NEXIS FILE & SERVE**

5 In order to facilitate case management, document retrieval and case organization, the
6 parties to this Action will utilize the services of LexisNexis File & Serve ("LNFS") and its
7 litigation system (the "System") for providing electronic service, storage and delivery of court-
8 filed and discovery-related documents through a secure website to facilitate expeditious,
9 efficient and economical communication by and amongst counsel of record. This Court, at its
10 option, may also use LNFS and the System for the above mentioned purposes as well to
11 communicate with counsel of record.

12 **A. Service Only**

13 The System shall apply only to the service of documents, and not to the filing of such
14 documents. Original documents must still be filed with the Court in the traditional manner
15 (i.e., filing the signed original document with the Court), pursuant to the applicable California
16 Rules of Civil Procedure and Local Rules of this Court. Except as otherwise provided by this
17 Order, LNFS shall be the required method of service and shall be deemed to comply with the
18 California Code of Civil Procedure as valid and effective service on counsel of record in this
19 Action.

20 **B. Set-Up Fee and Filing Fees**

21 There shall be no cost to the Court for the use of the System. LNFS shall individually
22 invoice each law firm acting as counsel of record. LNFS's current price sheet for e-service is
23 attached to this Order as Exhibit A, but pricing is subject to change.

24 **C. Service List and Registration**

25 Within five (5) days of entry of this Order, counsel for defendants Tesoro Refining and
26 Marketing Co. and Valero Marketing & Supply Co. ("Defendants") shall submit to the LNFS
27 representative a complete and current service list of counsel of record for this litigation. Within
28 five (5) days of this Order, each attorney of record shall register for electronic service with

1 LNFS in this Action by completing the application located at the following website:
2 <http://www.lexisnexis.com/fileandserve>. Counsel also shall review the procedures set forth in
3 Exhibit A attached to this Order, which sets forth the procedure for registration with LNFS.
4 See Exhibit A, *LexisNexis File & Serve Welcome Kit*. The resulting list of registered attorneys
5 of record, as may be amended from time to time, shall constitute the "Service List" for the
6 System.

7 In the event that new defendants are named and served with process in this Action after
8 the entry of this Order, counsel for Plaintiffs shall serve this Order upon such new defendants at
9 the time the Summons and Complaint are served. New counsel are hereby ordered to comply
10 with the terms of this Order at the time they make their initial appearance in this Action.

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

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

21 B. LNFS shall establish and maintain an Internet website (the "Website") for this
22 litigation. LNFS will post all documents served by the parties to the Website as provided in
23 this Order and shall serve each document on the parties included on the service list provided to
24 LNFS in accordance with the procedures herein.

25 C. Each attorney shall serve each document via electronic transfer of the document
26 file to LNFS via the Internet (either as a word-processing file or a scanned image of the
27 document). Each attorney shall title each document to identify the type and purpose of each
28 document and the party who is submitting such document. Each document electronically

1 served pursuant to this Order shall be deemed to have been served under the California Rules of
2 Civil Procedure.

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

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

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

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

25 H. The System shall contain an index of all served documents for the litigation that
26 will be searchable and sortable according to methods that provide useful 24/7 365 days' access
27 to the documents.

1 I. Access to the System will be limited to registered users. Registered users will
2 consist of authorized Court personnel, counsel of record and their designated staff members,
3 clients, consultants, and experts. LNFS will provide each registered user with a user name and
4 password to access the System and the documents served in the litigation. LNFS personnel will
5 perform all administrative functions for the System.

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

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

21 L. Service of documents by LNFS shall have the same effect on the notice period
22 as service of papers via fax transmission, therefore, except as provided in California Rules of
23 Court, Rule, 2.306(e), any prescribed period of notice and any right or duty to do any act or
24 make any response within any prescribed period or on a date certain after the service of a
25 document served via LNFS is extended by two court days. See California Rules of Court,
26 Rule, 2.306(d).

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M. Within 15 days of entry of this Order, counsel for the parties are ordered to serve on LNFS any documents that it previously served via mail, fax transmission, or personal service on any other party to the Actions, since the commencement of the Actions.

