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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO

10 EDWARD ALLEN LANDAKER,

Case No.: 2:19-CV-00987-KJM-EFB

11 Plaintiff,

**STIPULATION AND ORDER RE:
ELECTRONIC SERVICE**

12 vs.

13 A. W. CHESTERTON COMPANY, *et al.*

14 Defendants.

Hon.: Hon. Kimberly J. Mueller

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17 The parties in this matter stipulate to an Order providing for electronic service of certain
18 pleadings and other documents in this case based on the determination that establishing a uniform
19 manner of electronic service will reduce delay, expense and inconvenience to the parties, assist in
20 trial preparation and further the administration of justice. All parties consent to service by
21 electronic transmission as follows:

22 **IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:**

- 23 1. All parties agree to utilize File&ServeXpress as their electronic service vendor for
- 24 service of pleadings and other documents, including discovery, which are not allowed and/or
- 25 required to be filed and served through the Court’s Electronic Case Filing system (“ECF”).
- 26 Electronic service by email in this case is not allowed under this Order unless further agreed
- 27 between the parties.

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1 2. When a party to this litigation wishes to serve a document to counsel of record
2 using File&ServeXpress, that party shall effectuate service of the document by the procedure set
3 forth below (subject to the exceptions outlined herein):

4 **I. FILE & SERVEXPRESS**

5 1. Pursuant to FRCP Rule 5(b)(2)(E), in order to facilitate case management,
6 document retrieval and case organization, the parties will utilize the services of File&ServeXpress
7 and its litigation system for providing electronic service, storage and delivery of documents,
8 including discovery-related documents, through a secure website to facilitate expeditious, efficient
9 and economical communication by and amongst counsel.

10 **II. SERVICE ONLY**

11 1. File&ServeXpress shall apply only to the service of documents, and not to their
12 filing. Documents must still be filed with the court in the manner set forth in the Federal Rules of
13 Civil Procedure and the Local Rules of this Court.

14 2. Pursuant to FRCP Rule 5(b)(2)(E), electronic service in this case through
15 File&ServeXpress is complete upon transmission, but is not effective if the serving party learns
16 that it did not reach the person to be served.

17 **III. SERVICE LIST & SIGN-UP**

18 1. Within five (5) days of this stipulation, plaintiff's or liaison counsel to
19 File&ServeXpress shall submit via email to the File&ServeXpress representative listed in Exhibit
20 A, a complete and current service list of counsel of record for this litigation. Within five (5) days
21 of this stipulation, each attorney of record for this litigation, or within five (5) days of the entry of
22 appearance for a new attorney of record, shall register for electronic service in this litigation by
23 completing the registration located at the following website:

24 <http://www.fileandservexpress.com/signup> and shall notify plaintiff's counsel that they will need
25 to be added to the service list. This does not replace counsel's obligations regarding ECF as set
26 forth in this Court's Local Rules.

27 2. Plaintiff's Counsel shall be liaison counsel to File&ServeXpress for all service list
28 changes. The service list will identify counsel of record for each firm, along with parties they

1 represent, who are to receive service of documents in the case utilizing File&ServeXpress. Once a
2 firm is registered on File&ServeXpress, each firm will be provided functionality on
3 File&ServeXpress to designate a firm administrator to control the addition and deletion of
4 registered users on File&ServeXpress for their firm.

5 **IV. SERVICE OF DOCUMENTS AND WEBSITE**

6 **A. Establishment and Use of the File&ServeXpress Website Generally**

7 1. When any counsel of record wishes to serve a document via File&ServeXpress,
8 that counsel shall serve the document according to all the requirements and procedures of this
9 Order. All references to “document” in this Order shall be interpreted to include any exhibits or
10 attachments to the document and shall include both pleadings and discovery-related documents
11 (such as interrogatories, requests for production, deposition notices/transcripts, etc.); provided,
12 however, that each attorney shall determine individually whether to utilize File&ServeXpress to
13 serve correspondence and/or the actual production of discovery documents in response to another
14 party’s request for production.

15 2. File&ServeXpress will maintain the internet website (“File&ServeXpress”) for this
16 litigation. When a transaction is submitted on File&ServeXpress, File&ServeXpress will
17 electronically serve each document on the parties included on the service list provided to
18 File&ServeXpress in accordance with the procedures herein.

19 3. Each attorney shall serve each document via electronic transfer of the document
20 through File&ServeXpress via the Internet (either as a word-processing file or a scanned image of
21 the document). Each attorney shall title each document to identify the type and purpose of
22 each document and the party who is submitting such document. Each document
23 electronically served pursuant to this Order shall be deemed to have been served under FRCP Rule
24 5(b)(2)(E). After an attorney uploads a document onto File&ServeXpress, the document will be
25 converted into Adobe Portable Document Format (“PDF”) automatically by File&ServeXpress.
26 The original format of the document will also be available to users.

