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SUPERIOR COURT OF CALIFORNIA - COUNTY OF LOS ANGELES

IN RE DIET DRUG LITIGATION

Judicial Council Coordination  
Proceeding No. 4032

THIS DOCUMENT RELATES TO:

**GENERAL ORDER NO. 17 RE  
ESTABLISHMENT OF WEBSITE FOR  
ELECTRONIC SERVICE**

ALL ACTIONS

**I. ESTABLISHMENT OF WEBSITE**

**1. Scope of Provisions.** These provisions apply only to actions that are coordinated in these coordinated proceedings. These provisions do not apply to add-on actions unless and until those actions are coordinated into the coordinated proceedings.

**2. Amendment to General Order No. 1.** These provisions amend the service requirements set forth in General Order No. 1 for all documents served through the Verilaw electronic service system. Any document that may not be served through the electronic service system, as set forth in section 6 below, must be served in compliance with General Order No. 1.

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**3. Electronic service system.** Verilaw Technologies, Inc. shall make available to the Court and to the attorneys in this litigation a system for providing electronic service, storage and delivery of documents. The system shall be available on the Internet at <http://vserve.vlaw.verilaw.com>. All counsel of record in any case coordinated into these coordinated proceedings shall use this system for electronic service of documents filed with the Court on or after December 3, 2003, which is the latest date by which the system will become operational.

**4. Completion of Law Firm Data Sheet.** Verilaw Technologies requires certain specified data for each law firm to make the system operational. Each law firm is hereby ordered to complete a Law Firm Data Sheet (see Exhibit 1) and return that data sheet (on or before December 3, 2003, or ten days after coordination into these proceedings of the individual case in which the party is appearing, whichever is later), to Liaison Counsel for that party's party category. Any party failing to submit a fully completed Law Firm Data Sheet, including a list of all cases in which that party's counsel represents any party, assumes all risk associated with failure of service of documents to that party.

**5. Filing of documents that will be electronically served.** All documents served electronically shall be filed with the Court by traditional paper means, including the payment of all necessary fees. Such filing shall be accompanied by a certificate of service (see form provided as Exhibit 2) indicating that the document has been provided to Verilaw Technologies for electronic service. The party filing the document shall have no other obligation to serve any other party to the litigation and shall bear no risk associated with failure of service if that party has fully complied with the requirements set forth by Verilaw.

1           **6. Exceptions to requirement of electronic service of documents.** All  
2 documents in these coordinated proceedings that have been filed with the Court on or  
3 after December 3, 2003 shall be electronically served with the exception of pleadings  
4 and documents for which electronic service is not appropriate, including pleadings that  
5 originate an action (including complaints and notices of adoption of master complaint  
6 pursuant to section II.D.2(c)(3) above [in which a case is initiated by adopting the master  
7 complaint]), documents filed under seal, and notices of appeal.

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9           **II. COSTS AND FEES**

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11           **1. Set up fee.** Each law firm involved in these coordinated proceedings shall  
12 pay Verilaw Technologies a set up fee of \$350.00 per law firm within fourteen (14) days  
13 from entry of this Order, or fourteen (14) days after coordination into these proceedings  
14 of the first case in which the law firm is counsel of record, whichever is later. All  
15 payments shall be made to:

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17                                   **Verilaw Technologies, Inc.**  
18                                   **c/o California Diet Drug Litigation**  
19                                   **Attn: Joseph Helfrich**  
20                                   **400 E. Lancaster Avenue, Suite 300**  
21                                   **Wayne, PA 19087**

22           **2. Debit account.** Each law firm must establish a debit account with Verilaw  
23 Technologies by sending a check to the address listed above. A debit account may be  
24 established with a deposit of no less than \$50.00. Each law firm is responsible for  
25 increasing its debit account balance if such balance falls below \$20.00. Failure to  
26 increase a debit account balance may result in failure of the system to serve the law firm.  
27 Each law firm bears the risk of failure of service due to inadequate debit account  
28 balances.

