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FILED

FEB 24 2004

CLERK OF THE SUPERIOR COURT
BY: T. ISBERG, DEPUTY CLERK

**IN THE SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SHASTA**

Coordination Proceeding)	
Special Title (Rule 1550(b)))	JUDICIAL COUNCIL COORDINATION
)	PROCEEDING NO. 4301
TENET HEALTHCARE CASES III)	
)	ORDER RE ELECTRONIC FILING
)	AND SERVICE OF PLEADINGS
)	

I. GENERAL

A. Application Of Order.

The Court finds that entry of an order requiring electronic filing and service in this coordinated proceeding will not cause undue hardship or significant prejudice to any party. Accordingly, pursuant to California Rules of Court, Rule 2053, the Court hereby designates all cases in the Tenet Healthcare Cases III (the "Coordinated Action") as EFile cases as described in and governed by this Order. Except as hereinafter provided, Rules 2050 through 2060 of the California Rules of Court, inclusive, shall govern the electronic filing and service of documents in the Coordinated Action.

1 **B. Selection of Electronic Filing Service Provider.**

2 All cases in the Coordinated Action are assigned to the electronic filing and service
3 system as created and contemplated by the Service Agreement executed on or about December 2,
4 2003, between LexisNexis Court Link, Inc. (hereinafter referred to as "LNCL") and the Superior
5 Court of California, County of Shasta (hereinafter referred to as "Court"), or any successor
6 system. All parties to the Coordinated Action pending in this Court other than parties in pro per
7 shall enter into a File & Serve Advanced Agreement with LNCL or the then-current vendor ("the
8 Vendor") within 30 days of the date of this Order. The effective date for electronic filing and
9 service shall be March 24, 2004.

10 **C. New Parties.**

11 Any party that brings a new party into the Coordinated Action shall serve a copy of this
12 Order at the time of initial service on the new party. Unless any new party demonstrates that
13 undue hardship or significant prejudice will result, such party shall enter into a File & Serve
14 Advanced Agreement with Vendor.

15 **D. Definitions.**

16 The following terms in this Order shall be defined as follows:

- 17 1. Close of Business - "Close of business" is 5:00 p.m. Pacific Time.
- 18 2. EFile - Electronic transmission of an original document to the Court via
19 the Vendor's system. An EFile consists of an EDocument, an EImage, or both.
- 20 3. EService - Electronic transmission of an original document to all other
21 designated recipients via the Vendor's system. Upon the completion of any transmission to the
22 Vendor's system, a certified receipt is issued to the sender acknowledging receipt by the Vendor
23 system. Once the Vendor has served all recipients, proof of electronic service is returned to the
24 sender.
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1 4. EDocument - An electronic file of a word processing document, which
2 contains almost exclusively text.

3 5. EImage - An electronic file of a document that has been scanned or
4 converted to a graphical or image format.

5 6. Participant - Any party or non-party who has entered into a File & Serve
6 Advanced Agreement with Vendor.

7 E. Assignment By The Vendor Of Personal Identification Numbers.

8 Upon receipt by the Vendor of a properly executed File & Serve Advanced Agreement
9 and any other such papers as the Vendor may require, the Vendor shall assign to the party's
10 designated representative a confidential Personal Identification Number ("PIN"), which may be
11 used to file, serve, receive and electronically file pleadings, orders and other documents filed in
12 the assigned case. No attorney or party representative shall knowingly authorize or permit
13 his/her PIN to be utilized by anyone other than the authorized attorneys or employees of the
14 attorneys' law firm.

15 **II. ELECTRONIC FILING AND SERVICE OF PLEADINGS AND OTHER**
16 **DOCUMENTS.**

17 As of the commencement date of this Order, except as expressly provided herein, or as
18 expressly authorized by the Court, all Participants shall file all pleadings, motions, memoranda of
19 law, declarations, orders, or other documents in the Coordinated Action electronically through
20 the system. All discovery demands and responses may be electronically served through the
21 system.

