

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

_____,
Plaintiff,

v

Case No. _____-CB

_____,
Defendant.

STIPULATED ORDER AUTHORIZING ELECTRONIC SERVICE

At a session of said Court in the City of Howell on the
_____ day of _____, 20____

PRESENT: HONORABLE MICHAEL P. HATTY

The undersigned attorneys of record and/or parties hereby stipulate to entry of this Order Authorizing Electronic Service. When any of the undersigned attorneys of record or parties wish to serve a document, that attorney or party shall make service of the document pursuant to MCR 2.107(C)(4) and the procedures set forth in this Order, unless otherwise agreed by the undersigned:

SERVICE ONLY

1. This Stipulation and Order shall apply only to the service of documents between the undersigned parties, and not to their filing. Original documents must be filed as required by the Revised Judicature Act, Michigan Court Rules, and/or local rules of the Livingston County Business Court.

SERVICE LIST AND SIGN-UP

2. Promptly after this Order is filed, Plaintiff or Plaintiff’s attorney shall submit to the other counsel of record a complete and current service list of attorneys of record in this action, which shall include the names of the firms, the lead and any backup attorneys, together with addresses, telephone and facsimile numbers, and e-mail addresses, and notice to all parties in this action that this Order has been filed. Pursuant to MCR 2.107(C)(4)(a), the agreement includes the same e-mail address currently on file with the State Bar of Michigan. If an attorney is not a member of the State Bar of Michigan, the e-mail address shall be the e-mail address currently on file with the appropriate registering agency in the state of the attorney’s admission.

3. Promptly thereafter, each party and/or attorney of record in this litigation that wishes to participate in electronic service may so serve other parties on the service list. Any party that joins a new party into this action shall serve a copy of this Order on the new party at the time of initial service. Each party or attorney is responsible for keeping his/her/its service

information current. Parties and attorneys who have stipulated or agreed to service by e-mail under this agreement and MCR 2.107(C)(4)(a) shall immediately notify all other parties and the court if the party's or attorney's e-mail address changes.

SERVICE OF DOCUMENTS

4. With respect to any attorney or party who is not on the service list, service must be made in accordance with the Revised Judicature Act and Michigan Court Rules. All references to "document" in this Order shall be interpreted to include any exhibits or attachments to the document and shall include both pleadings and discovery-related documents. Each party and/or attorney may determine individually whether to use this electronic service system to serve the actual production of documents in response to a Request for Production of Documents. Notwithstanding anything to the contrary in the foregoing, this provision is not intended to affect propounding party's rights to see responding party's original documents.

5. Each attorney or party shall serve each document by electronic transfer of the document file to the others on the electronic service list via e-mail 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 its type and purpose and the identity of the attorney or party who is serving the document. Each document electronically served pursuant to this Stipulation and Order shall be deemed to have been served in compliance with the Revised Judicature Act and Michigan Court Rules.

6. If e-service is delayed because of (a) an error in the transmission of a document to the served attorneys or parties, (b) a party or its counsel was erroneously excluded from the service list, or (c) other technical problems experienced by the e-mail service system, 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.

7. All initial data, additions, deletions, or changes to the service list must be circulated to all the attorneys and/or parties signing this agreement.

8. Every pleading, document, and instrument served electronically shall bear a facsimile or typographical signature of at least one of the serving attorneys and/or parties, along with the typed name, address, telephone number, e-mail address, and State Bar of Michigan P-number, where applicable, of that attorney or party. Typographical signatures shall be treated exactly as personal signatures for purposes of electronically served documents under the Michigan Court Rules and Revised Judicature Act.

9. The attorney and/or party serving any document requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all the names of other signatories by means of an "s/ _____" block for each. By submitting such a document, the serving party certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the serving attorney or party has the actual authority to submit the document electronically. The serving attorney or party must maintain any records evidencing this

occurrence for subsequent production to the court if so ordered or for inspection on request by any party.

10. Any document transmitted via this system shall certify in the Proof of Service that a true and correct copy was electronically served on all attorneys and parties of record by e-mail transmission to the address in the current service list for this case.

11. Until further notice, documents filed under seal shall not be served through this system. Instead, the service of sealed documents shall be made pursuant to the applicable provisions of the Revised Judicature Code, Michigan Court Rules, and local rules and orders of the Livingston County Business Court.

ADDITIONAL LIMITATIONS AND CONDITIONS

12. Documents served by e-mail must be in PDF format or other format that prevents the alteration of the document contents.

13. A paper served by e-mail that an attorney is required to sign may include the attorney's actual signature or a signature block with the name of the signatory accompanied by "s/" or "/s/." That designation shall constitute a signature for all purposes, including those contemplated by MCR 1.109(E).

14. Each e-mail that transmits an attached document shall include a subject line that identifies the case by (a) court, (b) sending party's name, (c) case number, and (d) the title or legal description of the document(s) being sent.

15. An e-mail transmission sent after 4:30 p.m. Eastern Time shall be deemed to be served on the next day that is not a Saturday, Sunday, or legal holiday. Service by e-mail under this agreement and subrule MCR 2.107(C)(4), is treated as service by delivery under MCR 2.107(C)(1).

16. A party to this stipulation or agreement for service by e-mail may withdraw from this stipulation or agreement if that party notifies the other party or parties and the court in writing at least 28 days in advance of the withdrawal.

17. Service by e-mail is complete on transmission, unless the party making service learns that the attempted service did not reach the e-mail address of the intended recipient. If an e-mail is returned as undeliverable, the party, attorney, or court must serve the paper or other document by regular mail under MCR 2.107(C)(3) and include a copy of the return notice indicating that the e-mail was undeliverable. A party, attorney, or court must also retain a notice that the e-mail was undeliverable.

18. The e-mail sender shall maintain an archived record of sent items that shall not be purged until the conclusion of the case, including the disposition of all appeals.

19. List any other applicable limitations or conditions, such as document size, exhibits as separate documents, or names and e-mail addresses of designated recipients:

IT IS SO ORDERED.

Hon. Michael P. Hatty (P30990)
Business Court Judge

APPROVED AS TO FORM AND CONTENT:

Print:
Attorney for Plaintiff
Dated: _____

Print:
Attorney for Defendant
Dated: _____