

LAW OFFICES COLLINS, EINHORN, FARRELL & ULANOFF, P.C. 4000 TOWN CENTER STE 909, SOUTHFIELD, MI 48075 (248) 355-4141

STATE OF MICHIGAN

IN THE CIRCUIT COURT OF SAGINAW

JOHN BOSSERT (dec'd)
THOMAS BRYAN (dec'd)
WALTER CHERRY (dec'd)
KENNETH CORLEW
SHERMAN JOHNSON
CHARLES JONES (dec'd)
EARL JONES (dec'd)
J.T. JONES
WILLIAM LANG (dec'd)
GASTON LEPINE (dec'd)
KENNETH LINTS (dec'd)
CAROL MADLOCK
DONALD SEMRAU
CELESTINE SIMMONS
RICHARD UNDERWOOD (dec'd)
BETTY JEAN WALKER
JOSEPH YOUNG

CASE NO. 08-002442-NP
CASE NO. 08-0045-NP
CASE NO. 06-62338-NP
CASE NO. 08-674-NP
CASE NO. 07-66216-NP
CASE NO. 08-0177-NP
CASE NO. 08-00176-NP
CASE NO. 08-001370-NP
CASE NO. 08-002271-NP
CASE NO. 08-000608-NP
CASE NO. 08-003567-NP
CASE NO. 07-66218-NP
CASE NO. 08-003393-NP
CASE NO. 08-0168-NP
CASE NO. 08-0176-NP
CASE NO. 08-0175-NP
CASE NO. 08-672-NP

Plaintiffs,

HON. LEOPOLD P BORRELLO

v.

A.J. BAXTER & COMPANY, et al.,

A TRUE COPY
Susan Hattenbach, Clerk

Defendants.

BRYAN FRINK (P54494)
Attorney for Plaintiffs
Mazur & Kittel, PLLC
30660 Northwestern Highway, Suite 175
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248-432-8000

NEIL W. MACCALLUM (P33916)
Coordinating Counsel for Defendants
Collins, Einhorn, Farrell & Ulanoff, PC
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Southfield, MI 48075
248-355-4141

**AMENDED ORDER TO DISCOVERY AND SCHEDULING PROCEDURES
TO INCLUDE UTILIZATION OF LEXISNEXIS FILE & SERVE**

At a session of said Court held on:

JUN 15 2009

PRESENT: HON. Leopold P. Borrello
Circuit Judge

NOW THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:

LAW OFFICES COLLINS, EINHORN, FARRELL & ULANOFF, P.C. 4000 TOWN CENTER STE 909, SOUTHFIELD, MI 48075 (248) 365-4141

I. GENERAL

Pursuant to the Michigan Rules of Civil Procedure and Court Rules, the Court finds that entry of this Order is necessary for the just and more expeditious and efficient resolution of the above-captioned litigation. This Court, mindful of similar litigation pending throughout the State, and the creation of a Master File for the Personal Injury Asbestos Docket's for Wayne and Midland Circuit Courts hereby Orders:

When a party to this litigation wishes to serve a document to counsel of record, that party shall effectuate service of the document by the procedure set forth in this Order.

XV. ELECTRONIC SERVICE

A. LEXISNEXIS FILE & SERVE

1. In order to facilitate case management, document retrieval and case organization, the parties will utilize the services of LexisNexis and its litigation system File & Serve 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 amongst counsel. The Court, at its option, may also use File & Serve for these purposes as well to communicate with counsel of record.

B. SERVICE ONLY

1. File & Serve shall apply only to the service of documents, and not to their filing with the Court. Original documents must still be filed in the traditional manner (i.e., filing the signed original document with the Court), pursuant to the applicable Michigan Rules of Civil Procedure and Local Rules of this Court.

C. SERVICE LIST & SIGN-UP

1. Within five (5) days of this Order or five (5) days of the initiation of a new case in this litigation, plaintiff's or liaison counsel to LexisNexis shall submit via email to LexisNexis,

Eservice@fileandserve.lexisnexis.com, a complete and current service list of counsel of record for this litigation. Within five (5) days of this Order, each attorney of record for this litigation, or within five (5) days of the entry of appearance for a new attorney of record, shall register for electronic service in this litigation by completing the registration located at the following website: http://www.lexisnexis.com/fileandserve and shall notify **plaintiff's** counsel that they will need to be added to the service list.

