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Kaiser Foundation Health Plan, Inc.,  
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Kaiser Foundation Hospitals, and Southern  
California Permanente Medical Group

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

Coordination Proceeding Special Title  
(Rule 3.550)  
**PRIME HEALTHCARE CASES**  
*Prime Healthcare Services II, LLC v. Kaiser  
Foundation Health Plan, Inc., et al.*, Los  
Angeles Superior Court No. LC080295;  
*Prime Healthcare La Palma, LLC, et al. v.  
Kaiser Foundation Health Plan Inc., et al.*,  
Orange Superior Court No. 30-2008-00101717-  
CU-BT-CJC;  
*Desert Valley Hospital Inc., et al. v. Kaiser  
Foundation Health Plan, Inc., et al.*, San  
Bernardino Superior Court No. CIVVS800317;  
*Veritas Health Services, Inc., et al. v. Kaiser  
Foundation Health Plan, Inc., et al.*, San  
Bernardino Superior Court No. CIVRS800590;  
*Prime Healthcare Paradise Valley, LLC v.*

Case No. JCCP 4580  
Before the Honorable Jane L. Johnson  
**STIPULATION AND [PROPOSED]  
ORDER AUTHORIZING  
ELECTRONIC SERVICE**  
Location: Department 308

ORIGINAL FILED  
FEB 16 2011 <sup>ew</sup>  
LOS ANGELES  
SUPERIOR COURT

EX FAX

1 *Kaiser Foundation Health Plan, Inc., et al.*, San  
2 Diego Superior Court No. 37-2008-00068370-  
CU-NP-SC; and

3 *Desert Valley Hospital, Inc., et al. v. Kaiser*  
4 *Foundation Health Plan, Inc., et al.*, Los  
Angeles Superior Court No. BC390969.

6  
7 The Court has deemed this matter to be complex litigation within the meaning of the  
8 California Rules of Court, rule 3.400 *et. seq.* As such, this is a case that requires specialized  
9 management to avoid placing unnecessary burdens on the Court or the litigants, and to minimize  
10 litigation costs.

11 Pursuant to Code of Civil Procedure §187 and California Rule of Court 2.253(a), and the  
12 stipulation of the parties, the Court finds that entry of this Order is necessary for the just and more  
13 expeditious and efficient resolution of the above-captioned litigation. When a party to this  
14 litigation wishes to serve a Document to counsel of record, that party shall effectuate service of  
15 the Document by the procedure set forth in this Order (subject to the exceptions outlined herein):

16 **I. LEXISNEXIS FILE & SERVE**

17 1. In order to facilitate case management, document retrieval and case organization,  
18 the parties will utilize the services of LexisNexis File & Serve (“LNFS”) and its litigation system  
19 (the “System”) for providing electronic service, storage and delivery of court-filed and limited  
20 discovery-related documents through a secure website to facilitate communication by and  
21 amongst counsel. The “Documents” subject to this Order shall include (1) court-filed pleadings  
22 and motions, both formal and informal, including any exhibits and (2) written discovery-related  
23 documents, including interrogatories, requests for production, responses thereto, and deposition  
24 notices, but for confidentiality reasons, shall not include deposition transcripts or documents  
25 produced in response to requests for production, unless attached to correspondence, motions, or  
26 pleadings in an appropriately redacted state. Each attorney shall determine individually whether  
27 to utilize the System to serve correspondence. Correspondence between the parties uploaded to  
28 the System should be limited to issues that may necessitate the involvement of the Court. The

1 Court, at its option, may also use LNFS and its System for these purposes, and to communicate  
2 with counsel of record. All Documents including attachments or exhibits shall have the  
3 attachments and exhibits bookmarked on the pdf documents uploaded to the LNFS website.

4 2. The System should not be used to serve or produce Documents containing  
5 confidential or personal health information. In the event that any Document contains  
6 Confidential Material pursuant to the Amended Stipulated Protective Order or personal health  
7 information, such Documents must be filed and served in compliance with the Court rules or  
8 Orders pertaining to filing such materials. Notwithstanding any other provision herein, any and  
9 all Documents filed on the System shall be redacted to remove such Confidential Material or  
10 protected health information.

