

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CHINESE-MANUFACTURED : MDL 2047
DRYWALL PRODUCTS LIABILITY :
LITIGATION : SECTION L
:
: JUDGE FALLON
This document relates to: :
ALL ACTIONS : MAG. JUDGE WILKINSON

PRETRIAL ORDER NO. 6
Electronic Service

By Stipulation of Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel,

IT IS HEREBY ORDERED that whenever service is required by the Federal Rules of Civil Procedure, in lieu of the methods set forth in Rule 5(b), any party may "deliver a copy" of the document by following the procedure set forth below:

1. In order to facilitate case management, document retrieval, case organization and expeditious, efficient and economical communication by and amongst counsel, the parties will utilize the services of LexisNexis File & Serve ("File & Serve") and its litigation system for providing electronic service, storage and delivery of court-filed and discovery related documents through a secure website.

2. All attorneys of record in this litigation on whom service of documents must be effectuated shall, within ten days of the entry of this Order, or within ten days of the entry of appearance for a new attorney of record, or the docketing of their transferred case, whichever occurs earliest, (1) obtain an e-mail address and access to the Internet's World Wide

Web (the "Web") if they do not have an e-mail address and Web access; (2) forward to Liaison Counsel (Russ Herman for Plaintiffs at drywall@hhkc.com and Kerry Miller for Defendants at kmiller@frilot.com a fully completed "MDL 2047 Counsel Contact Information Form," as required by Pretrial Order 5A and (3) sign up for electronic service in this litigation by completing the application located at the Website for File & Serve located at <http://law.lexisnexis.com/file-and-serve-e-service>. File & Serve can be contacted on a 24 hour basis, seven days a week, for any inquiries or technical assistance at (888) 529-7587.

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 so that they can timely register. See Exhibit A, LexisNexis File & Serve Welcome Kit.

3. Within five business days of the entry of this order, liaison counsel shall provide File & Serve with the then current service list for the Chinese Drywall MDL via email to Eservice@fileandserve.lexisnexis.com. This service list should include the case names and number, original jurisdiction where filed, party name, party type, attorneys' names, firm names and addresses, phone numbers and e-mail addresses for each case in the Chinese Drywall MDL. Until such time as File & Serve advises liaison counsel that the File & Serve system is in place, liaison counsel is responsible for updating the service lists on a weekly basis and serving documents in accordance with Pretrial Orders 3 and 4. Liaison counsel shall be listed on each case as "liaison counsel" and as "lead counsel" in any cases filed directly by liaison counsel.

4. In order to effect service of any document submitted by a party to File & Serve, on the same day that any document is filed with the Clerk of Court for the United States

District Court for the Eastern District of Louisiana in this matter, the counsel of record who is filing the document, or in the case of an unrepresented party, the unrepresented party who is filing the document, shall upload the document, including all exhibits and attachments, to File & Serve, by (1) electronic transfer (either as a word-processing document, PDF file, or TIFF file). Documents sent to File & Serve by electronic transmission shall be up-loaded directly to the File & Serve system at www.lexisnexis.com/fileandserve.

5. File & Serve's system will upload all documents (all references to "document" include exhibits, if any) in Adobe PDF electronic format onto an Internet website maintained by File & Serve, which is privately funded by the parties ("the Chinese Drywall MDL 2047 E-Service Website"), where counsel of record who are registered users of the File & Serve system may access the copy.

6. Once a document is uploaded and submitted electronically, File & Serve shall send an e-mail to all registered users notifying them that the document has been posted to its Website (unless such registered user has declined to receive e-mails). The e-mail shall also contain a hypertext link(s) to the document location(s) on the System (or, if so designated by the recipient, the e-mail shall have the document attached thereto).

7. Unless another Order of this Court specifies a different method for service upon counsel, any document electronically served via File & Serve pursuant to this Order shall be deemed to have been served under the Federal Rules of Civil Procedure.

8. Any documents served pursuant to this Order shall be deemed to be served by mail under Federal Rule of Civil Procedure 6(e).

9. All pleadings will be titled to clearly identify (1) the name of the filing/serving party, (2) the precise title of the pleadings, (3) the date the pleading was filed with the Clerk of Court for the United States District Court for the Eastern District of Louisiana in MDL 2047, and shall be uploaded to all cases related to the pleading (including to a multi-party lead or master case if multiple parties are named in a particular case). File & Serve shall enable features to allow the simultaneous uploading of a pleading into multiple cases to accommodate this request.

10. Since word processing documents electronically transmitted to File & Serve will not contain a signature by counsel, in order to indicate that the document filed with the Court, was, in fact, signed, the document electronically submitted to File & Serve shall contain a signature line with the phrase, "ORIGINAL SIGNED DOCUMENT ON FILE WITH THE COURT."

