

File & Serve*Xpress*TM

**Marion County Indiana Mass Tort Litigation
Reference Manual**

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Overview

This reference manual covers electronic filing and service that is currently implemented in the following Courts: **IN Marion County Court- Mass Tort (Mandatory e-filing & e-service)**

Registration and Training Information

There are no fees to register a new account on the File & ServeXpress system. For the step-by-step instructions on how to register your new File & ServeXpress account, please see Appendix A of this manual. For complimentary, jurisdiction specific training, please contact rhofer@fileandservexpress.com.

Contact Information

The following resources for the Central Region are provided for additional information and assistance with the File & ServeXpress system.

24/7 Client Services

1.888.529.7587

Russ Hofer- Trainer

rhofer@fileandservexpress.com

Robert Rodriguez- Client Relations Manager

rrodriguez@fileandservexpress.com

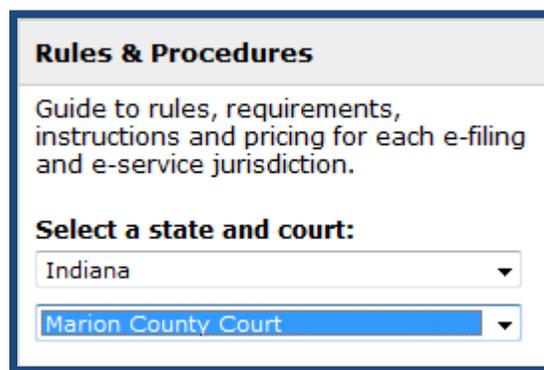
Susan Barnes- Project Manager

sbarnes@fileandservexpress.com

Navigation to the File & ServeXpress Resource Center¹

Many of the important rules, editable forms, and other quick guides that this manual references can be found on the File & ServeXpress **Resource Center**. For your convenience, we have provided the following simple steps to get you there:

1. Log in to File & ServeXpress.
2. Click the **Resource Center** link on the upper right-hand corner of the home page.
3. For your convenience, several quick guides are available on the File & ServeXpress **Resource Center** using the *Quick Guides* link (see available Quick Guides on next page).
4. For jurisdiction specific information: Choose *Indiana* and *Marion County Court* using the dropdown menus under the *Rule & Procedures* section.



Rules & Procedures

Guide to rules, requirements, instructions and pricing for each e-filing and e-service jurisdiction.

Select a state and court:

Indiana

Marion County Court

¹ Hyperlink to Resource Center provided in Appendix B of this document

Quick Guides². To access the Quick Guides section of the **Resource Center**, scroll to the bottom of the page and find the *Quick Guides* hyperlink:

Quick Guides

Access and download guides for using the features of File & Serve.

Available Quick Guides:

File & Serve Firm Guides:

Case Management:

- [Case and Party Management](#)
- [Calendar](#)
- [Custom Document Lists](#)
- [Message Boards](#)
- [Document Upload](#)

- [Multi-Case Filings](#)
- [New Case Filings](#)
- [Filing & Serving Documents](#)

Research Tools:

- [Batch Document Processor](#)
- [Searches](#)

- [Obtaining Billing Invoices/Information On-line](#)
- [Tracked Items](#)
- [Alerts](#)

File & Serve Preferences:

- [My Organization Profile \(Organization Administrator guide\)](#)
- [My Profile](#)

Importance of Local Rules³

Prior to e-filing, firms should review Marion County's Amended Mass Tort Local Rules, effective January 1, 2011. These rules provide guidelines for electronic filing and service of documents in the Mass Tort Litigation Docket.

Failure to follow the Local Rules may result in a firm's transactions being rejected by the Court. When this occurs, the firm is required to resubmit their transaction. The Local Rules are available from the File & ServeXpress Homepage via the **Resource Center** link or by searching Transaction No. 33385822 on the system.

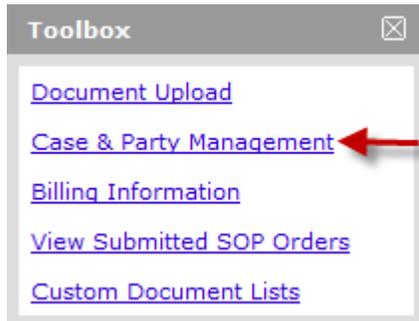
² Hyperlink to Quick Guides provided in Appendix B of this document.

