

FILED / ENDORSED

MAY 20 2016

By  Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

Coordination Proceeding
Special Title (CRC 3.550)

JCCP 4853

CASE MANAGEMENT ORDER NO. 1

BUTTE FIRE CASES

Assigned to the Honorable Allen H. Sumner
Department 42

Case Management Conference:
April 22, 2016

I. GENERAL PROVISIONS

A. Background and Purpose

The Court now has before it cases involving more than 700 individual and insurer Plaintiffs seeking damages for harm allegedly resulting from the Butte Fire that occurred in Amador and Calaveras Counties in September 2015. These cases have been coordinated by the Judicial Council and transferred to this Court. These cases have been designated complex within the meaning of California Rules of Court, rules 3.400 and 3.502. The cases now before this Court are listed in Exhibit A to this Case Management Order ("CMO"), and the Court and counsel expect that additional cases seeking damages for harm allegedly resulting from the Butte Fire will be added on to this Coordination Proceeding. A true and correct copy of the current proof of service, identifying counsel for all parties, is attached hereto as Exhibit B.

B. Additional Actions

The parties will apprise the Court of potential add-on cases pursuant to California Rules of Court, rule 3.544. In addition to the procedures set forth in Rule 3.544, potential add-on complaints may be added-on to the Coordination Proceeding by submitting a stipulation and

1 proposed add-on order signed by counsel for the potential add-on Plaintiff(s), Plaintiffs' Liaison
2 Counsel, and counsel for all Defendants, accompanied by the potential add-on Plaintiff's payment
3 of court fees as appropriate. The signed add-on order will be served in accordance with rules
4 3.529(a) and 3.544(d) of the California Rules of Court.

5 After entry of an order adding on a case, the add-on Plaintiff(s) will file an adoption
6 complaint as set forth below, and Plaintiffs' Liaison Counsel will provide each add-on Plaintiff
7 with the same access that other Plaintiffs have to electronic or paper copies of pleadings, filings,
8 orders, discovery, and other papers. All procedures and orders approved by the Court will apply
9 to later added-on actions.

10 Add-on Plaintiffs shall have 30 days from notice of entry of the add-on order to move for
11 an exemption from this or any other CMO.

12 **C. Plaintiffs' Liaison Counsel and Executive Committee**

13 There are currently two groups of Plaintiffs before this Court – one group consists of
14 individuals (or other entities such as businesses or corporations) seeking damages not paid for by
15 insurance companies (hereinafter "Individual Plaintiffs"), and another group consists of insurance
16 companies seeking subrogation for paid damages (hereinafter "Plaintiff Insurers" or "Subrogating
17 Plaintiffs"). Steve Campora and Amanda Riddle will act as co-Liaison Counsel for the Individual
18 Plaintiffs; Craig S. Simon and Maura Walsh Ochoa will act as co-Liaison Counsel for the
19 Subrogating Plaintiffs. Plaintiffs' Liaison Counsel will have the duties and responsibilities
20 generally described in California Rules of Court, rule 3.501(12)(B), to act as a spokesperson and
21 coordinator generally for his or her respective group.

22 The Individual Plaintiffs Group also designates the following attorneys as the Plaintiffs'
23 Executive Committee ("PEC"):

- 24 i. Frank Pitre (PEC Co-Chair)
- 25 ii. Robert Jackson (PEC Co-Chair)
- 26 iii. Gerald Singleton (PEC Co-Chair)
- 27 iv. Ken Roye

- 1 v. Dan Whalen
- 2 vi. Ahmed Diab
- 3 vii. Dave Fox
- 4 viii. Don Dowling
- 5 ix. Elliot Adler

6 The Subrogating Plaintiffs Group does not have an Executive Committee but each law firm
7 representing one or more subrogation Plaintiffs will have input on all issues through Subrogation
8 Liaison Counsel.

9 **D. Defense**

10 Defendants are PG&E Corporation; Pacific Gas and Electric Company; Trees, Inc.; and
11 ACRT, Inc. In lieu of designating liaison counsel, Defendants will be represented in hearings by
12 their respective counsel, and notices and documents will be served on each of Defendants'
13 counsel, pursuant to California Rules of Court, rule 3.506(c), as follows:

14 **PG&E Corporation and Pacific Gas and Electric Company**

15 Kenneth R. Chiate (lead counsel)
16 Jeffrey N. Boozell
17 Sarah J. Cole
18 QUINN EMANUEL URQUHART & SULLIVAN LLP
19 865 S. Figueroa Street, 10th Floor
20 Los Angeles, CA 90017
21 Telephone: (213) 443-3000; Facsimile: (213) 443-3100
22 kenchiate@quinnemanuel.com
23 jeffboozell@quinnemanuel.com
24 sarahcole@quinnemanuel.com

