

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

**In Re: Oil Spill by the Oil Rig “Deepwater
Horizon” in the Gulf of Mexico, on April
20, 2010**

*** MDL NO. 2179**

*** SECTION J**

This document relates to: ALL ACTIONS

*** Honorable CARL J. BARBIER**

*** Magistrate Judge SHUSHAN**

FIRST AMENDED PRETRIAL ORDER NO. 12

Electronic Service

[Pretrial Order No. 12 (“PTO 12”) issued on October 26, 2010, and governed electronic service in this Multidistrict Litigation (“MDL”). It recently was brought to the Court’s attention that some of the information in PTO 12 is outdated. Plaintiffs Liaison Counsel and counsel for BP, with assistance from File & ServeXpress, have submitted a proposed First Amended Pretrial Order No. 12, which corrects this information. The Court hereby enters the First Amended Pretrial Order No. 12.]

Previously, the Clerk of Court would file a copy of PTO 12 in the docket of member cases consolidated with MDL 2179. Moving forward, the Clerk of Court is instructed to file a copy of this First Amended Pretrial Order No. 12, rather than the original PTO 12, in the docket of member cases consolidated with MDL 2179. The Clerk of Court need not file a copy of the First Amended Pretrial Order 12 in cases already consolidated with MDL 2179.]

By Stipulation of Plaintiffs’ Liaison Counsel and Defendants’ Liaison Counsel:

IT IS HEREBY ORDERED that whenever service is required by the Federal Rules of Civil Procedure, in lieu of the methods set forth in Rule 5(b), any party may “deliver a copy” of the document by following the procedure set forth below:

1. In order to facilitate case management, document retrieval, case organization and expeditious, efficient and economical communication by and among counsel, the parties will

utilize the services of File & ServeXpress and its litigation system for providing electronic service, storage and delivery of court-filed and discovery related documents through a secure website.

2. All attorneys of record in this litigation on whom service of documents must be effectuated shall, within ten (10) days of the entry of appearance for a new attorney of record, or the docketing of their transferred case, whichever occurs earliest, (1) obtain an e-mail address and access to the internet's World Wide Web (the "Web") if they do not have an e-mail address and Web access; (2) forward to Liaison Counsel (James P. Roy and Stephen J. Herman for Plaintiffs at service@mdl2179plc.com and Don K. Haycraft, Kerry Miller, Don Godwin, Phillip A. Wittman, and Deborah Kuchler for Defendants at liaison2179@liskow.com) a fully completed "MDL 2179 Counsel Contact Information Form," attached hereto as Exhibit A, and (3) sign up for electronic service in this litigation by completing the application located at the Web site for File & ServeXpress located at <http://www.fileandservexpress.com>. File & ServeXpress can be contacted on a 24 hour basis, seven days a week, for any inquiries or technical assistance at (888) 529-7587. In addition, each attorney is instructed to review Exhibit B attached to this Order which sets forth the procedure for registration with and service through File & ServeXpress so that they can timely register. See Exhibit B, File & ServeXpress Welcome Kit.

3. In order to effect service of any document submitted by a party to File & ServeXpress, on the same day that any document is filed with the Clerk of Court for the United States District Court for the Eastern District of Louisiana in this matter, the counsel of record who is filing the document, or in the case of an unrepresented party, the unrepresented party who is filing the document, shall upload the document, including all exhibits and attachments, to File &

ServeXpress, by electronic transfer (either as a word-processing document, PDF file, or TIFF file). Documents sent to a File & ServeXpress by electronic transmission shall be up-loaded directly to the File & ServeXpress at <https://secure.fileservexpress.com/Login/Login.aspx>.

4. File & ServeXpress's system will upload all documents (all references to "document" include exhibits, if any) in Adobe PDF electronic format onto an Internet website maintained by File & ServeXpress, which is privately funded by the parties ("the Oil Spill MDL 2179 E-Service Website"), where counsel of record who are registered users of the File & ServeXpress system may access the copy.

5. Once a document is uploaded and submitted electronically, File & ServeXpress shall send an e-mail to all registered users notifying them that the document has been posted to its Website. The e-mail shall also contain a hypertext link(s) to the document location(s) on the System (or, if so designated by the recipient, the e-mail shall have the document attached thereto).

