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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

In re: Asbestos Litigation	)	
	)	
Interim Order Authorizing	)	OAL Order No. 164
the Clerk of Court to Require	)	
Electronic Filing for all	)	
Maritime Asbestos Cases	)	
Filed January 2, 1996 or later	)	
	)	
Introductory Sessions Set for	)	
January 9 at 1 p.m. and	)	
January 10 at 10 a.m. and 1 p.m.	)	

This interim order authorizes the Northern District of Ohio Clerk of Court to establish procedures requiring that all documents related to the main body of the maritime asbestos litigation be filed with the Court electronically over the Internet. This extraordinary action is being taken to adequately address the overwhelming number of asbestos cases and asbestos pleadings filed in this Court. Currently, there are over 17,000 asbestos cases pending in the Northern District of Ohio with approximately 500,000 pleadings being filed each year. Utilization of electronic filing should provide better service to the litigants and substantial savings to the Court.

This order shall pertain only to maritime asbestos cases in which the original complaint is filed by the Jaques Admiralty Law Firm on or after January 2, 1996. This order is interim in nature because it is anticipated that superseding orders or local rules may eventually be adopted governing electronic filing. The Clerk is hereby authorized to implement the experimental electronic filing system developed by the Technology Enhancement Office of the Administrative Office of the United States Courts in conjunction with the Clerk's Office and previously presented to and currently being tested by counsel in the maritime asbestos litigation.

Members of the Technology Enhancement Office will provide an introduction on the use of the system on the following dates: January 9, 1996 at 1 p.m. and January 10, 1996 at 10 a.m. and 1 p.m. The introductory sessions will be conducted in room 301 of the U.S. Courthouse in Cleveland, Ohio. Individuals may attend whichever session is most convenient. Firms are encouraged to have the individual primarily responsible for electronic filing (attorney, paralegal or automation specialist) attend.

Pursuant to this order:

1. Documents in cases in which the original complaint is filed by the Jaques Admiralty Law Firm on or after January 2, 1996 shall be filed with the Court electronically, rather than on paper.

2. The user identification number and the user password required to submit documents over the system shall serve as a substitute for the attorney's signature on all electronic documents filed with the Court until further notice.

The maritime asbestos electronic filing system is expected to provide substantial time and cost savings to both the Court and the litigants. To realize the full benefits of electronic filing, it is necessary that all parties participate. It is recognized, however, that in extreme cases some firms may be unable to obtain the automation resources necessary to participate in electronic filing. Litigants who are unable to file and receive documents electronically must provide the Clerk of Court with a written statement of the reasons why they are unable to participate for the Court's consideration.

To utilize the electronic filing system, firms need hardware, software and an Internet connection as specified in the October 13, 1995 notice sent by the Clerk of Court to all firms involved in the maritime asbestos litigation. Those requirements are briefly summarized in **Attachment A**.

It is important that, as soon as possible, all firms become familiar with the system and the way in which documents must be composed and formatted for filing and establish their ability to connect with the system via the Internet. It is expected that most defendant firms will need to make their initial electronic filings in the latter part of January, 1996. In order to use the system, all counsel will also need to complete and return to the Clerk of Court the Interim Attorney Registration Form provided as **Attachment B** if they have not already done so. **Attachment C** provides a list of events or documents that the current version of the system is now able to accept.

It is so ordered.

George W. White
Chief Judge

AT CLEVELAND, OHIO
December 19, 1995

Attachment A
Northern District of Ohio -- Electronic Filing Project
Hardware and Software Requirements for Participating Firms
December 18, 1995

There are specific requirements for software products from Adobe and Netscape. These products limit the supported operating systems / platforms to Windows 3.11, Windows 95 or Windows/NT and the Apple Macintosh. (We may expand the supported vendor specific products at a later date, but for now we are focusing on getting the systems up and running rather than working with multiple vendor products.)

Hardware/OS Requirements:

- IBM-compatible computer running MS-Windows 3.1, MS-Windows 95 or MS-Windows NT

or

- Apple Macintosh

Memory and CPU speed will greatly affect performance. 8 Mb is the minimum memory recommended.

Software Requirements:

- Any word processing software running on the specified hardware/OS
- Adobe Acrobat Exchange 2.1 (about $130) or Adobe Acrobat Pro 2.1 ($400)..
- Netscape navigator v. 2.0 (see note below)

Both Adobe packages include PDFwriter, which is needed to create PDFfiles. The Acrobat Pro product includes Acrobat Distiller which converts PostScript files into PDF. Acrobat Distiller is needed for fine tuning the layout of complex documents. Adobe Acrobat Exchange is adequate for this project's needs.

Internet Communications Requirements:

- 28.8 Kbps dial-up modem and service (minimum recommended speed, typically less than $30 /month) or 56Kbps leased line and service (best performance, but more costly).
- TCP/IP software with SLIP or PPP
- WINSOCK Library
- an e-mail address for your law firm

The Internet setup is the law firm's responsibility. A good Internet provider will be able to assist you, and may even supply the software needed to connect to the Internet (e.g. TCP/IP, Winsock, and Netscape). Internet access fees vary greatly. The most expensive charge an hourly rate; the least, charge a fixed fee regardless of use.

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Northern District of Ohio -- Electronic Filing Project
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You will need an e-mail address for official business use; the system depends on e-mail for official communications between the court and counsel.

