FILED

OCT 14 2010

Carol E. Higbee, P.J.Cv.

IN RE: REGLAN LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

CASE NO. 289

MASTER DOCKET: ATL-L-3865-10

CIVIL ACTION

CASE MANAGEMENT ORDER NO. 4: 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 shown,

IT IS ON THIS day 14th of October 2010, **ORDERED AS FOLLOWS:**

1. Plaintiffs' counsel and defense counsel shall utilize the File and Serve Service ("File & Serve") provided by LexisNexis, a division of Reed Elsevier, Inc. ("LexisNexis") to serve pleadings (except Complaints), documents and other information in this litigation electronically. In this coordinated litigation (hereinafter "Reglan Litigation"), the 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 or Case Management Order entered by the Court or Counsel of record who have served plaintiffs with notices of appearance, and employees of their respective law firms. Public access to the pleadings, documents and information in File & Serve relating to the Reglan Litigation is strictly prohibited. Nonparties may access publicly available court documents by contacting the Superior Court of New Jersey, Atlantic County.

2. On or before the day that any document (all references to a "document" include exhibits thereto, if any) is filed with the Court, 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 Reglan Litigation at the following web address: www.lexisnexis.com/fileandserve; or (2) fax transmission to LexisNexis.

3. LexisNexis shall make all served documents available to Registered Reglan Litigation Firms in PDF file format, using a secure Internet website that shall be maintained by LexisNexis and that the parties are privately funding. LexisNexis 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 & Serve shall maintain an index of all documents served through LexisNexis in the Reglan 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 LexisNexis receipt; and b) faxed documents posted within six (6) business hours of LexisNexis 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 LexisNexis 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. LexisNexis personnel will perform all administrative functions to the LexisNexis system. Plaintiffs' liaison counsel shall be the liaison to LexisNexis for all Registered Reglan Litigation Firms Service list changes. The Registered Reglan Litigation Firms on LexisNexis

service list in the Reglan Litigation will not be changed (added or deleted) unless approved by plaintiffs' liaison counsel. The Registered Reglan Litigation 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 Reglan Litigation case. Once a Registered Reglan Litigation Firm is approved, File & Serve shall provide functionality allowing each Registered Reglan Litigation 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 Reglan Litigation Firms are permitted and able to access the Reglan Litigation using File & Serve. Registered Reglan Litigation Firms will be limited to authorized court personnel, counsel of record for any party named in a Reglan Litigation lawsuit pending before the Honorable Carol E. Higbee, P.J. Cv. in Atlantic County, in which a defendant has been served with a summons and complaint in accordance with the New Jersey Rules of Court, Case Management Order entered by the Court, or other applicable law, and their employees. File & Serve will provide each Registered User designated by a Registered Reglan Litigation Firm with username and password to access the Reglan Litigation case. It is the responsibility of each Registered Reglan Litigation firm to inform LexisNexis 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 Reglan Litigation documents where the Court is listed as a designated recipient.

7. For serving documents 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 Reglan Litigation 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 Reglan 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 LexisNexis 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 Case Management Order entered by the Court, or other applicable law. Any other document submitted to File & Serve pursuant to this Order shall be deemed to be served by mail under New Jersey Court Rule 1:5-4(b). 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 address of pro se party. Certificates of service shall state the date that a document was submitted or, in the case of motion papers, posted to File & Serve and the means of transmission (electronic or fax).

11. Nothing in this Order shall relieve any party 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 Clerk's Office in the usual course, except as set forth in paragraph 12 herein. However, the date that 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 (except Complaints), 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. The filing of a Complaint is only effective at the time the original Complaint is filed with the Clerk's Office in accordance with the New Jersey Rules of Court and any other applicable New Jersey law.

12. In the event that the Court enters a Protective Order regarding confidential information, the parties shall not submit confidential information pursuant to the Protective Order to Judge Higbee using File & Serve. Submission of "Confidential Information" to the Court shall be done only in accordance with any Protective Order entered in this matter.

13. 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 Civil Procedure and any Protective Order entered in this matter. No documents that indicate on their face that they contain confidential information pursuant to the provisions of any Protective Order entered in this matter shall be submitted to File & Serve.

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

15. LexisNexis and any of its employees, agent or contractors ("Support Staff") may access Reglan 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 LexisNexis and will use reasonable efforts to maintain the confidentiality of documents furnished to LexisNexis by parties in the Reglan Litigation, which fulfill their obligation under said protective orders. Neither LexisNexis 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 Reglan Litigation.

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

17. LexisNexis was chosen by counsel, who have agreed to employ this service and entered into their own agreements with LexisNexis.

18. If electronic service does not occur because of (1) an error in the transmission of the documents to LexisNexis 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 excluded 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 entitled to an order extending the date for any response or the period within any right, duty or other act must be performed.

19. Usage of File & Serve by Registered Reglan Litigation Firms and their Users shall be subject to the LexisNexis File & Serve terms and conditions, which are available at www.lexisnexis.com/fileandserve.

Carol E. Higbee

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

Effective Date: 10/25/2010

LexisNexis® File & Serve

LIST PRICING FOR E-SERVICE ONLY PROJECTS PRICING AMENDMENT

NEW JERSEY— NJ SUPERIOR COURT ATLANTIC COUNTY
(In Re: Reglan Litigation
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Unless noted specifically below, all fees are subject to current list prices as reflected in the E-file Pricing and Optional Services pricing sheets posted online under the File & Serve Resource Center.

REPOSITORY LICENSING FEE	$35.00 per firm per project, plus $5.00 per firm per month
SERVICE TO PROJECT PARTIES	
Online delivery	$20.00 per transaction—unlimited number of online recipients *See Optional Services pricing sheet for offline service fees and other pricing.*
DELIVERY OF DOCUMENTS TO ADDITIONAL RECIPIENTS	
Online delivery	No charge when combined with online service
Email delivery	No charge when combined with online service

Prices are subject to change.

See Optional Service Price Sheet for additional pricing information for optional features and services

SCHEDULE A