6. Unless another Order of this Court specifies a different method for service upon counsel, any document electronically served via File & ServeXpress pursuant to this Order shall be deemed to have been served under the Federal Rules of the Civil Procedure.

7. Any documents served pursuant to this Order shall be deemed to be served by mail under the Federal Rule of Civil Procedure 6(e).

8. All pleadings will be titled to clearly identify (1) names of the filing/serving party, (2) the precise title of the pleadings, (3) the date of the pleading was filed with the Clerk of Court for the United States District Court for the Eastern District of Louisiana in MDL 2179, and shall be uploaded to all cases related to the pleading (including to a multi-party lead or master case if

multiple parties are named in a particular case). File & ServeXpress shall enable features to allow the simultaneous uploading of a pleading into multiple cases to accommodate this request.

9. When serving pleadings or other documents filed into the record, all counsel must use the following uniform Certificate of Service:

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing [DOCUMENT] has been served on All Counsel by electronically uploading the same to File & ServeXpress in accordance with Pretrial Order No. 12, as amended, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this ___day of _____, 20____.

(Signature of Filing Attorney)

10. When serving discovery or other documents not filed into the record, all counsel must use the following uniform Certificate of Service:

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing [DOCUMENT] has been served on All Counsel by electronically uploading the same to File & ServeXpress in accordance with Pretrial Order No. 12, as amended, on this ___day of _____, 20____.

(Signature of Filing Attorney)

11. Only Registered Oil Spill MDL Litigation Firms are permitted and able to access the Oil Spill MDL 2179 E-Service Website using File & ServeXpress. Registered Oil Spill MDL Litigation Firms will be limited to authorized court personnel, counsel of record for any party named in these proceedings, and their employees. File & ServeXpress will provide each

Registered User designated by a Registered Oil Spill MDL Litigation Firm with username and password to access the Oil Spill MDL Litigation cases. It is the responsibility of each Registered Users for the firm to inform File & ServeXpress of changes to the Registered Users for that firm. Disclosure of username or password to third parties by the Registered Users to whom they are assigned is strictly prohibited.

12. File & ServeXpress shall perform all administrative functions to the system. Once initially registered, File & ServeXpress shall be responsible for the registration and confirmation of all contact information for registered users. After initial enrollment/registration, it shall be the responsibility of the registered users to keep current their contact information by noting any changes directly on the File & ServeXpress Website.

13. All registered users shall be bound by any Confidentiality Order that this Court may issue. File & ServeXpress will also be bound by the terms of said Confidentiality Order.

14. The File & ServeXpress system shall contain an index of all served documents for the Oil Spill MDL 2179 litigation that is searchable and able to be sorted according to methods that provide useful 24 hour/seven day a week access to the documents via the Web.

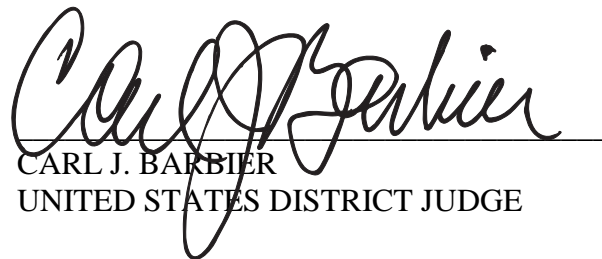
15. Service of Court Orders: Liaison Counsel are required to serve and distribute all orders of the Court on all counsel of record. Such service of Court Orders by Liaison Counsel shall be accomplished electronically through File & ServeXpress. Liaison Counsel shall assist File & ServeXpress, to the extent necessary, to assure that Orders are uploaded and transmitted promptly by File & ServeXpress; however, File & ServeXpress shall be responsible for coordinating the retrieval of Orders directly from the Clerk of Court for MDL 2179.

16. Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel shall meet and confer regarding the filing of any document that is filed with the Clerk of Court under seal that may contain discovery material covered by any Confidentiality Order that this Court might issue.

