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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

) Case No.
)
Plaintiffs,) STIPULATION AND ORDER
) AUTHORIZING ELECTRONIC
v.) SERVICE
)
) Date Action Filed:
)
Defendants.) Assigned to:
_____) Dept:

The undersigned parties and/or their attorneys of record hereby stipulate to entry of this Order Authorizing Electronic Service to effectuate a more expeditious and efficient resolution of the above-captioned litigation. When any of the undersigned parties or their attorneys of record wish to serve a document, that party or attorney shall effectuate service of the document pursuant to the procedures set forth in this Order:

IDENTITY OF ELECTRONIC SERVICE PROVIDER

1. The parties will utilize the services of _____ **[Identify Electronic Service Provider (“ESP”)]** 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 communication amongst parties and/or their counsel. The ESP, as a party to this Stipulation and Order, hereby agrees to submit to the jurisdiction of the above-captioned court; however, the ESP shall not be subject to a first appearance fee, or any filing fees, occasioned by the filing of this Stipulation and Order or any documents filed or served pursuant thereto. The Court, at its option, may also use the ESP and its System for these purposes and to communicate with attorneys of record at no cost to the Court.

SERVICE ONLY

2. This Order shall apply only to the service of documents between the undersigned

1 parties, and not to their filing. Original documents must be filed as required by the Code of Civil
2 Procedure, California Rules of Court, and/or local rules of the Sonoma County Superior Court.

3 **SERVICE LIST AND SIGN-UP**

4 3. Promptly after this Order is filed, Plaintiff or Plaintiff's attorney shall submit to
5 the ESP a complete and current service list of attorneys of record in this action, which shall
6 include the names of lead and backup attorneys, together with addresses, telephone and facsimile
7 numbers, and email addresses, and notice to all parties in this action that this Order has been filed.
8 Promptly thereafter, each party and/or attorney of record in this litigation that wishes to
9 participate in electronic service shall register for electronic service by completing the application
10 provided by the ESP (hereafter, "Registered Users"). Any party that joins a new party into this
11 action shall serve a copy of this Order on the new party at the time of initial service. Each party
12 or attorney is responsible for keeping his/her/its service information current and accurate and
13 promptly notifying the ESP and all other parties and/or attorneys of any changes.

14 **SERVICE OF DOCUMENTS AND WEBSITE**

15 **Establishment and Use of the ESP's Website Generally**

16 4. With respect to any attorney or party who is not a Registered User, service must be
17 effectuated in accordance with the Code of Civil Procedure. All references to "document" in this
18 Order shall be interpreted to include any exhibits or attachments to the document and shall
19 include both pleadings and discovery-related documents. Each party and/or attorney may
20 determine individually whether to utilize the System to serve the actual production of documents
21 in response to a Request for Production of Documents. Notwithstanding anything to the contrary
22 in the foregoing, this provision is not intended to affect propounding party's rights to see
23 responding party's original documents.

24 5. The ESP shall establish and maintain an Internet website (the "Website") for this
25 litigation. The ESP shall post to the Website all documents served by any Registered User as
26 provided in this Order and shall serve each document pursuant to the service list provided to the
27 ESP in accordance with the procedures herein.
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6. Each attorney or party shall serve each document by electronic transfer of the document file to the ESP over the Internet (either as a word-processing file or a scanned image of the document). Each document shall be titled so as to identify the type and purpose of such document and the identity of the attorney or party who is serving such document. Each document electronically served pursuant to this Order shall be deemed to have been served in compliance with the Code of Civil Procedure.

7. After the ESP receives a document, the ESP shall convert such document into Adobe Portable Document Format (“PDF”) and post it to the Website within one (1) hour of receipt.

8. Within one (1) hour of the time a document is posted to the Website, the ESP shall send an email to all Registered Users notifying them that the document has been posted to the Website. The email shall contain hypertext link(s) to the document location(s) on the System (or, if so designated by the recipient, the email shall have the served document attached thereto).

9. In circumstances in which a document to be filed with the Court is rejected for filing after the ESP has posted it on the Website, the attorney or party that caused the document to be posted shall promptly notify the ESP in writing that the document was rejected by the Court for filing. The ESP shall cause a permanent notation to be placed on the Website in conjunction with that document memorializing the fact of rejection.

10. If e-service is delayed because of (a) an error in the transmission of a document to the ESP or served parties, (b) a failure to process the electronic document when received by the ESP, (c) a party or its counsel was erroneously excluded from the service list, or (d) other technical problems experienced by the ESP, any party or attorney to whom service is delayed shall be entitled to an extension of time to respond or otherwise perform equivalent to the period of delay.

11. All documents posted on the System will be identified by: (a) the name of the serving party or attorney; (b) the caption(s) of the case(s) to which the document belongs; (c) the

1 title of the document set forth on its caption; and (d) the identity of the party on whose behalf the
2 document is being served.

3 12. The System shall contain an index of all served documents for the litigation that
4 will be searchable and sortable according to methods that provide useful 24/7 365 days' access to
5 the documents.

6 13. Access to the System will be limited to Registered Users and authorized Court
7 personnel. The ESP will provide each Registered User and authorized Court personnel with a
8 user name and password to access the System and the documents served in this action. The ESP
9 personnel will perform all administrative functions for the System, but all initial data, additions,
10 deletions or changes to the service list must be approved by the attorneys and/or parties.

11 14. Every pleading, document and instrument served electronically shall bear a
12 facsimile or typographical signature of at least one of the serving attorneys and/or parties, along
13 with the typed name, address, telephone number and State Bar of California number, where
14 applicable, of such attorney or party. Typographical signatures shall be treated exactly as
15 personal signatures for purposes of electronically served documents under the Code of Civil
16 Procedure. The attorney and/or party serving any document requiring multiple signatures (e.g.,
17 stipulations, joint status reports) must list thereon all the names of other signatories by means of
18 an "s/ ____" block for each. By submitting such a document, the serving party certifies that each
19 of the other signatories has expressly agreed to the form and substance of the document and that
20 the serving attorney or party has the actual authority to submit the document electronically. The
21 serving attorney or party must maintain any records evidencing this occurrence for subsequent
22 production to the Court if so ordered or for inspection upon request by any party.

23 15. Any document transmitted to the System shall certify in the Proof of Service that a
24 true and correct copy was electronically served on all attorneys and parties of record by
25 transmission to the ESP.

26 16. Until further notice, documents filed under seal shall not be served through the
27 System. Instead, the service of sealed documents shall be made pursuant to the applicable
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provisions of the Code of Civil Procedure, California Rules of Court and/or local rules of the Sonoma County Superior Court.

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17. The ESP shall have available to counsel of record and the Court a help desk hotline at _____ and website at http://www._____.

[Signature lines for attorneys, unrepresented parties and ESP]

Dated:

Dated:

Dated:

Dated:

Good cause appearing therefor,
IT IS SO ORDERED.

Dated: _____

Judge of the Superior Court