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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10 COORDINATION PROCEEDING SPECIAL)
11 TITLE (RULE 1550(b)))

Judicial Council Coordination Proceeding
No. 4512

12 ELECTRIC REFUND CASES)
13)

Hon. Wendell Mortimer, Coordination Trial
Judge, Dept. 307

14 Included actions:)
15)

**NOTICE OF ENTRY OF CASE
MANAGEMENT ORDER NO. 1 –
REGARDING ELECTRONIC SERVICE
IN ALL INCLUDED ACTIONS WITHIN
JCCP 4512**

16 *-Pacific Gas & Electric Company, et al. v.*)
Arizona Electric Power Cooperative, Inc., et)
17 *al.* (Los Angeles Superior Court Case No.)
BC369141)

18 *-California ex rel. Lockyer v. The City of*)
Riverside (Sacramento Superior Court Case)
19 No. 06AS02500)

20 *-California ex rel. Lockyer v. The City of*)
Anaheim (Sacramento Superior Court Case)
21 No. 06AS02501)

22 *-California ex rel. Lockyer v. Los Angeles*)
Department of Water & Power (Sacramento)
23 Superior Court Case No. 06AS05354)

24 This document pertains to:
25

26 All included actions within JCCP 4512
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1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that, on September 21, 2007, the Coordination Trial Judge
3 entered "Case Management Order No. 1 – Regarding Electronic Service," which applies in all
4 included actions within JCCP 4512 ("CMO #1"). A copy of CMO #1 is attached as Exhibit "1".

5 Counsel for plaintiff Southern California Edison is arranging for activation of this matter
6 by LexisNexis File & Serve (LNFS), as provided for in CMO #1. The LNFS account
7 representative handling this matter is: Fred Tarazon, LNFS Account Sales Executive, (425) 460-
8 2184, Fred.Tarazon@LexisNexis.com. LNFS Customer Service may be reached at 888-529-
9 7587, and additional information regarding LNFS account activation may be found in Exhibit B
10 to CMO #1.

11
12 DATED: September 25, 2007

STEPTOE & JOHNSON LLP

13
14 By: 
15 _____
 JAY E. SMITH

16 Attorneys for Plaintiff
17 SOUTHERN CALIFORNIA EDISON COMPANY

ORIGINAL FILED

SEP 21 2007

LOS ANGELES
SUPERIOR COURT

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

COORDINATION PROCEEDING SPECIAL)
TITLE (RULE 1550(b)))

Judicial Council Coordination Proceeding
No. 4512

ELECTRIC REFUND CASES)

Hon. Wendell Mortimer, Coordination Trial
Judge, Dept. 307

Included actions:

~~[PROPOSED]~~ CASE MANAGEMENT
ORDER NO. 1 – REGARDING
ELECTRONIC SERVICE

-*Pacific Gas & Electric Company, et al. v. Arizona Electric Power Cooperative, Inc., et al.* (Los Angeles Superior Court Case No. BC369141)

-*California ex rel. Lockyer v. The City of Riverside* (Sacramento Superior Court Case No. 06AS02500)

-*California ex rel. Lockyer v. The City of Anaheim* (Sacramento Superior Court Case No. 06AS02501)

-*California ex rel. Lockyer v. Los Angeles Department of Water & Power* (Sacramento Superior Court Case No. 06AS05354)

This document pertains to:

All included cases within JCCP 4512

1 Pursuant to the provisions of Code of Civil Procedure sections 128, 187, 1005 and 1013,
2 California Rule of Court 3.751, Government Code section 68070, and the California Judicial
3 Council's Deskbook on the Management of Complex Civil Litigation (LexisNexis, 2006), the
4 Court finds that entry of this Order is necessary for the just and efficient resolution of Judicial
5 Council Coordination Proceeding 4512 (the "Action").
6

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

8 In order to facilitate case management, document retrieval and case organization, the
9 parties shall utilize the services of LexisNexis File & Serve ("LNFS") and its litigation system
10 (the "System") to serve all pleadings and other documents - including discovery requests and
11 responses in pleading form - that must be served on all counsel of record in this Action. Counsel
12 also may use LNFS for service of correspondence but are NOT required to do so. The use of
13 LNFS in this Action is intended to provide a secure website for the electronic delivery, service
14 and storage of served documents and a reliable and verifiable conduit for party communications.
15 (LNFS will not serve as a document repository for documents produced by the parties or third
16 parties in response to requests for production of documents, deposition notices and/or
17 subpoenas.) The parties are hereby notified that the Court may also elect from time to time to
18 use the System. The features of and procedures for using the System are described below.

