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<p>In Re:</p> <p>TEXAS STATE SILICA PRODUCTS LIABILITY LITIGATION</p> <p>This Document Relates to all Cases</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE DISTRICT COURT OF</p> <p>HARRIS COUNTY, TEXAS</p> <p>295TH JUDICIAL DISTRICT (Judge Tracy Christopher)</p>
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FILED
CHARLES RACAP
OCT 10 2005
Harris County

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**ORDER NUMBER ~~10~~ DESIGNATING ELECTRONIC SERVICE AS THE
METHOD OF SERVICE FOR ALL PARTIES**

On this day came to be heard the Plaintiff and Defense Liaison Steering Committees' Joint Motion to Designate Electronic Service as the Method of Service for all Parties to Actions in the Texas State Silica Products Liability MDL. The Court, being satisfied that due notice of the filing of that Motion and of the hearing thereon had been given and after consideration of the pleadings, the Texas Rules of Judicial Administration, and arguments of counsel, finds pursuant to Rule 13.6(c)(9) of the Texas Rules of Judicial Administration that electronic service is warranted, and is therefore of the opinion that the Motion should be **GRANTED**.

IT IS THEREFORE ORDERED that, pursuant to Rule 13.6 of the Texas Rules of Judicial Administration, Lexis Nexis File & Serve ("LNFS") and its litigation system (the "System") are the designated method for providing electronic service, storage, and delivery of court-filed and discovery-related documents in any actions transferred to this Court under the Texas MDL Panel's Order dated November 10, 2004, any actions subsequently transferred to this Court by the MDL Panel, and all actions transferred or subsequently transferred to this Court under Rule 13 of the Texas Rules of Judicial

Administration as a "tag-along case."

IT IS FURTHER ORDERED that the litigants are to abide by the following provisions of this Order:

A. LEXIS NEXIS FILE & SERVE

In order to facilitate case management, document retrieval and case organization, the parties will utilize the services of LNFS and the System for providing electronic service, storage and delivery of court-filed and discovery-related documents through a secure website to facilitate expeditious, efficient and economical communication by and among counsel.

a. Service Only

The System shall apply only to the service of documents, and not to their filing until further order. Original documents must still be filed in the traditional manner (i.e., filing the signed original document with the Harris County District Court), pursuant to the applicable Texas Rules of Civil Procedure and Local Rules of the Harris County Court. Documents will be considered to be served via facsimile for purposes of the calculation of deadlines under the rules of civil procedure and the case management order.

b. Attorney Registration

Within 15 days of this Order, each attorney of record for this litigation, or within 10 days of the entry of appearance for a new attorney of record, shall sign up for electronic service in this litigation by completing the application located at the website for LexisNexis File & Serve Advanced located at <http://www.lexisnexis.com/fileandserve>.

c. List of cases and service lists: creation and maintenance

Within fifteen (15) days of this Order, or as reasonably practicable, counsel shall submit to the LNFS representative a complete and current list of cases transferred to Harris County ("list of cases"). The Electronic Subcommittee shall provide LNFS with the service list of counsel of record for each case in this litigation ("service list"). The list of cases will specify each case transferred to Harris County, the Harris County case number, the county of origin, and the case number from the county of origin. The service list for each case shall list the name of counsel, firm name, address, telephone number, fax number, e-mail address for each participating attorney, the name of the party or parties represented by counsel, and the party type (i.e. plaintiff or defendant). If a new party is added to the litigation, it shall be the responsibility of the plaintiffs' counsel to notify the new party's counsel of this order and the means by which

documents are served in this litigation. It shall be the responsibility of the party initiating transfer of the cases to notify the LNFS representative so that the case may be added to the list of cases subject to this order. During the course of the litigation, the parties agree to maintain and update the list of cases and the service lists for these cases in collaboration with LexisNexis File & Serve representatives whenever there are changes to the list of cases or the service lists. Changes to the service lists shall be effectuated on an ongoing basis using the built-in "Case Profile" functionality in the System, or by placing a telephone call to LexisNexis customer support representatives at (888) 529-7587.