21 Gayle L. Gough
22 GOUGH & HANCOCK LLP
23 649 Mission Street, Suite 460
24 San Francisco, CA 94105
25 Telephone: (415) 848-8918
26 Facsimile: (415) 974-6745
27 gayle.gough@ghcounsel.com

25 **Trees, Inc.**

26 Randy W. Gimple (lead counsel)
27 A. David Bona
28 CARLSON, CALLADINE & PETERSON
353 Sacramento Street, 16th Floor

1 San Francisco, CA 94111
2 Telephone: (415) 391-3911
3 Facsimile: (415) 391-3898
4 rgimple@ccplaw.com
5 dbona@ccplaw.com

4 **ACRT, Inc.**

5 Kenneth F. Strong (lead counsel)
6 Matthew T. Hawk
7 GORDON & REES LLP
8 275 Battery Street, 20th Floor
9 San Francisco, CA 94111
10 Telephone: (415) 986-5900
11 Facsimile: (415) 986-8054
12 kstrong@gordonrees.com
13 mhawk@gordonrees.com

11 **E. Codes/Rules Govern Where CMOs Are Silent**

12 On any matter as to which any CMO is silent, the California Codes, the California Rules of
13 Court and any Local Rules of the Sacramento County Superior Court shall be controlling.

14 **F. Electronic Service and Filing with the Court**

15 As agreed by the parties, the parties will accept electronic service pursuant to California
16 Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.251. Defendants and
17 Plaintiffs will use Case Home Page (hereinafter "CHP") for service of all documents except
18 document productions in response to discovery requests. Additional specific procedures regarding
19 electronic service are set forth in Exhibit C, and are part of this Court's Case Management Order
20 No. 1.

21 Courtesy copies of documents filed with the Court will be e-mailed to
22 buttefirecases@saccourt.ca.gov. Upload to CHP does not constitute filing with the Court.

23 All Court filings must be made in Room 102 or the drop box on the first floor of the
24 Courthouse at 720 9th Street in accordance with the instructions and procedures specified on the
25 Court's website at <https://www.saccourt.ca.gov/civil/filing-instructions.aspx> and sections 1.16 and
26 2.02 of the Sacramento County Superior Court Local Rules. Filed copies of the Court's orders
27 and rulings will be served by emailing all Plaintiffs' Liaison Counsel and all Defendants' Counsel
28 identified in sections I.C. and I.D., supra, for uploading and posting on the CHP website for Butte

1 Fire Cases, JCCP 4853.

2 **G. Personal Service**

3 If any party chooses to serve documents by personal service in addition to electronic
4 service, no extension of time will be added to any applicable time period provided by the Code of
5 Civil Procedure to respond to such documents, unless by written agreement of the parties or order
6 of the Court.

7 **II. PLEADINGS**

8 **A. Master Pleadings**

9 Individual Plaintiffs and Subrogation Plaintiffs, through their respective Liaison Counsel,
10 will file master complaints to include all charging allegations ("Master Complaints"). Master
11 Complaints will be filed and promptly served on all Defendants through CHP not later than May
12 23, 2016. In drafting the Master Complaints, Individual Plaintiffs and Subrogation Plaintiffs will
13 include all general allegations and claims that each group of Plaintiffs collectively anticipates
14 bringing against each of the Defendants.

15 The parties shall meet and confer with input from the Court with regard to the adoption
16 complaint form to be used by Plaintiffs to adopt the Master Complaints. Upon the filing of the
17 Master Complaint, assuming the adoption complaint form has been approved, the Individual and
18 Subrogation Plaintiffs shall have 20 days to file adoption complaint forms. The Defendants shall
19 then have another 20 days (a total of 40 days after the filing of the Master Complaints) to file
20 responsive pleadings to both the Master Complaints and any adoption complaints, including, but
21 not limited, to demurrers and motions to strike. Answers to the Master Complaints will be
22 deemed Master Answers.