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**3. Transaction fees.** Each law firm using the system to serve documents shall pay the transaction fee of \$12 per document, plus any additional costs and fees as set forth in this Order, or as otherwise identified by Verilaw Technologies. Payment shall be obtained by debit from the law firm's debit account.

**III. PROCEDURES FOR ELECTRONIC SERVICE**

**1. Procedures For Party Filing a Document**

a. Upon filing a document with the Court, the filing party shall send a copy of that document to Verilaw Technologies by one of the following methods:

1. electronic transfer of the document file (as a Word or WordPerfect document, or as a PDF file) through the system Internet site pursuant to the instructions on the website;

2. for an additional fee of \$0.30/page, facsimile transmission to Verilaw Technologies accompanied by the facsimile cover page generated through the system website pursuant to the instructions there; or

3. for an additional fee of \$0.30/page, hard copy via overnight mail or overnight delivery service to Verilaw Technologies, Re: California Diet Drug Litigation Service, 400 East Lancaster Avenue, Suite 300, Lancaster, PA 19087, accompanied by the cover sheet generated by the system website pursuant to the instructions there for providing documents by hard copy.

b. On the document provided to Verilaw for electronic service, the filing

1 party shall clearly identify the name of the document, the name of the party (or  
2 parties) submitting the document, the identity of the registered user submitting the  
3 document, and the identity of the case or cases to which the document applies.  
4

5 c. Documents that must contain original signatures or that require  
6 either a verification or an unsworn declaration under any rule or statute, shall  
7 indicate a signature through the notation "/s/ [Name]" (e.g., "/s/ Jane Doe"). In the  
8 case of a stipulation or other document to be signed by two or more persons, the  
9 filing party or attorney shall attest that the content of the document is acceptable  
10 to all persons required to sign the document, and all signatories shall be noted as  
11 indicated in this subsection. The filer shall maintain records to support this  
12 concurrence for subsequent production to the Court if so ordered, or for  
13 inspection upon request of a party.  
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## 15 **2. Procedures for Verilaw to Serve Documents**

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17 a. Unless already provided in PDF format, Verilaw will convert all  
18 documents submitted to it into PDF format.  
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20 b. Verilaw will post all documents to the website according to the  
21 following timetable:  
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23 1. Electronic documents will be posted to the website within one  
24 (1) hour of receipt of such document from a registered user, so that  
25 documents received by Verilaw by 11:00 p.m. Eastern time will be  
26 electronically served the same day;  
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28 2. Documents sent by facsimile will be posted to the website

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within six (6) business hours of receipt from a registered user, so that documents received by Verilaw by noon Eastern time will be electronically served the same day;

3. Documents sent by overnight delivery will be posted to the website within twenty-four (24) hours of receipt of the overnight delivery package.

c. Within one hour of posting the document to the website, Verilaw shall send an electronic mail message to all registered users notifying them of the posting, unless the registered user has opted to receive a daily digest of postings. If the registered user has signed up for a daily digest, then Verilaw will instead notify that user on a daily basis of all service notices associated with these coordinated proceedings. Each email or daily digest shall contain one or more hypertext links to the document locations on the system. This notification shall constitute service of the document.

d. All filed documents must include a proof of service in the form attached as Exhibit 2. Documents electronically served pursuant to this Order shall be deemed to have been served as follows:

1. If a document is provided electronically to Verilaw by 11:00 p.m. on the same date as the document was filed with the Court, then that document shall be deemed served on the date that the document was filed.

2. Documents sent to Verilaw by facsimile or by overnight delivery shall be deemed to be served on the earlier of (i) the date of the electronic message from Verilaw indicating that the document has been

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served; or (u) one day after facsimile to Verilaw or delivery to the overnight delivery service, as attested to in the certificate of service in the filed document.

e. The Verilaw system shall be deemed to be subject to a technical failure on a given day if the system is unable to accept documents for service continuously or intermittently over the course of any period of time greater than one hour after 9:00 a.m. Pacific time that day. If the Verilaw system is subject to a technical failure, then documents that were required to be transmitted to Verilaw for service that day, which were not transmitted due solely to such technical failures, shall be transmitted for service the next business day. The certificate of service submitted for such documents shall state the filer's failed attempts to transmit the document electronically to Verilaw at least two times on each day of delay, over the period of more than one hour, because of such technical failure. If the served document requires a response, such technical failure shall constitute sufficient grounds for an agreed ex pane application for an extension of time to respond, so long as the requested extension does not exceed the number of days that the Verilaw system was unavailable.

f. Verilaw shall create on the system an index of all documents served in this litigation, including to which cases each document pertains, that will be searchable and sortable according to methods that provide useful access to the documents.