When your Internet access has been set up, test your system by connecting to the U.S. Court's Home Page (http://www.uscourts.gov) or to the Northern District of Ohio electronic filing home page (http://www.ohnd.uscourts.gov).

Netscape Version 2.0 Notes:

We require that you use Netscape Navigator Version 2.0. This version of Netscape Navigator allows file uploading, a feature that we depend on. Previous versions of Netscape Navigator (and other vendors' web-browsers) do not support file uploading. This software is only available as beta-test software (most recently, version 2.0b3). We have found the 2.0b3 beta-test software to be adequately robust for our intended uses. Access the Netscape home page (http://www.netscape.com) to review the purchase options available to you. Right now, you can only purchase Netscape Navigator 1.2; however, there are upgrade programs that are available which may reduce your total expenditure.

To get started:

- with any web browser, go to the Netscape home page (http://www.netscape.com) and select the "Download Netscape 2.0 Now" icon and follow the directions to download a copy of Netscape Navigator Beta 3 for your platform. The copy you get this way may be used until there is an official version available, probably late January.
- follow the directions to install Netscape Navigator Beta 3.
- note the links to the General Store, which present purchase options for Netscape products.
- access the OHND Electronic Filing Project Page with Netscape 2.0.
- print and read the User Manual, follow the instructions provided by the system.

To access the OHND Electronic Filing Home Page, you will need to have a login ID and a password. These can be obtained by filing a registration form (attached); the ID and password will be returned to you by mail.

Attachment B
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
MARITIME ASBESTOS CASE ELECTRONIC FILING SYSTEM
INTERIM ATTORNEY REGISTRATION FORM

This form is used to register for an account on the Maritime Asbestos Case Electronic Filing System (the system). Registered attorneys will have privileges to electronically submit documents and to view the electronic docket sheets and documents for all maritime asbestos cases filed after January 1, 1996. The following information is required for registration:

First Name : _____

Middle Name : _____

Last Name : _____

Bar ID Number : _____

Firm Name : _____

Address : _____
: _____
: _____
: _____

Voice Phone Number : _____

Fax Phone Number : _____

Internet Mail Address : _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

(1) This system is for use only in maritime asbestos cases filed after January 1, 1996. It may be used to file and view electronic documents and to view docket sheets and notices.

(2) Documents are to be submitted only in Portable Document Format (PDF).

(3) The combination of user id and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised.

(4) Documents submitted electronically shall be considered filed as of the date and time they are received on the electronic filing system.

(5) When the clerk's office staff becomes aware of any deficiency in an electronic submission, the filing attorney will be electronically notified. Deficiencies must be corrected within three work days after such notice is provided by the Clerk's Office. Work days are defined as Monday through Friday excluding Federal holidays.

(6) With the exceptions of the initial and third party complaints, attorneys will receive electronic notice of all documents filed in these cases. Attorneys should use the system to view these documents and download copies as deemed necessary. In the future, the Court may order that these electronic notices constitute official notice of service.

_____
Signature of Registrant

_____
Date

This Registration Form must be accompanied by a cover memorandum on official law firm letterhead signed by the registrant and addressed to:

Geri M. Smith
Clerk, United States District Court
Attention: Maritime Asbestos System Registration
102 U.S. Courthouse
201 Superior Avenue, N.E.
Cleveland, OH 44114-1201

Once your registration is complete, you will receive notification by U.S. Mail as to your user id and password needed to access the system.

Procedures for using the system are available for downloading when you access the system via the Internet at "http:\\www.uscourts.gov".

You may contact the Operations Manager in the Clerk's Office if you have any questions concerning the registration process or regarding the use of the system.

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Attachment C
Documents and their associated Docket Entries

Attorneys can submit the following documents only. The system will add the text shown in italics to generate an automatic docket entry. Actual party names will be substituted for the party designations, such as *defendant*. Party designations enclosed in brackets, such as *<defendant(s)>*, indicate that the filing attorney will select the parties to be included.

Documents that can be filed as of January 1996:

Answer *by <defendant(s)>* to complaint *of plaintiff*

Answer by *<defendant(s)>* to complaint, with crossclaim against *<cross-defendant(s)>*

Answer by *<defendant(s)>* to complaint, with counterclaim against *plaintiff*

Answer by *<defendant(s)>* to complaint, with third party complaint against *<3rd-defendant(s)>*

Answer by *<cross-defendant(s)>* to cross claim of *cross-claimant(s)*

Answer by *<3rd-defendant(s)>* to third party complaint of *3rd-plaintiff(s)*

Counter claim by *<counter-claimant(s)>* against *plaintiff*

Cross claim by *<cross-claimant(s)>* against *<cross-defendant(s)>*

Third party complaint by *<3rd-plaintiff(s)>* against *<3rd-defendant(s)>*

Documents that may be added after January 1996:

Letter substituting *<attorney>* for *<attorney>*
Amended complaint *of plaintiff*
Answer *by <defendant(s)>* to amended complaint *of plaintiff*
Answer to counterclaim of *<third party>* by *defendant*
Motion *<type of relief sought>* filed by *<party>*
Response to motion *<type of relief sought> <docket document number>* filed by *<party>*
Reply to response of *<party> <docket document number>* filed by *<party>*
Order granting *<variable text entered by court personnel>*
Order denying *<variable text entered by court personnel>*