

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

In re: Minnesota Asbestos Litigation

Case No C8-94-2875
Asbestos/DeCourcy

**AMENDED ORDER MANDATING ELECTRONIC FILING
AND SERVICE IN ALL ASBESTOS CASES**

IT IS ORDERED that commencing April 17, 2006 the Court hereby designates IN RE: MINNESOTA ASBESTOS LITIGATION (hereinafter referred to as Case No. C8-94-2875) as subject to Electronic Filing and Electronic Service. The effect of this Order is that Case No. C8-94-2875 will transition from Electronic Service only to Electronic File and Electronic Service. Case No. C8-94-2875 is assigned to LexisNexis CourtLink, Inc. ("LNCL") and the LexisNexis® File & Serve ("File & Serve") system.

All e-filing subject to this order shall be subject to Minnesota Asbestos Special Instructions posted on the LexisNexis website, which may be amended administratively without further order of this court. Counsel shall be responsible for keeping abreast of changes in the Minnesota Special Instructions posted on the LexisNexis website.

In all other respects the previously issued Case Management Orders and Order Authorizing Electronic Service of Court Filed Documents shall remain in full force and effect.

1. Registration and Fees for E-filing

a. Registration. All parties in Case No. C8-94-2875 shall continue to be bound by the LexisNexis File & Serve Agreement with LNCL entered into for Electronic Service. All future parties to Case No. C8-94-2875 intending to use Electronic Filing must register with LexisNexis File and Serve at www.lexisnexis.com/fileandserve.

b. Addition of New Cases. To facilitate Electronic Filing all Summons and Complaints must be filed on LNCL within 7 days of service. The Answer must be the first document filed by any new defendant.

When new cases or parties are to be added to Case No. C8-94-2875, not currently on the File & Serve system, the following information must be provided to LexisNexis File and Serve Customer Support at 1-888-529-7585:

1. case name
2. case number
3. party name
4. representing attorney and firm

c. Obligation of Registered Electronic Filing Users to Maintain Proper Delivery Information. Parties or attorneys who register to use the File & Serve system shall notify LexisNexis within 10 days of any change in firm name, delivery address, fax number or e-mail address.

d. Filing Fees.

1. All statutory fees payable to the Court Administrator shall be payable to LNCL which shall transmit the fees to the Court Administrator.
2. A LNCL usage fee shall be assessed to users by LNCL. These fees shall be payable to LNCL and are in addition to statutory fees.
3. Fees for Electronic filing and service shall be billed by LexisNexis File and Serve using the billing arrangement established through the registration process.
4. All disputes and/or refund requests related to statutory fees shall be directed to and handled by the Court Administrator. Any such refunds pertaining to statutory fees shall be distributed from the Court directly to the filing party.

2. Form of Documents Electronically Filed

a. Format. Each electronically filed document shall be filed in Word, WordPerfect, TIFF (a standardized file format used to store imaged documents), or PDF. Each document shall be formatted in accordance with the applicable rules of court governing formatting of paper documents. Font size shall be at least 10 pt.

1. LNCL shall convert any Word, WordPerfect, or TIFF document to PDF format. LNCL shall transmit the PDF file and any Word, WordPerfect or TIFF file to the Court Administrator.
2. The PDF document submitted to or uploaded by the Court Administrator is the official record and shall be maintained by the Court Administrator in the Court Administrator's document management system.
3. LNCL shall be the single repository of electronically filed documents and shall serve as the Court's register of actions. The Total Court Information System (TCIS) shall continue to be used for scheduling and calendaring.

b. Title of Documents The title of each electronically filed document shall include:

1. The name of the party or parties filing the document
2. A descriptive title of the document
3. The name of the party or parties against whom relief, if any, is sought.
4. Nature of Relief sought (e.g. Defendant ABC Corporation's Motion for Summary Judgment against Plaintiff Jones)

c. Filing Related Documents

1. All electronically filed documents relating to a single pleading or paper shall be "electronically stapled" with the main and supporting documents identified.
2. All electronically filed documents, papers, or pleadings directly relating to a previously filed document, paper, or pleading may be linked to the previously filed document, paper, or pleading using the "linked document" feature.
3. Failure to properly link document may result in rejection of the filing by the Court Administration staff.

d. Signature

Each electronically filed document shall be deemed to have been signed by the person submitting the document and shall include a typographical signature of such person in the form "/s/ John Doe." Each document filed by or on behalf of a party shall also include the typed name, address and telephone number of the attorney or unrepresented party filing the document. The attorney shall also include his or her Minnesota Bar number.

