

Rec'd Room 109

JUL 10 2018

**FILED**  
Superior Court of California  
County of Los Angeles

JUL 11 2018

Sherri R. Carter, Executive Officer/Clerk  
By Jeannine Lorenz Deputy  
Jeannine Lorenz

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

By Fax

Coordination Proceeding  
Special Title (Rule 3.550)  
  
SOUTHERN CALIFORNIA FIRE CASES

Case No. JCCP No. 4965  
[Honorable Daniel Buckley – Room 222]

**[PROPOSED] CASE MANAGEMENT  
ORDER NO. 1**

Date: July 5, 2018  
Time: 1:45 p.m.  
Dept.: Stanley Mosk, Room 222

The Court conducted a case management conference (“CMC”) on July 5, 2018, which included representatives of the four groups who are parties to this proceeding: (1) Individual Plaintiffs, which include cases brought on behalf of persons and business entities, including class cases; (2) Subrogation Plaintiffs; (3) Public Entity Plaintiffs; and (4) Defendants.

**I. LEADERSHIP STRUCTURE**

**A. Individual Plaintiffs**

**1. Lead Counsel for Individual Plaintiffs.**

Individual Plaintiffs, which include cases brought on behalf of persons and business entities, including class cases, have proposed that the Court appoint the following lawyers as Individual Plaintiffs’ Lead Counsel for those cases. The Court hereby appoints the following lawyers as Individual Plaintiffs’ Lead Counsel for cases involving Individual Plaintiffs:

07/24/2018

1 Brian Panish  
2 Rahul Ravipudi  
3 Panish, Shea & Boyle LLP  
4 11111 Santa Monica Blvd., Ste 700  
5 Los Angeles, CA 90025  
6 Tel: (310) 477-1700  
7 panish@psblaw.com  
8 ravipudi@psblaw.com

9 Robert Nelson  
10 Lexi Hazam  
11 Lieff Cabraser Heimann & Bernstein, LLP  
12 275 Battery Street, 29th Floor  
13 San Francisco, CA 94111-3339  
14 Tel: (415) 956-1000  
15 rnelson@lchb.com  
16 lhazam@lchb.com

17 Lead Counsel for Individual Plaintiffs shall be members of, as well as authorize and direct  
18 the work of the Plaintiffs' Executive Committee for cases involving Individual Plaintiffs.

19 Individual Plaintiffs' Lead Counsel shall also be responsible for coordinating the activities of the  
20 Direct Action Plaintiffs during pretrial proceedings, and in consultation with the Court and with  
21 the assistance of the Plaintiffs' Executive Committee, shall have the following duties and  
22 responsibilities. Counsel for any Individual Plaintiff who objects to Lead Counsel's execution of  
23 these duties and responsibilities preserves their right to raise their objections with the Court.

- 24 a. Appear before the Court and present the position of Individual  
25 Plaintiffs at all Case Management Conferences, Status Conferences,  
26 or other court ordered hearings;
- 27 b. Direct and coordinate the briefing and argument of all motions  
28 directed at or brought by Direct Action Plaintiffs generally;
- 29 c. Direct and coordinate the filing of opposing briefs and argue  
30 motions in proceedings initiated by other parties against Direct  
31 Action Plaintiffs' interests (except as to matters directed to specific  
32 individual plaintiffs and their counsel or a specific Plaintiff group);
- 33 d. Initiate and coordinate all discovery proceedings on behalf of Direct  
34 Action Plaintiffs, including propounded general liability written

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discovery, document production discovery and the taking of oral depositions;<sup>1</sup>

- e. Coordinate all aspects of the Class Litigation;<sup>2</sup>
- f. Coordinate the bellwether process for Individual Plaintiffs subject to the Court's guidance;
- g. Coordinate the initiation of, and conduct discovery on behalf of Direct Action Plaintiffs consistent with the requirements of the California Code of Civil Procedure and Rules of Court relating to discovery or any subsequent order of this Court;
- h. Assign work for the investigation and discovery of common liability and damages matters for all Direct Action Plaintiffs' counsel, and delegate specific tasks to other Direct Action Plaintiffs' counsel, in a manner to ensure that pretrial preparation for Individual Plaintiffs is conducted effectively, efficiently and economically;
- i. Enter into stipulations, on behalf of Direct Action Plaintiffs, with opposing counsel as necessary for the conduct of the litigation;
- j. Prepare and distribute to other Individual Plaintiffs' counsel periodic status reports;
- k. Perform such other duties as may be necessary to the representation of Individual Plaintiffs, proper coordination of Individual Plaintiffs' activities or authorized by further Order of the Court; and
- l. Submit, if appropriate, additional Individual Plaintiffs' committees and counsel for designation by the Court.

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<sup>1</sup> Any discovery activity initiated by Defendants directed to specific individual Plaintiffs shall be handled by the attorney for those specific individuals.

<sup>2</sup> With respect to litigation of the Class Action, the parties stipulate that the discovery specific to the class and motion for class certification deadlines are stayed, and the stay will be lifted only upon an Order of the Court.