22 A. Electronic Filing.

23 1. Participants may EFile a document either through access to the Vendor's
24 system from the filing attorney's office or, in the event that a firm is unable to electronically file
25 due to technical problems within the firm, the firm may file by faxing documents and

1 attachments to Vendor. Vendor shall then convert those documents to electronic form, file them
2 with the Court, and serve designated parties as provided. Participants choosing to file via
3 facsimile through the Vendor shall be charged fees reflecting Vendor's then-current published
4 rates for filing and service in this manner.

5 2. Parties in pro per may file a document by delivering the document to the
6 Clerk's office in paper form accompanied by a copy of the document on a 3 1/2" computer disk or
7 other form of electronic medium approved by the Clerk's office.

8 3. Non-parties may file a document either:

9 a. Electronically, through access to the Vendor's system from the filing
10 attorney's office, obtained by entering a File & Serve Advanced Agreement as
11 provided in paragraph I.A. above;

12 b. By delivering the document to the Clerk's office in paper form
13 accompanied with a copy of the document on a 3 1/2" computer disk or other form
14 of electronic medium approved by the Clerk's office.

15 4. All subpoenas, notices or other demands served by a party upon a non-
16 party shall be accompanied by a copy of this Order Re Electronic Filing and Service of
17 Pleadings.

18 **B. Electronic Service.**

19 All Participants shall make service of electronically filed documents, and may make
20 service of other documents, upon other Participants electronically through the system.

21 Participants shall receive all documents EServed upon them via access to the Vendor's system.
22 Proof of electronic service shall conform to California Rules of Court, Rule 2060(c), except that
23 electronic notification addresses need not be stated. The paper version of the signed original
24 proof of service shall be delivered to the Court in accordance with paragraph II(F).
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1 **C. Confirmation of Receipt and Filing of Documents.**

2 Vendor is hereby appointed agent of the Clerk of the Superior Court as to the electronic
3 filing, receipt, service and/or retrieval of any document in the EFile system. Vendor shall
4 promptly send a Participant confirmation of the receipt of any document that such Participant has
5 transmitted to Vendor for filing with the Court. Such confirmation shall indicate the date and
6 time of receipt stated in Pacific Time, and shall be sent to the Participant's electronic notification
7 address. Vendor shall promptly transmit any electronically filed document to the Court. The
8 Court shall promptly review the document and transmit to the Vendor confirmation that the
9 document has been reviewed and accepted by the Clerk, or notify Vendor that the document has
10 been rejected for filing. Vendor shall electronically endorse any document accepted for filing in
11 accordance with California Rules of Court, Rule 2059(e), or shall transmit the Court's notice of
12 rejection to the Participant.

13 **D. Effect of Use of EFile and Time for Filing.**

14 No document transmitted electronically shall be considered as filed unless it is accepted
15 for filing by the Clerk. Any document received by Vendor before close of business on a court
16 day shall be considered as filed on the date of transmission if the document is accepted for filing.
17 Any document received by Vendor after the close of business shall be deemed filed the next
18 court day if the document is accepted for filing.

19 **E. Payment of Statutory Filing Fees.**

20 Any document requiring payment of a filing fee to the Clerk of the Superior Court, in
21 order to achieve valid filing status, shall be filed electronically. Vendor is hereby appointed as
22 the agent of the Clerk of the Superior Court with respect to collecting statutory filing fees for any
23 electronically filed document. Each Participant shall pay all required filing fees for electronically
24 filed documents to Vendor. Vendor will invoice each Participant monthly for the total amount of
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1 such filing fees. Vendor shall remit filing fees to the Court. At such time, said fees shall be the
2 sole property of the Clerk of the Superior Court of Shasta County.

3 **F. Original Documents.**

4 The original of any document that is filed electronically shall be delivered to the Court
5 within 5 calendar days of the date it is electronically filed and shall display the electronic filing
6 endorsement provided by Vendor's system in the upper right hand corner of the first page.

7 Unless otherwise ordered by the Court, the original of any document that is served electronically
8 but not filed, including original signatures, shall be maintained by the party serving the document
9 and shall be made available, upon reasonable notice, for inspection by other counsel or the Court.