³ Hyperlink to Local Rules provided in Appendix B of this document.

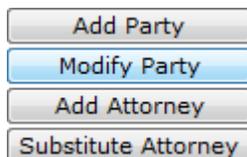
Case & Party Management

It is the responsibility of firms to maintain the service lists. Utilize the *Case & Party Management* link in the **Toolbox** on your homepage to keep your service lists up to date! Modifying service lists can be easily accomplished by following these easy steps⁴:

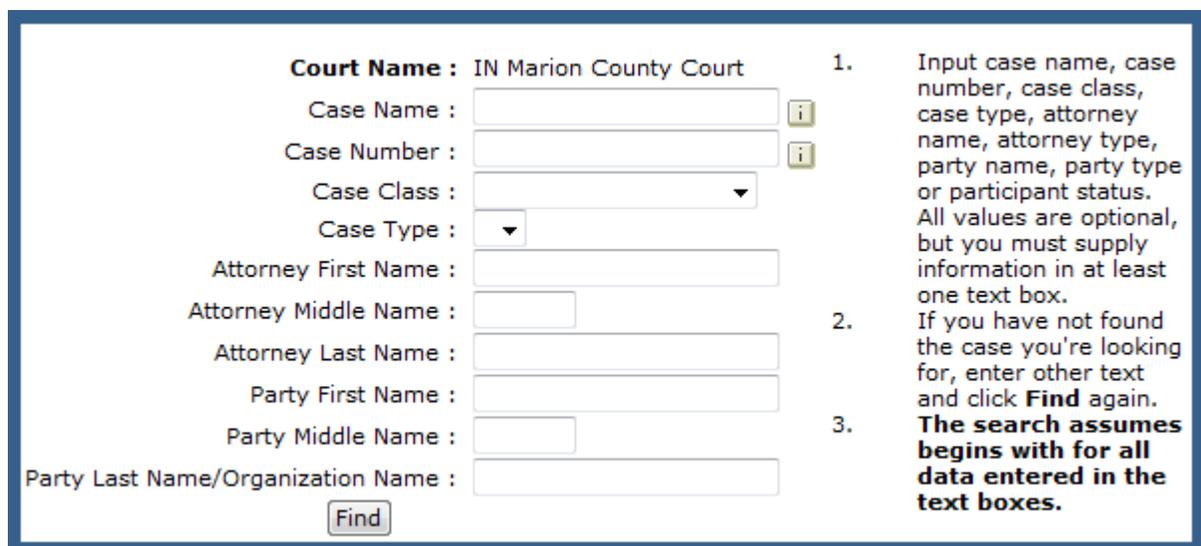
1. Click on the *Case & Party Management* link in the **Toolbox** on your homepage.



2. Go into Modify Party, select Court and enter case and party information.



3. Follow the on-screen prompts and provide the Transaction Identification Number (TID) or attach documentation supporting the request.

A screenshot of a web form for 'Modify Party'. The form is titled 'Court Name : IN Marion County Court'. It contains several input fields: 'Case Name', 'Case Number', 'Case Class', 'Case Type', 'Attorney First Name', 'Attorney Middle Name', 'Attorney Last Name', 'Party First Name', 'Party Middle Name', and 'Party Last Name/Organization Name'. There are also 'Find' and 'i' (info) icons. To the right of the form, there are three numbered instructions: 1. Input case name, case number, case class, case type, attorney name, attorney type, party name, party type or participant status. All values are optional, but you must supply information in at least one text box. 2. If you have not found the case you're looking for, enter other text and click Find again. 3. The search assumes begins with for all data entered in the text boxes.

⁴ For detailed instructions on using the *Case & Party Management* feature, please visit the **Resource Center**, *Quick Guides* section. Hyperlink provided in Appendix B of this document.

System users are responsible for ensuring that they are properly listed on all service lists. If you are dismissed or withdraw from a case, you are responsible for marking your party as dismissed or yourself as withdrawn if you no longer wish to receive service in that case.

