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LOS ANGELES
SUPERIOR COURT

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

Coordination Proceeding
Special Title (Rule 3.550)

PAYLESS SHOESOURCE WAGE
AND HOUR CASES

Included actions:

*Guevara, et al. v. Payless ShoeSource,
Inc., et al.*

Alameda County Superior Court
Case No.: RG11598376

*Atkins, et al. v. Payless ShoeSource,
Inc., et al.*

Los Angeles County Superior Court
Case No.: BC447027

Judicial Council Coordination Proceeding
No. 4699

[Assigned For All Purposes To:
Judge William F. Highberger, Dept. 307]

**[PROPOSED] ORDER RE:
ELECTRONIC SERVICE PROVIDER
AND ELECTRONIC SERVICE**

BY FAX

1 This matter has previously been deemed to be complex within the meaning of the
2 California Standards of Judicial Administration for Complex Litigation Section 19 and
3 California Rules of Court, rules 3.400 et. seq. As such, this is a matter which requires
4 specialized management to avoid placing unnecessary burdens on the Court or the
5 litigants, and to keep costs reasonable.

6 Pursuant to Code of Civil Procedure § 187 and California Rule of Court, Rules
7 2.253(a) and 3.751, the Court makes this Order to reduce the costs of litigation and to
8 facilitate case management, document retrieval, and case organization. The Court finds
9 that entry of this Order is necessary for the just, expeditious, and efficient litigation of this
10 action and that compliance with the terms herein will not result in unnecessary hardship or
11 significant prejudice to any of the parties in this matter.

12 When a party to this proceeding wishes to serve a document to counsel of record,
13 that party shall effectuate service of the document by the procedure set forth in this Order
14 (subject to the exceptions outlined herein):

15 1. LEXISNEXIS FILE & SERVE

16 1. In order to facilitate case management, document retrieval and case
17 organization, the parties shall exclusively utilize the services of LexisNexis and its
18 litigation system "File & Serve" for electronic service, storage and delivery of court-filed
19 and discovery-related documents through a secure website to facilitate expeditious,
20 efficient and economical communication by and amongst counsel. The Court, at its
21 option, may also use File & Serve for these purposes as well to communicate with counsel
22 of record.

23 II. SERVICE ONLY

24 1. File & Serve shall apply only to the service of documents, and not to their
25 filing. Original documents must still be filed in the traditional manner (i.e., filing the
26 signed original document with the Court), pursuant to the applicable California Code of
27 Civil Procedure and Local Rules of this Court.

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

2 1. Within five (5) days of this Order, Defendant's Counsel shall submit via
3 email to LexisNexis, keith.foote@lexisnexis.com, a complete and current service list of
4 counsel of record for this litigation. Within ten (10) days of this Order, each attorney of
5 record for this litigation, or within fifteen (15) days of the entry of appearance for a new
6 attorney of record, shall register for electronic service in this litigation by completing the
7 registration located at the following website: <http://www.lexisnexis.com/fileandserve>.

8 2. Defendant's Counsel shall be liaison counsel to LexisNexis for all service
9 list changes. The service list will identify one counsel of record for each firm, along with
10 parties they represent, who are to receive service of documents in the case utilizing File &
11 Serve. Once a firm is registered on File & Serve, each firm will be provided functionality
12 on File & Serve to designate a firm administrator to control the addition and deletion of
13 registered users on File & Serve for their firm.

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

15 **A. Establishment and Use of the File & Serve Website Generally**

16 1. When any counsel of record wishes to serve a document, that counsel shall
17 serve the document according to all the requirements and procedures of this Order. All
18 references to "document" in this Order shall be interpreted to include any exhibits or
19 attachments to the document and shall include both pleadings and discovery-related
20 documents (such as interrogatories, requests for production, deposition notices/transcripts,
21 document productions, etc.).

22 2. LexisNexis will maintain the File & Serve Internet website ("File & Serve")
23 for this litigation. When a transaction is submitted on File & Serve, File & Serve will
24 electronically serve each document on the parties included on the service list provided to
25 LexisNexis in accordance with the procedures herein.

26 3. Each attorney shall serve each document via electronic transfer of the
27 document through File & Serve via the Internet (either as a word-processing file or a
28 scanned image of the document). Each attorney shall title each document to identify the

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1 type and purpose of each document and the party who is submitting such document. Each
2 document electronically served pursuant to this Order shall be deemed to have been
3 personally served under the California Code of Civil Procedure Section 1005, except that
4 any such service after 5:00 p.m., or on a Saturday, Sunday or legal holiday shall be
5 deemed to have occurred on the next business day.