10 **G. Effect of Electronic Service.**

11 The electronic service of a document pursuant to paragraph II(B) shall have the effect
12 specified in California Rules of Court, Rule 2060(b).

13 **H. Format of Electronically Filed Documents.**

14 All electronically filed documents, to the extent practicable, shall be formatted in
15 accordance with the applicable rules governing formatting of paper pleadings, and in such other
16 or further format as the Court may require from time to time. The date and time of the hearing or
17 trial in connection with which the document is submitted shall be designated on the cover page of
18 each document. Briefs may exceed page limitation rules to a maximum of two (2) additional
19 pages when the additional pages are attributable to the electronic conversion or filing process.

20 **I. Requirements for Signatures on Documents.**

21 Any document that is electronically filed or served shall comply with the signature
22 requirements of California Rules of Court, Rule 2057, except that the signed original of any
23 document that is filed shall be delivered to the Court in accordance with paragraph II(F). A
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1 scanned copy of the signed document or a version bearing the notation “/s/ [typed name]” may be
2 electronically filed or served.

3 **J. Electronic Title Of Pleadings And Other Documents.**

4 The electronic title of each electronically filed pleading shall include:

- 5 1) The party or parties filing the paper
- 6 2) The nature of the paper
- 7 3) The party or parties against whom relief, if any, is sought, and
- 8 4) The nature of the relief sought (i.e., “John Doe’s Motion to Compel
9 Discovery from John Smith”).

10 The title shall be used for administrative purposes only. The caption and signature page
11 of any document filed shall contain the name of the attorney and, if applicable, the name of the
12 law firm representing the party and the name of the party on whose behalf the document is filed.

13 **III. CONVENTIONAL FILING OF DOCUMENTS**

14 Notwithstanding the foregoing, the following types of documents may or shall be filed
15 conventionally and need not be filed electronically, unless expressly required by the Court.

16 **A. Documents Issued By Clerk.**

17 Any document requiring issuance by the clerk, including but not limited to summons and
18 writs, shall be handled conventionally in paper form.

19 **B. Documents Filed Under Seal.**

20 A motion to file documents under seal shall be filed electronically. However, the
21 documents to be filed under seal shall be filed in paper form. A “Notice of Filing Under Seal in
22 Paper Form” shall be filed electronically.
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1 **C. Exhibits And Real Objects.**

2 Exhibits to declarations or other documents that are real objects or otherwise not readily
3 susceptible to electronic viewing or filing may be filed and served in paper form. A notice of
4 filing in paper form shall be filed electronically.

5 **D. Lodgments.**

6 Documents attached to a Notice of Lodgment may be lodged and served conventionally in
7 paper form. However, the actual document entitled "Notice of Lodgment" shall be filed
8 electronically.

9 **E. Ex Parte Applications.**

10 Ex parte applications may be filed conventionally in paper form.

11 **F. Correspondence.**

12 Correspondence to the Court, other than ex parte applications in letter form, shall not be
13 submitted electronically, but may be served electronically.

14 **G. Notices of Appeal; Petitions for Writs.**

15 Any notice of appeal shall be filed conventionally in paper form. The Court's service
16 copy of any petition to the court of appeal for extraordinary relief shall be served electronically.

17 **IV. COURTESY COPIES**

18 Unless specifically requested by the Court, paper courtesy copies of documents filed
19 electronically need not be delivered to the Court.


20 **V. SYSTEM OR USER ERROR**

21 A. If electronic filing does not occur because of technical problems with the system,
22 the Court may enter an order permitting the document to be filed nunc pro tunc.

23 B. If electronic service does not occur due to (1) technical problems with the system;
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1 (2) failure to serve by the Vendor; or (3) erroneous exclusion of a party or non-party from the
2 service list, the entity or person to be served shall be entitled to an order extending the date for
3 any response or the period within which any right, duty or other act must be performed.
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5 Dated: February 24, 2004



6 Jack Halpin
7 Judge of the Superior Court
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