



Nov 6 2009 9:00AM

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

IN RE: CHINESE DRYWALL LITIGATION

CHINESE DRYWALL DIVISION

CASE NO. 09-200,000 CA 42

ELECTRONIC SERVICE ORDER

WHEREAS, technology is considered by this Circuit as a valuable tool in the ongoing effort to serve the community and the legal system in the most efficient manner possible; and

WHEREAS, given the efficient and effective utilization of an electronic service system for the parties in the asbestos litigation cases in this Circuit, it has been determined that an electronic service system would be a just and reasonable manner of service for the parties in the Chinese-manufactured drywall products litigation cases (hereinafter "Chinese Drywall Cases"); and

WHEREAS, many of the same parties in this Circuit's Chinese Drywall Cases are also parties in similar federal cases wherein an electronic service system, known as LexisNexis File & Serve, is utilized;

WHEREAS, the Chief Judge of the Eleventh Judicial Circuit, the Honorable Joel H. Brown, on November 4, 2009, in Administrative Order No. 09-16, has authorized the undersigned trial judge to issue an Electronic Service Order for this Circuit's Chinese Drywall Cases. See Exhibit A.

IT IS THEREFORE ORDERED as follows:

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 attorneys of record in this litigation on whom service of documents must be effectuated shall, within ten days of the entry of this Order, or within ten days of the entry of appearance for a new attorney of record, whichever occurs earliest, (1) obtain an e-mail address and access to the Internet's World Wide Web (the "Web") if they do not have an e-mail address and Web access; (2) 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.

In addition, each attorney is instructed to review Exhibit B, attached to this Order, which sets forth the procedure for registration with and service through File & Serve so that they can timely register. *See Exhibit B, LexisNexis File & Serve Welcome Kit.*

3. Within five business days of the entry of this order, liaison counsel shall provide File & Serve with the then current service list for the Chinese Drywall Cases via email to Eservice@fileandserve.lexisnexis.com. This service list should include the case names and number, jurisdiction where filed, party name, party type, attorneys' names, firm names and addresses, phone numbers and e-mail addresses for each case. Until such time as File & Serve advises liaison counsel that the File & Serve system is in place, liaison counsel is responsible for updating the service lists on a weekly basis and serving documents. Liaison counsel shall

be listed on each case as "liaison counsel" and as "lead counsel" in any cases filed directly by liaison counsel.

4. In order to effect service of any document submitted by a party to File & Serve, on the same day that any document is filed with the Miami-Dade Clerk of Court in this matter, the counsel of record who is filing the document, or in the case of an unrepresented party, the unrepresented party who is filing the document, shall upload the document, including all exhibits and attachments, to File & Serve, by (1) electronic transfer (either as a word-processing document, PDF file, or TIFF file). Documents sent to File & Serve by electronic transmission shall be up-loaded directly to the File & Serve system at www.lexisnexis.com/fileandserve.

5. 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 counsel of record who are registered users of the File & Serve system may access the copy.

6. 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).

7. Unless another Order of this Court specifies a different method for service upon counsel, 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.

8. Any documents served pursuant to this Order shall be deemed to be served by mail under Florida Rule of Civil Procedure.

9. All pleadings will be titled to clearly identify (1) the name of the filing/serving party, (2) the precise title of the pleadings, (3) the date the pleading was filed with the Miami-Dade Clerk of Court, and shall be uploaded to all 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.

10. Since word processing documents electronically transmitted to File & Serve will not contain a signature by counsel, in order to indicate that the document filed with the Court, was, in fact, signed, the document electronically submitted to File & Serve shall contain a signature line with the phrase, "ORIGINAL SIGNED DOCUMENT ON FILE WITH THE COURT."

11. When serving documents, all counsel must use a uniform Certificate of Service in the form set out herein:

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing [DOCUMENT] has been served on Plaintiffs' Liaison Counsel, [INSERT COUNSEL NAME], and Defendants' Liaison Counsel, [INSERT COUNSEL NAME], and upon all parties by electronically uploading the same to LexisNexis File & Serve in accordance with Case Management Order No. [], and that the foregoing was filed with the Miami-Dade Clerk of Court by paper, which will send a notice of electronic filing in accordance with the procedures established in MDL 2047, on this ___ day of _____, 200[X].

(Signature of Filing Attorney)

12. Registered users of File & Serve will be able to access the Chinese Drywall cases hosted online with File & Serve. Registered users will include counsel of record for any party in the Chinese Drywall cases 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.

13. 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. After initial enrollment/registration, it shall be the responsibility of the registered users to keep current their contact information by noting any changes directly on the File & Serve Website.

14. 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 said Confidentiality Order.

15. The File & Serve system shall contain an index of all served documents for the Chinese Drywall cases 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.