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

8 5. All documents posted on File & Serve will be identified by: (a) the name of
9 the serving law firm; (b) the caption(s) of the case(s) to which the document belongs; (c)
10 the title of the document set forth on its caption; and (d) the identity of the party on whose
11 behalf the document is being served.

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

16 7. Every pleading, document and instrument served electronically shall bear a
17 facsimile or typographical signature of at least one of the attorneys of record, along with
18 the typed name, address, telephone number and California Bar number of such attorney.
19 Typographical signatures shall be treated exactly as personal signatures for purposes of
20 electronically served documents under the California Code of Civil Procedure. The
21 serving party of any document requiring multiple signatures (e.g., stipulations, joint status
22 reports) must list thereon all the names of other signatures by means of an "/s" _____"
23 block for each. By submitting such a document, the serving party certifies that each of the
24 other signatories has expressly agreed to the form and substance of the document and that
25 the serving party has the actual authority to submit the document electronically. The
26 serving party must maintain any records evidencing this concurrence for subsequent
27 production to the Court if so ordered or for inspection upon request by a party.

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EXHIBIT A

EXHIBIT A

Your File & Serve Litigation Executive:
 (Insert name)
 (Insert phone)
 (Insert email)

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 & 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 800-399-6934 or email fileandservetraining@lexisnexis.com

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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF ORANGE

}
} ss:

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618.

On May 23, 2012, I served the foregoing document(s) described as: **[PROPOSED] ORDER RE: ELECTRONIC SERVICE PROVIDER AND ELECTRONIC SERVICE** on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

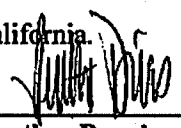
VIA ELECTRONIC MAIL WHERE INDICATED: Pursuant to C.R.C. 2060, I served the foregoing document described by emailing to it each of the aforementioned electronic mail addresses and the transmission was reported as complete and without error. My email address is _____@hbwlpl.com.

BY MAIL: I caused such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Hodel Briggs Winter LLP for collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY OVERNIGHT DELIVERY: I am readily familiar with the practice of Hodel Briggs Winter LLP for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by the overnight delivery carrier.

STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 23, 2012, at Irvine, California



Heather Dorris

1 **PAYLESS SHOESOURCE WAGE AND HOUR CASES**
 2 **Judicial Council Coordination Proceeding No. 4699**

3 **SERVICE LIST**

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 5 ***Attorneys for Plaintiffs and the Proposed Class, Angela Guevara, Imelda Mabalot, Fu-***
 6 ***Yuan Alic Pan and Karthik John Pitarro; and Katrilla Atkins, individually and on behalf***
 7 ***of all others similarly situated:***

7 Jonathan E. Gertler
 8 Christian Schreiber
 9 Chavez & Gertler LLP
 10 42 Miller Avenue
 11 Mill Valley, CA 94041
 12 Telephone: (415) 381-5599
 13 Facsimile: (415) 381-5572
 14 Email: christian@chavezgertler.com

7 Jason M. Wucetich
 8 Dimitrios V. Korovilas
 9 Wucetich & Korovilas LLP
 10 222 North Sepulveda Blvd., Ste. 2000
 11 El Segundo, CA 90245
 12 Telephone: (310) 335-2001
 13 Facsimile: (310) 364-5201
 14 Email: jason@wukolaw.com

12 David A. Kleczek
 13 Kleczek Law Office
 14 825 Washington Street, Suite 301
 15 Oakland, CA 94607
 16 Telephone: (510) 291-4055
 17 Facsimile: (510) 663-7102

16 ***Judicial Council of California:***

17 ***Chair, Judicial Council of California***
 18 ***Administrative Office of the Courts***
 19 ***Attn: Appellate & Trial Court Judicial***
 20 ***Services***
 21 ***(Civil Case Coordination)***
 22 ***455 Golden Gate Avenue***
 23 ***San Francisco, CA 94102-3688***

23 ***Guevara v. Payless, CN: RG11598376***

24 Superior Court of California
 25 Alameda County
 26 Dept. 17 – Judge Steven Brick
 27 1221 Oak Street
 28 Oakland, CA 94612

23 ***Atkins v. Payless, CN: BC447027***

24 Superior Court of California
 25 Los Angeles County
 26 Central Civil West Courthouse
 27 Dept. 324 – Judge Emilie T. Elias
 28 300 South Commonwealth Avenue
 Los Angeles, CA 90005