

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
DOCKET NO. 11-3750M

THIS DOCUMENT RELATES
TO ALL CASES

In Re: SPECIALLY ASSIGNED MESH IMPLANT CASES

THIS MATTER having been brought before the Court for adoption of procedures for electronic service in these coordinated cases, and good cause having been shown,

IT IS ON THIS ___ DAY OF _____, 2012, ORDERED AS FOLLOWS:

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

To facilitate case management, document retrieval and case organization, the parties will utilize the services of LexisNexis and its litigation system File & Serve 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. LexisNexis File & Serve was chosen by counsel, who have agreed to employ this service and entered into their own agreements with LexisNexis. The Court, at its option, may also use File & Serve for these purposes as well as communicate with counsel of record.

II. SERVICE ONLY

File & Serve 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 Massachusetts Court Rules. The parties agree, for purposes of the time lines set forth in the Rules of Civil Procedure, that the date the document was posted to LexisNexis File & Serve shall be treated as the date of filing. The filing of a Complaint is only effective at the time the original Complaint is filed with the Clerk's Office in accordance with the Massachusetts Rules of Court and any other applicable Massachusetts law.

III. SERVICE LIST & SIGN-UP

1. Within five (5) days of this Order or five (5) days of the initiation of a new case in this litigation, plaintiff's or liaison counsel to LexisNexis shall submit via email to LexisNexis, lngcl-efile-di@lexisnexus.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 registration located at the following website: <http://www.lexisnexus.com/fileandserve> and shall notify plaintiff's or liaison counsel that they will need to be added to the service list.

2. Plaintiff's Liaison Counsel shall be liaison counsel to LexisNexis for all service list changes. Plaintiff's Counsel shall be responsible for monitoring the service list and advise LexisNexis File & Serve of any changes or corrections. The service list will identify counsel of record for each firm, along with parties they represent, who are to receive service of documents in the case utilizing File & Serve. Once a firm is registered on File & Serve, each firm will be

provided functionality on File & Serve, and will be responsible for designating a firm administrator to control the addition and deletion of registered users on File & Serve for their firm. Counsel for each party is responsible for providing an accurate email address. Each party shall bear its own cost in the use of File & Serve service.

IV. SERVICE OF DOCUMENTS AND WEBSITE

A. Establishment and Use of the File & Serve 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 File & Serve to serve correspondence and/or the actual production of discovery documents in response to another party’s request for production.

2. LexisNexis will maintain the File & Serve internet website (“File & Serve”) for this litigation. When a transaction is submitted on File & Serve, File & Serve will electronically serve each document on the parties included on the service list provided to LexisNexis in accordance with the procedures herein. Each document will be served only upon the attorneys appearing in the case or cases identified by the attorney submitting the document.

3. Each attorney shall serve each document via electronic transfer of the document through File & Serve 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. The parties agree that for each

document electronically served pursuant to this Order, the date the document was posted to File & Serve shall be deemed the date of service, for purposes of the time lines set forth under Massachusetts Court Rules.

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

5. All documents posted on File & Serve 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.

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

7. Every pleading, document and instrument served electronically shall bear a facsimile or typographical signature, 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 Massachusetts 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.

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

9. Documents to be filed under seal will be governed by a separate order of the Court.

10. LexisNexis will make available to counsel of record and the Court a 24-hour 365 days Customer Support 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.



Diane M. Kottmyer
Justice of the Superior Court

Dated: *May 11, 2012*

Your File & Serve Litigation Executive:
Susan Burns
800-467-8674 x7811
susan.burns@lexisnexis.com

Exhibit A

LexisNexis® File & Serve Welcome Kit

Step 1. Registration

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 A.*

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 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 New Subscribers

(Administrator sets up account and registers new 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.

Section B: Instructions for Existing Subscribers

(Administrator adds users to existing account)

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.**

Step 2: Training

We strongly recommend that all of the users in your firm (including attorneys) take advantage of LexisNexis File and 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 Angela Melton 866-921-6972 or email