

RECEIVED

MAR 16 2007

OFFICE OF THE ATTORNEY GENERAL

COPY

NO. _____ FILED
AM. _____ P.M. _____

MAR 15 2007

J. DAVID NAVARRO, Clerk
By J KENNEDY DEPUTY

LAWRENCE G. WASDEN
ATTORNEY GENERAL
STATE OF IDAHO

BRETT DELANGE, ISB #3628
JANE HOCHBERG, ISB #5465
Deputy Attorneys General
Consumer Protection Unit
Office of the Attorney General
Len B. Jordan Building, Lower Level
650 W. State Street, P. O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-2424/ Facsimile: (208) 334-2830

CHARLES BARNHILL (Admitted Pro Hac Vice)
Miner, Barnhill & Galland, PC
44 East Mifflin Street, Suite 803
Madison, WI 53703
Telephone: (608) 255-5200/Facsimile: (608) 255-5380

ROBERT S. LIBMAN (Admitted Pro Hac Vice)
Miner, Barnhill & Galland, PC
14 West Erie Street
Chicago, IL 60610
Telephone: (312) 751-1170/Facsimile: (312) 751-0438

P. JEFFREY ARCHIBALD (Admitted Pro Hac Vice)
1914 Monroe Street
Madison, WI 53711
Telephone: (608) 661-8855/Facsimile: (608) 661-8855

MICHAEL WINGET-HERNANDEZ (Admitted Pro Hac Vice)
Winget-Hernandez, LLC
3112 Windsor Road #228
Austin, TX 78703
Telephone: (512) 474-4095/Facsimile: (512) 697-0080

ATTORNEYS FOR THE STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

ALPHARMA USPD INC.; ASTRAZENECA
PHARMACEUTICALS LP; ASTRAZENECA LP;

)
) Case No. CVOC07-01847
)
)
) CASE MANAGEMENT
) ORDER NO. 1 RE:
) STIPULATION REGARDING
) ELECTRONIC SERVICE OF
) PLEADINGS

BARR LABORATORIES, INC.; CENTOCOR,)
 INC.; IVAX CORP.; IVAX PHARMACEUTICALS,)
 INC.; JANSSEN PHARMACEUTICAL)
 PRODUCTS, LP; JOHNSON & JOHNSON;)
 McNEIL-PPC, INC.; MERCK & CO., INC.;)
 ORTHO BIOTECH PRODUCTS, LP; ORTHO-)
 McNEIL PHARMACEUTICAL, INC.; PAR)
 PHARMACEUTICAL COS., INC.; PUREPAC)
 PHARMACEUTICAL CO.; SANDOZ, INC., f/k/a)
 GENEVA PHARMACEUTICALS, INC.; TEVA)
 PHARMACEUTICALS USA, INC.; WATSON)
 PHARMA, INC., f/k/a SCHEIN)
 PHARMACEUTICALS, INC.; and WATSON)
 PHARMACEUTICALS, INC.,)
)
 Defendants.)
)

Based upon the Stipulation Regarding Electronic Service of Pleadings filed by the parties, the terms of which are set forth below, and good cause appearing therefore,

IT IS HEREBY ORDERED that the parties use electronic service as set forth herein:

I. LEXIS/NEXIS FILE AND SERVE

A. The parties agree to utilize the services of LexisNexis File & Serve (“LNFS”) and its litigation system (the “system”) for providing electronic service, storage, and delivery of court-filed and discovery-related documents. LNFS shall be bound by the terms of any protective order entered in the case.

II. SERVICE ONLY

B. The system shall apply only to the service of documents between the parties, and not to the filing of documents with the Court. In other words, pleadings and other court documents must still be filed with the Court in the traditional manner.

III. SERVICE LIST AND SIGNUP

C. Within the five days of entry of this Order, Robert S. Libman, co-counsel for plaintiff, shall submit to Christopher D. Shaw, Esq. at christopherdean.shaw@lexisnexus.com a list of those attorneys who have entered an appearance on behalf of the Plaintiff State of Idaho, and David R. Lombardi, defendants' liaison counsel, shall submit a list of those attorneys who have entered an appearance on behalf of any defendant, identifying the party that the attorney represents. Within ten days of entry of this Order, each attorney who has entered an appearance in the case shall register for electronic service by completing the application located at the following website: <http://www.lexisnexus.com/fileandserve> (advance registration). Each attorney's password shall be treated as if it were for "attorney's eyes only."

