

FILE
San Francisco County Superior Court



MAR 6 - 2018

CLERK OF THE COURT
BY: [Signature] Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

COORDINATION PROCEEDING
SPECIAL TITLE [RULE 3.550]

California North Bay Fire Cases

Judicial Council Coordination
Proceeding No.: 4955

CASE MANAGEMENT ORDER NO. 1

I conducted a case management conference (CMC) February 27, 2018.¹

There are five groups in this litigation: 1) Individual Plaintiffs, which include cases brought on behalf of persons and business entities; 2) Public Entity Plaintiffs; 3) Class Action Plaintiffs (together with the Individual Plaintiffs and the Public Entity Plaintiffs the "Direct Action Plaintiffs"); 4) Subrogation Plaintiffs; and 5) Defendants.

ORGANIZATION OF PLAINTIFFS' COUNSEL

A. Individual Plaintiffs

1. Lead Counsel for Individual Plaintiffs

The Court appoints the following lawyers as Individual Plaintiffs' Lead Counsel for those cases:

Michael A. Kelly
Walkup, Melodia, Kelly & Schoenberger
650 California Street, 26th Floor
San Francisco, CA 94108
Tel: (415) 981-7210

¹ The Department's User Manual may be found at <<http://sfsuperiorcourt.org/divisions/civil/litigation>>

1 mkelly@walkuplawoffice.com

2 Frank Pitre
3 Cotchett, Pitre & McCarthy, LLP
4 840 Malcolm Road, Suite 200
5 Burlingame, CA 94010
6 Tel: (650) 697-6000
7 fpitre@cpmlegal.com

8 Bill Robins, III
9 Robins Cloud LLP
10 808 Wilshire Boulevard, Suite 450
11 Santa Monica, CA 90401
12 Tel.: (310) 929-4200
13 robins@robinscloud.com

14 Lead Counsel for Individual Plaintiffs shall be members of, as well as authorize and
15 direct the work of the Plaintiffs' Executive Committee and Individual Plaintiffs' Steering
16 Committee for cases involving Individual Plaintiffs. Individual Plaintiffs' Lead Counsel shall
17 also be responsible for coordinating the activities of the Direct Action Plaintiffs during pretrial
18 proceedings, and in consultation and with the assistance of the Plaintiffs' Executive Committee,
19 shall:

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

1 document production discovery and the taking of oral depositions;²

- 2
- 3 e. Manage the selection of all cases for trial setting;
- 4 f. Coordinate the initiation of, and conduct discovery on behalf of Direct
- 5 Action Plaintiffs consistent with the requirements of the California Code
- 6 of Civil Procedure and Rules of Court or any order of this Court;
- 7 g. Assign work for the investigation and discovery of common liability and
- 8 damages matters for all Direct Action Plaintiffs' counsel, and delegate
- 9 specific tasks to other Direct Action Plaintiffs' counsel, in a manner to
- 10 ensure that pretrial preparation for Individual Plaintiffs is conducted
- 11 effectively, efficiently and economically;
- 12 h. Enter into stipulations, on behalf of Direct Action Plaintiffs, with opposing
- 13 counsel as necessary for the conduct of the litigation;
- 14 i. Prepare and distribute to other Individual Plaintiffs' counsel periodic
- 15 status reports;
- 16 j. Perform such other duties as may be necessary to the representation of
- 17 Individual Plaintiffs, proper coordination of Individual Plaintiffs' activities
- 18 or authorized by order of the Court; and
- 19 k. Submit, if appropriate, additional Individual Plaintiffs' committees and
- 20 counsel for designation by the Court.

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

22

23 The Court appoints the following lawyers as Individual Plaintiffs' Liaison Counsel:

24 Khaldoun A. Baghdadi
25 Walkup, Melodia, Kelly & Schoenberger
26 650 California Street, 26th Floor
San Francisco, CA 94108
Tel: (415) 981-7210
kbaghdadi@walkuplawoffice.com

27 ² Discovery initiated by Defendants directed to specific individual plaintiffs shall be handled by the attorney for those specific individuals.