1                                   **2.     Individual Plaintiffs' Liaison Counsel.**

2                   Individual Plaintiffs have requested that the court appoint the following lawyers as  
3 Individual Plaintiffs' Liaison Counsel. The Court hereby appoints the following lawyers as  
4 Individual Plaintiffs' Liaison Counsel:

5                                   Lyssa A. Roberts  
6                                   Panish, Shea & Boyle LLP  
7                                   11111 Santa Monica Blvd., Suite 700  
8                                   Los Angeles, CA 90025  
9                                   Tel: (310) 477-1700  
10                                  roberts@psblaw.com

11                                  Walter Lack  
12                                  Greg Waters  
13                                  Engstrom, Lipscomb & Lack  
14                                  10100 Santa Monica Blvd., 12th Floor  
15                                  Los Angeles, CA 90069  
16                                  Tel: (310) 552-3800  
17                                  gwaters@elllaw.com

18                   Individual Plaintiffs' Liaison Counsel shall be members of the Plaintiffs' Executive  
19 Committee and shall have the following responsibilities:

- 20                                  a.     Upon the designation of Individual Plaintiffs' Lead Counsel, appear  
21                                  before the Court and present the position of Individual Plaintiffs at  
22                                  all Case Management Conferences, Status Conferences, or other  
23                                  court ordered hearings;
- 24                                  b.     To make available to the Court, to counsel for Individual Plaintiffs,  
25                                  and to counsel for Defendants an up-to-date comprehensive Service  
26                                  List of all Individual Plaintiffs' counsel (including the date of the  
27                                  most recent revision);
- 28                                  c.     To receive and distribute to Individual Plaintiffs' counsel as  
  appropriate, orders, notices and correspondence from the Court;
- d.     To maintain and make available to other Individual Plaintiffs, on  
  reasonable notice and at reasonable times, a complete set of all filed  
  pleadings and orders filed and/or served in these coordinated

07/24/2018

1 proceedings; and

- 2 e. To coordinate the filing of notices and papers by any Individual  
3 Plaintiff, including the designation of responsibilities to encourage  
4 the filing of a single set of papers by the Individual Plaintiffs in  
5 situations where the Individual Plaintiffs have a common position.

6 **3. Individual Plaintiffs' Executive Committee.**

7 Individual Plaintiffs have requested that the Court designate the lawyers and firms to the  
8 Individual Plaintiffs' Executive Committee. The Court hereby accepts the designation of the  
9 following lawyers and firms to the Individual Plaintiffs' Executive Committee:

10 A. Barry Cappello  
11 Leila J. Noel  
12 Cappello & Noël LLP  
13 831 State Street  
14 Santa Barbara, CA 93101  
15 Phone: (805) 564-2444  
16 abc@cappellonoel.com  
17 lnoel@cappellonoel.com

18 Frank Pitre  
19 Allison Cordova  
20 Cotchett, Pitre & McCarthy, LLP  
21 840 Malcolm Road, Suite 200  
22 Burlingame, CA 94010  
23 Tel.: (650) 697-6000  
24 fpitre@cpmlegal.com  
25 ACordova@cpmlegal.com

26 Matthew McNicholas  
27 McNicholas & McNicholas  
28 10866 Wilshire Blvd. Suite 1400  
Los Angeles, CA 90024  
Tel.: (310) 474-1582  
msm@mcnicholaslaw.com

Robert Curtis  
Foley Bezek Behle & Curtis, LLP  
15 W. Carrillo St.  
Santa Barbara, CA 93101  
Tel.: (805) 962-9495  
rcurtis@foleybezek.com

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Mark Robinson  
Shannon Lukei  
Lila Razmara  
Robinson Calcagnie, Inc.  
19 Corporate Plaza Drive  
Newport Beach, CA 92660  
Tel.: (949) 720-1288  
mrobinson@rcrlaw.net  
slukei@rcrlaw.net  
lrazmara@rcrlaw.net

Michael A. Kelly  
Khaldoun Baghdadi  
Walkup, Melodia, Kelly & Schoenberger  
650 California Street, 26th Floor  
San Francisco, CA 94108  
Tel.: (415) 981-7210  
MKelly@WalkupLawOffice.com  
KBaghdadi@WalkupLawOffice.com

Dave Fox  
Elliot Adler  
Christopher Sieglock  
Wildfire Legal Group  
225 West Plaza Street, Suite 102  
Solana Beach, CA 92075  
Tel.: (858) 256-7616  
Dave@foxlawpc.com  
elliottadler@gmail.com  
chris@sieglocklaw.com

Alexander Robertson  
Joe Liebman  
Robertson & Associates  
32121 Lindero Canyon Road #200  
Westlake Village, CA 91361  
Tel.: (818) 851-3850  
arobertson@arobertsonlaw.com  
jliebmanlaw@gmail.com

Amanda L. Riddle  
Steven M. Berki  
Corey, Luzaich, Ghetaldi & Riddle LLP  
700 El Camino Real  
Millbrae, CA 94030  
Tel.: (650) 871-5666  
alr@coreylaw.com  
smb@coreylaw.com

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Bill Robins  
Robins Cloud LLP  
808 Wilshire Blvd. #450  
Santa Monica, CA 90401  
Tel.: (310) 929-4200  
robins@robinscloud.com