N. Until further notice, documents filed under seal ("sealed documents") shall not be served through the System. Instead, the service of sealed documents shall be made pursuant to the applicable California Rules of Civil Procedure.

O. LNFS shall have available to counsel of record and the Court a telephone Customer Service hotline (1-888-529-7587) available 365 days a year for the minimum hours of 6:00 a.m. to 9:00 p.m. (PST).

IT IS SO ORDERED.

Dated: 2/2/ January 2010.

By: ANN I. JONES

HON. ANN I. JONES
Judge of the Superior Court

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 LexisNexis File & Serve to serve documents
- How to retrieve your documents
- Setting up User Preferences

To register for a class, please sign on to the product, click on the Resource Center link in the upper right of the product, then choose your state from the drop down menu for online training classes under Education & Training. Dates and times of classes will be posted on the Resource Center.

For training questions, call 800-399-6934 or email fileandservetraining@lexisnexis.com

2 PROOF OF SERVICE BY MAIL

3 I, Diane Barraza, the undersigned, hereby declare as follows:

4 1. I am over the age of 18 years and am not a party to the within cause. I am
5 employed by Pillsbury Winthrop Shaw Pittman LLP in the City of Los Angeles, California.

6 2. My business address is 725 South Figueroa Street, Suite 2800, Los Angeles,
7 CA 90017-5406.

8 3. I am familiar with Pillsbury Winthrop Shaw Pittman LLP's practice for
9 collection and processing of correspondence for mailing with the United States Postal
10 Service; in the ordinary course of business, correspondence placed in interoffice mail is
11 deposited with the United States Postal Service with first class postage thereon fully
12 prepaid on the same day it is placed for collection and mailing.

13 4. On February 1, 2010, at 725 South Figueroa Street, Suite 2800, Los
14 Angeles, California, I served a true copy of the attached document(s) titled exactly
15 [PROPOSED] ORDER AUTHORIZING ELECTRONIC SERVICE by placing it/them in
16 an addressed, sealed envelope clearly labeled to identify the person being served at the
17 address shown below and placed in interoffice mail for collection and deposit in the United
18 States Postal Service on that date following ordinary business practices:

19 SEE ATTACHED LIST

20 I declare under penalty of perjury that the foregoing is true and correct. Executed
21 this 1st day of February, 2010, at Los Angeles, California.

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25 Diane Barraza
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Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial Services
(Civil Case Coordination)
455 Golden Gate Avenue
San Francisco, CA 94102-3688

2 PROOF OF SERVICE BY MAIL

3 I, Diane Barraza, the undersigned, hereby declare as follows:

4 1. I am over the age of 18 years and am not a party to the within cause. I am
5 employed by Pillsbury Winthrop Shaw Pittman LLP in the City of Los Angeles, California.

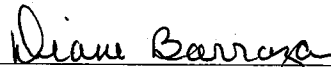
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8 3. I am familiar with Pillsbury Winthrop Shaw Pittman LLP's practice for
9 collection and processing of correspondence for mailing with the United States Postal
10 Service; in the ordinary course of business, correspondence placed in interoffice mail is
11 deposited with the United States Postal Service with first class postage thereon fully
12 prepaid on the same day it is placed for collection and mailing.

13 4. On February 22, 2010 , at 725 South Figueroa Street, Suite 2800, Los
14 Angeles, California, I served a true copy of the attached document(s) titled exactly
15 NOTICE OF ENTRY OF ORDER AUTHORIZING ELECTRONIC SERVICE by placing
16 it/them in an addressed, sealed envelope clearly labeled to identify the person being served
17 at the address shown below and placed in interoffice mail for collection and deposit in the
18 United States Postal Service on that date following ordinary business practices:

19 SEE ATTACHED LIST

20 I declare under penalty of perjury that the foregoing is true and correct. Executed
21 this 22nd day of February, 2010, at Los Angeles, California.
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24 Diane Barraza

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