1
2 Amy Eskin
3 Levin Simes LLP
4 44 Montgomery Street, Floor 32
5 San Francisco, CA 94104
6 Tel: (415) 426-3000
7 aeskin@levinsimes.com

8 Steven J. Skikos
9 Skikos, Crawford, Skikos & Joseph, LLP
10 One Sansome Street, Suite 2830
11 San Francisco, CA 94104
12 Tel: (415) 546-7300
13 sskikos@skikos.com

14
15 Liaison Counsel shall be members of the Plaintiffs' Executive Committee and have the
16 following responsibilities:

- 17 a. Upon the designation of Individual Plaintiffs' Lead Counsel, appear before
18 the Court and present the position of Individual Plaintiffs at all Case
19 Management Conferences, Status Conferences, or other court ordered
20 hearings;
- 21 b. To make available to the Court, to counsel for Individual Plaintiffs, and to
22 counsel for Defendants an up-to-date comprehensive Service List of all
23 Individual Plaintiffs' counsel (including the date of the most recent
24 revision);
- 25 c. To receive and distribute to Individual Plaintiffs' counsel as appropriate,
26 orders, notices and correspondence from the Court;
- 27 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 proceedings;
and
- e. To coordinate the filing of notices and papers by any Individual Plaintiff,
including the designation of responsibilities to encourage the filing of a

1 single set of papers by the Individual Plaintiffs in situations where the
2 Individual Plaintiffs have a common position.
3

4 **3. Individual Plaintiffs' Executive Committee**
5

6 The Court appoints the lawyers and firms identified in Addendum A to the Individual
7 Plaintiffs' Executive Committee. Individual Plaintiffs' Executive Committee shall have the
8 following responsibilities with respect to matters of common concern to all Individual Plaintiffs:

- 9 a. Coordination of Individual Plaintiffs' pretrial activities and work
10 performed by the Individual Plaintiffs' lead counsel and liaison counsel;
11 b. Calling meetings of Individual Plaintiffs' counsel when appropriate and to
12 consult with Individual Plaintiffs' counsel on matters of common concern;
13 c. Designating additional Individual Plaintiffs' subcommittees to perform
14 services on behalf of Individual Plaintiffs and designate additional
15 Individual Plaintiffs' counsel to serve on such subcommittees; and
16 d. When appropriate, chairing and organizing Individual Plaintiffs' sub-
17 committees as necessary to address specific issues of concern to claims of
18 Individual Plaintiffs, Subrogation Plaintiffs, Government Plaintiffs and
19 Class Plaintiffs.
20

21 **4. Individual Plaintiffs' Steering Committee**
22

23 The Court appoints the lawyers and firms identified in Addendum B to the Individual
24 Plaintiffs' Steering Committee. The Individual Plaintiffs' Steering Committee shall have the
25 following responsibilities with respect to matters of common concern to all Individual Plaintiffs:

- 26 a. To meet, strategize, and provide guidance to Individual Plaintiffs' Lead
27 Counsel, Liaison Counsel, and Executive Committee with respect to the

1 direction of Individual Plaintiffs' pretrial activities and overall litigation
2 strategy;

3
4 b. To provide recommendations concerning the execution of Individual
5 Plaintiffs' pretrial activities and work performed by the Individual
6 Plaintiffs' lead counsel and liaison counsel, including the drafting of
7 motions and opposing briefs and taking of depositions;

8 c. To call meetings of Individual Plaintiffs' counsel when appropriate and to
9 consult with Individual Plaintiffs' counsel on matters of common concern;
10 and

11 d. Serve on additional Individual Plaintiffs' subcommittees to perform
12 services on behalf of Individual Plaintiffs and designate additional
13 Individual Plaintiffs' counsel to serve on such subcommittees.

14
15 **B. Public Entity Plaintiffs**

16 The Court appoints the following lawyer as Lead Counsel:

17 Scott Summy
18 Baron & Budd, P.C.
19 3102 Oak Lawn Ave #1100
20 Dallas, TX 75219
Tel: (214) 521-3605
ssummy@baronbudd.com

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

1 **C. Class Action Plaintiffs**

2 The Class Action committee will be formed and the Committee Chairs are identified
3 below:

4 Elizabeth Cabraser
5 Lexi Hazam
6 Lieff Cabraser Heimann & Bernstein, LLP
7 275 Battery Street, 29th Floor
8 San Francisco, CA 94111-3339
9 Tel: (415) 956-1000
10 ecabraser@lchb.com
11 lhazam@lchb.com

12 The Committee shall be responsible for the prosecution and management of the class
13 actions, including discovery, briefing, and argument of issues that are specific to the class cases.
14 The Committee shall maintain a current listing of all filed class action cases and identify same
15 for Lead Counsel for Individual Plaintiffs, Defendants and the Court. Counsel in any Class
16 Action case shall cooperate with the Committee, Lead Counsel for Individual Plaintiffs and the
17 Court in the production of information necessary to prepare for any status conference or in the
18 scheduling of any discovery, or hearing. The Committee should evaluate consolidated
19 complaints and certification hearings, and report in the next CMC statement its views on the
20 timing of these. While there is no stay of class related discovery, the Committee expects that the
21 liability discovery described below will be used for certification briefing.