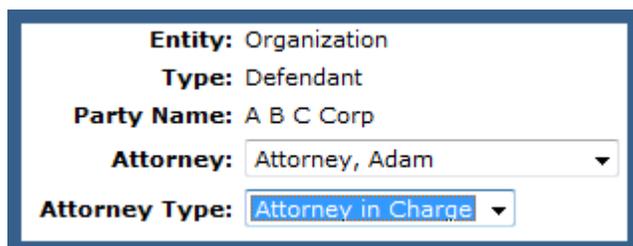
For changes that will affect 25 or less cases, firms must use the Case & Party Management tool to make the changes. For detailed instructions on using the *Case & Party Management* feature, please visit the **Resource Center, Quick Guides** section. For complimentary, jurisdiction specific training on these and other File & ServeXpress topics, please contact your regional trainer @ rhofer@fileandservexpress.com.

For changes that will affect 25 or more cases, firms may call Client Services @ 888.529.7587 to obtain an email address to send the requested changes to.

Appearances

The required Appearance Form (updated January 2010) and Pro Hac Vice Appearance Form⁵ are available in the File & ServeXpress Resource Center. **Add Attorney Feature:** For your convenience, you may add an Attorney to the case when you file your Entry of Appearance. In order to be added, the attorney must have an active File & ServeXpress account. To add the attorney:

1. From the **Sending Parties** tab, click on the **Add Party/Attorney** button.
2. Select your party using the radio buttons and click the **Continue >>** button.
3. Use the drop-down menus to select your attorney and attorney type:



The screenshot shows a form with the following fields and values:

- Entity:** Organization
- Type:** Defendant
- Party Name:** A B C Corp
- Attorney:** Attorney, Adam (selected from a dropdown menu)
- Attorney Type:** Attorney in Charge (selected from a dropdown menu)

4. Click the **Continue >>** button.

Substitutions & Withdrawals (When an Attorney Leaves Your Firm or the Case)

When an attorney is leaving your firm or needs to be removed from a case, you must file a pleading with the court to substitute/withdraw the attorney from the service list of the cases. Otherwise, they will continue to appear as counsel for your client and as a US Mail recipient.

Firms must do the following PRIOR to attorney leaving your firm or when they need to be removed from the service list of a case:

⁵ Hyperlink to Appearance and Pro Hac Vice forms in Appendix B of this document.

1. File a pleading with the court.
2. Wait for the Order Granting the Motion (copy the TID).
3. Use Case & Party Management to remove/substitute.
4. Remove attorney from your firm's File & Serve account.

Party Dismissals

LR49-TR41 Rule 613- Plaintiff's Dismissals

A. Dismissal of Defendants. When plaintiff has resolved the claims with all the defendants named or no longer wishes to pursue claims against the remaining defendants, plaintiff shall file, "Plaintiff's Motion to Dismiss Remaining Defendants," together with a proposed order dismissing with or without prejudice all remaining defendants who have not settled for consideration. The filing of this motion does not divest this Court of jurisdiction with regard to enforcement of settlements or other agreements. After an order dismissing all defendants has been entered, the Court may administratively designate the case as closed. For cases dismissed without prejudice, defendants may file motions for entry of final judgment beginning two years after the dismissal.

B. Final Dismissal. When the plaintiff has filed the final signed Stipulation of Dismissal and there remains no further need for enforcement jurisdiction, the plaintiff shall file a "Notice of Final Dismissal of Pending Claims." The filing of this Notice closes the case statistically and completely divests this Court of jurisdiction over the matter.

Case Numbers

File & Serve uses shortened cause numbers for the case number. For example if the full cause number for a case is 49D02-980-MI-0001-384, the case number would be **98-384**. The case number will be 95-, 96-, 98-, or 99- plus the last 3 digits of the cause number.

Docket Information

Asbestos Docket

All attorneys who appear in one of the underlying cases in the litigations are automatically added to the S-2 Master Asbestos Case (MC 95-000). Non-attorneys may receive notice of service only through forwarding notifications, which are accessible under the *File & ServeXpress Preferences* on the File & Serve

In order to view any of the Mass Tort cases on the File & ServeXpress system, parties must be on the service list of at least one underlying case. The Mass Tort docket includes:

- MC 95-000/S-2 Master vs S 2 Master (Jan 1, 2010 – present)
- MC 95-000/Archived Vol. 1 Archived S-2 Master vs S 2 Master (Aug 10, 2001 – Dec 31, 2009)
- MC 98-000/Deposition Docket
- MC 96-000/Silica Docket
- MC 99-000/Coal Tar Pitch Master

There are two Mass Tort Master Cases available on File & ServeXpress:

- The Current Asbestos Master Case: **MC 95-000**
- The Archived Master Asbestos Case: **MC 95-000 Archived Volume 1** (firms should not submit transactions into this archived case. It is for historical documents only).

