

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA

IN RE:

CASE NO: _____

CHINESE DRYWALL LITIGATION

This Relates to:
All Cases

ELECTRONIC SERVICE ORDER

Upon stipulation of Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel,

It is hereby **ORDERED** that whenever service is required by the Florida Rules of Civil Procedure, service must be made by electronic service as set forth below in lieu of the manner prescribed in Rule 1.080(b).

1. In order to facilitate case management, document retrieval, case organization and expeditious, efficient and economical communication by and amongst counsel, the parties will utilize the services of LexisNexis File & Serve ("File & Serve") and its litigation system for providing electronic service, storage and delivery of court-filed and discovery related documents through a secure website.

2. All counsel of record or unrepresented parties who do not have an e-mail address and access to the Internet's World Wide Web (the "Web"), shall immediately obtain an e-mail address and Web access and retain such until they are no longer counsel in any Chinese Drywall Case in the Seventeenth Judicial Circuit of Florida.

3. Within five (5) days of the entry of this Order, the entry of appearance for a new attorney of record, or assignment or transfer to Division 12 pursuant to the Administrative Order Assigning and Transferring Chinese Drywall Cases, whichever occurs earliest, all counsel of record or unrepresented parties shall send to Plaintiffs' Liaison Counsel, Michael J. Ryan whose e-Mail address is mryan@krupnicklaw.com and Defendants' Liaison Counsel, Rachel M. Coe, whose email address is rcoe@adorno.com, an email providing the name of the party, the party type, contact information for the party's attorneys or the unrepresented party (name, firm address, phone, fax and email), and the case (case name and case number) in which the party is named.

4. Within five (5) business days of the entry of this order, liaison counsel shall provide File & Serve with the then current service list for the Chinese Drywall MDL via email to Eservice@fileandserve.lexisnexis.com. This service list should include the case names and numbers, party name, party type, attorneys' names, firm names and addresses, phone numbers and e-mail addresses for each case in the Seventeenth Judicial Circuit of Florida.

5. Within five (5) days of the entry of this Order, the entry of appearance for a new attorney of record, or assignment or transfer to Division 12 pursuant to the Administrative Order

Assigning and Transferring Chinese Drywall Cases, whichever occurs earliest, each attorney of record in this litigation on whom service of documents must be effectuated who has not yet registered for File & Serve shall sign up for electronic service in this litigation by completing the application located at the Website for File & Serve located at <http://law.lexisnexis.com/file-and-serve-e-service>. File & Serve can be contacted on a 24 hour basis, seven days a week, for any inquiries or technical assistance at (888) 529-7587.

6. Each attorney and unrepresented party is instructed to review the LexisNexis File & Serve Welcome Kit attached hereto as **EXHIBIT A**, which sets forth the procedure for registration with and service through File & Serve so that they can timely register.

7. Within ten (10) days of the entry of this Order, the entry of appearance for a new attorney of record, or assignment or transfer to Division 12 pursuant to the Administrative Order Assigning and Transferring Chinese Drywall Cases, whichever occurs earliest, each party must forward to Liaison Counsel with whom they are affiliated, a copy of any operative pleadings filed by that party (the current complaint, answer, response or counterclaim), all pending motions filed by that party and all discovery requests and responses served by that party. Liaison counsel shall work with File & Serve to ensure that the case is identified and included in the Chinese Drywall Cases for the Seventeenth Judicial Circuit of Florida and that the current and operative pleadings and all pending motions are uploaded and included in the File & Serve Website.

8. Effective immediately and until such time as File & Serve advises Liaison Counsel that the File & Serve system is in place, service of any document by any party shall be made by emailing a copy of the document to the respective liaison counsel, i.e., Plaintiffs' Liaison Counsel, Michael J. Ryan whose e-Mail address is mryan@krupnicklaw.com or Defendants' Liaison Counsel, Rachel M. Coe, whose email address is rcoe@adorno.com. Liaison counsel are responsible to ensure that these documents are distributed to all counsel of record and unrepresented parties, which may be accomplished through email.

9. As soon as File & Serve advises Liaison Counsel that the File & Serve system is in place, Liaison counsel shall notify by email all of their respective counsel of record and unrepresented parties with whom they are affiliated. Effective immediately upon such notice by Liaison Counsel, Liaison Counsel is no longer required to serve and distribute pleadings and motions on attorneys of record with whom they are affiliated, as set forth above.

10. In order to effect service of any document, the counsel of record who is serving the document, or in the case of an unrepresented party, the unrepresented party who is serving the document, shall upload the document, including all exhibits and attachments directly to the File & Serve system at www.lexisnexis.com/fileandserve and transmit it to File & Serve by electronic transfer (either as a word-processing document, PDF file, or TIFF file).