22 **D. Subrogation Plaintiffs**

23 The Court appoints the following lawyers as Lead Counsel and Liaison Counsel for the
24 Subrogation Plaintiffs and the Executive Committee for Subrogation Plaintiffs. They have the
25 same duties/responsibilities within/to the Subrogation Plaintiffs group as the lawyers serving as
26 Lead Counsel and Liaison Counsel and the Executive Committee for the Individual Plaintiffs:
27

1 **1. Lead Counsel for Subrogation Plaintiffs³**

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

 Lead Counsel for Subrogation Plaintiffs shall be responsible for discovery, briefing, and
argument of issues that are specific to the Subrogation cases. Lead Counsel for the Subrogation
Plaintiffs shall maintain a current listing of all filed Subrogation cases and identify same for
Lead Counsel for Individual Plaintiffs, Defendants and the Court. Counsel in any Subrogation
cases shall cooperate with Lead Counsel for the Subrogation Plaintiffs, Subrogation Plaintiffs'
Executive Committee and the Court in the production of information necessary to prepare for

³ The rights and obligations of Lead Counsel for Subrogation Plaintiffs mirror the rights and obligations of Lead Counsel for Individual Plaintiffs.

1 any status conference or in the scheduling of any discovery, or hearing.
2

3
4 **2. Liaison Counsel for Subrogation Plaintiffs**

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

11 Scott Loewe
12 Bauman Loewe Witt & Maxwell, PLLC
13 8765 East Bell Road, Suite 210
14 Scottsdale, Arizona 85260
15 Tel: (480) 502-4664
16 sloewe@blwmlawfirm.com

17 Waylon Pickett
18 Grotefeld Hoffmann
19 0324 SW Abernethy Street
20 Portland, Oregon 97239
21 Tel: (503) 384-2772
22 wpickett@ghlaw-llp.com

23
24 **3. Subrogation Plaintiffs' Executive Committee**

25 Mark Bauman
26 Bauman Loewe Witt & Maxwell, PLLC
27 8765 East Bell Road, Suite 210
Scottsdale, Arizona 85260
Tel: (480) 502-4664
mbauman@blwmlawfirm.com

Kevin Bush
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

1 7410 Greenhaven Dr., Ste. 200
2 Sacramento, CA 95831
3 Tel: (916) 438-8306
4 emschroeder@calsubro.com

5 **II. DEFENDANTS' COUNSEL**

6 Defendants are represented by Cravath, Swaine & Moore LLP, Wilson Sonsini Goodrich
7 & Rosati and Clarence Dyer & Cohen LLP.

8 Evan R. Chesler,
9 Timothy G. Cameron
10 Kevin J. Orsini
11 Damaris Hernandez
12 Cravath, Swaine & Moore LLP
13 Worldwide Plaza
14 825 8th Avenue
15 New York, New York 10019
16 Tel: (212) 474-1000
17 echesler@cravath.com
18 tcameron@cravath.com
19 korsini@cravath.com
20 dhernandez@cravath.com

21 Keith E. Eggleton
22 John P. Flynn
23 Rodney G. Strickland
24 Colleen Bal
25 Wilson Sonsini Goodrich & Rosati
26 650 Page Mill Road
27 Palo Alto, California 94304, and
One Market Plaza, Suite 3300
San Francisco, CA 94105
Tel: (650) 493-9300
Tel: (415) 947-2000
keggleton@wsgr.com
jflynn@wsgr.com
rstrickland@wsgr.com
cbal@wsgr.com

28 Kate Dyer
29 Clarence Dyer & Cohen LLP
30 899 Ellis Street
31 San Francisco, California 94109
32 Tel: (415) 749-1800
33 kdyer@clarencedyer.com

1 **JURISDICTION AND WAIVER OF SERVICE OF PROCESS**

2
3 The parties agree that this court has jurisdiction over the parties and that there are no
4 challenges to personal or subject matter jurisdiction. The parties have met and conferred and
5 Defendants have agreed to waive service of process in cases filed in JCCP No. 4955 in which
6 they are named. For such cases, Plaintiffs shall send the Notice of Adoption of Short Form
7 Complaint and Short Form Complaint by email to the following individuals, Kevin J. Orsini
8 (korsini@cravath.com), Brittany L. Sukiennik, (bsukennik@cravath.com), Keith E. Eggleton
9 (keggleton@wsgr.com), and Rodney Strickland (rstrickland@wsgr.com) or by U.S. Mail to:

10 Kevin J. Orsini
11 Brittany L. Sukiennik
12 Cravath, Swaine & Moore LLP
13 Worldwide Plaza
14 825 8th Avenue
15 New York, New York 10019-7475

16 Keith E. Eggleton
17 Rodney G. Strickland
18 Wilson Sonsini Goodrich & Rosati, EC
19 650 Page Mill Road
20 Palo Alto, California 94304

21 The parties agree that complying with these provisions shall constitute personal service of
22 process under the California Code of Civil Procedure.

