

THE STATE OF NEW HAMPSHIRE
MERRIMACK, SS.

SUPERIOR COURT

State of New Hampshire

v.

Hess Corporation, et al.

Docket No. 03-C-550

ORDER RE ELECTRONIC SERVICE

Pursuant to the New Hampshire Superior Court Rules, this Court finds that entry of this Order is necessary for the just and more expeditious and efficient resolution of the above-captioned litigation.

When a party to this litigation wishes to serve a document to counsel of record, that party shall 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 will 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

1. 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 New Hampshire Superior Court Rules.

III. SERVICE LIST & SIGN-UP

1. Within five (5) days of this Order, counsel shall submit to Christopher D. Shaw, Esq., at christpherdean.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

1. When any counsel of record wishes to serve a document, that counsel shall 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.

2. 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.

3. Each attorney 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 New Hampshire Superior Court Rules.

4. 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.

5. 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).

6. 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.

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

8. 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, co-counsel, colleagues and/or in-house counsel. 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.

9. 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, and telephone number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the New Hampshire Superior Court Rules. 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.

10. 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.

11. 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.

Dated: ^{Feb} January 5, 2008

Judge

PHILIP P. MANGONES
PRESIDING JUSTICE