Alan R. Templeman  
Brett C. Templeman  
John H. Howard  
Lowthorp, Richards, McMillan, Miller &  
Templeman  
300 E. Esplanade Drive, Suite 850  
Oxnard, CA 93036  
Tel.: (805) 804-3848  
atempleman@lrmt.com  
btempleman@lrmt.com  
jhoward@lrmt.com

The Individual Plaintiffs' Executive Committee shall have the following responsibilities with respect to matters of common concern to all Individual Plaintiffs:

- a. Coordination of Individual Plaintiffs' pretrial activities and work performed by the Individual Plaintiffs' lead counsel and liaison counsel;
- b. Calling meetings of Individual Plaintiffs' counsel when appropriate and to consult with Individual Plaintiffs' counsel on matters of common concern;
- c. Designating additional Individual Plaintiffs' subcommittees to perform services on behalf of Individual Plaintiffs and designate additional Individual Plaintiffs' counsel to serve on such subcommittees; and
- d. When appropriate, chairing and organizing Individual Plaintiffs' subcommittees as necessary to address specific issues of concern to claims of Individual Plaintiffs, Subrogation Plaintiffs, Government Plaintiffs and Class Plaintiffs.

1           **B. Public Entity Plaintiffs**

2           The Public Entity Plaintiffs have requested that the court designate the following lawyers  
3 as their Lead Counsel. The Court hereby appoints the following lawyers as Lead Counsel for  
4 these Public Entity Plaintiffs:

5                               Scott Summy  
6                               Baron & Budd  
7                               3102 Oak Lawn Ave. #110  
8                               Dallas, TX 75219  
9                               Tel: (214) 521-3605  
10                              SSummy@baronbudd.com

11                              John Fiske  
12                              Baron & Budd  
13                              603 N. Coast Highway G  
14                              Solana Beach, CA 92075  
15                              Tel: (858) 225-7200  
16                              JFiske@baronbudd.com

17           Public Entities' Lead Counsel shall be responsible for propounding discovery, responding  
18 to discovery, briefing, and argument of issues that are specific to the Public Entity cases. Public  
19 Entities' Lead Counsel shall maintain a current listing of all filed Public Entity cases and identify  
20 the same for the Executive Plaintiffs Committee, Defendants and the Court. Counsel in any  
21 Public Entity cases shall cooperate with the Lead Counsel for Individual Plaintiffs, Public  
22 Entities' Lead Counsel and the Court in the production of information necessary to prepare for  
23 any status conference or in the scheduling of any discovery, or hearing.

24           **C. Subrogation Plaintiffs**

25           The Subrogation Plaintiffs have requested, and the Court hereby appoints, the following  
26 lawyers as Lead Counsel and Liaison Counsel for the Subrogation Plaintiffs. These lawyers shall  
27 serve as the members of the Executive Committee for Subrogation Plaintiffs, and said counsel  
28 shall have the same duties/responsibilities within/to the Subrogation Plaintiffs group as the  
lawyers serving as Lead Counsel and Liaison Counsel and the Executive Committee for the  
Individual Plaintiffs shall have with respect to the Individual Plaintiffs group:



1                                   **1.     Lead Counsel for Subrogation Plaintiffs.**<sup>3</sup>

2                                   Shawn Caine  
3                                   The Law Offices of Shawn E. Caine  
4                                   1221 Camino Del Mar  
5                                   Del Mar, CA 92014  
6                                   Tel: (619) 838-1365  
7                                   scaine@cainelaw.com

8                                   Mark Grotefeld  
9                                   Grotefeld Hoffmann  
10                                  Shepard Mountain Plaza  
11                                  6034 West Courtyard Drive, Suite 200  
12                                  Austin, TX 78730  
13                                  Tel: (737) 226-5310  
14                                  mgrotefeld@ghlaw-llp.com

15                                  Howard Maycon  
16                                  Cozen O'Connor  
17                                  601 S. Figueroa Street, Suite 3700  
18                                  Los Angeles, CA 90017  
19                                  Tel: (213) 892-7900  
20                                  hmaycon@cozen.com

21                                  Maura Walsh Ochoa  
22                                  Grotefeld Hoffmann  
23                                  700 Larkspur Landing Circle, Suite 280  
24                                  Larkspur, California 94939  
25                                  Tel: (415) 344-9670  
26                                  mochoa@ghlaw-llp.com

27                                  Waylon Pickett  
28                                  Grotefeld Hoffmann  
29                                  0324 SW Abernethy Street  
30                                  Portland, OR 97239  
31                                  Tel: (502) 384-2772  
32                                  wpickett@ghlaw-llp.com

33                                  Craig Simon  
34                                  Berger Kahn, A Law Corporation  
35                                  1 Park Plaza, Suite 340  
36                                  Irvine, CA 92614  
37                                  Tel: (949) 748-4444  
38                                  csimon@bergerkahn.com

39                                  Lead Counsel for Subrogation Plaintiffs shall be responsible for discovery, briefing, and  
40                                  argument of issues that are specific to the Subrogation cases. Lead Counsel for the Subrogation  
41                                  Plaintiffs shall maintain a current listing of all filed subrogation cases and identify same for Lead  
42                                  Counsel for Individual Plaintiffs, Defendants and the Court. Counsel in any Subrogation cases

43                                  <sup>3</sup> The rights and obligations of Lead Counsel for Subrogation Plaintiffs mirrors the rights and obligations  
44                                  of Lead Counsel for Individual Plaintiffs.

