

**COPY**

**ORIGINAL FILED**

MAR 14 2012

LOS ANGELES  
SUPERIOR COURT

1 Andrew H. Selesnick (SBN 160516)  
2 Eligio Luevanos (SBN 198372)  
3 Kevin R. Warren (SBN 242238)  
4 MICHELMAN & ROBINSON, LLP  
5 15760 Ventura Boulevard, 5th Floor  
6 Encino, California 91436  
7 Telephone: (818) 783-5530  
8 Facsimile: (818) 783-5507

RECEIVED

MAR 13 2012

Dept. 323

Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES - CENTRAL CIVIL WEST COURTHOUSE**

11 LOS ROBLES EMERGENCY PHYSICIANS  
12 MEDICAL GROUP, a California partnership;  
13 CENTINELA FREEMAN EMERGENCY  
14 MEDICAL ASSOCIATES, a California  
15 partnership; CHINO EMERGENCY  
16 MEDICAL ASSOCIATES, a California  
17 partnership; PACIFICA EMERGENCY  
18 MEDICAL ASSOCIATES, a California  
19 partnership; TARZANA EMERGENCY  
20 MEDICAL ASSOCIATES, a California  
21 partnership; SHERMAN OAKS  
22 EMERGENCY MEDICAL ASSOCIATES, a  
23 California partnership; VALLEY  
24 EMERGENCY MEDICAL ASSOCIATES, a  
25 California partnership; VALLEY  
26 PRESBYTERIAN EMERGENCY MEDICAL  
27 ASSOCIATES, a California partnership; and  
28 WESTSIDE EMERGENCY MEDICAL  
ASSOCIATES, a California partnership,

Judicial Council Coordination Proceeding  
No. JCCP 4690

[Assigned to Judge Elihu M. Berle, Dept 323]

**ORDER ON ELECTRONIC SERVICE**

**BY FAX**

Plaintiffs,

vs.

REGAL MEDICAL GROUP, INC., a  
California corporation and DOES 1 through  
50, inclusive,

Defendants

**AND RELATED CROSS-ACTION**

**ORDER ON ELECTRONIC SERVICE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CENTINELA FREEMAN EMERGENCY  
MEDICAL ASSOCIATES, a California  
partnership; CHINO EMERGENCY  
MEDICAL ASSOCIATES, a California  
partnership; MONTCLAIR EMERGENCY  
MEDICAL ASSOCIATES, a California  
partnership; PACIFICA EMERGENCY  
MEDICAL ASSOCIATES, a California  
partnership; SHERMAN OAKS  
EMERGENCY MEDICAL ASSOCIATES, a  
California partnership; TARZANA  
EMERGENCY MEDICAL ASSOCIATES, a  
California partnership; VALLEY  
EMERGENCY MEDICAL ASSOCIATES, a  
California partnership; VALLEY  
PRESBYTERIAN EMERGENCY MEDICAL  
ASSOCIATES, a California partnership; and  
WESTSIDE EMERGENCY MEDICAL  
ASSOCIATES, a California partnership,

Plaintiffs,

vs.

LAKESIDE MEDICAL ASSOCIATES, A  
MEDICAL GROUP, INC., a California  
corporation, COMMUNITY MEDICAL  
GROUP OF THE WEST VALLEY, INC., a  
California corporation; and DOES 1 through  
50, inclusive,

Defendants.

---

AND RELATED CROSS-ACTION

---

LOS ROBLES EMERGENCY PHYSICIANS  
MEDICAL GROUP, a California partnership,

Plaintiff,

vs.

COMMUNITY MEDICAL GROUP OF THE  
WEST VALLEY, INC., a California  
corporation; and DOES 1 through 100,  
inclusive,

Defendants.

1 ORANGE COUNTY EMERGENCY  
2 MEDICAL ASSOCIATES, a California  
3 partnership; and BEACH EMERGENCY  
4 MEDICAL ASSOCIATES, a California  
5 partnership,

6 Plaintiffs,

7 vs.