11 **II. SERVICE ONLY**

12 The System shall apply only to the service of Documents, and not to their filing. Original  
13 Documents must still be filed in the traditional manner (i.e., filing the signed original document  
14 with the Court), pursuant to the applicable California Rules of Civil Procedure and Local Rules of  
15 such Court. In addition to service utilizing the LNFS system, counsel must continue to serve  
16 Documents via email in accordance with the February 9, 2012 Amended Stipulation and Order  
17 for Electronic Service.  
18

19 **III. SERVICE LIST & SIGN-UP**

20 1. Within five (5) days of this Order, Plaintiff's counsel shall submit to the LNFS  
21 representative Keith Foote, at [keith.foote@lexisnexis.com](mailto:keith.foote@lexisnexis.com) a complete and current service list of  
22 counsel of record for this litigation. Within ten (10) days of this Order, each attorney of record  
23 for this litigation, or within ten (15) days of the entry of appearance for a new attorney of record,  
24 shall register for electronic service in this litigation by completing the application located at the  
25 following website: <http://www.lexisnexis.com/fileandserve> (advanced registration). Only  
26 those individuals identified as counsel for the parties and the Court and its staff shall have access  
27 to the System.  
28

1 **IV. SERVICE OF DOCUMENTS AND WEBSITE**

2 1. When any counsel of record wishes to serve a Document, that counsel shall serve  
3 the Document according to all the requirements and procedures of this Order.

4 2. LNFS shall establish and maintain an Internet website (the "Website") for this  
5 litigation. LNFS will post all Documents served by the parties to the Website as provided in this  
6 Order and shall serve each Document on the parties included on the service list provided to LNFS  
7 in accordance with the procedures herein.

8 3. Each attorney shall serve each Document via electronic transfer of the Document  
9 file to LNFS via the Internet (either as a word-processing file or a scanned image of the  
10 Document). Each attorney shall title each Document to identify the type and purpose of each  
11 Document and the party who is submitting such Document. Each Document electronically served  
12 pursuant to this Order shall be deemed to have been served under the California Rules of Civil  
13 Procedure.

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

16 5. Within one (1) hour of the time a Document is posted to the Website, LNFS shall  
17 send an email to all registered users notifying them that the Document has been posted to the  
18 Website (unless such registered user has declined to receive such email notifications). The email  
19 shall contain hypertext link(s) to the Document location(s) on the System (or, if so designated by  
20 the recipient, the email shall have the served Document attached thereto).

21 6. Electronic service shall be complete at the time of transmission by the party to  
22 LNFS. Any period of notice or any right or duty to do any act or make any response within any  
23 period or on a date certain after the service of the Document, which time period or date is  
24 prescribed by statute or rule of court, shall be extended after service by electronic transmission by  
25 two court days. This extension shall not extend the time for filing a notice of intention to move  
26 for new trial, a notice of intention to move to vacate judgment pursuant to Code of Civil  
27 Procedure § 663a, or a notice of appeal.

28

1           7.     In the event a Document that is to be filed with the Court is rejected by the Court  
2 for filing after it has been posted on the Website by LNFS, if the rejection was caused by an  
3 aspect of the caption of the Document, and the filing party successfully files a replacement  
4 Document with the Court within two (2) business days of its rejection with revisions to the  
5 caption only, then the filing party shall promptly submit a notice of successful filing, including  
6 the date of the filing and the revised caption page(s), to LNFS for posting on the Website. In all  
7 other circumstances in which a filed Document is rejected for filing after LNFS has posted it on  
8 the Website, the filing party shall promptly notify LNFS in writing that the Document was  
9 rejected by the Court for filing. LNFS shall then cause a permanent notation to be placed on the  
10 Website for the Document memorializing the rejection.

11           8.     All Documents posted on the System will be identified by: (a) the name of the  
12 serving law firm; (b) the caption(s) of the case(s) to which the Document belongs; (c) the title of  
13 the Document set forth on its caption; and (d) the identity of the party on whose behalf the  
14 Document is being served.

15           9.     The System shall contain an index of all served Documents that will be searchable  
16 and sortable according to methods that provide useful continuous access to the Documents.

17           10.    Access to the System will be limited to registered users. Registered users will  
18 consist of authorized Court personnel, counsel of record and their designated staff members.  
19 LNFS will provide each registered user with a user name and password to access the System and  
20 the Documents served in the litigation. LNFS personnel will perform all administrative functions  
21 for the System, but all initial data, additions, deletions or changes to the service list must be  
22 approved by the Plaintiffs and Defendants.

23           11.    Every pleading, document and instrument served electronically shall bear a  
24 facsimile or typographical signature of at least one of the attorneys of record, along with the typed  
25 name, address, telephone number and State Bar of California number of such attorney.  
26 Typographical signatures shall be treated exactly as personal signatures for purposes of  
27 electronically served documents, pursuant to the California Rules of Civil Procedure. A party  
28

1 that serves a Document that requires multiple signatures (e.g., stipulations, joint status reports)  
2 must list thereon all the names of other signatories by means of an "s/ \_\_\_\_" block for each. By  
3 submitting such a Document, the serving party certifies that each of the other signatories has  
4 expressly agreed to the form and substance of the Document and that the serving party has the  
5 actual authority to submit the Document electronically. The serving party must maintain any  
6 records evidencing this concurrence for subsequent production to the Court or inspection, if  
7 requested.

