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Attorney for Plaintiffs  
 DORIS HEMSLEY; ALICE WOODS; ALLEN WOODS; GEORGIA FROST; PAULETTE FROST;  
 ROSE MARIE USHER; ORLANDO USHER

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES**

DORIS HEMSLEY, an individual; ALICE WOODS, an individual; ALLEN WOODS, an individual; GEORGIA FROST, an individual; PAULETTE FROST, an individual; ROSE MARIE USHER, an individual; ORLANDO USHER, an individual,

PLAINTIFFS,

vs.

COLUMBUS DAVIS, JR, an individual; JOSE ARTURO ARGUETA-CERANO, an individual; GOLD & SILVER CHARTER BUS COMPANY; GOLD & SILVER TRAVEL, INC.; HEBARAGI AND LEMIBUS, INC.; JEAN DEVELOPMENT COMPANY dba GOLD STRIKE HOTEL AND GAMBLING HALL; ELSINORE DEVELOPMENT CO. dba NEVADA LANDING HOTEL & CASINO; DINA AUTOBUS, business form unknown; FUTERO ELECTRONICS, business form unknown; MOTOR COACH INDUSTRIES INTERNATIONAL, INC., a foreign corporation; and DOES 1 through 100, inclusive,

Defendants.

CASE NO. BCVBS 08259  
*[Lead Case No.: BCV07252]*

Related to *Ngo Hu So v. Jose Arturo Argueta-Cerna, et al.* [Case No. BCVBS08246]

*Assigned for All Purposes to:  
 Honorable Christopher J. Warner  
 Department S2*

**[Proposed] ORDER AUTHORIZING ELECTRONIC SERVICE**

HEBARAGI & LEMI BUS, INC., and JOSE	)
ARTURO ARGUETA-CERNA,	)
Cross-Complainants,	)
vs.	)
LAMAR ELLIOTT; P.V. HOLDING	)
CORPORATION; COLUMBUS DAVIS JR.;	)
GOLD & SILVER CHARTER BUS INC., a	)
California Corporation; JOSEPH ARTHUR	)
RODRIGUEZ; VICTORIA RODRIGUEZ;	)
NANCY KAY REBHOLTZ; MOTOR	)
COACH INDUSTRIES MEXICO, S.A. de	)
C.V., f/k/a DINA AUTOBUSES, S.A. de	)
C.V.; JEAN DEVELOPMENT COMPANY;	)
STATE OF CALIFORNIA, and ROES 1	)
through 100, inclusive,	)
Cross-Defendants.	)
_____	)
AND ALL RELATED CROSS-ACTIONS.	)
_____	)
NGO HU SO, NA LU,	)
Plaintiffs,	)
vs.	)
JOSE ARTURO ARGUETA-CERNA,	)
HEBARAGI/LEMI BUS, INC.,	)
COLUMBUS DAVIS JR., GOLD &	)
SILVER CHARTER BUS LINES, INC.	)
AND DOES 1 TO 10, INCLUSIVE,	)
Defendants.	)
_____	)

Pursuant to *California Rules of Court*, Rule 2053, the Court finds that entry of this Order is necessary for the just and more expeditious and efficient resolution of the herein matter. The Court further finds that such an Order would not cause undue hardship or significant prejudice to any party. Therefore, it is Ordered that the parties serve all documents electronically by the procedure set forth in this Order (subject to the exceptions

outlined herein):

**LEXISNEXIS ELECTRONIC SERVICE (“FILE & SERVE”)**

In order to facilitate case management, document retrieval and case organization, the parties will utilize the services of LexisNexis File & Serve (“LNFS”) and its litigation system (the “System”) 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 LNFS and its System for these purposes as well to communicate with counsel of record.

**SERVICE ONLY**

The System shall apply only to the service of documents, and not to their filing. Original documents must still be filed in the traditional manner (that is, filing the signed original document with the Court), pursuant to the applicable *California Rules of Civil Procedure* and *Local Rules* of the San Bernardino Court.

