

FILED
LOS ANGELES SUPERIOR COURT

FEB 09 2011

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11 THE PERMANENTE MEDICAL GROUP, INC.,
AND SOUTHERN CALIFORNIA PERMANENTE
12 MEDICAL GROUP

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 FOR THE COUNTY OF LOS ANGELES

15
16 Coordination Proceeding
Special Title (Rule 3.550)

17 KAISER ASD CASES

18 This Document Relates to

19 *Arce, et al. v. Kaiser Foundation Health Plan,*
20 *Inc., et al.,*
Los Angeles Superior Court No. BC 388689

21 *Nagle, et al. v. Kaiser Foundation*
22 *Health Plan, Inc., et al.*
Los Angeles Superior Court No. BC 406272

23 *Anderson, et al. v. Kaiser Foundation*
24 *Health Plan, Inc., et al.,*
Alameda Superior Court No. RG097435560

25 *Levandowski, et al. v. Kaiser Foundation*
26 *Health Plan, Inc., et al.,*
Contra Costa Superior Court No. C 09 00552

27 *Glick, et al. v. Anthem Blue Cross Life &*
28 *Health Insurance Company, et al.*
Los Angeles Superior Court No. BC 393528

CASE NO. JCCP 4585

STIPULATION AND ~~[PROPOSED]~~
ORDER FOR ELECTRONIC
SERVICE

Before the Honorable Elihu M. Berle
Department 323

BY FAX

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CASE NO. JCCP 4585

**STIPULATION AND [PROPOSED]
ORDER FOR ELECTRONIC
SERVICE**

Before the Honorable Elihu M. Berle
Department 323

1 **IT IS HEREBY STIPULATED** by and between the parties to the *Kaiser ASD Cases*,
2 Los Angeles Superior Court, Case No. JCCP 4585 ("*Kaiser ASD Cases*")¹ (collectively "the
3 Parties"), by and through their respective counsel of record, as follows:

4 **WHEREAS**, the number of Parties in this action and the amount of paper required to
5 serve and to communicate with such parties will result in an enormous burden and expense to the
6 parties and the Court;

7 **WHEREAS** California Code of Civil Procedure Section 1010.6(a)(6) and California
8 Rules of Court Rule 2.251, provide that service may be effected by electronic means;

9 **WHEREAS** California Rules of Court Rule 2.251(a)(2) requires the agreement of the
10 parties to accept electronic service using an electronic filing service provider;

11 **WHEREAS** California Rules of Court Rule 2.251(f)(1) provides that electronic service is
12 complete at the time of transmission;

13 **WHEREAS** California Rules of Court Rule 2.260(f)(2) provides that electronic service
14 extends "any period of notice, or any right or duty to act or respond within a specified period or
15 on a date certain after service of the document" by two court days, except for (a) a notice of
16 intent to move for a new trial, (b) a notice of intent to move to vacate the judgment under Code
17 of Civil Procedure section 663a; or (c) a notice of appeal;

18 **WHEREAS**, the entry of an Order for Electronic Service would facilitate the just,
19 expeditious, and efficient resolution of this action;

20 **NOW THEREFORE**, the Parties, by and through their attorneys of record, hereby
21 REQUEST that the Court enter the following Order for Electronic Service.

22 Pursuant to the Parties' Stipulation,

23 **IT IS HEREBY ORDERED** that: When a party to this litigation wishes to serve a
24 document, pleading, discovery, or any other litigation-related material to counsel of record, that
25

26 ¹ The *Kaiser ASD Cases* are as follows: (1) *Arce, et al. v. Kaiser Foundation Health Plan, Inc.,*
27 *et al.*, Los Angeles Superior Court No. BC 388689 ("*Arce*"); *Nagle, et al. v. Kaiser Foundation*
28 *Health Plan, Inc., et al.* Los Angeles Superior Court No. BC 406272 ("*Nagle*"); *Anderson, et al.*
v. Kaiser Foundation Health Plan, Inc., et al., Alameda Superior Court No. RG097435560
("*Anderson*"); *Levandowski, et al. v. Kaiser Foundation Health Plan, Inc., et al.*, Contra Costa
Superior Court No. C 09 00552 ("*Levandowski*"); and *Glick, et al. v. Anthem Blue Cross Life &*
Health Insurance Company, et al. Los Angeles Superior Court No. BC 393528 ("*Glick*").