19 A. Service Only

20 Unless required by the Court by a subsequent order, the System shall apply to only the
21 service of documents and not to their filing. Unless otherwise ordered by the Court, documents
22 still must be filed with the Court in the traditional manner — i.e., parties must file the documents
23 with the Court Clerk. Except as otherwise provided by this Order, LNFS shall be the required
24 method of service and shall be deemed to comply with the Code of Civil Procedure as valid and
25 effective service on counsel of record in this Action. (Although LNFS still must be utilized as an
26 additional method of service, any party also may serve documents by hand, in which case the
27 time to make any response or take any action shall be governed by the Code of Civil Procedure.)
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1 B. Set-Up Fee and Filing Fees

2 There shall be no cost to the Court for the use of the System. LNFS shall individually
3 invoice each law firm acting as counsel of record, including those affiliated with attorneys
4 admitted as counsel *pro hac vice*. LNFS's current price sheet for e-service is attached to this
5 Order as Exhibit A, but pricing is subject to change.

6 C. Service List and Registration

7 Within five (5) days of the date of service of Notice of Entry of this Order, counsel for
8 plaintiff Southern California Edison Company ("SCE") shall submit to LNFS a current service
9 list of counsel of record (including those admitted as counsel *pro hac vice*) entitled to receive
10 service in this Action. Also within five (5) days of the date of service of Notice of Entry of this
11 Order [or within five (5) days of entry of an appearance by any new counsel of record] , each
12 attorney of record (including those admitted to appear as counsel *pro hac vice*) shall register to
13 use LNFS via its website at <http://www.lexisnexis.com/fileandserve>. Counsel also shall review
14 the procedures set forth in Exhibit B attached to this Order, which sets forth the procedure for
15 registration with LNFS. See Exhibit B, *LexisNexis File & Serve Welcome Kit*. The resulting list
16 of registered attorneys of record, as may be amended from time to time, shall constitute the
17 "Service List" for the System.

18 In the event that new defendants are named and served with process in this Action after
19 the entry of this Order, counsel for plaintiffs shall serve this Order upon such new defendants at
20 the time the relevant summons and complaint are served. This Order shall also be deemed to
21 apply to any existing case added on to JCCP 4512 and shall be served along with any add-on
22 petition. New counsel are hereby ordered to comply with the terms of this Order.

23 **II. PROCEDURES FOR USING LNFS**

24 A. LNFS shall establish and maintain an Internet website (the "website"). All
25 documents served by the parties will be posted by LNFS to the website as provided herein.
26 LNFS will post documents and shall serve each document as provided herein on the parties listed
27 on the Service List. To address any training or technical questions that may arise during the
28

1 course of this litigation, LNFS shall have available to counsel of record and the Court a 24-hour
2 7-days a week customer service resource at (888) 529-7587.

3 B. Every pleading, document and instrument served electronically shall bear a
4 facsimile or typographical signature of at least one of the serving attorneys of record, along with
5 the typed name, address, telephone number and California State Bar number (or indication of *pro*
6 *hac vice* admission) for such attorney. Documents transferred to LNFS via the website need not
7 contain visual representations of the serving attorneys' signatures. Typographical signatures
8 shall be treated the same as personal/original signatures for purposes of the Code of Civil
9 Procedure. Counsel may, in place of a signature and where the signature would normally appear,
10 place the notation “ /S/ “ followed by the typed name of the filing attorney.

11 C. All documents to be served shall be uploaded to LNFS as a PDF via the website
12 as provided in Paragraph D, below. All document service must be initiated on the website by a
13 registered user.

14 D. Any file to be uploaded to LNFS that was created and/or edited through a word
15 processing or similar program readily available to counsel (e.g., Word, WordPerfect or Excel)
16 shall be converted to a PDF format by spooling directly from the original electronic file so as to
17 allow LNFS users to search within the PDF using the standard search features of PDF viewers
18 (e.g., Adobe Acrobat). Any exhibits, tables or related documents that are stored in such a
19 program shall also be spooled directly to PDF to allow those documents to be searched using
20 PDF viewers. However, nothing herein shall obligate a party or its counsel to recreate any
21 preexisting documents not already in electronic form, and such existing documents may instead
22 be *scanned* to PDF for uploading to LNFS.

