

IN RE: ALL ASBESTOS-RELATED
PERSONAL INJURY OR DEATH
CASES FILED OR TO BE FILED IN
DALLAS COUNTY, TEXAS

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IN THE DISTRICT COURTS OF
DALLAS COUNTY, TEXAS
68TH JUDICIAL DISTRICT

SECOND AMENDED AGREED ORDER ON ELECTRONIC SERVICE

The Court, having considered this Second Amended Agreed Order on Electronic Service and the agreement of the attorneys for the Plaintiffs and Defendants in all asbestos-related personal injury or death cases filed or to be filed in a Civil District or a County Court at Law in Dallas County, Texas (“asbestos cases”), is of the opinion and finds that it should be entered in order to provide rules for use by the parties.

WHEREAS, the Verilaw Technologies, Inc. system for electronic service of documents, as described in the Court’s April 21, 2003 Amended Agreed Order on Electronic Mail Service, shall be replaced by the LexisNexis File & Serve system pursuant to a corporate acquisition of Verilaw Technologies Inc. by LexisNexis CourtLink Inc.

WHEREAS, in light of the volume of pleadings and documents and the cost, efficiency, and technological advantages of serving voluminous documents using electronic service rather than by hand delivery, regular mail, facsimile or other traditional methods of service, in all asbestos-related person injury or death cases filed or to be filed in a Civil District or a County Court at Law in Dallas County, Texas;

WHEREAS, the attorneys for the Plaintiffs and Defendants in asbestos cases have agreed to use electronic service (“EService”) as the preferred method of service of documents between parties in asbestos cases pursuant to TEX.R. CIV. P. 21a;

IT IS HEREBY ORDERED:

- (1) That effective October 25, 2004, except as provided herein, all attorneys who have appeared on behalf of their respective parties ("attorneys of record") in In Re: Dallas Asbestos litigation shall use LexisNexis File & Serve to electronically serve ("EServe") and receive any and all pleadings, motions or any other document requiring service on the attorney of record;
 - a. If any attorney does not wish to participate in sending and receiving service electronically, such attorney may object at any time by filing an objection with the Asbestos Court Administrator and serving such objection on all parties. Upon filing an objection, the EService provisions of this Order will not apply to attorneys who object. Attorneys who object shall serve their documents conventionally and shall receive either facsimile or first-class U.S. Mail delivery of their documents from participant attorneys;
- (2) That the In Re: Dallas County Asbestos litigation service provider for EService shall be LexisNexis File & Serve and that the parties and LexisNexis shall follow the procedures contained in this Order;
- (3) That subject to paragraph (1)(a), EService through LexisNexis File & Serve shall constitute service an attorney as required by Rules 21 and 21a of the Texas Rules of Civil Procedures (TRCP);
- (4) That the provisions of TRCP 21a that are applicable to service by telephonic document transfer shall also apply to service EService through LexisNexis File & Serve;

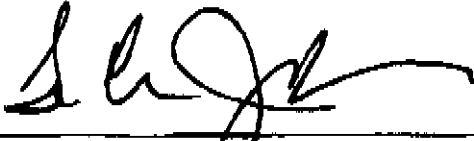
- (5) Every pleading, document and instrument served shall bear a facsimile or typographical signature of at least one of the attorneys of record, along with the State Bar of Texas number of such attorney. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents;
- (6) That any document EServed shall be deemed served as of the "authorized date and time" as displayed in LexisNexis File & Serve. Any document transmitted to the system shall certify in the Certificate of Service that a true and correct copy was EServed to counsel of record;
- (7) That until further notice, documents filed under seal shall not be EServed. Rather, service of sealed documents shall be made via traditional means.
- (8) That LexisNexis File & Serve shall have available to the Court, attorneys of record and staff a 24-hour 7-days a week customer service resource at (888) 529-7587 to address any training or technical questions that may arise during the course of the litigation;
- (9) That prior to the effective date of this Order, each attorney of record who has not objected shall ensure they are registered to use LexisNexis File & Serve (Advanced) located at <http://www.lexisnexis.com/fileandserve>; and
- (10) That the Amended Agreed Order on Electronic Mail Service, including Exhibit A attached thereto, signed on April 21, 2003 is hereby VACATED.

SIGNED this 15th day of November, 2004.

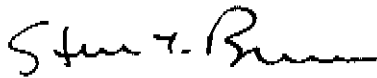


JUDGE PRESIDING

AGREED:



D. LeAnne Jackson, State Bar No. 00794017
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Committee Counsel for Plaintiffs



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