1 shall cooperate with Lead Counsel for the Subrogation Plaintiffs, Subrogation Plaintiffs'  
2 Executive Committee and the Court in the production of information necessary to prepare for any  
3 status conference or in the scheduling of any discovery, or hearing. Further, the Court appoints  
4 the following lawyers to the designated positions below:

5 **2. Liaison Counsel for Subrogation Plaintiffs.**

6 Alan Jang  
7 Sally Noma  
8 Jang & Associates  
9 1766 Lacassie Avenue, Suite 200  
10 Walnut Creek, CA 94596  
11 Tel: (925) 937-1400  
12 ajang@janglit.com  
13 snoma@janglit.com

14 Ed Witt  
15 Bauman Loewe Witt & Maxwell, PLLC  
16 8765 East Bell Road, Suite 210  
17 Scottsdale, Arizona 85260  
18 Tel: (480) 502-4664  
19 ewitt@blwmlawfirm.com

20 **3. Subrogation Plaintiffs' Executive Committee.**

21 Mark Bauman  
22 Bauman Loewe Witt & Maxwell, PLLC  
23 8765 East Bell Road, Suite 210  
24 Scottsdale, Arizona 85260  
25 Tel: (480) 502-4664  
26 mbauman@blwmlawfirm.com

27 Peter Lynch  
28 Cozen O'Connor  
601 S. Figueroa Street, Suite 3700  
Los Angeles, CA 90017  
Tel: (213) 892-7900  
kbush@cozen.com

Tim Cary  
Stutman Law  
1260 Corona Pointe Ct., Suite 306  
Corona, CA 92879  
Tel: (951) 963-1298  
caryt@stutmanlaw.com

Eric Schroeder  
Schroeder Loscotoff  
7410 Greenhaven Dr., Ste. 200  
Sacramento, CA 95831  
Tel: (916) 438-8306  
emschroeder@calsubro.com

1           **D.     Defendants**

2           Defendants Southern California Edison Company and Edison International (collectively,  
3 "SCE") are represented as follows:

4                     John C. Hueston  
5                     Alex G. Romain  
6                     Alison L. Plessman  
7                     Moez M. Kaba  
8                     Douglas J. Dixon  
9                     Jennifer Bunn Hayden  
10                    Hueston Hennigan  
11                    620 Newport Center Drive, Suite 1300  
12                    Newport Beach, CA 92660  
13                    Tel: (949) 229-8640  
14                    jhueston@hueston.com  
15                    aromain@hueston.com  
16                    aplessman@hueston.com  
17                    mkaba@hueston.com  
18                    ddixon@hueston.com  
19                    jbhayden@hueston.com

20                    Leon Bass, Jr.  
21                    Brian Cardoza  
22                    Southern California Edison  
23                    2244 Walnut Grove Ave.  
24                    Rosemead, CA 91770  
25                    Tel: (626) 302-6628  
26                    leon.bass@sce.com  
27                    brian.cardoza@sce.com

28           Defendant Montecito Water District is represented as follows:

                    Linda Bauermeister  
                    Robert Kostrenich  
                    Barber & Bauermeister  
                    1551 N. Tustin Ave. #720  
                    Santa Ana, CA 92705  
                    Tel: (714) 973-1075  
                    linda@bandbfirm.com  
                    bob@bandbfirm.com

1 Defendant City of San Buenaventura is represented as follows:

2 Thomas M. Madruga  
3 Edward B. Kang  
4 Olivarez Madruga Lemieux O'Neill, LLP  
5 500 S. Grand Ave., 12<sup>th</sup> Floor  
6 Los Angeles, CA 90071  
7 Tel.: (213) 744-0099  
8 tmadruga@omlolaw.com  
9 ekang@omlolaw.com

10 **II. ADDITIONAL PARTIES**

11 The Court orders the following system for a Plaintiff to join this litigation:

12 **A. Master Pleadings**

13 A Master Complaint for Individual Plaintiffs, Master Complaint for Public Entity  
14 Plaintiffs and a Master Complaint for Subrogation Plaintiffs shall be lodged with the Court.  
15 Corresponding Master Answers for Defendants in response to each of these Master Complaints  
16 shall govern the pleadings for those actions.<sup>4</sup>

17 All Plaintiffs, including Subrogation Plaintiffs, have entered into a tolling agreement to  
18 November 6, 2018 with Montecito Water District. Plaintiffs who desire to proceed with  
19 government tort claims against Montecito Water District must file those claims by November 12.  
20 Thereafter, Montecito Water District will file its responsive pleadings December 5, opposition  
21 due January 4, 2019, and reply due January 21, 2019.

