

Original

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK**

SUFFOLK COUNTY WATER AUTHORITY,

Plaintiff,

vs.

THE DOW CHEMICAL COMPANY et al.,

Defendants.

Index No. 024852/2010

Hon. Emily Pines, Justice
Commercial Division, Part 46

**CASE MANAGEMENT
ORDER REGARDING
ELECTRONIC FILING**

Pursuant to the Uniform Rules for the New York State Trial Courts and the Court's discretionary authority, the Court finds that the utilization of an electronic filing service is necessary and appropriate for the expeditious and efficient management of the above-captioned litigation.

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 (subject to the exceptions outlined herein):

I. 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.

SERVICE ONLY

1.. File & Serve shall apply only to the service of documents, and not to their filing. Original documents must still be filed in the official and appropriate manner (i.e., filing the signed original document with the Court), consistent with and pursuant to the applicable New York Civil Practice Law and Rules (CPLR) and rules of this Court.

II. 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 or liaison counsel that they will need to be added to the service list.

2. Weitz & Luxenberg, as plaintiff's liaison counsel, and King & Spalding, as defendants' liaison counsel, shall be liaison counsel to LexisNexis for all service list changes. Plaintiff's liaison counsel and defendants' liaison counsel shall be responsible for monitoring the service list ^{for each side} and advise Liaison Counsel of any changes or corrections. The service list will identify one counsel of record for each firm, along with parties they represent, who are to receive service of 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.

III. SERVICE OF DOCUMENTS AND WEBSITE

A. Establishment and Use of the File & Serve Website Generally

1. 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.

2. 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.

3. Each attorney shall serve each document via electronic transfer of the document through 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 consistent with CPLR 2103(b)(7).

4. After an attorney uploads a document onto File & Serve, File & Serve will convert such document into Adobe Portable Document Format (“PDF”)

5. All documents posted on 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.


6. Access to 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.

7. 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, and telephone number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the CPLR. 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.

8. Any document transmitted to 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 File & Serve.

9. 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*.

IT IS SO ORDERED.



Judge Emily Pines

Dated:

1/9/13