**IV. GENERAL PROVISIONS REGARDING ELECTRONIC SERVICE**

1           **1. Registered Users.** Access to the system will be limited to registered  
2 users. Registered users will include authorized Court personnel and counsel of record  
3 (or their designees). Notwithstanding any contrary provision, no individual or law firm  
4 may be a registered user unless that individual or law firm is also subject to the  
5 provisions of the confidentiality order entered in these proceedings as General Order No.  
6 2. The initial set of registered users will be determined by the completed Law Firm Data  
7 Sheets submitted to Liaison Counsel on or before November 19, 2003. All additions,  
8 deletions or changes to the list of registered users (including the service list) must be  
9 submitted to, and approved by, Liaison Counsel For purposes of this Order, an addition,  
10 deletion, or change shall be deemed "approved" by Liaison Counsel if such counsel has  
11 not provided written objection to it within five (5) days of submission to all Liaison  
12 Counsel.

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14           **2. Becoming a registered user.** An attorney who is not a registered user  
15 may become a registered user once the attorney is identified to Liaison Counsel as  
16 counsel of record on a service list, has submitted a completed Law Firm Data Sheet to  
17 Liaison Counsel (which counsel will provide to Verilaw), has paid the registration fee and  
18 established a debit account with Verilaw. Any registered user whose Law Firm Data  
19 Sheet does not indicate whether the registered user prefers email notification or a daily  
20 digest of postings will receive the daily digest.

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22           **3. Passwords.** Verilaw will provide to each registered user, via electronic  
23 mail, a username and password to access the system. A user's use of an attorney's  
24 username and the password serves as the attorney's signature on all documents  
25 submitted to Verilaw for service, as well as the attorney's signature for all other purposes  
26 under the California Code of Civil Procedure and the local rules of this court.

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28           **4. Law Firm Data Sheets.**

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**a. Cases coordinated on or before November 19, 2003.** Liaison Counsel shall have the responsibility of providing to Verilaw Technologies (on or before November 19, 2003) the Law Firm Data Sheets for all counsel in cases coordinated into these proceedings. Each party (or its counsel of record) shall have the obligation to verify the accuracy of the information on the Law Firm Data Sheet - including the cases in which each law firm is counsel of record, the names and electronic mail addresses of all registered users, and the parties represented by the law firm - prior to submission on November 19, 2003.

**b. Newly coordinated cases.** For any case added to the coordinated proceedings on or after November 19, 2003, the party seeking to add the case into the coordinated proceedings shall have the responsibility of completing a Law Firm Data Sheet for submission to Verilaw Technologies by Liaison Counsel. A blank Law Firm Data Sheet will be provided to each known counsel of record at the time that the case is sought to be added into these proceedings. Each such law firm shall have the obligation to complete and return the Law Firm Data Sheet, and to otherwise comply with the terms of this Section III, within ten (10) days of the date that the add-on petition is filed and served.

**c. Service of documents.** Verilaw Technologies will notify every registered user of every document electronically served through the website, regardless whether the registered user is on the service list for the case or cases to which the document applies. If a registered user has elected to receive notification of electronic service by a "daily digest," that summary notification will be provided after midnight following the day digested.

**d. No public access.** Only registered users may have access to any documents, bulletin boards, calendars, service lists, indices, or any other part of the

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system set up by Verilaw Technologies for electronic service, storage and delivery of documents in these coordinated proceedings. The provisions of General Order No. 2 shall apply to documents provided to, stored in, or obtained from the Verilaw system.

IT IS SO ORDERED:

Dated: 11-19-2003

S/P  
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Judge Daniel S. Pratt