D. Mr. Libman shall be responsible for making sure that any attorney who enters an appearance on behalf of the plaintiff is served with a copy of the Stipulation and this Order within five days of the attorney entering an appearance. Mr. Lombardi shall be responsible for making sure that any attorney who enters an appearance on behalf of any defendant gets a copy of the Stipulation and this Order within five days of the attorney entering an appearance. Each such attorney shall register for electronic service in this litigation as requested in Paragraph C within ten days of their receipt of this Order.

IV. SERVICE OF DOCUMENTS AND WEB SITE

E. Establishment and use of the LNFS website generally

1. All documents shall be served as provided in this Order. The term "document" includes any exhibits or attachments to the document and includes 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 the system to serve correspondence or the actual production of discovery documents.

2. LNFS shall establish and maintain an Internet website (the "website") for this case. LNFS will post all documents served by the parties to the website as provided in this Order and shall serve each document on the parties included on the service list provided to LNFS in accordance with the procedures herein.

3. Each attorney shall serve each document by electronic transfer to LNFS through the Internet (either as a word processing file or Adobe PDF). Bulky or voluminous attachments, such as exhibits, need not be served via electronic transfer if doing so would be impractical or unduly burdensome. In such circumstances, the attachments shall be served conventionally. However, in order to maintain an electronic record of served documents, a party serving conventionally shall also serve by LNFS a one-page document identifying the document that is being served conventionally. Documents electronically served pursuant to this Order shall be deemed served effective on the date the document is transmitted to LNFS but shall be subject to Idaho Rule of Civil Procedure 6(e)(1) as if they had been served by mail.

4. After LNFS receives a document, LNFS shall convert the document into Adobe PDF format and post the document to the website within one hour of receipt.

5. Within one hour of the time a document is posted on the website, LNFS shall send an e-mail to all registered users notifying them that the document has been posted to the web site (unless such registered user has declined to receive such e-mail notifications). The e-mail shall contain a hypertext link to the document's location on the system (or, if a registered user chooses, the e-mail shall have the served document attached to it).

6. In the event a document filed with the Court is rejected by the Court after it has been posted on the website by LNFS, the party that caused the document to be posted shall promptly notify LNFS in writing that the document was rejected for filing. LNFS shall promptly notify all parties on whom that document was served of the fact of the rejection, and shall cause a permanent notation to be placed on the website stating the fact of the rejection.

7. All documents posted on the system shall be identified by:

- a. The name of the serving law firm;
- b. a caption of the case to which the document belongs;
- c. the title of the document set forth on its caption; and
- d. the identify of the party on whose behalf the document is being served.

8. The system shall contain an index of all served documents that is searchable, sortable, and allows 24-hour, 365-day access.

9. Access to the system will be limited to registered users. Registered users will consist of authorized counsel of record and their designated staff members (and Court personnel, if the Court chooses to use the system). LNFS will provide each registered user with a username and password to access the system and the documents served in the case. LNFS personnel will perform all administrative functions for the system.

10. Every pleading, document, and instrument served electronically shall bear a handwritten or typographical signature of at least one of the attorneys of record. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the rules applicable to civil actions in this Court. The serving party of any document requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all of the names of other signatures by meaning of a “/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.

11. Any document transmitted through the system shall certify in the Proof of Service that a true and correct copy was electronically served by transmission to LNFS pursuant to this Order. Documents filed under seal shall not be served through the system, but should be served conventionally.

12. LNFS shall have available a 24-hour, 365-day helpdesk hotline at 888-529-7587 and customer support website at <<http://www.lexisnexis.com/fileandserve/support.asp>>.

IT IS SO ORDERED.

Dated this 15 day of March, 2007.

By: KATHRYN A. STICKLEN
Kathryn A. Sticklen
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of March, 2007, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Jane Hochberg	_____	HAND DELIVER
Deputy Attorney General	<u>XX</u>	U.S. Mail
Idaho Attorney General's Office	_____	Overnight Mail
P.O. Box 83720	_____	Telecopy (Fax)
Boise, ID 83720-0010	_____	Certified Mail
	_____	Electronic Mail

Charles Barnhill	_____	HAND DELIVER
Miner, Barnhill & Galland, PC	<u>XX</u>	U.S. Mail
44 East Mifflin Street, Suite 803	_____	Overnight Mail
Madison, WI 53703	_____	Telecopy (Fax)
	_____	Certified Mail
	_____	Electronic Mail

Robert S. Libman
Miner, Barnhill & Galland, PC
14 West Erie Street
Chicago, IL 60610

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

P. Jeffrey Archibald
1914 Monroe Street
Madison, WI 53711

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

Michael Winget-Hernandez
Winget-Hernandez, LLC
3112 Windsor Road #228
Austin, TX 78703

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

John R. Fleder, Esq.
Hyman, Phelps & McNamara, P.C.
700 13th St NW
Washington, DC 20005
Counsel for Alpharma USPD Inc. &
Purepac Pharmaceutical Co.