8 12. Any Document transmitted to the System shall certify in the Proof of Service that  
9 a true and correct copy was electronically served on counsel of record by transmission to LNFS.

10 13. Documents filed under seal ("sealed documents") shall not be served through the  
11 System. Service of sealed documents shall be made pursuant to the applicable California Rules  
12 of Civil Procedure and Rules of Court.

13 14. LNFS shall have available to counsel of record and the Court a 24-hour 365 days  
14 per year help desk hotline at (888) 529-7587 and website  
15 <http://www.lexisnexis.com/fileandserve/support.asp>.

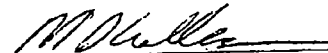
16 15. Any party appearing after February 13, 2012, shall have fifteen days from their  
17 initial appearance to lodge any objections to this Order and to seek exemption. A copy of this  
18 Order shall be served upon any newly appearing party with the initiating pleadings. Exemptions  
19 may be granted in the discretion of the Court if it appears that a party would suffer undue  
20 hardship or significant prejudice.

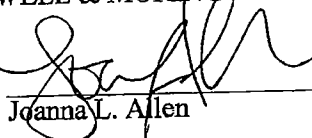
21 16. Counsel for Plaintiff is Ordered to prepare, serve and file within 5 days, a Service  
22 List identifying all parties and their counsel which shall include the name of lead and backup  
23 attorneys, addresses, including email addresses, and telephone numbers for all counsel. Counsel  
24 for Plaintiff is further ordered to serve a copy of this ORDER AUTHORIZING ELECTRONIC  
25 SERVICE on all counsel concurrent with service of the Service List.

26 17. LexisNexis shall activate the message board function for the above entitled case.  
27 All attorneys on the service list will automatically have access to the Message Boards and start to  
28 receive e-mail notifications of new message board postings. If an attorney does not want to

1 receive the e-mail notifications or wants other staff members to receive e-mail notifications, they  
2 are to contact customer support at LexisNexis (888-529-7587). All attorneys will be charged  
3 \$6.00 per firm per month for this service.

4 **IT IS SO STIPULATED.**

5  
6 DATED: 2/13/12, 2012 DLA PIPER LLP (US)  
7 By:   
8 M. Scott Koller  
9 Attorneys for Plaintiffs/Cross-Defendants

10  
11 DATED: 2/13/12, 2012 CROWELL & MORING LLP  
12 By:   
13 Joanna L. Allen  
14 Attorneys for Defendants/Cross-Complainants

15  
16  
17 **IT IS SO ORDERED.**

18  
19 Dated: Feb. 16, 2012 **JANE L. JOHNSON**  
20 \_\_\_\_\_  
21 Honorable Jane L. Johnson  
22 Los Angeles County Superior Court

1 **PROOF OF SERVICE**

2 I, Kim Harris, state:

3 My business address is 275 Battery Street, 23<sup>rd</sup> Floor, San Francisco, California 94111. I  
4 am over the age of eighteen years and not a party to this action.

5 On the date set forth below, I served the foregoing document(s) described as:

6 **STIPULATION AND ORDER AUTHORIZING  
7 ELECTRONIC SERVICE**

8 on the following person(s) in this action:

9 **Glaser, Weil, Fink, Jacobs,  
10 Howard & Shapiro, LLP**  
11 Patricia L. Glaser, Esq.  
12 Sean Riley, Esq.  
13 10250 Constellation Blvd., 19th Fl.  
14 Los Angeles, CA 90067  
15 Tel: 310.553.3000  
16 Fax: 310.556.2920  
17 pglaser@glaserweil.com  
18 sriley@glaserweil.com

*Attorneys for Plaintiffs and Cross-  
Defendants*

n

19 **DLA Piper LLP (US)**  
20 Stephen L. Goff, Esq.  
21 Marcia L. Augsburg, Esq.  
22 Devan J. McCarty, Esq.  
23 Ashley H. Joyce, Esq.  
24 M. Scott Koller, Esq.  
25 400 Capitol Mall, Suite 650  
26 Sacramento, CA 95814-4428  
27 Tel: 916.930.3200  
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*Attorneys for Plaintiffs and Cross-  
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**BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept service by electronic mail, I caused the document(s) identified above to be transmitted electronically to the person(s) at the e-mail address(es) listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on **February 22, 2012**, at San Francisco, California.

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Kim Harris