23 **A. Master Pleadings**

24 The parties agree that a Master Complaint for Individual Plaintiffs, a Master Complaint
25 for Subrogation Plaintiffs and a Master Complaint for the Public Entity Plaintiffs shall be lodged
26 with the Court. Corresponding Master Answers for Defendants in response to each of the three
27 Master Complaints shall govern the pleadings for those actions.⁴ Drafts of the applicable Master
Complaints for the Individual Plaintiffs, Public Entity Plaintiffs and Subrogation Plaintiffs are
being exchanged and will be presented to the Court.

⁴ Subsections B, C and D do not apply to the Class Action Plaintiffs.

1 **B. Challenges to Master Pleadings**

2 The parties anticipate a single challenge to the Master Complaints concerning the
3 applicability of inverse condemnation to a private utility.

4 Defendants will file that challenge on March 16, 2018. The Individual Plaintiffs' Lead
5 Counsel (on behalf of the Direct Action Plaintiffs) and the Subrogation Plaintiffs' Lead Counsel
6 shall each file their opposition no later than April 16, 2018. Defendants will file a single reply to
7 both oppositions, which shall not exceed 20 pages, by April 30, 2018. The hearing is set for **May**
8 **18, 2018 at 9:00 a.m.**

9
10 **C. Notice of Adoption of Master Complaint and Master Answer**

11 The parties will meet and confer regarding the Notice of Adoption of Master Complaint,
12 and Notice of Potential Add-On Cases and Request for Coordination. Plaintiffs will provide
13 Defendants the applicable documents for review and submission to the Court. The Master
14 Complaints shall be filed no later than March 12, 2018. The Master Answers shall be filed no
15 later than March 16, 2018. The Master Complaints and the Master Answers will not be verified.

16
17
18 **1. Notice of Adoption of Master Complaint**

19 Each Direct Action Plaintiff or Subrogation Plaintiff with a case already on file in JCCP
20 No. 4955 shall serve on their respective Lead Counsel a Notice of Adoption of Master Complaint
21 within 30 days of the date the Master Complaint is filed. The Notice of Adoption shall contain
22 the following information: 1) the name and address of each plaintiff; 2) the fire(s) by which each
23 plaintiff was allegedly harmed;⁵ 3) the causes of action each plaintiff is joining and against
24 which defendant(s) they are pled; and 4) the categories of damages allegedly incurred by each
25 plaintiff and for which that plaintiff is seeking recovery and from which defendant(s).

26 For existing Individual Plaintiffs, the filing of a Notice of Adoption of Master Complaint

27

⁵ Counsel are to agree on a naming convention for the fires.

1 shall not require the payment of an additional filing fee or a new case number. Each Notice of
2 Adoption shall constitute an amended complaint for all purposes. Upon filing the Notice of
3 Adoption, the Master Complaint, as amended by the Plaintiff's Notice of Adoption, shall be the
4 operative pleading. The date on which the Master Complaint is filed shall have no bearing on
5 whether any Plaintiff has satisfied the applicable statute of limitations. Rather, the date on which
6 an individual Plaintiff's properly filed original complaint initiating his or her action was filed
7 shall be the operative date for statute of limitations purposes.
8

9 For cases naming more than one Plaintiff, except those naming a derivative Plaintiff (e.g.,
10 an heir asserting a wrongful death claim) each Plaintiff must file an individual Notice of
11 Adoption.⁶

12
13 **2. Notice of Adoption of Master Answer**

14 The Defendants' Notice of Adoption of Master Answer must be filed within 30 days of
15 the filing of Plaintiffs' Notice of Adoption of Master Complaint. All responses pled in PG&E's
16 Master Answer will be deemed pled in any previously filed Complaint and Responsive Pleading
17 now pending in this JCCP proceeding, and in any Notice of Adoption filed thereafter.
18

19 **3. Cases to Be Filed**

20 Plaintiffs who have not yet filed an action will initiate an action by Filing a Short Form
21 Complaint and Notice of Adoption of Master Complaint, in a proper venue in California. As
22 indicated above, the Notice of Adoption shall contain the following information: 1) the name and
23 address of each plaintiff; 2) the fire(s) by which each plaintiff was allegedly harmed; 3) the
24 causes of action each plaintiff is joining and against which defendant(s) they are pled; and 4) the
25 categories of damages allegedly incurred by each plaintiff and for which that plaintiff is seeking
26 recovery and from which defendant(s).
27

⁶ Members of a single household need only file one notice of adoption.