The original of any document submitted for electronic filing must be maintained in the office of the attorney submitting it.

An order may be signed by the Judge electronically or by hand.

e. Privacy

Each electronically filed document shall be reviewed by the filer to determine whether the document contains confidential information. If the document contains confidential information as defined in Rule 11 of the Civil Rules of Practice, the parties shall follow the provisions of the rule. If the document is or contains information that is confidential or exempt, the document may be filed as a sealed document by following the steps in paragraph 3 below. Any person may subsequently petition the court to unseal the document.

f. Rejection

The Court Administrator may reject any document submitted for filing which does not comply with the Minnesota Asbestos Special Instructions or the provisions of this Order.

3. Sealed Documents

Documents filed under seal MUST be formatted with a footer stating the following:

THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL. REVIEW AND ACCESS TO THIS DOCUMENT IS PROHIBITED EXCEPT BY PRIOR COURT ORDER.

This footer must appear on every page of the document. Additionally, the first page or cover page of the document must be in the following format:

IN THE COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

[name of first plaintiff], :
v. : No. []
[name of first defendant]. :

YOU ARE IN POSSESSION OF A DOCUMENT FILED IN THE RAMSEY COUNTY SECOND JUDICIAL DISTRICT THAT IS CONFIDENTIAL AND FILED UNDER SEAL.

If you are not authorized by Court order to view or retrieve this document read no further than this page. You should contact the following person:

[filing attorney's name]
[firm name of filing attorney]
[address of filing party]
[telephone number of filing party]

No other information should appear on the cover page.

The filing details and document title will appear in the File & Serve system. The document can be viewed only by the Court, the filer, and those case participants

who the filer selected to receive service of that particular document. A participant that was not served with the document can see only the document title in the case details but is not able to open or view the document.

4. Time and Effect of E-filing

- a. Any pleading filed electronically shall be considered as filed with the Court Administrator when the transmission is completed ("authorized date and time"). Any document electronically filed with the Court Administrator by 11:59 p.m. CT shall be deemed filed with the Court Administrator on that date. However, for the purpose of computing time for any other party to respond, any document filed on a day or at a time when the Court Administrator is not open for business shall be deemed filed on the day and at the time of the next opening of the court for business.
- b. The Court Administrator and the Court may issue, file and serve notices, orders, and other documents electronically, subject to the provisions of the Minnesota Rules of Civil Procedure consistent with the Court's Case Management Order.

5. Privacy Issues: It is the sole responsibility of counsel and the parties to make certain that all pleadings comply with the rules of this Court requiring redaction of restricted identifiers.

6. System or User Filing Errors: If the electronic filing or service does not occur because of:

1. an error in the transmission of the document to the File & Serve system or served party which was unknown to the sending party, or
2. a failure to process the electronic document when received by the File & Serve system, or
3. the party was erroneously excluded from the service list, or
4. rejection by the court or Court Administrator, or
5. other technical problems experienced by the filer or the File & Serve system,


then the party or parties affected 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.

7. Access:

Registered users of LexisNexis File & Serve shall have unrestricted remote access to documents filed with the Court in all asbestos cases except for filings subject to a Protective Order or an Order for Confidentiality. Filings subject to a Protective Order or Confidentiality Order shall be made accessible only to the Court and those parties designated by the applicable Protective/Confidentiality Order.

DATED: April 6, 2006

By the Court:


Judge Michael T. De Courcy
Judge of District Court