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

D. Scott Wise
Davis Polk & Wardwell
450 Lexington Ave
New York, NY 10017
Counsel for Astrazeneca LP &
Astrazeneca Pharmaceuticals LP

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

Mark Prusynski
Moffatt Thomas Barrett Rock
& Fields, Chtd.
P.O. Box 829
Boise, ID 83701-0829
Counsel for Astrazeneca LP &
Astrazeneca Pharmaceuticals LP

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

Karen N. Walker
Kirkland & Ellis LLP
655 15th St, NW
Washington, DC 20005
Counsel for Barr Laboratories, Inc.

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

William F. Cavanaugh, Jr.
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036-6710
Counsel for Johnson & Johnson;
Janssen Pharmaceutical Products LP;
McNeil-PPC, Inc.; Ortho Biotech
Products, LP; Ortho-McNeil
Pharmaceutical, Inc.; Centocor, Inc.

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

David R. Lombardi
Givens Pursley
601 W Bannock St, POB 2720
Boise, ID 83701-2720
Counsel for Johnson & Johnson;
Janssen Pharmaceutical Products LP;
McNeil-PPC, Inc.; Ortho Biotech
Products, LP; Ortho-McNeil
Pharmaceutical, Inc.; Centocor, Inc.

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

John M. Townsend
Hughes, Hubbard & Reed LLP
1775 I Street, NW
Washington DC 20006-2401
Counsel for Merck & Co., Inc.

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

Stephen R. Thomas
Moffatt Thomas Barrett Rock
& Fields Chtd.
P.O. Box 829
Boise, ID 83701-0829
* Counsel for Merck & Co., Inc.

XX

HAND DELIVER
U.S. Mail
Overnight Mail
Telecopy (Fax)
Certified Mail
Electronic Mail

Paul K. Dueffert Williams & Connolly LLP 725 Twelfth St, NW Washington, DC 20005 Counsel for Par Pharmaceutical Cos. Inc.	_____ <u>XX</u> _____ _____ _____	HAND DELIVER U.S. Mail Overnight Mail Telecopy (Fax) Certified Mail Electronic Mail
Wayne A. Cross Michael J. Gallagher White & Case LLP 1155 Avenue of the Americas New York, NY 10036-2787 Counsel for Sandoz, Inc.; fka Geneva Pharmaceuticals, Inc.	_____ <u>XX</u> _____ _____ _____	HAND DELIVER U.S. Mail Overnight Mail Telecopy (Fax) Certified Mail Electronic Mail
Christopher Prince Sonnenschein Nath & Rosenthal 601 S. Figueroa St, Ste 1500 Los Angeles, CA 90017-5704 Counsel for Teva Pharmaceuticals USA, Inc.; Ivax Corp.; Ivax Pharmaceuticals, Inc.	_____ <u>XX</u> _____ _____ _____	HAND DELIVER U.S. Mail Overnight Mail Telecopy (Fax) Certified Mail Electronic Mail
Betty H. Richardson Richardson & O'Leary, PLLC 515 N 27th, POB 7218 Boise, ID 83707 Counsel for Teva Pharmaceuticals USA, Inc.; Ivax Corp.; Ivax Pharmaceuticals, Inc.	_____ <u>XX</u> _____ _____ _____	HAND DELIVER U.S. Mail Overnight Mail Telecopy (Fax) Certified Mail Electronic Mail
Douglas B. Farquhar Hyman, Phelps & McNamara, PC 700 Thirteenth Street NW, Ste 1200 Washington DC 20005-5929 Counsel for Watson Pharmaceuticals, Inc.; Watson Pharma, Inc.	_____ <u>XX</u> _____ _____ _____	HAND DELIVER U.S. Mail Overnight Mail Telecopy (Fax) Certified Mail Electronic Mail

J. DAVID NAVARRO
Clerk of the Court

J KENNEDY

Deputy Clerk