11. File & Serve's system will upload all documents (all references to "document" include exhibits, if any) in Adobe PDF electronic format onto an Internet website maintained by File & Serve, which is privately funded by the parties, where all counsel of record who are registered users of the File & Serve system may access the documents.

12. Once a document is uploaded and submitted electronically, File & Serve shall send an e-mail to all registered users notifying them that the document has been posted to its Website (unless such registered user has declined to receive e-mails). The e-mail shall also

contain a hypertext link(s) to the document location(s) on the System (or, if so designated by the recipient, the e-mail shall have the document attached thereto).

13. Any document electronically served via File & Serve pursuant to this Order shall be deemed to have been served under the Florida Rules of Civil Procedure 1.080(b).

14. Service is complete upon successful transmission to the File & Serve system.

15. Successful transmission to the File & Serve system does not constitute filing with the Court. Whenever filing is required pursuant to the Florida Rules of Civil Procedure, applicable Local Rules, Administrative Orders of the Seventeenth Judicial Circuit, and other pertinent statutes, the attorney of record or unrepresented party shall cause the originally signed document to be filed with the Clerk of Court.

16. Every court-filed document shall be transmitted to File & Serve on the same day that the pleading is mailed or delivered to the Clerk of Court, whichever is earlier.

17. All pleadings shall be titled to clearly identify (a) the name of the filing/serving party, (b) the precise title of the pleading, and shall be uploaded to the master case if applicable to all cases or to the specific case or cases related to the pleading (including to a multi-party lead or master case if multiple parties are named in a particular case). File & Serve shall enable features to allow the simultaneous uploading of a pleading into multiple cases to accommodate this request.

18. All pleadings shall be captioned "In Re: Chinese Drywall" with an indication as to whether the pleading relates to all cases or only specific cases, e.g.

IN RE:

CHINESE DRYWALL LITIGATION

This Relates to:

Case No.: CACE-09-052483 (Raio)

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA

CASE NO: _____

19. Any document electronically transmitted to File & Serve that requires an attorney's signature, may either be signed in fact or may be electronically signed by the placing "/s" in front of attorney's name, e.g., "/s Jane Doe." An "s" signature has the same force and effect as an original signature.

20. When serving documents, all counsel must use a uniform Certificate of Service in the form set out herein, using the bracketed portion where applicable:

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, the foregoing document, including all

exhibits and attachments, has been electronically uploaded and successfully transmitted the foregoing document, including all exhibits and attachments, to LexisNexis File & Serve, which will generate and transmit Notices of Electronic Filing for service on all parties in the manner authorized for each registered user in accordance the Electronic Service Order entered in this action and that a copy of the foregoing document, including all exhibits and attachments, has been emailed to Plaintiffs' Liaison Counsel, Michael J Ryan (mryan@krupnicklaw.com) and Defendant's Liaison Counsel, Rachel M Coe (rcoe@adorno.com). [I further certify that on the date set forth below, the originally signed document including all exhibits and attachments, was [delivered/mailed] to the Court.]

/s/ Printed User Name
Name of Registered User

21. Only those registered users of File & Serve will be able to access the Chinese Drywall Cases pending in the Seventeenth Judicial Circuit of Florida hosted online with File & Serve. Registered users will include counsel of record for any party in the Chinese Drywall Cases pending in the Seventeenth Judicial Circuit of Florida as well as non-parties who register with File & Serve to view the case-files. However, only counsel of record will be allowed to submit documents to the cases on the File & Serve. Upon registration, File & Serve will provide each registered user with a username and password to access the File & Serve system

22. At each Counsel's discretion, private documents may be uploaded to File & Serve and the transaction marked as "Serve-Only-private" to restrict access to anyone but the served case parties, or counsel may opt to instead upload a "Cover Sheet" and deliver said private documents in hard copy fashion to the other parties at no charge to the other parties.

23. **Notices of Hearings:** Effective immediately, and as detailed further in the Order on March 25, 2010 Case Management Conference, only liaison counsel are permitted to set hearings and any Notices of Hearings filed by any other attorney or party will be invalid and may be removed from the File & Serve system.

24. **Service of Court Orders:** Liaison Counsel are responsible to ensure that all Orders of the Court are served and distributed to all counsel of record. Such service of Court Orders by Liaison Counsel shall be accomplished electronically through File & Serve. Liaison Counsel shall assist File & Serve, to the extent necessary, to assure that Orders are uploaded and transmitted promptly by File & Serve; however, File & Serve shall be responsible for coordinating the retrieval of Orders directly from the Clerk of Court for the Seventeenth Judicial Circuit Court of Florida or from the Judicial Assistant to the Judge Presiding over the Chinese Drywall Cases.