1 party must effectuate service of the document by the procedures set forth in this Order, subject to
2 the exceptions outlined herein:

3 **LexisNexis File & Serve**

- 4 1. In order to facilitate case management, document retrieval, and case organization, the
5 parties will utilize the services of LexisNexis File & Serve (“LNFS”) and its litigation
6 system (the “System”) for providing electronic service, storage, and delivery of court-
7 filed and discovery-related documents through a secure website to facilitate
8 expeditious, efficient, and economical communication by and amongst counsel. The
9 Court, at its option, may also use LNFS and its System for these purposes, and to
10 communicate with counsel of record.

11 **Service Only**

- 12 2. The System must apply only to the service of documents, and not to their filing.
13 Original documents must still be filed in the traditional manner (i.e. filing the signed
14 original document with the Court), pursuant to the applicable California Rules of
15 Civil Procedure and Local Rules of the Court.

16 **Service List & Sign-Up**

- 17 3. Within five (5) days of this Order, Defendants’ counsel must submit to the LNFS
18 representative Keith Foote, at keith.foote@lexisnexus.com, a complete and current
19 service list of counsel of record for this litigation. Within ten (10) days of this Order,
20 each attorney of record for this litigation must register for electronic service in this
21 litigation by completing the application located at the following website:
22 <http://www.lexisnexus.com/fileandserve> (advanced registration).

23 **Service of Documents and Website**

- 24 4. When any counsel of record wishes to serve a document, that counsel must serve the
25 document according to all the requirements and procedures of this Order. All
26 references to “document” in this Order must be interpreted to include any exhibits or
27 attachments to the document and must include both pleadings and discovery-related
28 documents (such as interrogatories, requests for production, deposition

1 notices/transcripts, etc.). However, each attorney must determine individually
2 whether to utilize the System to serve correspondence and/or the actual production of
3 discovery documents in response to another party's request for production.

- 4 5. LNFS must establish and maintain an Internet website (the "Website") for this
5 litigation. LNFS will post all documents served by the parties to the Website as
6 provided in this Order and must serve each document on the parties included on the
7 service list provided to LNFS in accordance with the procedures herein.
- 8 6. Each attorney must serve each document via electronic transfer of the document file
9 to LNFS via the Internet (either as a word-processing file or a scanned image of the
10 document). Each attorney must title each document to identify the type and purpose
11 of each document and the party who is submitting such document. Each document
12 electronically served pursuant to this Order will be deemed to have been served under
13 the California Rules of Civil Procedure.
- 14 7. After LNFS receives a document, LNFS must convert the document into Adobe
15 Portable Document Format ("PDF") and post it to the Website within one (1) hour of
16 receipt.
- 17 8. Within one (1) hour of the time a document is posted to the Website, LNFS must send
18 an email to all registered users notifying them that the document has been posted to
19 the Website (unless such registered user has declined to receive such email
20 notifications). The email must contain hypertext link(s) to the document location(s)
21 on the System, or, if so designated by the recipient, the email must have the served
22 document attached thereto.
- 23 9. Electronic service is deemed complete at the time of transmission.
- 24 10. The parties' proof of service must include: (a) the electronic service address of the
25 person making the service, in addition that that person's residence or business
26 address, (b) the date and time of the electronic service, instead of the date and place
27 of deposit in the mail, (c) the name and electronic service address of the person
28 served, in place of that person's name and address as shown on the envelope, (d) that

1 the document was served electronically, in place of the statement that the envelope
2 was sealed and deposited in the mail with postage fully prepaid.

