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**Carol E. Higbee, P.J.Cv.**

	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: ATLANTIC COUNTY
	:	
IN RE: ACCUTANE LITIGATION	:	CASE NO. 271
	:	CIVIL ACTION
	:	APPLICABLE TO ALL CASES
	:	<b>ORDER REGARDING</b>
	:	<b>ELECTRONIC SERVICE</b>

**THIS MATTER** having been brought before the Court for adoption of procedures for electronic service in this litigation, and good cause having been shown,

IT IS ON THIS 8<sup>th</sup> day of March, 2006, **ORDERED AS FOLLOWS:**

1. Plaintiffs' counsel and defense counsel shall utilize the File and Serve Service ("File & Serve") provided by LexisNexis CourtLink Inc. ("LNCL") to serve pleadings (except Complaints), documents and other information in this litigation electronically. If any counsel of record objects to the use of File & Serve, he or she shall file a written objection with the Court. The In re: Accutane NJ Litigation ("ACCUTANE Litigation") information and documents accessible through File & Serve are for the private use of counsel of record, who have served defendants with summons and complaints in accordance with the applicable New Jersey Rules of Court, and employees of their respective law firms. Public access to the ACCUTANE Litigation using File &

Serve is strictly prohibited. Non-parties may access public court documents by contacting the Superior Court of New Jersey, Atlantic County.

2. On the same day that any document (all references to a "document" include exhibits thereto, if any) is filed, the filing party shall serve a copy of that document on counsel of record using File & Serve by (1) uploading the document electronically to the ACCUTANE Litigation case at the following web address: [www.lexisnexis.com/fileandserve](http://www.lexisnexis.com/fileandserve); or (2) fax transmission. Under special circumstances LNCL will accept documents by overnight mail. Registered Users who experience such circumstances should contact LNCL, who will make reasonable efforts to accommodate the receipt of the documents overnight mail.

3. LNCL shall make all served documents available to Registered ACCUTANE Firms in PDF file format, using a secure Internet website that shall be maintained by LNCL and that the parties are privately funding. LNCL shall provide users with the capability to identify documents with the following information, at a minimum: (a) the name of the filing law firm; (b) the precise title of the document; (c) the case specific docket number(s) to which the pleading applies, and (d) the date of service. File & Sere shall maintain an index of all documents served through LNCL in the ACCUTANE Litigation, which will be searchable and sortable to enable useful access to the documents. The File & Serve system is designed to provide timely notice to service recipients by posting documents online to a website as follows: a) electronic documents-posted within one (1) hour of LNCL receipt; and b) faxed documents-posted within six (6) business hours of LNCL receipt. In order to comply with the time requirements for service of court documents under the New Jersey Rules of Court, the parties are required

to transmit court documents to LNCL by no later than 11:00 PM for electronic documents or 6:00 PM for faxed documents.

4. Documents served via File & Serve shall contain visual representation of filing attorney's signature or should have typed in the place where a signature would normally appear, "Original Signature on File with Court."

5. LNCL personnel will perform all administrative functions to the LNCL system. Gibbons, Del Deo, Dolan, Griffinger & Vecchione shall be the liaison to LNCL for all Registered ACCUTANE Firms Service list changes. The Registered ACCUTANE Firms on LNCL service list in the ACCUTANE Litigation will not be changed (added or deleted) unless approved by Gibbons, Del Deo, Dolan, Griffinger & Vecchione staff. The Registered ACCUTANE Firm service list will identify counsel of record, along with the parties they represent, who are to receive notification of new documents served in the File & Serve ACCUTANE Litigation case. Once a Registered ACCUTANE Firm is approved, File & Serve shall provide functionality allowing each Registered ACCUTANE Firm to designate an Organization Administrator to control the addition and deletion of registered Users for their firm. The Organization Administrator shall not add any person who is not an attorney or bona fide employee of his or her firm.

6. Only Registered ACCUTANE Firms are permitted and able to access the ACCUTANE Litigation using File & Serve. Registered ACCUTANE Firms will be limited to authorized court personnel, counsel of record for any party named in an ACCUTANE lawsuit pending before the Honorable Carol E. Higbee, P.J.Civ. in Atlantic County, in which a defendant has been served with a summons and complaint in accordance with the New Jersey Rules of Court or other applicable law, and their

employees. File & Serve will provide each Registered User designated by a Registered ACCUTANE Firm with username and password to access the ACCUTANE Litigation case. It is the responsibility of each Registered ACCUTANE firm to inform LNCL of changes to the Registered Users for that firm. Disclosure of username or password to third parties by the Registered Users to whom they are assigned is strictly prohibited. Authorized court personnel will have access to all ACCUTANE Litigation documents where the Court is listed as a designated recipient.

