

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY, OHIO

BUTLER COUNTY
CLERK OF COURTS

DEC 23 2003

**Administrative Order RE:
Filings for All Asbestos Cases**

On behalf of the Judges of the Butler County Common Pleas Court, General Trial Division, at the request of Judge Harry A. Hanna, assigned by the Chief Justice of the Ohio Supreme Court to manage the pending asbestos cases in Butler County, and with the agreement of counsel, the following Order shall apply to all pending and future asbestos cases:

1. DEFINITIONS

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

- A. File & Serve means the service provided by LexisNexis for e-filing and e-service of documents via the Internet. The service may be accessed at <http://www.lexisnexis.com/fileandserve>
- B. "Electronic Filing" (e-file) means the electronic transmission of documents to the court, and from the court, for the purposes of allowing the Assigned Judge and counsel of record to access documents electronically.
- C. "Electronic Service" (e-service) means the electronic transmission of documents to a party, attorney or representative under these rules. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.

2. FILING PROCEDURES

As of December 8, 2003, counsel shall electronically file ("e-file") all documents, including new case complaints, in pending and future asbestos cases using the LexisNexis File & Serve system so that the Assigned Judge and counsel of record may access pleadings electronically.

Furthermore, counsel shall continue to file in paper form with the Clerk of Court, including any applicable statutory filing fees. A complaint or other document shall be deemed filed when delivered traditionally, with the appropriate fees, and accepted by the Clerk; electronic filing does not constitute filing with the Clerk under this Order.

3. ELECTRONIC SERVICE OF DOCUMENTS.

Counsel shall serve all documents electronically when service is required among counsel (i.e., discovery). Counsel are not required to serve documents electronically to other counsel when the documents are e-filed with the Court. All counsel may access filed documents online through the File & Serve system.

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TRUE COPY OF THE ORIGINAL FILED
December 23 03
CINDY CARPENTER
Butler County Clerk of Courts
Jeanne Cook Deputy

4. REGISTRATION REQUIREMENTS

- A. Counsel shall register with LexisNexis File & Serve to send and receive documents electronically. Upon receipt of a properly executed click-through user agreement, LexisNexis shall assign to the user a confidential login and password to the system. Additional authorized users may be added at any time. No attorney or other user shall knowingly authorize or permit his or her username or password to be utilized by anyone.
- B. Parties who register consent to receive e-service documents, other than service of subpoenas or summons.
- C. Registered users of the system shall notify LexisNexis within 10-days of any change in firm name, delivery address, fax number or email address.

5. TIME AND EFFECT OF ELECTRONIC SERVICE

- A. Delivery of e-service documents through File & Serve to other registered users shall be considered as valid and effective service and shall have the same legal effect as an original paper document. Recipients of e-service documents shall access the documents through File & Serve.
- B. Any pleading served electronically shall be considered as served on the recipient when the transmission to LexisNexis is complete ("authorized date"). Any document electronically served by 11:59 p.m. ET shall be deemed served on that date.
- C. For the purpose of computing time to respond to documents received via e-service, any document served on a day or at a time when the court is not open for business shall be deemed served at the time of next opening of the court for business.
- D. In the event of service via facsimile, File & Serve will record the date and time that fax transmission was completed in the proof of service for that transaction.

6. SIGNATURES

Every pleading, document, and instrument electronically served shall be deemed to have been signed by the judge, clerk, attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and Bar number of a signing attorney. Typographical signatures shall be treated as personal signatures for all purposes under these rules. Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating in the original signatures are maintained by the filing party in paper-format.

7. FORMAT OF DOCUMENTS

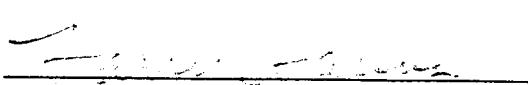
- A. All electronically filed and served pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings.
- B. The electronic document title of each pleading or other document, shall include:
 - 1. Party or parties filing/serving the document,
 - 2. Nature of the document,
 - 3. Party or parties against whom relief, if any, is sought, and
 - 4. Nature of the relief sought
(e.g., "Defendant ABC Corporation's "Motion for Summary Judgment")

8. SYSTEM OR USER ERRORS

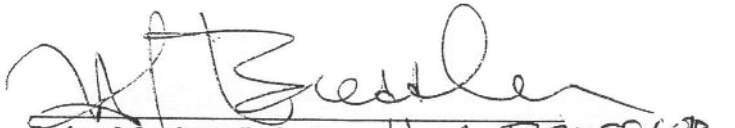
If the electronic filing or service does not occur because of (1) an error in the transmission of the document or served party which was unknown to the sending party, or (2) a failure to process the electronic document when received by LexisNexis, or (3) the party was erroneously excluded from the service list, or (4) other technical problems experienced by the sender, the court may upon satisfactory proof enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be sent electronically. Or in the case of service, the party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

9. JURISDICTION OF THE COURT

It is further Ordered that Butler County Common Pleas Court shall hold jurisdiction of all pending asbestos cases from this county for the purpose of trial.



Judge Harry A. Hanna
By Assignment



Judge Matthew J. Crehan H.J. BROSSOR
Administrative Judge

cc. All counsel via Butler County Asbestos website.

TO BE A
COPY OF THE ORIGINAL FILED
December 23 2003
CLAY CARPENTER
Butler County Clerk of Court
Jerome [Signature] Deputy