1 Upon that filing, the Master Complaint, as Amended by the Notice of Adoption, shall be
2 the operative pleading. The date on which the Master Complaint is filed shall have no bearing on
3 whether any Plaintiff has satisfied any applicable statute of limitations. Rather, the later date on
4 which an individual Plaintiff properly filed the Short Form Complaint or Notice of Adoption
5 initiating his or her action shall be the operative date for statute of limitations purposes. For any
6 future case filed, the Plaintiff must include a civil cover sheet identifying this JCCP (California
7 North Bay Fire Cases, JCCP No. 4955).
8

9 **D. Adding Cases into These Coordinated Proceedings**

10 Add-on cases may be handled by stipulation of all parties or by petition of Defendants
11 consistent with the procedures and requirements of CRC 3.531 and C.C.P. § 404.4.
12

13 **E. Cross-Complaints**

14 The parties agree that Defendants may or may not file cross-complaints as they choose.
15

16 However, if a cross-complaint is not filed at the time Defendants file the Master Answers,
17 but instead is filed by an existing Defendant at a later date, by whatever means or procedure,
18 such later filing will not, absent good cause or as otherwise provided by the Code of Civil
19 Procedure, constitute cause for delay of any then-existing trial date or trial.
20

21 **Discovery Phases**

22 The parties have agreed to stage discovery. Stage One relates to: 1) liability discovery;
23 and 2) damages discovery from Individual Plaintiffs, Public Entity Plaintiffs and Subrogation
24 Plaintiffs. Stage Two relates to expert discovery on issues of both liability and damages and will
25 be subject to further order of this Court.
26
27

1 **Stage One: Liability Discovery**

2 **1. By Direct Action and Subrogation Plaintiffs.**

3
4 Liability discovery shall be conducted as directed by Lead Counsel for the Individual
5 Plaintiffs and Lead Counsel for Subrogation Plaintiffs. Lead Counsel for Individual Plaintiffs
6 have informed counsel for PG&E regarding the initial round of liability discovery that includes:
7 a set of initial Requests for Admission to elicit whether PG&E is contesting causation on the
8 origin of each of the North Bay Fires; a Deposition notice for the person most qualified at PG&E
9 on the general topics of how the company stores, accesses, exchanges and retrieves data on
10 vegetation management and electrical infrastructure; and a request for inspection and/or
11 production of photographs or recordings of any item of physical evidence related to PG&E
12 equipment or vegetation inspected as a potential cause of a fire included in these proceedings.
13 Direct Action Plaintiffs and Subrogation Plaintiffs may seek liability discovery concerning the
14 origin and cause of each of the North Bay Fires;, such as vegetation management, electrical
15 infrastructure and wildfire risk management.

16 Prior to serving Defendants with liability discovery, Direct Action Plaintiffs and
17 Subrogation Plaintiffs have agreed to cooperate in good faith to coordinate such discovery.
18 Either the Individual Plaintiffs' Lead Counsel (on behalf of Direct Action Plaintiffs) or the
19 Subrogation Plaintiffs' Lead Counsel may serve discovery on Defendants. After liability
20 discovery is served on Defendants, regardless of which Plaintiff group was the serving party, the
21 Individual Plaintiffs' Lead Counsel (on behalf of Direct Action Plaintiffs) and the Subrogation
22 Plaintiffs' Lead Counsel shall collectively meet and confer with Defendants concerning
23 Defendants' discovery responses. Plaintiffs shall not serve duplicative or cumulative discovery
24 on Defendants.