Accessing MC 95-000 Archived Volume 1

Some firms had been inadvertently e-filing and/or e-serving documents in the Archived case in error. In order to eliminate this issue, the parties have been removed from the service list. However, parties DO still have free access to the archived case and documents- they will just need to access it a different way than they are used to.

In order to access the archived case at no charge, parties should use the *Case History* search option from the *Search* tab on File & ServeXpress. Below are the step-by-step instructions:

Case History

Case History Search

1. Use the dropdown menus to choose *Indiana* as the Jurisdiction.
2. Use the dropdown menus to choose *IN Marion County Court* as the Court.
3. Click on the radio button for *All Transactions*.
4. Type *MC* in the Case Number type field.
5. Click the [View](#) button.

Case History Search
Search for transactions relating to a specific case and view transaction details.

Define your search: (* indicates a required field.)

1. Select a court and enter a case name below.
2. To change the scope of your search, enter dates in the *From Date* and *To Date* fields.
3. Then click **View**.

* Jurisdiction:

* Court:

* Filter: My Transactions Transactions in My Firm's Cases All Transactions

Case Number: Case Name:

or

Case Group Name:

with

* Transaction Option: All Documents All Documents Sent to Court Document Upload

From Date: (mm/dd/yyyy)

To Date: (mm/dd/yyyy)

Display as color-coded docket

[View](#) [Clear](#)

If users select the Mass Tort case class and are on at least one case in the litigation, there is no charge for their search. So, users can also access the MC via the other Search options by using the following criteria:

Cases Search:



* Jurisdiction: Illinois
Court: IL Madison 3rd Judicial Circuit Court
Case Class: Law - Asbestos
* Filter: My Cases All Cases

Daily Docket/Transaction Status/Advanced Search:



* Jurisdiction: Indiana
* Court: IN Marion County Court
* Case Class: Mass Tort
* Filter: My Transactions Transactions in My Firm's Cases All Transactions

Master Docket

R49-TR5 Rule 609

Each section of the Marion County Mass Tort Litigation Docket has a Master Docket for serving items of general applicability such as Trial Calendars, Case Management Order proposals and Case Management Orders, Notices of Depositions if not case specific, Agenda Items, Committee Reports, Requests for Local Rules or amendments, Master Pleadings, Master Discovery and similar documents. Case Management Order proposals and Case Management Orders for trial settings shall be served on the Master Docket. Parties must first obtain leave of Court before filing any other documents on the Master Docket.

Deposition Docket

LR49-TR5 Rule 604 C. Depositions. Publication of depositions, pursuant to T.R. 5(E)(5), shall be made, without Motion, on the Deposition Docket (98-000) only.

Adding Yourself to Silica Master and/or, Deposition Docket, and/or Coal Tar Pitch Master

To manually add yourself to these dockets, follow the instructions below after logging in to File & ServeXpress:

1. Click on the *Case & Party Management* link in the **Toolbox** on your homepage.
2. Click on *Add Party*.
3. Select *IN Marion County Court*.

4. In *Cause Number* type field, enter 96-000, 98-000 or 99-000 and click *Find*.
5. Click the check box next to your case and click *Select Cases*.
6. Choose one party you represent (even if you represent multiple parties, you only need to select one).
7. Select Attorney and attorney type as "Attorney in Charge".
8. Click *Select*.
9. Click on *Add to Case(s)*.
10. The system will ask for a TID number.
11. Enter TID 15612871 (Order- Local Rules to Govern eFile & Serve and Mass Tort Litigation).

Important Information Re: Documents

- All documents filed with the court must be served upon all counsel of record.
- Documents filed under seal may not be e-filed and shall be filed conventionally as required by the trial rules.
 - **Note:** Sealed documents can still be “e-served only private” via the File & ServeXpress system.
 - To do this:
 1. Select only the recipients to be served with the sealed documents on the *Service* tab.
 2. Select the radio button for “Serve Only – Private” on the *Review & Submit* tab:

Serve Only - Private (available only to sending firm and served firms)

Serve Only - Public (available to anyone to purchase from File & ServeXpress, except in e-service only jurisdictions and subject to case security policies).