8 AFFILIATED DOCTORS OF ORANGE  
9 MEDICAL GROUP, INC., a California  
10 corporation; and DOES 1 through 50,  
11 inclusive,

12 Defendants.

13 AND RELATED CROSS-ACTION

14 **I. APPLICATION OF ORDER**

15 Judicial Council Coordinated Proceedings Case No. 4690 (hereinafter referred to as "JCCP  
16 4690") is deemed complex litigation within the meaning of the California Rules of Court, Rule  
17 3.400, *et seq.* As such, JCCP 4690 requires specialized management to avoid placing unnecessary  
18 burdens on the Court and the litigants and to keep costs reasonable.

19 At the Status Conference held on February 22, 2012 the Court ordered that E-Service shall  
20 be used in this matter and that the parties were to choose an E-Service vendor. Pursuant to that  
21 Order, the parties have chosen LexisNexis as vendor. The parties shall use LexisNexis only as a  
22 document repository and to electronically serve documents. The parties shall continue to  
23 physically file documents with the clerk of the court.

24 The Court finds that entry of an order requiring mandatory electronic service will benefit  
25 the Court, counsel and litigants, and will further the orderly conduct and management of JCCP  
26 4690. The Court further finds that electronic service will not cause undue hardship or significant  
27 prejudice to any party. Therefore, pursuant to California Rules of Court, Rule 2.253, the Court  
28 hereby orders service to be accomplished electronically as set forth in this Order by all parties in  
JCCP 4690. California Rules of Court, Rules 2.250 through 2.261 shall govern the electronic  
service of documents.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**II. DEFINITIONS**

- A. E-Service VENDOR or VENDOR or Approved VENDOR - A private firm or other business entity approved or selected by the Court to provide electronic service. As of the effective date of this Order, the parties have selected and the Court has approved LexisNexis (<http://www.lexisnexis.com/fileandserve>).
- B. E-Service - Electronic transmission of a document to all other designated recipients via the VENDOR's system. Upon the completion of any transmission to the VENDOR's system, a transaction receipt is issued to the sender acknowledging receipt by the VENDOR system. Once the VENDOR has served all recipients, proof of electronic service shall be available to the sender from VENDOR.
- C. USER(S) - Any party or non-party to an action who files JCCP 4690 documents and utilizes the services of the approved VENDOR.
- D. Document(s) - Document is defined as (1) Court-filed pleadings and motions, both formal and informal, including any exhibits and (2) written discovery-related documents, including interrogatories, requests for production, responses thereto, and deposition notices. Documents shall not include deposition transcripts or documents produced in response to requests for production, unless attached as exhibits to correspondence, motions, or pleadings in an appropriately redacted state. No Documents containing confidential or personal health information shall be uploaded onto or electronically served through the VENDOR's system. In the event that any Document contains Confidential Material pursuant to the Stipulated Protective Order or personal health information, such Documents must be physically filed and served in compliance with the Court rules or Orders pertaining to filing such materials, e.g. Documents filed under seal shall not be served through the System and shall be made pursuant to the applicable California Rules of Civil Procedure and Rules of Court. Notwithstanding any other provision herein, any and all Documents filed on the System shall be redacted to remove such Confidential Material or protected health information.

1  
2 **III. ASSIGNMENT BY THE VENDOR OF WEBSITE AND USERNAME AND**  
3 **PASSWORD**

4 VENDOR shall establish and maintain an internet accessible site within its system for  
5 JCCP 4690 where VENDOR will post all Documents served by the parties. VENDOR shall serve  
6 each Document on the parties included on the service list provided to VENDOR in accordance  
7 with the procedures herein.

8 VENDOR shall assign to the party's designated representative a confidential USER name  
9 and password which may be used to electronically serve and receive pleadings, orders, and other  
10 Documents that are served in JCCP 4690. No attorney or party representative shall knowingly  
11 authorize or permit his/her USER name or password to be utilized by anyone other than the  
12 authorized attorneys or employees of the attorney's law firm.

13 Within one (1) hour of the time a Document is posted to the Website, VENDOR shall send  
14 an email to all registered USERS notifying them that the Document has been posted to the  
15 Website (unless such registered user has declined to receive such email notifications). The email  
16 shall contain hypertext link(s) to the Document location(s) on the VENDOR'S system (or, if so  
17 designated by the recipient, the email shall have the served Document attached thereto).