d. Service of documents and website

Establishment and Use of the LNFS Website Generally

1. When any counsel of record in this case wishes to serve a document, that counsel shall serve the document according to all the requirements and procedures of this Order. All references to "document" in this Order shall be interpreted to include any exhibits or attachments to the document and shall include both court-filed and discovery-related documents. Each attorney shall determine individually whether to utilize the System to serve by and amongst counsel of record the actual production of discovery documents in response to another party's request for production.
2. LNFS shall establish and maintain an Internet website (the "Website") for this litigation. All documents served by the parties will be posted by LNFS to the Website as provided in this Order. LNFS will post documents to the Website and shall serve each document as provided in this Order on the parties included on the service list provided to LNFS in accordance with the procedures herein.
3. All documents to be served shall be sent to LNFS via electronic transfer of the document file to LNFS via the Internet (either as a word-processing file or a scanned image of the document). All registered users should title their documents to identify clearly the document and the party who is submitting such document. Unless another Order specifies a time for service, any document electronically served pursuant to this Order shall be deemed to have been served under the Texas Rules of Civil Procedure.
4. After LNFS receives a document, LNFS shall convert it into Adobe Portable Document Format ("PDF") and post it to the Website within one (1) hour of receipt.
5. Within one hour of the time a document is posted to the Website, LNFS shall send an email to all registered users notifying them that the document has been posted to the Website (unless such registered user has declined to receive emails). The email shall contain hypertext link(s) to the document

location(s) on the System (or, if so designated by the recipient, the email shall have the filed document attached thereto). The "subject" line of the e-mail shall include the phrase "MDL Service" in all circumstances.


6. In the event a document that is to be filed with the Court is rejected by the Court for filing after it has been posted on the Website by LNFS and the rejection was caused by an aspect of the caption of the document, and the party seeking to file the document successfully files it with the Court within two (2) business days of its rejection with revisions to the caption only, then the party filing the document shall promptly submit a notice of successful filing, including the date of the filing and the revised page(s) of the caption, to LNFS for posting on the Website. In all other circumstances in which a document to be filed with the Court is rejected for filing 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 by the Court for filing. LNFS shall promptly notify all parties on whom that document was served of the fact of rejection, and shall cause a permanent notation to be placed on the Website in conjunction with that document memorializing the fact of rejection.
7. All documents posted on the System will be identified by:
 - a. the name of the filing law firm;
 - b. the caption(s) of the case(s) to which the document belongs;
 - c. the title of the document set forth on its caption; and
 - d. the identity of the party on whose behalf the document is being served.
8. The System shall contain an index of all served documents for the litigation that will be searchable and sortable according to methods that provide useful 24/7 access to the documents.
9. Access to the System will be limited to registered users. Registered users will consist of authorized Court personnel, counsel of record and their designated staff members. LNFS will provide each registered user with a user name and password to access the System and the documents filed in the litigation. LNFS personnel will perform all administrative functions for the System, but all initial data, additions, deletions or changes to the service list must be approved by the parties.
10. Every pleading, document and instrument served electronically shall bear a facsimile or typographical signature of at least one of the attorneys of record, along with the typed name, address, telephone number and State Bar of Texas number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served

documents under the Texas Rules of Civil Procedure. The filer of any document requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all the names of other signatories by means of an "s/___" block for each. By submitting such a document, the filer certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filer has their actual authority to submit the document electronically. The filer must maintain any records evidencing this concurrence for subsequent production to the Court if so ordered or for inspection upon request by a party.

11. Any document transmitted to the System shall certify in the Proof of Service that a true and correct copy was electronically served on counsel of record by transmission to LNFS.
12. LNFS shall serve notice of all hearings in the MDL on all counsel of record for this litigation in the MDL, regardless of whether they are a party to the case in which the hearing is noticed.
13. Until further notice, documents filed under seal ("sealed documents") shall not be served through the System. Instead, the service of sealed documents shall be made pursuant to the applicable Texas Rules of Civil Procedure.

Signed this 10th day of Oct, 2005.

OCT 10 2005


Honorable Tracy Christopher
Pre-Trial Judge



I, Charles Bacarisse, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this _____

Certified Document Number: _____

CHARLES BACARISSE, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@dco.co.harris.tx.us