22 **B. Notice of Adoption/Amendment of Master Complaint and Master Answer**

23 The parties are ordered to meet and confer regarding the Notice of Adoption/Amendment  
24 of Master Complaint, and Notice of Potential Add-On Cases and Request for Coordination.  
25 Plaintiffs will provide Defendants the applicable documents for review and submission to the  
26 Court.

27 The Master Complaints shall be filed no later than July 12, 2018.

28 If Defendants do not file a challenge to the Master Complaints, the Master Answers shall  
be filed on or before the date Defendants' challenge to the Master Complaints would have been

<sup>4</sup> Subsections A, B and C will not apply to the class cases. Instead, the Code of Civil Procedure shall apply. Furthermore, all class cases are stayed pending further order of the Court (see Section XI).

1 due as referenced in Section III below. If Defendants file a challenge to the Master Complaints,  
2 the Master Answers shall be filed no later than seven(7) days after the Court's ruling on  
3 any challenge(s).

4 The Master Complaints and the Master Answers will not be verified.

5 **1. Notice of Adoption/Amendment of Master Complaint**

6 Each Individual Plaintiff, Public Entity Plaintiff, or Subrogation Plaintiff with a case  
7 already on file in JCCP No. 4965 shall serve on their respective Lead Counsel a Notice of  
8 Adoption/Amendment of Master Complaint within thirty (30) days of the date the Master  
9 Complaint is filed. The Notice of Adoption/Amendment shall contain the following information:  
10 (1) the name and address of each Plaintiff; (2) whether each Plaintiff was allegedly harmed by the  
11 Thomas Fire, Rye Fire, and/or Mudslides; (3) the causes of action each Plaintiff is joining and  
12 against which Defendant(s) they are pled; (4) the categories of damages allegedly incurred by  
13 each Plaintiff and for which that Plaintiff is seeking recovery and from which Defendant(s); and  
14 (5) the Plaintiff's relevant Superior Court case number.

15 For existing Individual Plaintiffs, Subrogation Plaintiffs, and Public Entity Plaintiffs, the  
16 filing of a Notice of Adoption/Amendment of Master Complaint shall not require the payment of  
17 an additional filing fee or a new case number, unless the complex fee has not been paid. Each  
18 Notice of Adoption/Amendment shall constitute an amended complaint for all purposes. Upon  
19 filing the Notice of Adoption/Amendment, the Master Complaint, as amended by the Plaintiff's  
20 Notice of Adoption/Amendment, shall be the operative pleading. The date on which the Master  
21 Complaint is filed shall have no bearing on whether any Plaintiff has satisfied the applicable  
22 statute of limitations. Rather, the date on which an individual Plaintiff's properly-filed original  
23 complaint initiating his, her, or its action was filed shall be the operative date for statute of  
24 limitations purposes.

25 For cases naming more than one Plaintiff, each Plaintiff must file an individual Notice of  
26 Adoption/Amendment, except those naming a derivative Plaintiff (e.g., an heir asserting a  
27 wrongful death claim) or those naming members of a single household, or  
28 members/owners/partners of a single trust, property, or business, who need only file one Notice of

1 Adoption/Amendment.

2 **2. Notice of Adoption/Amendment of Master Answer**

3 The Defendants' Notice of Adoption/Amendment of Master Answer shall be filed within  
4 thirty (30) days of the filing of Plaintiffs' Notice of Adoption/Amendment of Master Complaint.  
5 All responses pled in SCE's Master Answer will be deemed pled in any previously filed  
6 Complaint and Responsive Pleading now pending in this JCCP proceeding, and in any Notice of  
7 Adoption/Amendment filed thereafter.

8 **3. Cases to Be Filed**

9 Plaintiffs who have not yet filed an action ("Future Cases") will initiate an action by  
10 Filing a Short Form Complaint and Notice of Adoption/Amendment of Master Complaint, in a  
11 proper venue in California. Each new case filed shall name a single Plaintiff, except those naming  
12 a derivative Plaintiff (*e.g.*, an heir asserting a wrongful death claim) or those naming members of  
13 a single household, or members/owners/partners of a single trust, property, or business, who may  
14 collectively file a single complaint. For Subrogation Plaintiffs, those insurers in a single family  
15 of a group of insurers may file a short form complaint/adoption together in one action. The filing  
16 of any future case in Los Angeles Superior Court shall not waive the rights of any party to move  
17 to transfer the action to another proper venue.

18 The Notice of Adoption/Amendment shall contain the following information as indicated  
19 above. For any Future Case filed, the Plaintiff must include a civil cover sheet identifying this  
20 JCCP (SOUTHERN CALIFORNIA FIRE CASES, JCCP No. 4965).

21 **C. Adding Cases Into These Coordinated Proceedings**

22 Potential add-on cases will be allowed by stipulation of all parties or by petition of  
23 Defendants consistent with the procedures and requirements of California Rules of Court, Rule  
24 3.544 and Code of Civil Procedure § 404.4.

25 The parties will apprise the Court of potential add-on cases pursuant to California Rules of  
26 Court, Rule 3.544. In addition to the procedures set forth in Rule 3.544, potential add-on cases  
27 may be added to these coordinated proceedings by submitting a stipulation and proposed order to  
28 add the case to the coordinated proceedings, signed by counsel for the parties to the potential add-

1 on case, Plaintiffs' Lead Counsel, and counsel for all Defendants.