2. Plaintiffs' Counsel shall be liaison counsel to LexisNexis for all service list changes. Plaintiffs' Counsel shall be responsible for monitoring the service list and advise Liaison Counsel of any changes or corrections. The service list will identify counsel of record for each firm along with parties they represent, who are to receive service documents in the case utilizing File & Serve. Once a firm is registered on File & Serve, each firm will be provided functionality on File & Serve to designate a firm administrator to control the addition and deletion of registered users on File & Serve for their firm.

D. SERVICE OF DOCUMENTS AND WEBSITE

a. Establishment and Use of the LexisNexis File & Serve Website Generally

i. When any counsel of record 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 pleadings and discovery-related documents (such as interrogatories, requests for production, deposition notices/transcripts, etc.); provided, however, that each attorney shall determine individually whether to utilize File & Serve to serve correspondence and/or the actual production of discovery documents in response to another party's request for production.

ii. LexisNexis will maintain the File & Serve internet website ("File & Serve") for this litigation. When a transaction is submitted on File & Serve, File & Serve will electronically serve each document on the

parties included on the service list provided to LexisNexis in accordance with the procedures herein.

iii. Each attorney shall serve each document via electronic transfer of the document through LexisNexis File & Serve via the Internet (either as a word-processing file or a scanned image of the document). Each attorney shall title each document to identify the type and purpose of each document and the party who is submitting such document. Each document electronically served pursuant to this Order shall be deemed to have been served under the Michigan Court Rules.

iv. After an attorney uploads a document onto LexisNexis File & Serve, File & Serve will convert such document into Adobe Portable Document Format (".pdf")

v. All documents posted on LexisNexis File & Serve will be identified by: (a) the name of the serving 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.

vi. Access to LexisNexis File & Serve will be limited to registered users. Registered users will consist of authorized Court personnel, counsel of record and their designated staff members. Upon registration, LexisNexis will provide each registered user with a user name and password to access File & Serve and the documents served in the litigation.

vii. 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 Bar number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the Michigan Court Rules. The serving party 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 serving party certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the serving party has the actual authority to submit the document electronically. The serving party must maintain any records evidencing this concurrence for subsequent production to the Court if so ordered or for inspection upon request by a party.

viii. Any document transmitted to LexisNexis File & Serve shall **certify in the Proof of Service that a true and correct copy was electronically served on counsel of record by transmission through**

LexisNexis File & Serve, the date and time to be used on the Proof of Service will be the date and time reflected on the Transaction Receipt provided after submitting a transaction on LexisNexis File & Serve..

ix. LexisNexis will make available to counsel of record and the Court a 24-hour 365 days Customer Support hotline at (888) 529-7587 and website -<http://www.lexisnexis.com/fileandserve/support.asp>. In addition, each attorney is instructed to review Exhibit A attached to this Order which sets forth the procedure for registration with and service through LexisNexis File & Serve. See Exhibit A, *LexisNexis File & Serve Welcome Kit*.

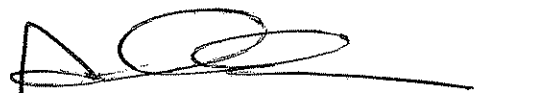
x. This Order relates only to the process by which documents are served. Nothing in this Order shall have any effect on the process by which documents are filed in the Saginaw County Court. All documents filed with the Court shall be made via traditional means.

IF ANY DEFENDANT HAS NOT BEEN SERVED WITH A COMPLAINT AT THE TIME THIS ORDER IS ISSUED, PLAINTIFF SHALL PROMPTLY SERVE A COPY OF THIS ORDER WITH THE COMPLAINT AND FILE A PROOF OF SERVICE.

IT IS SO ORDERED. **Leopold P. Borrello**
JUN 10 2009 (P11023)

Approved as to form and submitted by:


BRYAN FRINK (P54494)
Attorney for Plaintiffs


NEIL W. MACCALLUM (P33916)
Coordinating Attorney for Defendants

Dated: June 1, 2009

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

Exhibit A

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