25 Should any Plaintiff or law firm after consultation with the Individual Plaintiffs' Lead
26 Counsel and the Subrogation Plaintiffs' Lead Counsel believe that they need to propound
27 liability discovery that has not been or will not be propounded by the Individual Plaintiffs' Lead

1 Counsel or the Subrogation Plaintiffs' Lead Counsel, such Plaintiff or law firm may seek an
2 order from the Court allowing such discovery to be propounded. Otherwise, no Plaintiff may
3 serve separate liability discovery.
4

5 **2. By Defendants**
6

7 Defendants will serve any liability discovery directed to any specific individual Plaintiff
8 or the Subrogation Plaintiffs on Individual Plaintiffs' Lead Counsel, Subrogation Plaintiffs' Lead
9 Counsel and counsel of record for the specific individual plaintiff(s). Where appropriate, the
10 Direct Action Plaintiffs or Subrogation Plaintiffs will serve Defendants with a Master Response.
11 To the extent such discovery relates to a specific Plaintiffs' group, Defendants may serve such
12 discovery requests on Lead Counsel for each applicable Plaintiffs' group or, in the case of the
13 Class Action Plaintiffs, the Committee, Lead Counsel or Committee shall similarly serve
14 Defendants with a Master Response for such group.
15

16 **Stage One: Damages Discovery**

17 **3. Subrogation Plaintiffs**

18 Damages discovery may be propounded to all Subrogation Plaintiffs in a Master Request
19 to All Subrogation Plaintiffs. The Subrogation Plaintiffs will serve a Master Response to the
20 Master Request to All Subrogation Plaintiffs, and each Subrogation Plaintiff will then serve an
21 Adoption of the Master Response in Full or in Part. If the response adopts "in Part", the
22 responding Subrogation Plaintiff will set forth any answers that are different from the Master
23 Response in the Adoption. These Adoptions will be verified by each responding Subrogation
24 Plaintiff.

25 The Subrogation Plaintiffs will set forth a list of claims for which they are seeking
26 reimbursement. The Subrogation Plaintiffs will provide to Defendants an updated list of the
27 names, addresses, dates of loss, claim numbers, the amounts paid by Subrogation Plaintiffs and

1 open reserves (as that information is available) as to each of the subrogated claims for which
2 they are seeking reimbursement (hereinafter the "List of Claims") not later than June 30, 2018.
3 The Subrogation Plaintiffs will provide an updated List of Claims at least on a quarterly basis, or
4 more frequently as necessary to advise Defendants of additional payments made on any claims,
5 and/or as reasonably requested by the Defendants. In any event, Subrogation Plaintiffs will
6 provide a final List of Claims to Defendants on or before October 31, 2020 (prior to the statute of
7 limitations), which will constitute the final list of claims to be included in the litigation.⁷ The
8 original and/or any amended adoption complaint filed by the Subrogation Plaintiffs will be
9 deemed to set forth all of the information in the List of Claims provided to Defendants pursuant
10 to this order. Any claims not disclosed by the Subrogating Plaintiffs on or before October 31,
11 2020, will be barred by statute.

12
13 The parties agree that the Lists of Claims provided by the Subrogation Plaintiffs will not
14 be admissible in evidence unless the Defendants later reach an agreement with the Subrogation
15 Plaintiff that prepared the List of Claims that the List of Claims is admissible.

16 The Subrogation Plaintiffs will produce claim files on a rolling basis. The parties will
17 meet and confer regarding a schedule and protective order to govern the production of claim files
18 and will report back to the Court on this issue in the next joint CMC statement. The Subrogation
19 Plaintiffs will continue to produce on a rolling basis any supplements to the claim files as
20 required to update Defendants on any additional payments made on the claims following the
21 production of the claim files. Defendants will also be notified of additional payments on any of
22 the claims by the Subrogating Plaintiffs by the periodic production of an updated List of Claims.
23 Claim files may be requested sooner for any Plaintiff claiming a preference or on a case-by-case
24 basis, and Subrogation Plaintiffs will make every effort to produce such claim files within 15
25 days of a request.

26
27

⁷ This is not an implication that trials be delayed until after this date.

1 **4. Individual Plaintiffs**

2 Each individual plaintiff shall complete the Notice of Adoption of Master Complaint
3 which contains specific facts regarding the case. All other damages case specific discovery is
4 stayed including any written discovery, contention discovery, or deposition discovery until
5 further order of the court and as contemplated by sections below relating to bellwether trial
6 settings and preference trial settings.
7

8 **Privileged Communications**

9
10 Pursuant to the parties' agreement, the communication, transmission, or dissemination of
11 information of common interest among Plaintiffs' counsel or among Defendants' counsel shall
12 be protected by the attorney-client privilege, the protections afforded by the attorney work
13 product doctrine, the protections afforded to material prepared for litigation or any other
14 privilege to which a party may otherwise be entitled. Further, cooperative efforts shall not in any
15 way be used against any of the parties, be cited as purported evidence of conspiracy, wrongful
16 action or wrongful conduct, and shall not be communicated to any jury.
17