2 After entry of an order adding a case to the coordinated proceedings, the add-on  
3 Plaintiff(s) will file a Notice of Adoption/Amendment as set forth above. Plaintiffs' Lead Counsel  
4 will provide the Plaintiffs in each action added to these coordinated proceedings with access as  
5 appropriate to electronic or paper copies of pleadings, filings, orders, discovery, and other papers.

6 All procedures and orders approved by the Court will apply to later-joined actions.

7 **D. Cross-Complaints**

8 Defendants may or may not file cross-complaints as they choose. The Parties are ordered  
9 to meet and confer regarding the deadline by which cross complaints must be filed before a  
10 motion for good cause must be filed.

11 **E. Guardian Ad Litem Applications**

12 Plaintiffs will periodically provide the Court with a list of cases with pending Guardian *ad*  
13 *litem* applications through a folder created on CaseHomePage (an electronic case management  
14 system and hereinafter "CHP") to facilitate the Court's review of such applications. Parties are  
15 directed to call the Court to provide additional notice of such submissions for the first few weeks.

16 **F. Master List of Cases**

17 Counsel for SCE, Hueston Hennigan LLP, will maintain a master list of all filed cases that  
18 it will update regularly and provide to the Court and all parties through a folder on CHP. Counsel  
19 for SCE are directed to call the Court to provide notice of such submissions for the first few  
20 weeks.

21 **III. RESOLUTION OF SIGNIFICANT ISSUES IDENTIFIED BY THE COURT**

22 **A. Inverse Condemnation**

23 The schedule for demurrers addressing inverse condemnation is as follows:

- 24 • Any individual Defendant filing such a demurrer, which shall not exceed 25 pages, shall  
25 file it on or before August 3, 2018;
- 26 • Individual Plaintiffs' Lead Counsel, the Subrogation Plaintiffs' Lead Counsel and the  
27 Public Entities Plaintiffs' Lead Counsel shall file their respective oppositions, each of  
28 which shall not exceed 20 pages, no later than August 31, 2018;

- 1 • Each of the individual Defendants may file a reply to any opposition, which shall not  
2 exceed 20 pages, no later than September 21, 2018.
- 3 • The hearing on any challenge(s) to the Master Complaints will be held on October 4, 2018  
4 at 1:45 pm.

5 The Parties are further ordered to meet and confer as to whether a demurrer would address the  
6 potential liability of Montecito Water District through the doctrine of inverse condemnation,  
7 specifically determining whether or not this question can be answered by a demurrer or whether it  
8 is a question of both law and fact.

9 **B. Economic Loss Rule**

10 The parties need not file any motion addressing the economic loss rule until after the  
11 California Supreme Court issues its ruling in the *Southern California Gas Leak Cases*, S246669,  
12 *review granted*, 411 P.3d 526, 229 Cal.Rptr.3d 345. In the meantime, all rights and defenses,  
13 including Defendants' right to demurrer to any claims under the economic loss rule, are  
14 preserved.

15 **IV. JURISDICTION & VENUE**

16 The parties agree that this court has jurisdiction over the parties and that there are no  
17 challenges to personal or subject matter jurisdiction.

18 **V. SERVICE**

19 Parties first appearing after the date of this CMO may serve new complaints or cross-  
20 complaints on any party presently in the case by uploading all documents via CHP, along with a  
21 blank Notice and Acknowledgement of Receipt directed to the party being served. Service will be  
22 deemed completed when counsel for the defendant(s) or cross-defendant(s) uploads a copy of the  
23 signed Notice & Acknowledgement of Receipt to CHP.

24 Each firm of record and unrepresented litigant is required to sign up with CHP and will be  
25 individually responsible for payment of applicable CHP fees.

26 A Judge's folder has been created for the Court on CHP that will contain pleadings filed  
27 with the Court, and a two-way "bulletin board" that may be used for communication between the  
28 Court and the parties.



1 An Order regarding Electronic Service will be filed separately by the Court.

2 **VI. INSURANCE**

3 Defendants SCE, Montecito Water District, and City of San Buenaventura have disclosed  
4 initial information regarding their insurance coverage. Plaintiffs have some additional questions  
5 raised by the disclosures, and the parties will meet and confer regarding the issues, and bring any  
6 disputes to the Court.

7 **VII. DISCOVERY PLAN**

8 Discovery in these proceedings shall proceed in two stages:

9 Stage One shall relate to: (1) liability discovery; and (2) damages discovery from  
10 Individual Plaintiffs, Public Entity Plaintiffs and Subrogation Plaintiffs.

11 Stage Two shall relate to expert discovery on issues of both liability and damages and will  
12 be subject to further order of this Court.