3 11. In the event a document that is to be filed with the Court is rejected by the Court for
4 filing after it has been posted on the Website by LNFS, the rejection was caused by
5 an aspect of the caption of the document, and the party seeking to file the document
6 successfully files it with the Court within two (2) business days of its rejection with
7 revisions to the caption only, then the party filing the document must promptly submit
8 a notice of successful filing, including the date of the filing and the revised page(s) of
9 the caption, to LNFS for posting on the Website. In all other circumstances in which
10 a document to be filed with the Court is rejected for filing after LNFS has posted on
11 the Website, the party that caused the document to be posted must promptly notify
12 LNFS in writing that the document was rejected by the Court for filing. LNFS must
13 cause a permanent notation to be placed on the Website in conjunction with that
14 document memorializing the fact of rejection.

15 12. All documents posted on the System will be identified by: (a) the name of the serving
16 law firm; (b) the caption(s) of the case(s) to which the document belongs; (c) the title
17 of the document set forth in its caption; and (d) the identity of the party on whose
18 behalf the document is being served.

19 13. The System must contain an index of all served documents for the litigation that will
20 be searchable and sortable according to the methods that provide useful around-the-
21 clock access to the documents.

22 14. Access to the System will be limited to registered users. Registered users will consist
23 of authorized Court personnel, counsel of record, and their designated staff members.
24 LNFS will provide each registered user with a user name and password to access the
25 System and the documents served in the litigation. LNFS personnel will perform all
26 administrative functions for the System, but all initial data, additions, deletions, or
27 changes to the service list must be approved by the Parties.
28

- 1 15. Every pleading, document, and instrument served electronically may bear a facsimile
2 or typographical signature of at least one of the attorneys of record, along with the
3 typed name, address, telephone number, and State Bar of California number of such
4 attorney. The document is deemed signed by the declarant if, before filing, the
5 declarant has signed a printed form of the document. The serving party must
6 maintain any records evidencing this concurrence for subsequent production to the
7 Court if so ordered or for inspection upon request by a party. The serving party of
8 any document requiring multiple signatures (e.g., stipulations, joint status reports)
9 must obtain the signatures of all parties on a printed form of the document. The
10 electronically served document may list thereon all the names of the signatories by
11 means of an "s/_" block for each.
- 12 16. Any document transmitted to the System must certify in the Proof of Service that a
13 true and correct copy was electronically served on counsel of record by transmission
14 to LNFS.
- 15 17. Until further notice, documents filed under seal ("sealed documents") must not be
16 served through the System. Instead, the service of sealed documents must be made
17 pursuant to the applicable California Rules of Civil Procedure.
- 18 18. LNFS will have available to counsel of record and the Court a 24-hour, 365 days help
19 desk hotline at (888) 529-7587 and website,
20 <http://www.lexisnexis.com/fileandserve/support.asp>.
- 21 19. Any party appearing after the date of this Order will have fifteen (15) days from their
22 initial appearance to lodge any objections to this Order and to seek exemption. A
23 copy of this Order will be served on any newly appearing party with the initiating
24 pleadings. Exemptions may be granted in the discretion of the Court if it appears that
25 a party would suffer undue hardship or significant prejudice.
- 26 20. Counsel for Defendants is Ordered to prepare, serve, and file within 5 days a Service
27 List identifying all parties and their counsel, which must include the name of lead and
28 backup attorneys, addresses, including email addresses, and telephone numbers for all

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counsel. Counsel for Defendants is further ordered to serve a copy of this Order on all counsel concurrent with service of the Service List.

21. A party whose electronic service address changes while the action or proceeding is pending must promptly file a notice of change of address electronically with the court and must serve this notice electronically on all other parties and with LNFS.

22. An electronic service address is presumed valid for a party if the party files electronic documents with the court from that address and has not filed and served notice that the address is no longer valid.

