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FILED
LOS ANGELES SUPERIOR COURT

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Dept. 322

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BY ALBWIN LIM, DEPUTY

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

Coordination Proceeding
Special Title (Rule 3.550)

) JCCP NO. 4565

)
) The Honorable Peter D. Lichtman
) Department 322

In the Matter of:

**QUININE SULFATE
PRODUCT LIABILITY**

) ~~PROPOSED~~ CASE MANAGEMENT
) ORDER NO. 2 REGARDING
) ELECTRONIC SERVICE OF
) PLEADINGS, DISCOVERY AND OTHER
) DOCUMENTS

Relates to: ALL ACTIONS

COPY

1 The Court finds that entry of this Case Management Order No. 2 Regarding Electronic Service
2 of Pleadings, Discovery, and Other Documents (“Order”) is necessary for the expeditious and efficient
3 resolution of the above-captioned litigation. The parties to this litigation have agreed that when any
4 party wishes to serve a document to counsel of record, the party effectuate service of the document by
5 the procedure set forth in this Order (subject to the exceptions outlined herein):

6 **I. LexisNexis File & Serve**

7 1. In order to facilitate case management, document retrieval, case organization, and to
8 facilitate expeditious, efficient, and economical communication by and amongst counsel, the parties
9 have agreed to utilize the services of LexisNexis File & Serve (“LNFS”) and its litigation system (the
10 “system”) for providing electronic service, storage, and delivery of court-filed and discovery-related
11 documents through a secure website. LNFS shall be bound by the terms of any protective order
12 entered in this matter. The Court, at its option, may also use LNFS and its system for these purposes
13 as well to communicate with counsel of record, or instruct Liaison Counsel to post or serve such
14 communications on behalf of the Court via LNFS.

15 2. LNFS shall establish an electronic bulletin board to be used for communications
16 between the Court and the parties. The Court and the Clerk of the Court shall be given a password or
17 passwords for use of the electronic bulletin.

18 3. The parties agree that the Court’s use of the LNFS electronic bulletin to communicate
19 with the parties shall not constitute *ex parte* communications.

20 **II. Service Only**

21 4. The system shall apply only to the service of documents, and not to their filing.
22 Original documents must still be filed in the traditional manner (i.e., filing the signed original
23 document with the Court), pursuant to the rules applicable to civil actions in the Superior Court for the
24 County of Los Angeles.

25 **III. Service List and Sign-Up**

26 5. Within five (5) days of this Order, Plaintiffs’ Liaison Counsel shall submit to the LNFS
27 representative a complete and current service list of counsel of record for this litigation. Within ten
28 (10) days of this Order, each attorney of record for this litigation shall register for electronic service in

1 this litigation by completing the application located at the following website:
2 <http://www.lexisnexis.com/fileandserve> (advanced registration). Each counsel's password shall be
3 treated as if it was for "attorney's eyes only" pursuant to any protective order entered by the Court.

4 6. With respect to any attorney who enters his or her appearance in this case after the date
5 of this Order, Plaintiffs' Liaison Counsel shall serve a copy of this Order on such attorney within five
6 (5) business days of Plaintiffs' receipt of the attorney's notice of appearance. Each such attorney shall
7 register for electronic service in this litigation as required in Paragraph 53 of this Order within ten (10)
8 days of its receipt of this Order.

9 **IV. Service of Documents and Website**

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

17 8. LNFS shall establish and maintain an internet website (the "website") for this litigation.
18 LNFS will post all documents served by the parties to the website as provided to LNFS, in accordance
19 with the procedures herein.

20 9. Each attorney shall serve each document via electronic transfer of the document file to
21 LNFS via the internet (either as a word-processing file or a scanned image of the document).
22 Voluminous attachments to documents, such as exhibits, need not be served via electronic transfer if
23 doing so would be impractical and unduly burdensome. In such circumstances, the attachments shall
24 be served by overnight delivery. However, in order to maintain an electronic record of served
25 documents, the serving party shall also serve a one-page document via LNFS identifying the document
26 and stating that it was served conventionally. Each attorney shall title each document to identify the
27 type and purpose of each document and the party who is submitting such document. Each document
28 electronically served pursuant to this Order shall be deemed to have been served consistent with the

1 rules applicable to civil actions in the Superior Court for the County of Los Angeles. Service shall be
2 deemed effective on the date the document is transmitted to LNFS. Nothing in this Order shall have
3 any effect on the process by which documents are filed in the Court.

4 10. After LNFS receives a document, LNFS shall convert such document into Adobe
5 portable document format ("PDF") and post it to the website within one (1) hour of receipt.

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

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

22 13. All documents posted on the system will be identified by:

- 23 a. the name of the serving law firm;
 - 24 b. the caption(s) of the case(s) to which the document belongs;
 - 25 c. the title of the document set forth on its caption; and
 - 26 d. the identity of the party on whose behalf the document is being served.
- 27
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1 14. The system shall contain an index of all served documents for the litigation that will be
2 searchable and sortable according to methods that provide useful 24-hour/365-day access to the
3 documents.

4 15. Access to the system will be limited to registered users. Registered users will consist of
5 authorized Court personnel, counsel of record, and their designated staff members. LNFS will provide
6 each registered user with a user name and password to access the system and the documents served in
7 the litigation. LNFS personnel will perform all administrative functions for the system, but all initial
8 data, additions, deletions, or changes to the service list must be approved by the parties.

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

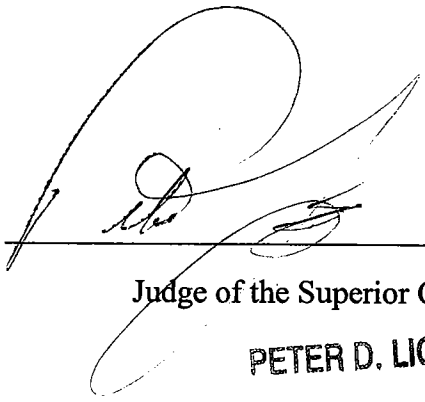
20 17. Any document transmitted to the system shall certify in the proof of service that a true
21 and correct copy was electronically served on counsel of record by transmission to LNFS pursuant to
22 this Order. Until further notice, documents filed under seal ("sealed documents") shall not be served
23 through the system. Instead, the service of sealed documents shall be made pursuant to the rules
24 governing such documents applicable to civil actions in the Superior Court for the County of Los
25 Angeles. Properly redacted copies of documents filed under seal may be served via LNFS in addition
26 to service by any other means in accord with the Rules of Court and the Code of Civil Procedure.

27 18. LNFS shall have available to counsel of record and the Court a 24-hour, 365-day help
28 desk hotline at 888-529-7587 and website -- <http://www.lexisnexis.com/fileandserve/support.asp>.

1 19. Unless otherwise agreed to by the parties, all monthly costs and fees associated with
2 LNFS that are not invoiced to individual service users shall be shared equally between plaintiffs and
3 defendants.

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5 **SO ORDERED.**

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8 Dated: 10/5/09



Judge of the Superior Court
PETER D. LICHTMAN

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