25. File & Serve shall perform all administrative functions to the system. Once initially registered, File & Serve shall be responsible for the registration and confirmation of all contact information for registered users.

26. After initial enrollment/registration, each registered user shall keep current their contact information and shall note any changes thereto directly on the File & Serve Website within five (5) days of any change to the contact information.

27. All registered users shall be bound by any Confidentiality Order that this Court

may issue. File & Serve will also be bound by the terms of any such Confidentiality Order.

28. The File & Serve system shall contain an index of all served documents for the Chinese Drywall Cases pending in the Seventeenth Judicial Circuit of Florida that is searchable and able to be sorted according to methods that provide useful 24 hour/seven day a week access to the documents via the Web.

29. Plaintiffs' Liaison Counsel, Michael J. Ryan, and Defendants' Liaison Counsel, Jeffrey A Backman, shall meet and confer regarding the filing of any document that is filed with the Clerk of Court under seal that may contain discovery material covered by any Confidentiality Order that this Court might issue.

30. Effective immediately, all service of documents filed in the Chinese Drywall Cases pending in the Seventeenth Judicial Circuit of Florida shall be made only as provided in this Electronic Service Order. Attorneys and unrepresented parties who fail to register will no longer receive service of documents filed in the Chinese Drywall Cases pending in the Seventeenth Judicial Circuit of Florida.

31. Service by any other method other than that outlined above, is ineffective and will not constitute service under Florida Rule Civil Procedure 1.080(b).

DONE and ORDERED in chambers in Fort Lauderdale, Broward County, Florida, this _____ day of March 2010.

PETER M. WEINSTEIN

MAY 27 2010

PETER M. WEINSTEIN, Circuit Court Judge

TRUE COPY

Copies furnished to:

- Chief Judge Victor Tobin
- Plaintiffs' Liaison Counsel (Michael Ryan, Esq.)
- Defendants' Liaison Counsel (Jeffrey Backman, Esq.)
- US District Judge Eldon E. Fallon
- Circuit Court Judge Joseph P. Farina
- Circuit Court Judge Glenn D. Kelley

Exhibit A:

LexisNexis® File & Serve Welcome Kit

File & Serve Chinese Drywall Specialist:
Milton Stafford
877-834-7489
milt.stafford@lexisnexis.com
Customer Support: 888.529.7587

STEP 1: REGISTRATION, IDs, PASSWORDS

If this is your firm's first LexisNexis File & Serve case, you will need to create a File & Serve account before registering. The firm must designate an administrator who will create the account and add users. The administrator will follow the Instructions for New Subscribers in OPTION A.

If your firm has a LexisNexis File & Serve account for other cases, contact your firm's administrator to obtain a user name & password for yourself and anyone else who will need to serve or access documents in the case. The administrator will follow the Instructions for Existing Subscribers in OPTION B.

- If you already have a password to File & Serve for other cases, you do not need to re-register.
- LexisNexis research IDs or other Lexis product IDs will not give you access to File & Serve.
- To find out if your firm has a LexisNexis File & Serve account or the name of your administrator, please call Customer Support at 1.888.529.7587.

OPTION A: BRAND NEW FIRM REGISTRATION

1. Visit www.lexisnexis.com/fileandserve/lawfirms/register.asp and click Register.
2. Add organization information.
3. Add user information for administrator (primary contact).
4. Add user information for every attorney and staff member in your firm who will need a user ID and password. Include full name, phone, fax, email and bar number (for attorneys). **All attorneys of record must have a user ID and password.**
5. Review system requirements.
6. Review and accept Terms of Service Agreement by selecting an authorizing attorney.

OPTION B: FIRM ALREADY SUBSCRIBER. ADDING NEW USERS TO AN EXISTING ACCOUNT

1. Sign onto www.lexisnexis.com/fileandserve
2. Select File & Serve Preferences from the upper right hand corner of screen.
3. Click Organization Profile.
4. Click the Add Users tab and enter user information for every attorney and staff member who will need a user ID and password. Include full name, phone, fax, email and bar number (for attorneys). **All attorneys of record must have a user ID and password.**

STEP 2: TRAINING

We strongly recommend that all of the users in your firm (including attorneys) take advantage of LexisNexis File & Serve free, online training classes.

Classes will cover:

- The basics of using LexisNexis File & Serve to serve documents
- How to retrieve your documents
- Setting up User Preferences

To register for a class, sign on to File & Serve, click Resource Center in the upper right of the product. Under Education & Training, select **Florida** from the drop down menu to view dates and times of classes for **Chinese Manufactured Drywall: Products Liability Litigation** online classes.

For training questions, call 877-834-7489 or email milt.stafford@lexisnexis.com