SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, BERGEN COUNTY

CASE NO. 297

IN RE MIRENA®
LITIGATION

This Order applies to all cases

CIVIL ACTION

FILED
MAR 13 2014
BRIAN R. MARTINOTTI
J.S.C.

CASE MANAGEMENT ORDER NO. 20
ORDER REGARDING ELECTRONIC
SERVICE

This matter having been brought before the Court for adoption of procedures for electronic service in these coordinated cases, and good cause having been showsn,

IT IS ON THIS 13 DAY OF March 2014, ORDERED AS FOLLOWS:

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. FILE & SERVE*XPRESS*' FILE & SERVE

1. In order to facilitate case management, document retrieval and case organization, the parties will utilize the services of File & Serve*Xpress* 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.

II. 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 traditional manner (i.e., filing the signed original document with the Court), pursuant to the applicable New Jersey Rules of Court.

III. SERVICE LIST & SIGN-UP

1. Within fourteen (14) days of this Order or fourteen (14) days of the initiation of a new case in this litigation, Defendants' Liasion Counsel shall submit via email to the File & Serve*Xpress* representative listed in Exhibit A, a complete and current service list of counsel of record for this litigation. Within fourteen (14) days of this Order, each attorney of record for this litigation, or within fourteen (14) 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.fileandservexpress.com/signup and shall notify plaintiff's or liaison counsel that they will need to be added to the service list.

2. Defendants' Liaison Counsel shall be liaison counsel to File & Serve*Xpress* for all service list changes. Defendants' Liasion Counsel shall be responsible for monitoring the service list and advise File & ServeXpress 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.

IV. SERVICE OF DOCUMENTS AND WEBSITE

A. Establishment and Use of the File & ServeXpress 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. File & ServeXpress 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 File & Serve in accordance with the procedures herein. Each document will be served only upon the attorneys appearing in the case or cases identified by the attorney submitting the document.

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 under the New Jersey Rules of Court.

4. After an attorney uploads a document onto File & Serve, the document will be converted into Adobe Portable Document Format ("PDF") automatically by File & Serve. The original format of the document will also be available to users.

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. Complaints must continue to be served in accordance with the New Jersey Rules of Court and the relevant Case Management Orders entered by this Court. Any Complaints filed on File & Serve shall NOT constitute service under the New Jersey Rules of Court. Nothing in this Order shall relieve any party from the filing obligations imposed by the New Jersey Rules of Court and all Case Management Orders issued by this Court. The posting of motion papers to File & Serve shall, within the meaning of New Jersey Court Rule 1:6-3(c), constitute receipt at the office of adverse counsel or at the address of a pro se party.

7. 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, File & Serve*Xpress* will provide each registered user with a user name and password to access File & Serve and the documents served in the litigation.

8. 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 of New Jersey number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the New Jersey Rules of Court. 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

9. The Parties shall not submit confidential information pursuant to the Protective Order to Judge Martinotti using File & Serve. Submission of "Confidential Information" shall be done only in accordance with the Protective Order entered in this matter.

10. Until further notice, documents filed under seal ("Sealed documents") shall not be submitted to File & Serve. Service of documents filed under seal shall be made pursuant to the applicable New Jersey Rules of Court and the Protective Order entered in this matter.

11. 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 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.

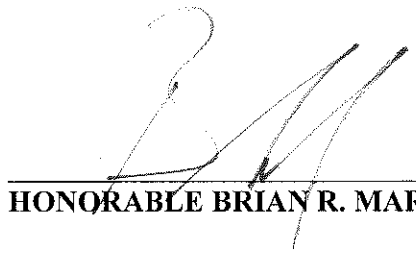
12. File & Serve*Xpress* will make available to counsel of record and the Court a 24-hour 365 days Client Support hotline at (888) 529-7587 and website http://www.fileandservexpress.com/support. In addition, each attorney is instructed to review

Exhibit A attached to this Order which sets forth the procedure for registration with and service through File & Serve. See Exhibit A, File & Serve Welcome Kit.

13. Each party shall bear its own cost in the use of File & Serve service according the fee schedule attached hereto as Exhibit B.

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

IT IS SO ORDERED.



HONORABLE BRIAN R. MARTINOTTI, J.S.C.

Exhibit A

File & ServeXpress Representative:
NAME Milt Stafford
mstafford@fileandservexpress.com
PHONE 888-247-2051 X5006

FILE & SERVE REGISTRATION INSTRUCTIONS

If this is your firm's 1st File & Serve case, **please create a File & Serve account before registering. Designate an Administrator to setup the account and add users.** The Administrator should follow the "Instructions for Setting Up a New Account" in Section A.

If your firm has a 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 should follow the "Instructions for Adding Users to Current Account" in Section B.

To find out if your firm has a File & Serve account or the name of your Administrator, please call Client Support at 1.888.529.7587.

Section A: Instructions for Setting up a New Account

1. Visit www.fileandservexpress.com and click **Register**.
2. Select the Product - File & Serve
3. Select Law Firms as your account type and click **Get Started**.
4. Enter your organization information.
5. Click Add People to enter primary contact (Administrator*) and billing contact.
6. Click Add People to enter each 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.**
7. Review system requirements.
8. Review and accept Terms of Service Agreement by selecting an authorizing attorney.

Section B: Instructions for Adding Users to Current Account

1. Sign on to File & Serve with your current credentials.
2. Select **File & Serve Preferences** in the upper right corner. Click "My Organization Profile".
3. Click "Add User" 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.**

Section C: Training

Take advantage of free, online training classes for File & Serve.