18 **Trial**

19 *Preferential Trial Settings:* The Plaintiffs anticipate that it may be appropriate to file
20 motions for preferential trial settings per C.C.P. § 36.
21

22 *Bellwether Process:* The parties have agreed to meet and confer on the scope and
23 procedure relating to any potential bellwether process, including a bellwether case selection
24 process, case specific discovery and law and motion practice in bellwether and non-bellwether
25 cases, if any, and the conduct of bellwether trials. The parties contemplate that if they agree upon
26 a bellwether process, an order of this Court relating to the bellwether process will include: trial
27 settings and the bellwether selection process, discovery and motion practice appropriate for

1 bellwether selected cases, and whether or not motion practice may be appropriate to cases
2 outside of those selected as bellwethers.

3
4 *Jury or Non-Jury:* Plaintiffs demand jury trials.

5
6 *Trial Date:* Trial dates and length, and close of discovery dates will be set in future case
7 management conferences.

8 *Place of Trial:* Complaints in this matter have been filed in the Superior Court of Napa,
9 Sonoma, and San Francisco. Locations of trials are reserved for future consideration.

10
11 ***Pro Hac Vice Admissions:***

12 A number of counsel have been admitted *pro hac vice* in the underlying cases now
13 coordinated in this JCCP. Such counsel are deemed admitted for all purposes in this JCCP and
14 all current and future actions coordinated in this JCCP. Counsel not yet been admitted *pro hac*
15 *vice* shall file his or her *pro hac vice* application with this Court.

16
17 *Protective Order:* The parties are expected to present a proposed stipulated protective
18 order within 30 days. I ask the parties to review the Department's User Manual especially on
19 sealing issues, and to resist the urge to over-designate under the protective order.


20
21 **Next Case Management Conference**

22 A date will be selected for the next CMC at the May 18, 2018 hearing. In addition to
23 issues noted above, the parties are invited to advise on (1) the status of a discovery plan,
24 including discovery focused on e.g., (i) PG&E policies and actions and (ii) causes and
25 circumstances of ignitions; (2) whether a cut-off date for the addition of new parties should be
26 set (which could be avoided on a showing that new information supported leave of court to add
27

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the party); a general description of the discovery required for meaningful settlement discussions,
and the likely time needed to acquire it.

Dated: March 6, 2018



Curtis E.A. Karnow
Judge Of The Superior Court

1 **Addendum A – Individual Plaintiffs’ Executive Committee**

2 Individual Plaintiffs request that the Court appoint the following attorneys and firms to the
3 Executive Committee:

4 Mary Alexander
Mary Alexander & Associates, P.C.
5 44 Montgomery Street, Suite 1303
San Francisco, CA 94101
6 Tel: (415) 433-4440
malexander@maryalexanderlaw.com

Dario de Ghetaldi
Corey, Luzaich, de Ghetaldi & Riddle LLP
700 El Camino Real
Millbrae, CA 94030
Tel: (650) 871-5666
deg@coreylaw.com

7 Thomas Brandi
8 The Brandi Law Firm
354 Pine St. Floor, 3rd floor
9 San Francisco, CA 94104-3231
Tel (415) 989-1800
10 tjb@brandilaw.com

Michael A. Kelly (**Co-Lead**)
Khaldoun A. Baghdadi (**Co-Liaison**)
Walkup, Melodia, Kelly & Schoenberger
650 California Street, 26th Floor
San Francisco, CA 94108
Tel: (415) 981-7210
mkelly@walkuplawoffice.com
kbaghdadi@walkuplawoffice.com

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

Brendan M. Kunkle
Michael Green
Abbey, Weitzenberg, Warren & Emery
100 Stony Point Rd, Suite 200
Santa Rosa, CA 95401
Tel: (707) 542-5050
bkunkle@abbeylaw.com
mgreen@abbeylaw.com

15 Steven M. Campora
16 Dreyer Babich Buccola Wood Campora LLP
20 Bicentennial Circle
17 Sacramento, CA 95826
Tel: (916) 379-3500
18 scampora@dbbwc.com

Brian Panish
Rahul Ravipudi
Panish Shea & Boyle, LLP
11111 Santa Monica Blvd. #700
Los Angeles, CA 90025
Tel: (310) 477-1700
panish@psblaw.com
ravipudi@psblaw.com

19 Ahmed S. Diab
20 Dixon Diab & Chambers LLP
501 W. Broadway, Suite 800
San Diego, CA 92101
21 Tel: (619) 354-2662
diab@theddcfirm.com