3. Be sure to add “Sealed Document, Filed Conventionally” in the document title.
- Documents submitted through File & ServeXpress shall be deemed Filed and Served as of the date and time indicated on the File & Serve stamp.
 - Do NOT combine multiple documents together as one document. For example, upload a Motion for Summary Judgment as one document, the proposed order as one document and then upload your exhibits. Note: all documents being filed in the same case can be uploaded in one transaction.
 - You cannot upload more than one main document. Firms cannot upload in one transaction a Motion for Summary Judgment and a Motion for Enlargement of Time. These are two discrete motions and would be considered two main documents. You can upload the Motion for Summary Judgment and any supporting documentation in one transaction (i.e., motion, proposed order, exhibits, etc.).
 - Upload all proposed orders in an editable format (i.e., .doc., .wpd., .pdf., .rtf., gif., jpg).
 - Firms can upload their documents in a variety of formats: .doc, .wpd., .pdf., rtf., gif., jpg.
 - It is recommended that no single document be larger than 5MB and no single transaction be larger than 60MB.

Titling

It is important to be as specific as possible in completing the document title field on File & Serve's Documents Tab. Labeling your document title field properly will assist the firms and the courts with finding the documents quickly on the docket of the case.

Marion County Indiana's Rule 2-103 Format of Documents provides as follows:

1. All Electronically filed and served pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing format of paper pleadings;
2. The electronic document title of each pleading or other document shall include:
 - a. Party or parties serving the document;
 - b. Nature of the document;
 - c. Party or parties against whom relief, if any, is sought; and
 - d. Nature of the relief sought (i.e., Defendant ABC Corporation's Motion for Summary Judgment).

LR49-TR3 Rule 601

B. Titling. A single attorney appearance shall be filed on File & Serve with the title on the document and on the docket in the following format: ["Attorney"] + [Name, Attorney number, Email address,] + ["Appearing on Behalf of"] + [Party type] + [Party name]. For example: "Attorney John H. Doe, #11111-49, j.doe@firm.com, Appearing on behalf of ABC Company, Inc." Where multiple attorneys use a single form for the same party, the above information shall be provided for each individual attorney. For example: "Attorneys John H. Doe, #11111-49, j.doe@firm.com and Jane M. Doe, 22222-49, j.doe@firm.com, Appearing on behalf of ABC Company, Inc." If several attorneys share a designated email address, that email address may be placed at the end of the named attorneys rather than throughout the title.

For more information on document formatting and submission, please see **LR49-TR5 Rule 604: Document Formatting and Submission.**

Using the Main and Supporting Documents Feature

Marion County's Local Rules require firms to use the **Main & Supporting** functionality located on the Documents tab of File & Serve. This feature essentially electronically "staples" related documents together.

For example, filing a Motion for Summary Judgment would be considered the **Main** document. However, any Notices, Proposed Orders, or Exhibits would be uploaded and selected as **Supporting** documents.

To electronically "staple" a **Supporting** document to the **Main** document, simply use the drop-down menu to select the document ID number that corresponds to the Main document. This will indicate that these documents are related:

Attached Documents List

ID	Document Type	Access	Conversion Status	Main/Supporting
54865000	Motion for Summary Judgment	Public	Converted	Main
Document Title: Motion for Summary Judgment				
54865043	Proposed Order	Public	Converted	54865000
Document Title: Proposed Order Granting Motion				
54865063	Filing Other	Public	Converted	Main
Document Title: Exhibit A				

Linking Responses and Replies to Previously Filed Documents

Firms are required to “link” responses and replies to originally filed motions and responses. Failure to link a “response” or “reply” may result in the court not considering your pleading.

To “link” a document to a previously filed document, simply click the *Edit Link* hyperlink located under the “Linked To:” column (on the Documents Tab).

Attached Documents List

ID	Document Type	Linked To:
54865479	Answer	None
Document Title: Defendant's Answer to Complaint Filed		

This displays a list of all previously submitted transactions in the case. Check the documents you want to link your response or reply to and click the done button.