**SERVICE LIST, SIGN-UP AND SET-UP**

Within five (5) days of this Order, Plaintiff’s counsel shall submit to the LNFS representative 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 five (5) days of the entry of appearance for a new attorney of record, shall register for Electronic Service in this litigation by completing the application located at the following website: <http://www.lexisnexis.com/fileandserve> (advanced registration).

**SERVICE OF DOCUMENTS AND WEBSITE**

**Establishment and Use of the LNFS 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, et. al.); provided, however, that each attorney shall determine individually whether to utilize the System to serve correspondence and/or the actual production of discovery documents in response to another party's request for production.

LNFS shall establish and maintain an Internet website (the "Website") for this litigation. LNFS will post all documents served by the parties to the Website as provided in this Order and shall serve each document on the parties included on the service list provided to LNFS in accordance with the procedures herein.

2. Each attorney shall serve each document via electronic transfer of the document file to LNFS 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 *California Rules of Civil Procedure*.
  - a. After LNFS receives a document, LNFS shall convert such document into Adobe Portable Document Format ("PDF") and post it to the Website within one (1) hour of receipt.
  - b. Within one (1) hour from the time a document is posted to the Website, LNFS shall send an e-mail to all registered users notifying them that the document has been posted to the Website (unless such registered user has declined to receive such e-mail notifications). The e-mail shall contain hypertext link(s) to the document location(s) on the System (or, if so designated by the recipient, the e-mail shall have the served document attached thereto).

- c. In the event a document that is to be filed with the Court is rejected by the Court for filing after it has been posted on the Website by LNFS and the rejection was caused by an aspect of the caption of the document, and thereafter, the party seeking to file the document successfully files it with the Court within two (2) business days of its rejection with revisions to the caption only, then the party filing the document shall promptly submit a notice of successful filing, including the date of the filing and the revised page(s) of the caption, to LNFS for posting on the Website. In all other circumstances in which a document to be filed with the Court is rejected for filing after LNFS has posted it on the Website, the party that caused the document to be posted shall promptly notify LNFS in writing that the document was rejected by the Court for filing. LNFS shall promptly notify all parties on whom that document was served of the fact of rejection, and shall cause a permanent notation to be placed on the Website in conjunction with that document memorializing the fact of rejection.
- d. All documents posted on the System 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.
- e. The System shall contain an index of all served documents for the litigation that will be searchable and sortable according to methods that provide useful 24 hours per day, seven (7) days per week, 365 days per year access to the documents.

- f. Access to the System will be limited to registered users. Registered users will consist of authorized Court personnel and authorized counsel of record and their designated staff members. LNFS will provide each registered user with a user name and password to access the System and the documents served in the litigation. LNFS personnel will perform all administrative functions for the System, but all initial data, additions, deletions or changes to the service list must be approved by the Plaintiffs, Defendants and Cross-Defendants.
- g. 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 State Bar of California number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the *California Rules of Civil Procedure*. 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.

- h. Any document transmitted to the System shall certify in the Proof of Service that a true and correct copy was electronically served on counsel of record by transmission to LNFS.
- i. Until further notice, documents filed under seal ("sealed documents") shall not be served through the System. Instead, the service of sealed documents shall be made pursuant to the applicable *California Rules of Civil Procedure*.
- j. LNFS shall have available to authorized (i.e., registered) counsel of record and the Court a 24-hour, seven (7) day per week, 365day per year help-desk hotline at telephone number, (888) 529-7587 and website ---<http://www.lexisnexis.com/fileandserve/support.asp>.

**IT IS SO ORDERED.**

\_\_\_\_ As to all cases, including *Hemsley v. Davis, et al.* [Case NO. BCVBS 08259], and all other Consolidated cases.

\_\_\_\_ Solely as to *Hemsley v. Davis, et al.* [Case NO. BCVBS 08259]

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
Honorable Christopher J. Warner  
Judge of the Superior Court