13 **A. Stage One: Liability Discovery**

14 **1. By Individual, Public Entity and Subrogation Plaintiffs.**

15 Discovery shall be conducted as directed by Lead Counsel for the Individual Plaintiffs,  
16 Lead Counsel for the Public Entities, and Lead Counsel for Subrogation Plaintiffs. Plaintiffs have  
17 provided to SCE an overview of the initial liability discovery they will be propounding, attached  
18 as Exhibit A. Plaintiffs indicated they intend to propound initial written discovery, depositions of  
19 persons most qualified on certain topics, and physical examinations. The Parties are ordered to  
20 provide the Court with a summary of discovery conducted to date and a description of the next  
21 phase of liability discovery they will seek in advance of the August Status Conference.

22 In order to provide efficiency, economy, and uniformity, prior to serving Defendants with  
23 liability discovery, Individual Plaintiffs, Public Entity Plaintiffs, and Subrogation Plaintiffs have  
24 agreed to cooperate in good faith to coordinate such discovery. Either the Individual Plaintiffs'  
25 Lead Counsel, Public Entities' Lead Counsel or the Subrogation Plaintiffs' Lead Counsel may  
26 serve discovery on Defendants. After liability discovery is served on Defendants, regardless of  
27 which Plaintiff group was the serving party, the Individual Plaintiffs' Lead Counsel, Public  
28 Entities' Lead Counsel, and the Subrogation Plaintiffs' Lead Counsel shall collectively meet and

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1 confer with Defendants concerning Defendants' discovery responses. Plaintiffs shall not serve  
2 duplicative or cumulative discovery on Defendants.

3 **2. By Defendants.**

4 Defendants shall serve any liability discovery directed to any specific individual Plaintiff,  
5 Public Entity Plaintiffs or the Subrogation Plaintiffs on Individual Plaintiffs' Lead Counsel,  
6 Subrogation Plaintiffs' Lead Counsel, Public Entities' Lead Counsel, and counsel of record for  
7 the specific individual plaintiff(s). Where appropriate, the Individual Plaintiffs, Public Entity  
8 Plaintiffs, or Subrogation Plaintiffs shall serve Defendants with a Master Response. To the extent  
9 such discovery relates to a specific group of Plaintiffs, Defendants may serve such discovery  
10 requests on Lead Counsel for each applicable group.

11 As to verifications, since Individual Plaintiffs, Public Entity Plaintiffs and Subrogating  
12 Plaintiffs may not have knowledge of the liability facts and may only be responding on  
13 information and belief, no verification of a Master Response will generally need to be served by  
14 any Plaintiff, and the Master Responses will be deemed verified by the Individual, Public Entity,  
15 and Subrogating Plaintiffs, and will have the same force and effect as if verified by each and  
16 every Plaintiff, unless within fourteen (14) days of service of the Master Responses, an  
17 Individual, Public Entity or Subrogation Plaintiff serves notice that he, she or it does not agree  
18 with the Master Response. Once liability discovery requests are propounded on Plaintiffs, the  
19 parties agree to meet and confer regarding how to handle responses from any individual Plaintiffs  
20 with eyewitness knowledge regarding liability issues such as origin and cause.

21 If a Plaintiff objects to any portion of a Master Response, that Plaintiff must serve his, her  
22 or its own verified response to the request(s) at issue within fourteen (14) days of service of the  
23 Master Response.

24 **3. By Future Parties.**

25 When a Future Case is added after discovery has commenced, the new party shall not be  
26 permitted to conduct any discovery that is duplicative or cumulative of discovery already  
27 conducted, absent a determination of good cause by the Court. For the avoidance of doubt, the  
28 fact that a party is new shall not be good cause for permitting discovery that is duplicative or

1 cumulative of discovery already conducted.

2 **B. Stage One: Damages Discovery**

3 **1. Subrogation Plaintiffs.**

4 Damages discovery may be propounded to all Subrogation Plaintiffs through a “Master  
5 Request to All Subrogation Plaintiffs”. The Subrogation Plaintiffs shall serve a “Master Response  
6 to the Master Request to All Subrogation Plaintiffs”, and each Subrogation Plaintiff shall then  
7 serve an “Adoption of the Master Response in Full or in Part”. If the response adopts “in Part,”  
8 the responding Subrogation Plaintiff will set forth any answers that are different from the Master  
9 Response in its Adoption. These Adoptions will be verified by each responding  
10 Subrogation Plaintiff.

11 The Subrogation Plaintiffs shall set forth a list of claims for which they are seeking  
12 reimbursement. The Subrogation Plaintiffs shall provide to Defendants an updated list of the  
13 names, addresses, dates of loss, claim numbers, the amounts paid by Subrogation Plaintiffs and  
14 open reserves (as that information is available) as to each of the subrogated claims for which they  
15 are seeking reimbursement (hereinafter the “List of Claims”) no later than July 18, 2018. The  
16 Subrogation Plaintiffs shall provide an updated List of Claims as reasonably requested by the  
17 Defendants. Subrogation Plaintiffs shall provide a final List of Claims to Defendants on or before  
18 the expiration of the applicable statute of limitations, which will constitute the final list of claims  
19 to be included in the litigation. The original and/or any amended adoption complaint filed by the  
20 Subrogation Plaintiffs will be deemed to set forth all of the information in the List of Claims  
21 provided to Defendants pursuant to this Order. Any claims not disclosed by the Subrogating  
22 Plaintiffs on or before the due dates above, will be barred by statute. Should there be new  
23 mudslide events in the future that Subrogation Plaintiffs allege arise out of the Thomas Fire, the  
24 list will be provided before the expiration of the applicable statute of limitations.