7. For documents that are served which are applicable to all cases, File & Serve provides a file entitled " All Cases" which includes a composite service list consisting of all parties and law firms from each of the individual ACCUTANE cases. Counsel shall ensure that documents intended to apply to specific cases are served in the individual case file for that case. Only documents intended to apply to all ACCUTANE Litigation cases shall be served in the All Cases docket.

8. Pursuant to paragraph 2, official service shall be made by transmitting documents to the File & Serve website and making them available to served counsel. File & Serve provides notice to served firms when served with documents by posting a notice of same to the File & Serve website. The File & Serve system is designed to send email notification within one (1) hour of the document being posted to the File & Serve website. No email notice will be provided unless each user has configured File & Serve under their login and password to receive such email notification of online service. In any event, Registered Users are responsible for checking the File & Serve website for documents served to their firm.

9. Counsel for each party is responsible for providing LNCL with an accurate email address. File & Serve provides functionality allowing Users to change, delete, or add their email address.

10. Complaints must be served in accordance with New Jersey Rules of Court or other applicable law. Complaints shall nevertheless be submitted on File & Serve, although such submittal shall not constitute service under the New Jersey Rules of Court or other applicable law. Any other document served pursuant to this Order shall be deemed to be served by mail under New Jersey Court Rule 1:5-3. The submittal of motion paper using File & Serve shall, within the meaning of New Jersey Court Rule 1:6-3, constitute receipt at the office of adverse counsel or at address of pro se party. Certificates of service shall state the date that a document was submitted to File & Serve and the means of transmission (electronic or fax).

11. Nothing in this Order shall relieve any part from their filing obligations imposed by the New Jersey Rules of Court; use of File & Serve is not a substitute for filing original documents with the Court. All pleadings must be filed in the Mass Tort Clerk's Office in the usual course, except as set forth in paragraph 12 herein. However, the date documents (except Complaints) are posted to the File & Serve ('authorized date') will be considered the date of filing with the Court. When filing original documents, counsel shall indicate to the Clerk in the cover letter the File & Serve authorized date and indicate that the document should be stamped "filed" and docketed as of that date.

12. When submitting to Judge Higbee "Confidential Information" produced in this or related litigation pursuant to a protective order in effect in related Accutane

litigation, or produced pursuant to a protective order to be entered in this litigation, the parties may submit the document to Judge Higbee using File & Serve, or by any other methods as may be ordered by the court, rather than submitting hard copies to Chambers.

13. Until further notice, documents filed under seal (“sealed documents”) shall not be served through File & Serve. Instead, service of sealed documents shall be made pursuant to the applicable New Jersey Rules of Civil Procedure and the procedures contained in paragraph IIA of CMO #4, entered on June 2, 2005 in *McCarrell v. Hoffmann-La Roche Inc.*, Docket No. ATL-L-1951-03 (consolidated).

14. All documents to be served in the ACCUTANE Litigation shall conform to the procedures set forth in this Order as well as to the protective orders pursuant to which such “Confidential Information” was or is produced.

15. For the purpose of this Order, File & Serve to the extent that it provides document-handling services in the ACCUTANE Litigation, will be subject to this Court’s jurisdiction.

16. LNCL and any of its employees, agent or contractors (“Support Staff”) may access ACCUTANE Litigation documents in the ordinary course of fulfilling their project support responsibilities. Support Staff who provide document handling services in this coordinated proceeding shall submit to and comply with any protective orders that govern this litigation, to the extent applicable to their activities for LNCL and will use reasonable efforts to maintain the confidentiality of documents furnished to LNCL by parties in the ACCUTANE Litigation, which fulfill their obligation under said protective orders. Neither LNCL nor Support Staff shall be responsible for marking the contents of

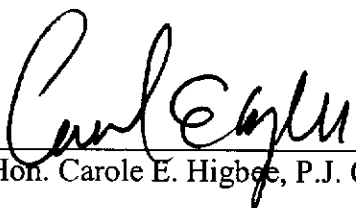
documents as confidential or otherwise restricted; counsel shall be responsible for all such designations within the documents related to the ACCUTANE Litigation.

17. Each party shall bear its own cost in the use of the File & Serve service according to the then current fee schedule.

18. LNCL was chosen by counsels, who have agreed to employ this e-service and entered into their own agreements with LNCL.

19. If electronic service does not occur because of (1) an error in the transmission of the documents to LNCL or served party which was unknown to the sending party, (2) a failure to process the electronic document when received by LNCL, (3) a party erroneously excluded from the service list, or (4) other technical problems experienced by the filer or LNCL, the party or parties affected shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within any right, duty or other act must be performed.

20. Usage of File & serve by Registered ACCUTANE Firms and their Users shall be subject to the LNCL File & Serve terms and conditions, which are available at [www.lexisnexis.com/fileandserve](http://www.lexisnexis.com/fileandserve).

  
The Hon. Carole E. Higbee, P.J. Cv.