17. At each Counsel's discretion, private documents may be uploaded to File & ServeXpress and the transaction marked as "Serve-Only-Private" to restrict access to anyone but the served case parties, or counsel may opt to instead upload a "Cover Sheet" and deliver said private documents in hard copy fashion to the other parties.

18. Effective Immediately, all service of documents filed in the MDL shall be made via File & ServeXpress. Attorneys who fail to register will no longer receive service of documents filed in the MDL. Furthermore, all counsel shall immediately update and notify Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel whenever the contact information on Exhibit A changes.

New Orleans, Louisiana, this 2nd day of June, 2016.


CARL J. BARBIER
UNITED STATES DISTRICT JUDGE

IN RE: OIL SPILL by "Deepwater Horizon"

MDL 2179

SECTION: J

JUDGE CARL BARBIER

MDL 2179 Counsel Contact Information Form

Please print or type below.

ATTORNEY INFORMATION

Check One <input type="checkbox"/> Plaintiff Counsel	<input type="checkbox"/> Defense Counsel	<input type="checkbox"/> Third Party Defense Counsel	
Last Name	First Name	Middle Name/Maiden	Suffix
Bar Number		E-mail Address	
Party Representing			
Direct Dial No.	Cell Phone	Pager	
Secretary Name		Paralegal Name	

LAW FIRM INFORMATION

Firm Name		
Address		
City	State	Zip
Phone		Fax
Other members of firm involved in this litigation:		

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Signed

Date

EXHIBIT A



Exhibit B:

File & ServeXpress Welcome Kit

Only registered Oil Spill Litigation Firms are permitted and able to access the Oil Spill MDL Litigation using File & ServeXpress. Registered Oil Spill MDL Litigation Firms will be limited to authorized court personnel, counsel of record for any party named in these proceedings, and their employees. File & ServeXpress will provide each Registered User designated by a Registered Oil Spill MDL Litigation Firm with a user name and password to access the Oil Spill MDL Litigation Cases.

If this is your firm's first use of File & ServeXpress, you will need to create an account. Your firm must designate an organization administrator who will create the account and add users. The administrator will follow the "Instructions for New Subscribers" in Section A below.

If your firm has a File & ServeXpress account, contact your firm's organization administrator to obtain a user name & password for yourself and anyone else who will need to serve or access documents in the case(s). The administrator will follow the "Instructions for Existing Subscribers" in Section B below.

- If you already have a File & ServeXpress user name and password, you do not need to re-register.
- To find out if your firm currently has a registered File & ServeXpress account, or to find out the name of your administrator, please call Client Support at 1.888.529.7587.

Section A: Instructions for New Subscribers

(Administrator sets up account and registers users)

1. Visit <https://os.fileandservexpress.com/web/ui/welcomepage.aspx> to begin the registration process.
2. Add organization information.
3. Add user information for your firm's administrator (primary contact).
4. Add user information for every attorney and staff member in your firm who will need a user ID and password. Include full name, phone, fax, email and bar number (for attorneys). **All attorneys of record must have a user ID and password.**
5. Review system requirements.
6. Review and accept the "Terms of Service Agreement".

File & ServeXpress™

by  Mozato

Section B: Instructions for Existing Subscribers

(Administrator registers new users)

1. Sign on to <https://secure.fileandservexpress.com/Login/Login.aspx>
2. Click “File & ServeXpress Preferences” in the upper-right hand corner of the screen.
3. Click the Add User link in the left-hand column under *My Organization Profile*.
4. Enter user information for every attorney and staff member who will need a user ID and password. Include the individual’s full name, phone, fax, email and bar number (for attorneys).
All attorneys of record must have a user ID and password.

Training

We strongly recommend that all of the users in your firm (including attorneys) take advantage of File & ServeXpress complimentary online training classes.

Classes will cover:

- The basics of using File & ServeXpress to serve documents.
- How to retrieve your documents.
- Setting up user preferences.

To register for a class, visit our [Training Landing Page](#), click on “All Other Jurisdictions” and register for the “Introduction to e-Service Only” class. An on-demand recording of the class is also provided on that page for your convenience.

Please feel free to contact Client Support with your questions at 888-529-7587. You may also email fileandservetraining@fileandservexpress.com with any training inquiries.