23. LNFS will activate the message board function for the above entitled case. All attorneys on the service list will automatically have access to the Message Boards and start to receive e-mail notifications of new message board postings. If an attorney does not want to receive the e-mail notifications or wants other staff members to receive e-mail notifications, they are to contact customer support at LNFS at (888) 529-7587. All attorneys will be charged \$6.00 per firm per month for this service.

IT IS SO ORDERED.

DATED: Feb 9, 2011




Honorable Elihu M. Berle
Los Angeles County Superior Court

IT IS SO STIPULATED.

DATED: February 4, 2011

DISABILITY RIGHTS ADVOCATES

By: 

Sid Wolinsky
Anna Levine

Attorneys for Plaintiffs in *Anderson*

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DATED: February __, 2011

CHAVEZ & GERTLER LLP

By: _____
Mark Chavez
Nance Becker

Attorneys for Plaintiffs in *Anderson*

DATED: February __, 2011

LAW OFFICES OF SCOTT C. GLOVSKY

By: _____
Scott C. Glovsky

Attorneys for Plaintiffs in *Arce, Glick, Nagle, and Levandowski*

DATED: February __, 2011

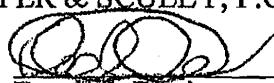
FOLEY & LARDNER, LLP

By: _____
Tami S. Smason

Attorneys for Defendants in *Glick*

DATED: February 4, 2011

COOPER & SCULLY, P.C.

By:  _____
Derek S. Davis

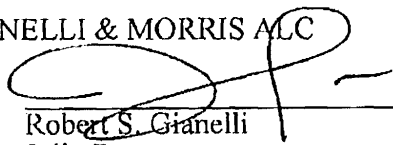
Attorneys for Defendants in *Levandowski*

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DATED: February 4, 2011

GIANELLI & MORRIS ALC

By:



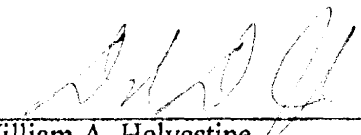
Robert S. Gianelli
Jully Pae

Attorneys for Plaintiffs in *Arce* and *Glick*

DATED: February 4, 2011

EPSTEIN BECKER & GREEN, P.C.

By:



William A. Helvcstine
David D. Johnson
Lisa Caccavo
Damian D. Capozzola

Attorneys for Defendants,
KAISER FOUNDATION HEALTH PLAN, INC.,
THE PERMANENTE MEDICAL GROUP, INC.,
AND SOUTHERN CALIFORNIA PERMANENTE
MEDICAL GROUP

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My business address is One California Street, Suite 2600, San Francisco, California 94111.
3. I served copies of the following documents (specify the exact title of each document served):

STIPULATION AND [PROPOSED] ORDER FOR ELECTRONIC SERVICE

4. I served the documents listed above in item 3 on the persons and in the manner noted below.

5. a. **By personal service.** I personally delivered the documents on the date shown below to the persons at the addresses listed below. 1. For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. 2. For a party delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.

b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses below and *specify one*):

1. deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid on the date shown below, or

2. placed the envelope for collection and mailing on the date shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

JOHN J. CONWAY, P.C. John J. Conway, Esq. 645 Griswold Street, Suite 3600 Detroit, MI 48226 Tel.: 313.961.6525 / Fax: 313.961.0754 Email: john@johnjconway.com	Attorneys for <i>Anderson</i> Plaintiffs
MANTESE AND ROSSMAN, P.C. Gerard Mantese, Esq. 1361 E. Big Beaver Road Troy, MI 48083 Tel.: 248.457.9200 / Fax: 248.457.9201 Email: gmantese@manteselaw.com	Attorneys for <i>Anderson</i> Plaintiffs