Classes will cover:

- The basics of using File & Serve to serve documents
- How to retrieve your documents
- Setting up User Preferences

To register for a class, sign onto File & Serve, click the Resource Center (upper right), 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 contact Client Support at 888.529.7587.

EXHIBIT B

File & ServeXpress

105 Decker Court
Suite 1100
Irving, Texas 75062

File & ServeXpress E-service Proposal for Services
Mirena Litigation pending in Bergen County, New Jersey

Proposal Date: Wednesday, February 12, 2014

File & ServeXpress, (formerly LexisNexis File & Serve) is pleased to offer the following Proposal to host an online case-room solution for the Mirena Litigation pending in Bergen County, NJ that will allow for the electronic exchange and distribution of pleadings and other case-related documents (discovery, correspondence, deposition, notices, and transcripts, etc.) between counsel of record ("e-service").

File & ServeXpress currently provides e-service of documents in hundreds of thousands of cases across the country. Courts and counsel regularly choose our offering because it helps counsel recognize substantial time and cost savings over traditional means of document exchange, especially in larger cases or for firms that handle large volumes of small cases. File & ServeXpress provides all parties to a case with:

- -a shared, online electronic service list
- -distribution and proof of delivery of all e-served documents, and
- -a fully searchable, secure, online repository of all e-served documents, discovery and correspondence in the case that is maintained and available indefinitely

With over 30 years of experience in the legal industry and over 20 years of combined experience in the electronic filing and service business, File & ServeXpress is the nation's leading provider of e-filing and e-service solutions for the legal industry. File & ServeXpress has established a comprehensive record of success working with courts and law firms around the country to implement e-filing and e-service. We have existing projects in 33 states. Our solution provides the most flexibility and functionality required to meet the needs of the legal community; and our experience and financial stability enable us to provide the ongoing support and continued product development necessary to maintain and advance a successful project.

Whether a case is small or complex, the benefits of using an e-service solution for document exchange, tracking and access amongst the parties are numerous, and firms recognize up to **80% in savings** by using e-filing and e-service vs. costs associated with traditional document delivery, tracking and case file storage. The benefits include:

- -Online access to documents and information
- -Reduced costs for document exchange
- -Online, shared service lists
- -Easy tracking and proof of service

That is why so many attorneys and judges are turning to File & ServeXpress for e-filing and e-service. In fact, to date we have:

-3.2 million cases hosted online
-150 million documents filed and served online
-Over 120,000 registered users nationally

We appreciate the opportunity to provide our solution to the parties to the Mirena litigation for better access, management and tracking of the documents in these cases.

Details of this Proposal:
The pricing provided is valid for **30 days** from the Proposal Date and may be subject to change if there are any changes in the litigation, such as significant increase in the number of firms involved, or increase to the number of cases related to the above-referenced litigation. File & ServeXpress may also, from time to time, offer additional services and pricing for those new services which would not be covered by this Proposal.
This Proposal includes the following:

-Transaction Fee – File & ServeXpress will provide a transaction fee of **$10.00** per single transaction[1] of e-served documents.

-Discount terms - As an incentive to move forward with this project as soon as possible, File & ServeXpress will discount the transaction fee by 50% effective immediately upon the project implementation and lasting up to and including April 15, 2014.

[1] A "**transaction**" is the e-service of a single main document (including deposition transcripts) and any related exhibits or attachments to that main document, **of any aggregate length**, to any or all counsel on the case service list. The serving firm shall incur the transaction fee upon each completed uploaded transaction.
[2] A "**law firm**" is counted as a single law firm regardless of (i) the number of parties that the firm represents in the case, or (ii) the number of attorneys in such firm who are to be registered for that case.

The transaction fee covers all online recipients of the transaction. Service to un-registered (or offline) firms can be completed via File & ServeXpress through US Mail or fax, but additional fees will apply. See attached Optional Services for pricing.

-Initial Setup Fee – The setup fee is a one-time fee charged to each law firm[2] participating in the case. The fee is **$35.00** charged to each law firm.

-Maintenance Fee – File & ServeXpress will maintain the case information, e-served documents and updated service lists for **$5.00** per month, charged to each law firm.

-Document Access and Retrieval – All Users will be able view, print and download documents served in the case documents free of charge once served, unless the sending firm marks the transaction as private for certain recipients only.

-Training - online webinars and telephonic training is offered to all firms free of charge. Onsite training may incur a fee.

-Customer Support - 24/7 Customer support is available to all users free of charge for assistance with using File & ServeXpress.

-Optional Services - Pricing for "Optional Services" are attached to this Proposal and lists additional services available from File & ServeXpress. These fees are either additional optional fees within the case or fees for researching information outside of the case, such as using File & ServeXpress to e-file or e-serve in other cases beyond the above-referenced case, serving any recipients via US mail or fax, or accessing documents that are not part of this case, such as e-filings in Delaware Court of Chancery. **The use of these features is permissive and do not currently fall under the guides of the Case Management Order for e-service in this case.** Optional Services are non-negotiable, unless otherwise outlined in this Proposal.

Should anyone have any questions regarding this proposal or File & ServeXpress, please don't hesitate to ask – my contact information is below.

Thank you for your interest in File & ServeXpress, we look forward to hosting your cases online!

Regards,

Milt Stafford
File & ServeXpress
888-247-2051 X5006
mstafford@fileandservexpress.com

* This pricing is subject to change and will be posted according to the general user terms and agreements.