23 E.. Upon its receipt of a document, LNFS shall immediately process the document
24 for service as described below. Upon posting the document, LNFS shall date and time stamp
25 each document (electronically or otherwise). Unless a Court-filed document is rejected by the
26 Court clerk, as discussed below, this date and time stamp shall constitute the date and time of
27 service of the document. However, any document date/time stamped by LNFS after 6:00 p.m.
28 Pacific Time on a day the Court is open for business shall be deemed to have been served on the

1 next court day. (Counsel are advised to submit documents to LNFS not later than 5:00 p.m.
2 Pacific Time in order to secure a same-day date/time stamp.) Service of documents via LNFS
3 pursuant to this Order shall be deemed the equivalent of service by Express Mail under Code of
4 Civil Procedure section 1013(c) [i.e., any right or duty to do any act or make any response within
5 any period shall be extended by 2 court days, but the extension shall not apply to extend the time
6 for filing notice of intention to move for a new trial, notice of intention to move to vacate
7 judgment pursuant to Code of Civil Procedure section 663a, or notice of appeal].

8 F. After electronic documents have been received by LNFS, they shall be posted to
9 the website by LNFS within one hour of receipt.

10 G. Within one hour of the time a document is posted to the website, or as otherwise
11 directed by each registered LNFS user, LNFS shall send an e-mail to all parties on the Service
12 List stating that the document has been served, the date and time of service, and that the
13 document has been posted to the website. The e-mail shall contain hypertext link(s) to the
14 document location(s) on the System or PDF copy/copies of the document(s).

15 H. In the event a document that was intended to be filed with the Court is rejected by
16 the Court Clerk for filing after it has been posted on the website by LNFS, the party that caused
17 the document to be posted shall immediately notify LNFS that the document was rejected by the
18 Court for filing, and LNFS shall promptly notify all parties on whom that document was served
19 of the fact of rejection, and LNFS shall cause a permanent notation to be placed on the website
20 memorializing the fact of rejection.

21 I. Each document posted on the System shall be identified upon posting to the
22 System as follows:

- 23 i. The specific case within this Action in which the document is being served;
- 24 ii. The name of the law firm serving the document;
- 25 iii. The precise title of the document as set forth on the document; and
- 26 iv. The identity of the party or parties on whose behalf the document is being served.

27 J. The System shall contain an index of all served documents, which will be
28 searchable and sortable according to methods that provide useful access to the documents.

1 K. Access to the System will be limited to registered users. Registered users will
2 consist of the following: (i) the Court; (ii) counsel of record and their designated staff members,
3 and (iii) in-house counsel for parties and their designated staff members. Each attorney or other
4 authorized user shall register as ordered above and will thereupon receive a unique username and
5 password. LNFS personnel will perform all administrative functions for the System, but all
6 initial data, additions, deletions or changes to the service list must be arranged through counsel
7 for SCE.

8 L. Any document transmitted to the System shall certify in a one-page Proof of
9 Service that a true and correct copy was electronically served on counsel of record on the Service
10 List by transmission to LNFS. The Proof of Service need not include a list of the parties and/or
11 counsel being served via LNFS.

12 M. Until further notice, documents filed under seal or documents that contain
13 information or materials subject to protective order (collectively "Confidential Materials") shall
14 not be served via the System. Service of Confidential Materials shall be made pursuant to the
15 Code of Civil Procedure and any applicable Protective Order(s). In such instances, counsel shall
16 nevertheless serve a "Notice of Service of Confidential Materials" via the LNFS System, which
17 shall generally describe the documents or other items served in hard copy form.

18 N. If electronic service does not occur due to (1) technical problems with the System;
19 (2) failure to serve by LNFS; or (3) erroneous exclusion of a party or counsel from the service
20 list, the entity or person that should have been served shall be entitled (on proper showing to the
21 Court and as otherwise authorized by law) to an order extending the date for any response or the
22 period within which to perform any right or duty to do any act or to make any response.

23 O. Service of *ex parte* notice shall be made in a manner consistent with the Code of
24 Civil Procedure, Rules of Court and Local Rules and shall NOT be given through the use of the
25 System. However, so that the electronic file is complete for this Action, the System shall be used
26 in addition to the standard methods of *ex parte* notice required by law.

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1 P. If serving counsel makes a good faith determination that documents such as
2 oversized exhibits to declarations or other real objects are not readily susceptible to electronic
3 viewing or service, they may be served in paper or other native form in accordance with the
4 Code of Civil Procedure. In such instances, counsel shall nevertheless serve a "Notice of Exempt
5 Service" via the LNFS System, which shall describe the documents or other items served.
6

7 IT IS SO ORDERED.

8
9 DATED: SEP 21 2007

WENDELL R. MORTIMER, JR.

Hon. Wendell Mortimer, Jr.