- 1 c. **By overnight delivery.** I enclosed the documents on the date shown below in an
 2 envelope or package provided by an overnight delivery carrier and addressed to the
 3 persons at the addresses below. I placed the envelope or package for collection and
 4 overnight delivery at an office or a regularly utilized drop box of the overnight
 5 delivery carrier.
- 6 d. **By messenger service.** I served the documents on the date shown below by
 7 placing them in an envelope or package addressed to the persons on the addresses
 8 listed below, and providing them to a professional messenger service for service. (A
 9 declaration by the messenger must accompany this proof of service or be contained in
 10 the Declaration of Messenger below.)
- 11 e. **By fax transmission.** Based on an agreement of the parties to accept service by fax
 12 transmission, I faxed the documents on the date shown below to the fax numbers of
 13 the persons listed below. No error was reported by the fax machine that I used. A
 14 copy of the fax transmission, which I printed out, is attached.
- 15 f. **By e-mail or electronic transmission.** Based on an agreement of the parties to
 16 accept service by e-mail or electronic transmission, I caused the documents to be
 17 sent on the date shown below to the e-mail addresses of the persons listed below. I did
 18 not receive within a reasonable time after the transmission any electronic message or
 19 other indication that the transmission was unsuccessful.

13 DISABILITY RIGHTS ADVOCATES 14 Sidney Wolinsky, Esq. 15 Anna Levine, Esq. 16 2001 Center Street, Third Floor Berkeley, CA 94704-1204 Tel.: 510.665 8644 / Fax: 510.665 8511 Email: swolinsky@dralegal.org alevine@dralegal.org	Attorneys for <i>Anderson</i> Plaintiffs
17 CHAVEZ & GERTLER LLP 18 Mark A. Chavez, Esq. 19 Nance Becker, Esq. 20 42 Miller Avenue Mill Valley, CA 94941 Tel.: 415.381.5599 Email: mark@chavezgertler.com nance@chavezgertler.com	Attorneys for <i>Anderson</i> Plaintiffs
22 LAW OFFICES OF SCOTT C. GLOVSKY 23 Scott C. Glovsky, Esq. 24 100 East Corson Street, Suite 200 Pasadena, California 91103 Tel.: 626.243.5598 / Fax: 866.243.2243 Email: sglovsky@scottglovskylaw.com mmiller@scottglovskylaw.com rliao@scottglovskylaw.com	Attorneys for <i>Arce, Nagle and Levandowski</i> Plaintiffs

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<p>GIANELLI & MORRIS ALC Robert S. Gianelli, Esq. 626 Wilshire Blvd, Suite 800 Los Angeles, CA 90017 Tel.: 213.489.1600/Fax: 213.489.1611 Email: rob.gianelli@gmlawyers.com leticia.mejia@gmlawyers.com joann.victor@gmlawyers.com jully.pae@gmlawyers.com anne.kim@gmlawyers.com shayn.adamson@gmlawyers.com</p>	<p>Attorneys for <i>Arce</i> Plaintiffs</p>
<p>COOPER & SCULLY, P.C. Derek S. Davis, Esq. Komal Chaddha, Esq. 100 California Street, Suite 650 San Francisco, CA 94111 Tel.: 415.956.9700 / Fax: 415.391.0274 Email: derek.davis@cooperscully.com komal.chaddha@cooperscully.com</p>	<p>Attorneys for Kaiser Foundation Health Plan, Inc., Southern California Permanente Medical Group, Inc. and The Permanente Medical Group, Inc. in <i>Levandowski</i></p>
<p>FOLEY & LARDNER LLP Tami S. Smason 555 South Flower Street, 35th Floor Los Angeles, CA 90071-2411 Tel.: 213.972.4500 / Fax: 213.486.0065 Email: tsmason@foley.com</p>	<p>Attorneys for Anthem Blue Cross Life & Health Insurance Company and Blue Cross Of California dba Anthem Blue Cross in <i>Glick</i></p>

6. I served the documents by the means described in item 5 on (date): February 8, 2011

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

2/8/11
 DATE

Teri J. Jones
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)