Frank Pitre (**Co-Lead**)
Cotchett, Pitre & McCarthy, LLP
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Tel: (650) 697-6000
fpitre@cpmlegal.com

22 Amy Eskin (**Co-Liaison**)
23 Levin Simes LLP
44 Montgomery Street, Floor 32
24 San Francisco, CA 94104
Tel: (415) 426-3000
25 aeskin@levinsimes.com

Bill Robins III (**Co-Lead**)
Robins Cloud, LLP
808 Wilshire Boulevard, Suite 450
Santa Monica, CA 90401
Tel: (310) 929-4200
robins@robinscloud.com

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1 Mark Robinson
2 Robinson Calcagnie, Inc.
3 19 Corporate Plaza Dr.
4 Newport Beach, CA 92660
5 Tel: (949) 720-1288
6 mrobinson@robinsonfirm.com

Scott Summy (**Lead for Public Entities**)
Baron & Budd
N 7000 Mopac Service Road #200
Austin, TX 78731
Tel: (214) 521-3605
ssummy@baronbudd.com

7 Steve Skikos (**Co-Liaison**)
8 Greg Skikos
9 Matt Skikos
10 Skikos, Crawford, Skikos & Joseph, LLP
11 One Sansome Street, Suite 2830
12 San Francisco, CA 94104
13 Tel: (415) 546-7300
14 sskikos@skikos.com
15 gskikos@skikos.com
16 mskikos@skikos.com

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1 **Addendum B – Individual Plaintiffs’ Steering Committee**

2 Individual Plaintiffs request that the Court create and name the following individuals to a

3 Steering Committee:

4 Elliot Adler
Adler Law Group, APLC
5 402 W. Broadway, Suite 860
San Diego, CA 92101
6 Tel: (619) 531-8700
eadler@theadlerfirm.com

Patrick McNicholas
McNicholas & McNicholas, LLP
10866 Wilshire Blvd., Suite 1400
Los Angeles, CA 90024
Tel: (310) 474-1582
pmc@mcnicholaslaw.com

7 Michael Caddell
8 Cynthia Chapman
Caddell & Chapman
9 628 E. 9th Street
Houston, TX 77077
10 Tel: (713) 751-0400
mac@caddellchapman.com
cbc@caddellchapman.com

Francis O. Scarpulla
Law Offices of Francis O. Scarpulla
456 Montgomery Street, 17th Floor
San Francisco, CA 94104
Tel: (415) 788-7210
fos@scarpullalaw.com

12 Don Edgar
Edgar Law Firm
13 408 College Avenue
Santa Rosa, CA 95401
14 Tel: (707) 799-4090
don@classattorneys.com

Christopher Sieglock
Sieglock Law, APC
1221 Camino Del Mar
Del Mar, CA 92014
Tel: (858) 793-0380
chris@sieglocklaw.com

15 Dave Fox
16 Fox Law, APC
Plaza Building
17 225 West Plaza Street, Suite 102
Solana Beach, CA 92075
18 Tel: (858) 256-7616
dave@foxlawapc.com

Gerald Singleton
Singleton Law Firm
115 Plaza St
Solana Beach, CA 92075
Tel: (760) 697-1330
gerald@slffirm.com

19 Sean Higgins
20 Andrews & Thornton
2 Corporate Park, Suite 110
21 Irvine, California 92606
Tel: (949) 748-1000
shiggins@andrewsthornton.com

Terry L. Singleton
Terry Singleton, APC
1950 5th Avenue, Suite 200
San Diego, CA 92101-2344
Tel: (619) 239-3225
terry@terrysingletton.com

23 John F. McGuire
Thorsnes Bartolotta McGuire, LLP
24 2550 Fifth Avenue, 11th Floor
San Diego, CA 92103
25 Tel: (619) 236-9363
m McGuire@tbmlawyers.com

Tom Tosdal
777 South Highway 101, Suite 215
Solana Beach, CA 92075
Tel: (858) 704-4709
tom@tosdallaw.com

Mikal C. Watts
Guy Watts
Watts Guerra LLP
5726 W. Hausman Rd, Suite 119
San Antonio, Texas
Tel: (210) 527-0500
mchwatts@wattsguerra.com
gwatts@wattsguerra.com

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24
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Ben Wilson
Morgan & Morgan, PLLC
4450 Old Canton Rd. Suite 200
Jackson, MS 39211
Tel: (601) 949-3388
BWilson@ForThePeople.com

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **MAR 6 - 2018**, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated:

MAR 6 - 2018

T. Michael Yuen, Clerk

By:


DANIAL LEMIRE, Deputy Clerk