18 VENDOR shall activate the message board function for the above entitled case. All  
19 attorneys on the service list will automatically have access to the Message Boards and start to  
20 receive e-mail notifications of new message board postings. If an attorney does not want to receive  
21 the e-mail notifications or wants other staff members to receive e-mail notifications, they are to  
22 contact customer support at LexisNexis (888-529-7587).

23  
24 **IV. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS**

25 All documents filed with the Court shall be electronically served on all parties in the  
26 VENDOR's system. Except as expressly provided herein, all Documents, as defined above,  
27 served by USERS shall also be electronically served. Correspondence between the parties shall  
28 not be uploaded to the VENDOR's system unless such correspondence is directed to the Court.

1 The Court, at its option, may also use VENDOR and its System for these purposes, and to  
2 communicate with counsel of record

3 Notice(s) of *ex partes*, whether by letter or pleading, shall be uploaded as a separate  
4 transaction. All notices of depositions and objections to depositions must be uploaded as separate  
5 transactions.

6  
7 **V. EFFECT OF USE OF E-SERVICE AND TIME FOR SERVICE**

8 No Document transmitted electronically shall be considered as served unless it is accepted  
9 by the VENDOR. Electronic service shall be complete at the time of transmission by the party to  
10 the VENDOR.

11 Any period of notice or any right or duty to do any act or make any response within any  
12 period or on a date certain after the service of the Document, which time period or date is  
13 prescribed by statute or California Rules of Court, shall be extended after service by electronic  
14 transmission by two court days, but the extension shall not extend the time for filing notice of  
15 intention to move for new trial, notice of intention to move to vacate judgment pursuant to Code  
16 of Civil Procedure § 663a, or notice of appeal (California Rules of Court, Rule 2.251(f)(2)).

17 In the event that a Document is rejected for filing by the Court after VENDOR has posted  
18 it on the website, the party that caused the Document to be posted shall promptly notify VENDOR  
19 in writing that the Document was rejected by the Court for filing. VENDOR shall cause a  
20 permanent notation to be placed on the website in conjunction with that Document memorializing  
21 the fact of rejection. All parties reserve their rights to object to untimely or otherwise improperly  
22 filed and/or served Documents.

23  
24 **VI. FORMAT OF ELECTRONICALLY SERVED DOCUMENTS**

25 **A. Pleadings, Discovery, and General Documents**

26 All electronically served Documents, to the extent practicable, shall be formatted in  
27 accordance with the applicable rules governing formatting of paper pleadings, and in such other or  
28 further format as the Court may require. The date and time of the hearing or trial in connection  
with which the Document is submitted shall be designated on the cover page of each Document.

1 The caption and signature page of any document served shall contain the name of the attorney and,  
2 if applicable, the name of the law firm representing the party and the name of the party on whose  
3 behalf the Document is served.

4 All Documents relating to a single motion, pleading or paper shall be electronically served  
5 together in a single service transaction. All Documents electronically served shall be identified  
6 by: (a) the name of the serving law firm; (b) the caption of JECPC 4690; (c) a brief title of the  
7 Document, including the name of the party to whom it is directed; and (d) the identity of the party  
8 on whose behalf the Document is being served.

9 The Document title entered on the VENDOR system shall be substantially the same as the  
10 caption on the Document. This title is used to allow USERS to quickly search the VENDOR  
11 system and locate specific Documents. The title shall be used for administrative and reference  
12 purposes only, but is not determinative for any other purpose.

13 **B. Non-Electronic Exhibits or Other Items**

14 Exhibits to declarations or other Documents that are nontext articles, real objects, or other  
15 Documents not readily susceptible to electronic service may be served in non-electronic form. A  
16 notice of such alternative service shall be served electronically.

17 **C. Proof of Service**

18 Proof of electronic service shall conform to the applicable provisions of the Code of Civil  
19 Procedure and the California Rules of Court. The VENDOR's transaction receipt may operate as  
20 the proof of service so long as it complies substantially with such provisions. A proof of service  
21 page shall be attached to the last page of any electronically served document.

22  
23 **VII. SIGNATURES ON E-SERVED DOCUMENTS**

24 Every pleading, document, and instrument electronically served shall be deemed to have  
25 been signed by any judge, licensed attorney, court official or person authorized to execute proofs  
26 of service if it bears the graphic signature or the typographical signature of such person, e.g.  
27 "/s/ Adam: Attorney," along with the typed name; address, telephone number, and State Bar of  
28 California number of a signing attorney. Such graphic or typographical signatures shall be treated

1 as personal signatures for all purposes under the California Code of Civil Procedure.