27 4. All documents posted on File&ServeXpress will be identified by: (a) the name of
28 the serving law firm; (b) the caption(s) of the case(s) to which the document belongs; (c) the title

1 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 5. Access to File&ServeXpress will be limited to registered users. Registered users
4 will consist of counsel of record, their designated staff members and authorized Court personnel, if
5 any. Upon registration, File&ServeXpress will provide each registered user with a user name and
6 password to access File&ServeXpress and the documents served in the litigation.

7 6. Every pleading, document and instrument served electronically shall bear a
8 facsimile or typographical signature of at least one of the attorneys of record, along with the typed
9 name, address, telephone number and Bar of California number of such attorney. Typographical
10 signatures shall be treated exactly as personal signatures for purposes of electronically served
11 documents under FRCP Rule 5(b)(2)(E). The serving party of any document requiring multiple
12 signatures may list thereon all the names of other signatories by means of an "/s/ ____" block for
13 each. By submitting such a document, the serving party certifies that each of the other signatories
14 has expressly agreed to the form and substance of the document and that the serving party has the
15 actual authority to submit the document electronically. The serving party must maintain any
16 records evidencing this concurrence for subsequent production to the Court if so ordered or for
17 inspection upon request by a party.

18 7. Any document transmitted to File&ServeXpress shall certify in the Proof or
19 Affidavit of Service that a true and correct copy was electronically served on counsel of record by
20 transmission through File&ServeXpress, the date and time to be used on the Proof of Service will
21 be the date and time reflected on the Transaction Receipt provided after submitting a transaction
22 on File&ServeXpress.

23 8. File&ServeXpress will make available to counsel of record and the Court a 24-hour
24 365 days Client Support hotline at (888) 529-7587 and website
25 <http://www.fileandservexpress.com/support> . In addition, each attorney is instructed to review
26 Exhibit A attached to this stipulation which sets forth the procedure for registration with and
27 service through File&ServeXpress. Attached hereto as Exhibit A is File & ServeXpress'
28 Welcome kit.

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IT IS SO STIPULATED.

DATED: September 23, 2019

SHINGLER LAW

By: /s/ Ronald J. Shingler
Ronald J. Shingler
Richard A. Brody
Attorneys for Plaintiff
Edward Allen Landaker

DATED: September 23, 2019

IMAI, TADLOCK, KEENEY & CORDERY

By: /s/ Michael J. Boland
Theodore T. Cordery
Michael J. Boland
Attorneys for Defendant
Allied Fluid Products Corp. fka Allied Packing &
Supply, Inc.

DATED: September 27, 2019

HOWARD ROME MARTIN & RIDLEY LLP

By: /s/ Jane B. Yee
Shawn M. Ridley
Jane B. Yee
Attorneys for Defendant
Eaton Corporation, individually and as successor-
in-interest to Cutler-Hammer, Inc.

DATED: September 27, 2019

HUGO PARKER, LLP

By: /s/ Charles S. Park
Charles S. Park
Christina M. Glezakos
Attorneys for Defendant
Foster Wheeler, LLC

1 DATED: September 27, 2019

WILSON ELSER MOSKOWITZ EDELMAN &
DICKER LLP

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By: /s/ Nicolas P. Martin

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William M. Hake

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Nicolas P. Martin

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Attorneys for Defendant

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Honeywell International, Inc., individually, and as
successor in interest to Honeywell Control Valves
and Belfield Control Valves

8 DATED: September 27, 2019

LEADER BERKON COLAO & SILVERSTEIN LLP

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By: /s/ Bobbie R. Bailey

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Bobbie R. Bailey

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Emily K. Doty

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Attorneys for Defendant

14 DATED: September 27, 2019

SELMAN BREITMAN LLP

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By: /s/ Paul J. Gamba

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Richard D. Dumont

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Paul J. Gamba

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Attorneys for Defendant

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Lamons Gasket Company

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DATED: September 23, 2019

BASSI, EDLIN, HUIE & BLUM LLP

By: /s/ Joseph B. Adams

Marte J. Bassi

Joseph B. Adams

John E. Rosenthal

Attorneys for Defendant

Parker-Hannifin Corporation, individually and as
successor-in-interest to Sacomo Manufacturing &
Sacomo Sierra

1 DATED: September 27, 2019

FOLEY & MANSFIELD, PLLP

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By: /s/ Lori A. Cataldo

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Lori A. Cataldo
Attorneys for Defendant
Plastics Engineering Company

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6 DATED: September 27, 2019

MANNING GROSS + MASSENBURG LLP

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By: /s/ Thomas J. Tarkoff

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Jennifer A. Cormier
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Attorneys for Defendant
The Goodyear Tire & Rubber Company

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12 DATED: September 23, 2019

LEWIS BRISBOIS BISGAARD & SMITH LLP

13

14

By: /s/ Florence A. McClain

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Florence A. McClain
Attorneys for Defendant
Union Carbide Corporation

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17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The parties may utilize
18 File&ServeXpress for electronic service of certain pleadings and other documents in this case.

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20 DATED: October 7, 2019.

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UNITED STATES DISTRICT JUDGE

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