11. When serving documents, all counsel must use a uniform Certificate of Service in the form set out herein:

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing [DOCUMENT] has been served on Plaintiffs' Liaison Counsel, Russ Herman, and Defendants' Liaison Counsel, Kerry Miller, by U.S. Mail and e-mail or by hand delivery and e-mail and upon all parties by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 6, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2047, on this ___ day of _____, 200__.

(Signature of Filing Attorney)

12. Only those registered users of File & Serve will be able to access the Chinese Drywall MDL 2047 cases hosted online with File & Serve. Registered users will include counsel of record for any party in the consolidated MDL 2047 as well as non-parties who register with File & Serve to view the case-files. However, only counsel of record will be allowed to submit documents to the cases on the File & Serve. Upon registration, File & Serve will provide each registered user with a username and password to access the File & Serve system

13. File & Serve shall perform all administrative functions to the system. Once initially registered, File & Serve shall be responsible for the registration and confirmation of all contact information for registered users. After initial enrollment/registration, it shall be the responsibility of the registered users to keep current their contact information by noting any changes directly on the File & Serve Website.

14. All registered users shall be bound by any Confidentiality Order that this Court may issue. File & Serve will also be bound by the terms of said Confidentiality Order.

15. The File & Serve system shall contain an index of all served documents for the Chinese Drywall MDL 2047 litigation that is searchable and able to be sorted according to methods that provide useful 24 hour/seven day a week access to the documents via the Web.

16. Service of Pleadings and Motions: Once File & Serve advises Liaison Counsel that the File & Serve system is in place, Liaison Counsel will notify all of their respective counsel of record with whom they are affiliated. Upon such notice by Liaison Counsel, Liaison Counsel is no longer required to serve and distribute pleadings and motions on

attorneys of record with whom they are affiliated, as required by this Pre-Trial Orders. This Order shall supplement Pre-Trial Orders 3 and 4.

17. Service of Court Orders: Liaison Counsel are required to serve and distribute all Orders of the Court on all counsel of record. Such service of Court Orders by Liaison Counsel shall be accomplished electronically through File & Serve in lieu of overnight courier service or telecopier provided for in Pretrial Orders 3 and 4. Liaison Counsel shall assist File & Serve, to the extent necessary, to assure that Orders are uploaded and transmitted promptly by File & Serve; however, File & Serve shall be responsible for coordinating the retrieval of Orders directly from the Clerk of Court for MDL 2047.

18. Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel shall meet and confer regarding the filing of any document that is filed with the Clerk of Court under seal that may contain discovery material covered by any Confidentiality Order that this Court might issue.

19. At each Counsel's discretion, private documents may be uploaded to File & Serve and the transaction marked as "Serve-Only-private" to restrict access to anyone but the served case parties, or counsel may opt to instead upload a "Cover Sheet" and deliver said private documents in hard copy fashion to the other parties.

20. Effective immediately, all service of documents filed in the MDL shall be made via File & Serve. Attorneys who fail to register will no longer receive service of documents filed in the MDL. Furthermore, all counsel shall immediately update and notify

Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel whenever the contact information required by Pretrial Order 5A changes.

New Orleans, Louisiana, this 20th day of July, 2009.

A handwritten signature in black ink that reads "Eldon E. Fallon". The signature is written in a cursive style with a horizontal line underneath it.

ELDON E. FALLON
UNITED STATES DISTRICT JUDGE

Exhibit A:

LexisNexis® File & Serve Welcome Kit

File & Serve Chinese Drywall Specialist:
Susan Burns
800.437.8674 ext 7811
susan.burns@lexisnexis.com
Customer Support: 888.529.7587

STEP 1: REGISTRATION, IDs, PASSWORDS

If this is your firm's first LexisNexis File & Serve case, you will need to create a File & Serve 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 OPTION A.

If your firm has a LexisNexis File & Serve account for other cases, 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 OPTION B.

- If you already have a password to File & Serve for other cases, you do not need to re-register.
- LexisNexis research IDs or other Lexis product IDs will not give you access to File & Serve.
- 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.

OPTION A: BRAND NEW FIRM REGISTRATION

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.

OPTION B: FIRM ALREADY SUBSCRIBER. ADDING NEW USERS TO AN EXISTING ACCOUNT

1. Sign onto www.lexisnexis.com/fileandserve
2. Select File & Serve Preferences from the upper right hand corner of screen.
3. Click Organization Profile.
4. 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, sign on to File & Serve, click Resource Center in the upper right of the product. Under Education & Training, select **Louisiana** from the drop down menu to view dates and times of classes for **Chinese Drywall MDL 2047** online classes.

For training questions, call 800-399-6934 or email fileandservetraining@lexisnexis.com