

ALL NIX PATTERSON & ROACH §
ASBESTOS/SILICA-RELATED §
PERSONAL INJURY OR DEATH CASES §
FILED IN MORRIS COUNTY, TEXAS §

IN THE DISTRICT COURT OF
MORRIS COUNTY, TEXAS
76/276TH JUDICIAL DISTRICT

FILED FOR RECORD
AT _____ O'CLOCK _____ M

JAN 25 2006

BY _____ CLERK MORRIS COUNTY
DEPUTY
COPY

MOTION FOR ENTRY OF AGREED ORDER ON ELECTRONIC SERVICE

COME NOW, Plaintiffs and Defendants in all Nix Patterson & Roach asbestos/silica-related personal injury or death cases filed or to be filed in the Civil District Court in Morris County, Texas (“asbestos/silica cases”), and file this their Motion for Entry of Agreed Order on Electronic Service and would show the Court as follows:

**I.
AGREED MOTION**

Plaintiffs and Defendants have agreed that the LexisNexis File & Serve system will be used for electronic service of all pleadings, motions or any other document requiring service on the attorney of record.

All parties have come to this agreement in light of the volume of pleadings and documents and the cost, efficiency, and technological advantages of serving voluminous documents using electronic service rather than by hand delivery, regular mail, facsimile or other traditional methods of service.

The attorneys for the Plaintiffs and Defendants in asbestos/silica cases have agreed to use electronic service (“EService”) as the preferred method of service of documents between parties in these asbestos/silica cases pursuant to TEX.R. CIV. P. 21a. However, if any attorney does not wish to participate in sending and receiving service electronically, such attorney may object at any time by filing an objection with the court

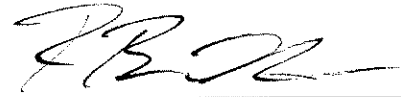
clerk and serving such objection on all parties. Upon filing an objection, the EService provisions of this Order will not apply to attorneys who object. Attorneys who object shall serve their documents conventionally and shall receive either facsimile or first-class U.S. Mail delivery of their documents from participant attorneys.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs and Defendants request that this Court enter the Agreed Order on Electronic Service.

Respectfully submitted,

NIX, PATTERSON & ROACH, L.L.P.
205 LINDA DRIVE
DAINGERFIELD, TEXAS 75638
903/645-7333
903/645-5389 (FAX)

By: _____


Nelson J. Roach
State Bar No. 16968300
Keith L. Langston
State Bar No. 24015196
R. Brandon Moore
State Bar No. 24037136

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via facsimile to all counsel of record for Defendants on this 23rd day of January, 2006.



R. Brandon Moore

FILED FOR RECORD
AT _____ O'CLOCK _____ M

JAN 25 2006

BY: GWEN ONEY
CLERK MORRIS COUNTY
DEPUTY

ALL NIX PATTERSON & ROACH §
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76/276TH JUDICIAL DISTRICT

AGREED ORDER ON ELECTRONIC SERVICE

The Court, having considered this Agreed Order on Electronic Service and the agreement of the attorneys for the Plaintiffs and Defendants in all asbestos/silica-related personal injury or death cases filed or to be filed in the Civil District Court in Morris County, Texas (“asbestos/silica cases”), is of the opinion and finds that it should be entered in order to provide rules for use by the parties.

WHEREAS, the LexisNexis File & Serve system will be used for electronic service of all pleadings, motions or any other document requiring service on the attorney of record.

WHEREAS, in light of the volume of pleadings and documents and the cost, efficiency, and technological advantages of serving voluminous documents using electronic service rather than by hand delivery, regular mail, facsimile or other traditional methods of service, in all asbestos/silica-related personal injury or death cases filed or to be filed in a Civil District Court in Morris County, Texas.

WHEREAS, the attorneys for the Plaintiffs and Defendants in asbestos/silica cases have agreed to use electronic service (“EService”) as the preferred method of service of documents between parties in asbestos/silica cases pursuant to TEX.R. CIV. P. 21a;

IT IS HEREBY ORDERED:

- (1) That effective January 25, 2006 except as provided herein, all attorneys who have appeared on behalf of their respective parties (“attorneys of record”) in any asbestos/silica-related litigation shall use LexisNexis File & Serve to electronically serve (“EServe”) and receive any and all pleadings, motions or any other document requiring service on the attorney of record;
 - a. If any attorney does not wish to participate in sending and receiving service electronically, such attorney may object at any time by filing an objection with the court clerk and serving such objection on all parties. Upon filing an objection, the EService provisions of this Order will not apply to attorneys who object. Attorneys who object shall serve their documents conventionally and shall receive either facsimile or first-class U.S. Mail delivery of their documents from participant attorneys;
- (2) That the Morris County Asbestos/Silica litigation service provider for EService shall be LexisNexis File & Serve and that the parties and LexisNexis shall follow the procedures contained in this Order;
- (3) That subject to paragraph (1)(a), EService through LexisNexis File & Serve shall constitute service on an attorney as required by Rules 21 and 21a of the Texas Rules of Civil Procedures (TRCP);
- (4) That the provisions of TRCP 21a that are applicable to service by telephonic document transfer shall also apply to service EService through LexisNexis File & Serve;

- (5) Every pleading, document and instrument served shall bear a facsimile or typographical signature of at least one of the attorneys of record, along with the State Bar of Texas number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents;
- (6) That any document EServed shall be deemed served as of the "authorized date and time" as displayed in LexisNexis File & Serve. Any document transmitted to the system shall certify in the Certificate of Service that a true and correct copy was EServed to counsel of record;
- (7) That until further notice, documents filed under seal shall not be EServed. Rather, service of sealed documents shall be made via traditional means.
- (8) That LexisNexis File & Serve shall have available to the Court, attorneys of record and staff a 24-hour 7-days a week customer service resource at (888) 529-7587 to address any training or technical questions that may arise during the course of the litigation;
- (9) That within 10 days of the effective date of this Order, each attorney of record who has not objected shall ensure they are registered to use LexisNexis File & Serve (Advanced) located at <http://www.lexisnexis.com/fileandserve>.

SIGNED this 25th day of Jan, 2006.


JUDGE PRESIDING