Document List 1 through 4 of 4
 Select the check box beside each document you want to link to your transaction document
 When you finish selecting, click **Done**

<input checked="" type="checkbox"/>	Transaction ID: 45655093 Document Title: Complaint filed on behalf of Mock Collections Agency	Document Type: Complaint
<input type="checkbox"/>	Transaction ID: 45655093 Document Title: Exhibit A	Document Type: Filing Other
<input type="checkbox"/>	Transaction ID: 45655093 Document Title: Civil Case Cover Sheet	Document Type: Civil Case Cover Sheet

The “Linked To:” column will update to show that the documents are related:

Linked To:
59416274
Edit Link

Important Note about Linking: Documents served prior to 10/10/2005 are not available for linking. Filers should include the transaction identification number of the unavailable previously-served document in your document title (e.g. “Related to TID 1234567”).

Multi-Case Filing⁶

Marion County Local Rule 608(D) governs what document types are allowed to be submitted via multi-case filing. The parties you are sending your documents on behalf of must be a party in all the cases you select to be included in your multi-case filing.

LR49-TR5 Rule 608: Motion Practice

D. Multiple case service. Multiple case service document types are restricted to Appearances, Notices of Substitution of Counsel, Notices of Withdrawal of Counsel, Notices of Deposition, Notices of No Objection to Motion for Summary Judgment, Notices of Dismissal, Notices of Agreed Enlargement of Time, Notice of Naming a Nonparty, and Notices of Bankruptcy. Leave of Court is required to file any other document, including a motion and a proposed order, by multiple case service. A document may contain multiple captions before the title of the document, but unless it falls within the previous categories of documents approved for multiple case service or a party has received leave of Court, it must be transmitted in separate transactions for each case to which it applies.

⁶ Hyperlink to Multi-Case Filing Quick Guide provided in Appendix B of this document.

Appendix A- Registering a New File & ServeXpress Account

Below are the step-by-step instructions for you to register online. It is a simple process that shouldn't take very long. If you have questions during the sign up process call File & ServeXpress 24/7 Client Support at 1-888-529-7587.

1. Follow this link to start the process of setting up your File & ServeXpress account: <http://www.lexisnexis.com/fileandserve/lawfirms/register.asp>
2. Once you are on the Products & Services page, click on the **Register** link.
3. Select your account type using the drop down menu and click on the **Get Started** link.
4. Follow the prompts and links to register your firm, the attorneys and any additional support staff who will use File & ServeXpress. You will need the Name, Phone, Fax, E-mail Address and Bar Number or ARDC Number (when applicable) for each user account created. Attorney Bar Numbers can only be assigned to one File & ServeXpress account. (If you do not have an organization/firm name enter your last name, first name).
5. Be prepared to read and accept the "Terms & Conditions" of the User Agreement online at the time of registration. It is very important that you read through the "Terms & Conditions" in order to fully understand what you are agreeing to.
6. At the end of the registration process, be sure to click on the **Release Record** link. An email will be sent to each user with a User ID and temporary password shortly after the requests have been received (up to 48 hours).

Additionally, after you have been added to service lists of cases on the system, you will begin to be served electronically through File & ServeXpress – we recommend logging into your account and viewing your online Inbox on a regular basis as it is your area of official service and the only place that we can guarantee service. You may elect to receive complementary email notifications to the email address that you designate during registration. However, these emails are NOT guaranteed and should NOT be considered service.

Complimentary Training. We would like the opportunity to familiarize you with the system and invite you to register for a complimentary training class. We offer a variety of live web-based trainings that you can attend from your home or office. The classes are typically very small in size and give you the opportunity to ask questions. You can register for these web classes any time in the File & ServeXpress Resource Center (located on your File & ServeXpress Homepage).

Additionally, you can set up private training by contacting your regional trainer, Russ Hofer at rhofer@fileandservexpress.com.

Appendix B- Important Hyperlinks

Circuit & Superior Courts of Marion

County: <http://www.indy.gov/eGov/Courts/Superior/Pages/Home.aspx>

Amended Marion County Mass Tort Local Rules Effective Date, January 1, 2011: <http://bit.ly/XX8nYw>

File & ServeXpress Resource Center: <http://bit.ly/YTfrp>

File & ServeXpress Quick Guides: <http://bit.ly/Zw9nWG>

Case & Party Management Quick Guide: <http://bit.ly/13c0hmY>

Multi-Case Filing Quick Guide: <http://bit.ly/XC7AgC>

Appearance Form and Pro Hac Vice Appearance Form: <http://bit.ly/164899A>