25 The List of Claims provided by the Subrogation Plaintiffs will not be admissible in  
26 evidence unless the Defendants later reach an agreement with the Subrogation Plaintiff that  
27 prepared the List of Claims that the List of Claims is admissible.

28 The Subrogation Plaintiffs shall produce claim files on a rolling basis to all Defendants.

1 The parties shall meet and confer regarding a schedule for the production of claim files and shall  
2 report back to the Court on this issue in sixty (60) days. The Subrogation Plaintiffs suggest rolling  
3 out closed claim files first and the parties are discussing the proposal. The parties will submit to  
4 the Court how they will deal with any supplements to the claim files, and how Defendants will be  
5 notified of additional payments on any of the claims. Claim files may be requested sooner for any  
6 Plaintiff claiming a preference or on a case-by-case basis, and Subrogation Plaintiffs will make  
7 every effort to produce such claim files within fifteen (15) days of such a request. Subrogation  
8 Plaintiffs are already working on a first listing of claims at SCE's request.

9 **2. Individual Plaintiffs.**

10 Each individual plaintiff shall complete the Notice of Adoption/Amendment of Master  
11 Complaint, which contains specific facts regarding the case. All other damages case specific  
12 discovery including any written discovery, contention discovery or deposition discovery, is stayed  
13 until further order of the court.<sup>5</sup>

14 **3. Miscellaneous Discovery Issues.**

15 Plaintiffs and Defendants will agree to use one court reporter service for all depositions in  
16 these coordinated actions. All Individual Plaintiffs shall have the right to have their depositions  
17 conducted in the County of their residence if they so request.

18 Discovery requests propounded by any party will be numbered consecutively and  
19 sequentially among all sets of discovery.

20 **C. Privileged Communications**

21 The communication, transmission, or dissemination of information of common interest  
22 among Plaintiffs' counsel or among Defendants' counsel shall be protected by the attorney-client  
23 privilege, the protections afforded by the attorney work-product doctrine, the protections afforded  
24 to material prepared for litigation or any other privilege to which a party may otherwise be  
25 entitled. Cooperative efforts shall not in any way be used against any of the parties, be cited as  
26 purported evidence of conspiracy, wrongful action or wrongful conduct, and shall not be

27 \_\_\_\_\_  
28 <sup>5</sup> Defendants reserve their rights to conduct damages discovery from the class action Plaintiffs, but the parties will meet and confer as to the scope and timing of such discovery, which will be subject to further order of this Court.

1 communicated to any jury.

2 **D. Preferential Trial Settings**

3 The parties are ordered to meet and confer on issues relating to preferential trial settings  
4 pursuant to Code of Civil Procedure § 36 and report back to the Court at the next  
5 Status Conference.

6 **E. Trial Structure**

7 The parties are ordered to meet and confer on the appropriate structure for trial(s) in these  
8 coordinated proceedings, including the scope and procedure relating to any potential bellwether  
9 process, such as a bellwether case selection process, case specific discovery and law and motion  
10 practice in bellwether and non-bellwether cases, if any, the conduct of bellwether trials, and the  
11 suitability of any issue(s) for a mini-trial(s). The parties will report back to the Court at the next  
12 Status Conference with further details.

13 **VIII. ELECTRONICALLY STORED INFORMATION**

14 The parties are ordered to meet and confer on an ESI protocol, and if unable to reach  
15 agreement will submit their disputes to the Court by July 16, 2018.

16 **IX. PROTECTIVE ORDER**

17 The Court adopts the parties' agreed-upon Protective Order, filed separately.

18 **X. STAY OF CLASS ACTION PROCEEDINGS**

19 All class action cases are stayed pending further order of the Court. The Parties are to  
20 meet and confer regarding how the class cases will progress.

21 **XI. INSPECTION OF CONDUCTOR REMOVED FROM ANLAUF CANYON**

22 Plaintiffs may not conduct another physical, non-destructive inspection of the same  
23 conductor that is the subject of the protocol attached as Exhibit B absent agreement of the Parties  
24 or order of the Court.

25 **XII. NEXT CASE MANAGEMENT CONFERENCE**

26 The next Status Conference will be held on August 23, 2018 at 10 am. The next Status  
27 Conference Statement is due to the Court by 5:00 P.M. on August 20, 2018.

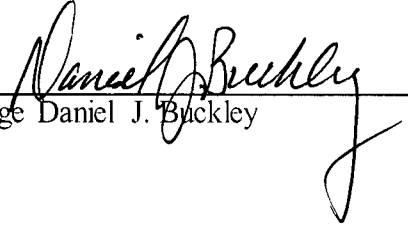
28 Going forward, Court Call is only to be used for attendance. Those who wish to speak or

1 make a presentation must appear in person.

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IT IS SO ORDERED.

Dated: *July 11*, 2018

  
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Judge Daniel J. Buckley

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