16. Service of Pleadings and Motions: Once File & Serve advises Liaison Counsel that the File & Serve system is in place, Liaison Counsel will notify all of their respective counsel of record with whom they are affiliated. 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 required.

17. Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel 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.

18. 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.

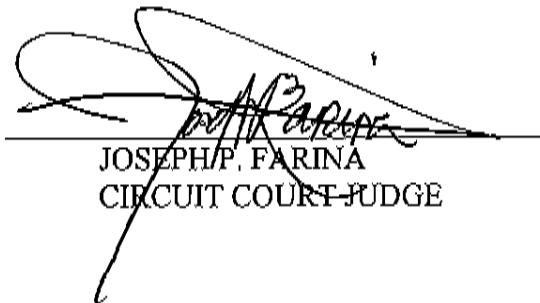
19. Effective immediately, all service of documents filed in the Chinese Drywall cases shall be made via File & Serve. Attorneys who fail to register will no longer receive service of documents filed in these cases.

20. The court will not receive electronic notice of electronically served documents. Therefore, parties must insure that the court receives a courtesy copy in its chambers of all documents necessary for the court's response.

21. It is the responsibility of each firm to insure that its attorney and staff are properly trained in the use of File & Serve.

22. LexisNexis shall designate a LexisNexis representative to provide technical support for the web site to all parties and the court.

DONE and ORDERED in chambers in Miami-Dade County, Florida, this 6 day of November, 2009.



JOSEPH P. FARINA
CIRCUIT COURT JUDGE

Copies furnished to:
Chief Judge Joel H. Brown
Administrative Judge Jennifer D. Bailey
Plaintiff and Defense Steering Committees via email
Judge Eldon E. Fallon, Judge Robert A. Rosenberg, Judge Glenn Kelley

Exhibit A

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 09-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 09-18**

**IN RE: AUTHORIZATION FOR THE
CHINESE-MANUFACTURED DRYWALL
PRODUCTS LITIGATION ELECTRONIC
SERVICE PROGRAM IN THE
ELEVENTH JUDICIAL CIRCUIT OF
FLORIDA**

WHEREAS, technology is considered by the Eleventh Judicial Circuit as a valuable tool in the ongoing effort to serve the community and the legal system in the most efficient and effective manner possible; and

WHEREAS, pursuant to Rule 1.080, Florida Rules of Civil Procedure, the court has the authority to order alternative means of service; and

WHEREAS, given the efficient and effective utilization of an electronic service system for the parties in the asbestos litigation cases in this Circuit, it has been determined that an electronic service system would be a just and reasonable manner of service for the parties in the Chinese-manufactured drywall products litigation cases; (hereinafter "Chinese Drywall Cases"); and

WHEREAS, many of the same parties in this Circuit's Chinese Drywall Cases are also parties in similar federal cases wherein an electronic service system, known as LexisNexis File & Serve, is utilized;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, of the Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. The Chinese-manufactured drywall products litigation electronic service program (hereinafter "Program") is hereby authorized as a program to be conducted, in addition to conventional filing with the Clerk of the Courts, in all cases specific to Chinese-manufactured drywall (hereinafter "Chinese Drywall Cases") in the Eleventh Judicial Circuit of Florida.

2. 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 and its litigation system for providing electronic service, storage and delivery of court-filed and discovery related documents through a secure website for the Chinese Drywall Cases.
3. The presiding judge in the Chinese Drywall Cases will issue an Electronic Service Order specifically setting forth the terms and conditions to be followed whenever service is required pursuant to the Florida Rules of Civil Procedure, applicable Local Rules, Administrative Orders of the Eleventh Judicial Circuit, and other pertinent statutes, rules and court orders.

This Order shall take effect immediately and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 4th day of November, 2009.



JOEL H. BROWN, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

Exhibit B

Your File & Serve Litigation Executive:
(Insert name)
(Insert phone)
(Insert email)

LexisNexis® File & Serve Welcome Kit**Step 1. Registration**

If this is your firm's first LexisNexis File & Serve case, *you will need to create a LNF&S 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 Section A.*

If your firm has a LexisNexis File & Serve account, *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 Section B.*

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.

Section A: Instructions for New Subscribers

(Administrator sets up account and registers new users)

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.

Section B: Instructions for Existing Subscribers

(Administrator adds users to existing account)

1. Sign on to www.lexisnexis.com/fileandserve
2. Select Preferences in the upper right hand corner of the screen. Click Firm Profile.
3. 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, please sign on to the product, click on the Resource Center link in the upper right of the product, then choose your state from the drop down menu for online training classes under Education & Training. Dates and times of classes will be posted on the Resource Center.

For training questions, call 800-399-6934 or email fileandservetraining@lexisnexis.com