2 Alternatively, the parties may serve a pdf containing an image of the handwritten signature.

3 Other than the attorney of record for a party, all other filed and/or served Documents  
4 requiring a signature under penalty of perjury must be imaged to reflect the handwritten signature  
5 of the declarant to accomplish valid service. Upon request, the filing and/or serving party shall  
6 provide the original of such typographically signed or imaged Documents.

7 USERS shall retain in their files or in the file of the Court an original dated hard copy with  
8 hand written signature as required of all electronically served Documents. The hard copies shall  
9 be made available for inspection upon reasonable notice.

10  
11 **VIII. USER AND VENDOR TECHNICAL PROBLEMS**

12 In the event that a USER is temporarily unable to electronically serve due to technical  
13 problems, the USER shall immediately advise the Court and other parties, and should promptly  
14 seek relief from the Court, if necessary. In any event, the parties shall physically file any  
15 Document required to be filed with the Court and serve via e-mail on all counsel.

16 If electronic service does not occur because: (1) of an error in the transmission of the  
17 Document to the VENDOR or served party which was unknown to the sending party, (2) of a  
18 failure to process the electronic Document when received by the VENDOR, (3) a party was  
19 erroneously excluded from the service list, or (4) of other technical problems experienced by the  
20 VENDOR, the party or parties affected may be entitled to an extension for any response or the  
21 period within which any right, duty, or other act must be performed, provided the USER  
22 demonstrates that s/he attempted to otherwise timely complete service on a particular day and  
23 time.

24 VENDOR shall provide, in the least, telephonic technical service assistance to the Court  
25 and the parties 24-hours per day, 365-days per year, and shall work diligently to avoid and  
26 promptly resolve any technical difficulties.



1 **IX. NON-PARTIES**

2 Non-parties are not required to electronically serve Documents and may serve Documents  
3 in accordance with the California Code of Civil Procedure and other applicable rules.  
4

5 **X. ELECTRONIC SERVICE LIST & SIGN-UP**

6 Within five (5) days of the entry this Order, Plaintiffs' counsel shall submit to the  
7 VENDOR a complete and current service list of counsel of record for this litigation. Within ten  
8 (10) days of the entry of this Order, each attorney of record for this litigation, or within fifteen (15)  
9 days of the entry of appearance for a new attorney of record, shall register for electronic service in  
10 this litigation with the VENDOR.

11 **XI. ELECTRONIC SERVICE OF ORDERS AND OTHER DOCUMENTS BY THE**  
12 **COURT**


13 The Court may electronically serve orders and other documents electronically on parties in  
14 JCCP 4690.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The parties to JCCP 4690, having reviewed this Order, approve this Order as to form.

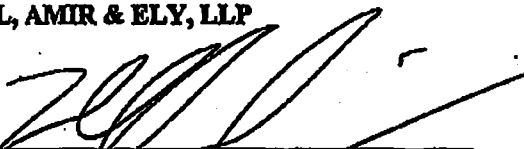
Dated: March 12, 2012

**MICHELMAN & ROBINSON, LLP**

By:   
Andrew H. Selesnick, Esq.  
Eligio J. Luevanos, Esq.  
Kevin R. Warren, Esq.  
Attorneys for Plaintiff

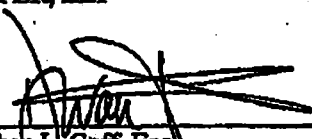
Dated: March 12, 2012

**DOLL, AMIR & ELY, LLP**

By:   
Michael M. Amir, Esq.  
Mary Tesh Glarum, Esq.  
Jason B. Baim, Esq.  
Attorneys for Defendants

Dated: *March 12, 2012*

**DLA PIPER, LLP**

By:   
Stephen L. Goff, Esq.  
Marcia J. Augsburg, Esq.  
Devan J. McCarty, Esq.  
Attorneys for Prime

**IT IS SO ORDERED:**

Dated: **MAR 14 2012**

**ELIHU M. BERLE**

**The Honorable Elihu M. Berle  
Judge of the Superior Court**