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Carol E. Higbee, P.J.Cv

IN RE: LEVAQUIN LITIGATION	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY CASE NO. 286 **CASE MANAGEMENT ORDER NO. 6** **ELECTRONIC SERVICE OF DOCUMENTS**

THIS MATTER, having come before the Court at the September 29, 2009 Case Management Conference, and all parties having been represented by counsel, and for good cause shown, and the parties having consented to the form, substance and entry of this Order:

IT IS on this 16 day of November, 2009,

ORDERED, as follows:

1. The parties shall use LexisNexis and its litigation system File & Serve for electronic service and storage of court-filed documents through a secure website to facilitate expeditious, efficient and economical communication by and amongst counsel. The Court, may, at its option, use File & Serve for these purposes as well to communicate with counsel of record.

2. File & Serve shall apply only to the service of documents, and not to their filing. Original documents must be filed pursuant to the N.J. Rules of Court.

3. Within 15 days of this Order plaintiffs' co-liaison counsel shall submit via email to LexisNexis, Eservice@fileandserve.lexisnexis.com, a complete and current service list of counsel of record for this litigation,, and each attorney of record for this litigation shall register for electronic service in this litigation by completing the registration located at the following website: http://www.lexisnexis.com/fileandserve.

4. Within 15 days of the filing of a new case in this litigation, any counsel not previously registered for electronic service shall register for electronic service in this litigation by completing the registration located at the following website: http://www.lexisnexis.com/fileandserve, and shall provide to plaintiffs' co-liaison counsel all necessary service list information.

5. Plaintiff's Co-Liaison Counsel shall be liaison counsel to LexisNexis for all service list changes. Plaintiff's Co-Liaison Counsel shall be responsible for monitoring the service list and advise LexisNexis File & Serve of any changes or corrections. The service list will identify one attorney 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.

6. All references to "document" in this Order shall be interpreted to include any exhibits or attachments to the document.

7. 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.

8. 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 under the New Jersey Court Rules. File & Serve may not be used for the service of complaints.

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

10. 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.

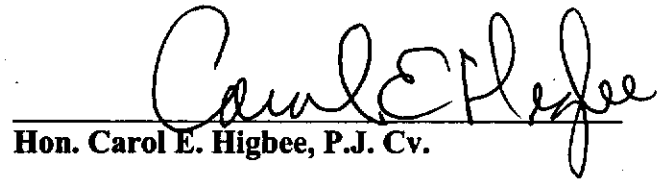
11. Access to File & Serve will be limited to registered users. Registered users will consist of authorized Court personnel, counsel of record and their designated staff members. Upon registration, LexisNexis will provide each registered user with a user name and password to access File & Serve and the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

12. 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 Superior Court of New Jersey, Atlantic County Rules of Civil Procedure. 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.

13. 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.

14. 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.*



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

Dated:

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 Angela Melton 866-921-6972 or email fileandservetraining@lexisnexis.com

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