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JUDGE JESSICA R. MAYER

	) SUPERIOR COURT OF NEW JERSEY) LAW DIVISION) MIDDLESEX COUNTY))
IN RE PROPECIA® LITIGATION	) Case No. 623)))
	) **ORDER REGARDING**) **ELECTRONIC SERVICE**

Pursuant to the New Jersey Court Rules, the court finds that this order is entered with the consent of counsel for the parties in order to achieve an expeditious and efficient resolution of the above-captioned litigation.

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 procedures set forth in this order (subject to the exceptions outlined herein):

I. LEXISNEXIS FILE & SERVE

1. In order to facilitate case management, document retrieval and case organization, the parties will utilize the services of LexisNexis and its secure 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. If any counsel of record objects to the use of File & Serve, he or she shall file a written objection with the court. The court, at its option, may also use File & Serve for these purposes and to communicate with counsel of record.

In this coordinated litigation (hereinafter "Propecia® Litigation"), the information and documents accessible through a secure login on File & Serve are for the private use of counsel of

record who have served defendant with summons and complaints in accordance with the applicable New Jersey Court Rules, and employees of their respective law firms. Public access to the pleadings, documents and information in File & Serve relating to the Propecia® Litigation is strictly prohibited. Non-parties may access publicly available court documents by contacting the Superior Court of New Jersey, Middlesex Vicinage, Multicounty Litigation Clerk's Office.

II. SERVICE ONLY

1. File & Serve shall apply only to the service of documents, and not to their original court 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 Court Rules and all case management orders issued by the court.

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 the document on counsel of record using File & Serve by (1) uploading the document electronically to the Propecia® Litigation at the following secure web address: https://www.lexisnexis.com/fileandserve (if this web address should change LexisNexis will make the court and all counsel of record aware); or (2) fax transmission to LexisNexis.

III. SERVICE LIST & SIGN-UP

1. Within five (5) days of this order or five (5) days of the initiation of a new case in this litigation, defendant's counsel or liaison counsel to LexisNexis shall submit via email to LexisNexis, a complete and current service list of counsel of record for this litigation. Within ten (10) days of this order, each attorney of record for this litigation, or within ten (10) 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:

https://www.lexisnexis.com/fileandserve, and shall notify defendant's counsel or liaison counsel that they will need to be added to the service list.

2. Defendant's Liaison Counsel shall be liaison counsel to LexisNexis for all service list changes. Defendant's Counsel shall be responsible for monitoring the service list and advising LexisNexis File & Serve of any changes or corrections. The service list will identify 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 each firm.

IV. SERVICE OF DOCUMENTS AND WEBSITE

A. Establishment and Use of the File & Serve 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. 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.

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, a scanned image or an

Adobe Portable Document Format 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 upon counsel (but not the court) pursuant to the New Jersey Court Rules and all case management orders issued by the court.

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

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. 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.

7. 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 New Jersey Court Rules. 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.

8. For serving documents applicable to all cases in the Propecia® Litigation, 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 Propecia® 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 Propecia® Litigation shall be served in the All Cases docket.

9. Pursuant to paragraph II (2), official service shall be made by transmitting documents to the File & Serve website. File & Serve provides notice to firms 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 firms.

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

11. Complaints must be served in accordance with the New Jersey Court Rules or other applicable law. Complaints shall nevertheless be submitted on File & Serve, although

submittal shall not constitute service under the New Jersey Court Rules 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 the 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). Plaintiff's counsel shall complete all sections of the required LexisNexis spreadsheet necessary to load new cases to the LexisNexis system within 20 days of service of the Complaint upon the defendant(s). If plaintiffs fail to do so, they will be unable to access the individual case file for that case until they have done so.

12. Nothing in this order shall relieve any party from the filing obligations imposed by the New Jersey Court Rules and all case management orders issued by the court; use of File & Serve is not a substitute for filing original documents with the court. All pleadings must be filed in the Multicounty Litigation Clerk's Office in the usual course, except as set forth in paragraph 13 below. However, the date on which the documents (except Complaints) are posted to File & Serve (the "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 shall be "filed" and docketed as of that date. The filing of a Complaint is only effective as of the time the original Complaint is filed with the Multicounty Litigation Clerk's Office in accordance with the New Jersey Court Rules and any other applicable New Jersey law.

13. If any party determines that information that will be (or that has been in error) submitted to the court constitutes confidential information pursuant to New Jersey Court Rule

1:38, et seq., the party shall file a motion pursuant to Rule 1:38-11 within sufficient time for the court to render a decision prior to submission of the proposed confidential exhibit to the court under seal.

14. 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.

15. Each party shall bear its own costs in the use of the File & Serve service according to the fee schedule attached hereto.

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

17. If electronic service does not occur because of (1) an error in 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 which any right, duty or other act must be performed.

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

19. 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.*

IT IS SO ORDERED.

Dated: 4/12/12

Hon. Jessica R. Mayer, J.S.C

Your File & Serve Litigation Executive:
Susan Burns
800-467-8674 x7811
susan.burns@lexisnexis.com

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 <u>all of the users in your firm</u> (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