23 **B. Adoption Complaints and Responses to Adoption Complaints**

24 As set forth above, all Plaintiffs presently before the Court will have 20 days from the date
25 the applicable Master Complaint is filed to adopt the Master Complaint in whole or in part by
26 filing an adoption complaint. Separate adoption complaints will be filed for each Plaintiff or
27 group of related Plaintiffs, i.e. representing a single property, group of related properties, or family
28

1 allegedly impacted by the fire. Adoption complaints will reference all specific allegations of the
2 applicable Master Complaint being adopted and any additional allegations asserted beyond those
3 in the Master Complaint. Adoption complaints for Individual Plaintiffs will include basic
4 identifying information regarding each plaintiff, including full name; address(es) of affected
5 property; and a description of the specific categories of damage sustained (e.g., homeowner with
6 destroyed home and personal property and tree damage; renter with smoke and soot damage; etc.)
7 Each adoption complaint must include the JCCP number, as well as the case number from the
8 Court in which the underlying case was filed.

9 With respect to add-on cases coordinated in this proceeding after the date Master
10 Complaints are filed, those add-on Plaintiffs will file adoption complaints within 30 days after
11 notice of entry of the add-on order; otherwise, adoption complaints will be filed as set forth above.
12 New Plaintiffs first appearing after entry of this CMO should be allowed to serve adoption
13 complaints adopting the applicable Master Complaint on any party presently in the case by
14 uploading all documents via CHP. Service will be deemed complete two court days after the
15 adoption form is uploaded to CHP.

16 Defendants will have the option to file an answer or other responsive pleading to any
17 adoption complaint based on plaintiff-specific or new allegations or any material issue not
18 previously set forth in the Master Complaint. If any Defendant does not file an answer or other
19 responsive pleading to an adoption complaint within the time frame set forth in II.A., above, that
20 Defendant will be deemed to have filed a general denial in response to that adoption complaint and
21 to have asserted all affirmative defenses set forth in its Master Answer to the applicable Master
22 Complaint. For cases added-on after the Master Complaints are filed, Defendants may have 30
23 days after completion of service of an adoption complaint to file an answer or other responsive
24 pleading, and if none is filed, the Master Answer will be deemed applicable to the adoption
25 complaint as described above.

1 Master pleadings will supersede all other pleadings filed by the party adopting the master
2 pleadings as of the date of the adoption complaint. Defendants shall not be required to file or
3 serve any responsive pleadings to any complaint(s) other than the Master Complaints.

4 **C. Amending Pleadings and Naming Additional Defendants**

5 Plaintiffs may amend their Master Complaint and/or add additional Defendants (or name
6 Does) within 30 days of the filing of the Master Complaint, without leave of Court. Amended
7 Master Complaints will be promptly served on all Defendants through CHP. Otherwise, the
8 parties may seek leave of Court to amend pleadings or add parties for good cause shown, or as
9 otherwise provided by the Code of Civil Procedure.

10 Any party naming additional Defendants is obligated to provide the new Defendant with
11 the same access that other Defendants have to electronic or paper copies of pleadings, filings,
12 orders, discovery, and other papers.

13 **D. Cross-Complaints**

14 At this time, no deadline is set for Defendants to file cross-complaints. However, if a
15 cross-complaint is not filed at the time an existing Defendant files an answer to the Master
16 Complaint, but instead is filed by an existing Defendant at a later date, by whatever means or
17 procedure, such later filing should not, absent good cause or as otherwise provided by the Code of
18 Civil Procedure, constitute cause for delay of any then existing trial date or trial.

19 **III. PREFERENCE PLAINTIFFS**

20 There are a significant number of persons who Plaintiffs contend qualify for preference
21 under Code of Civil Procedure section 36. To the extent that Plaintiffs have not identified to the
22 Defendants those Individual Plaintiffs for whom preference is claimed, the respective Individual
23 Plaintiff's attorneys will, on or before May 18, 2016, identify to the Defendants, each of the
24 proposed preference Plaintiffs by name and address of property damaged. The parties will meet
25 and confer on issues relating to preference, including the information to be provided by Plaintiffs
26 in support of a preference request and a process for attempting to resolve preference cases in an
27 expeditious manner. The parties will report to the Court their progress on issues relating to
28

1 preference plaintiffs on or before May 24, 2016.

2 **IV. BIFURCATION**

3 The parties shall meet and confer on or before June 22, 2016, on the issue of bifurcation
4 and report to the Court whether or not the parties agree as to whether there should be bifurcation
5 of any issue. If the parties cannot agree, then any party may proceed with a motion to bifurcate. If
6 the parties can agree to bifurcate any particular issue or issues, they will, on or before June 22,
7 2016, present the Court with a proposed schedule for fact and expert discovery and trial of those
8 issues. If the parties cannot agree on a proposed schedule, they will so notify the Court and they
9 will each, on or before June 22, 2016, submit any proposed schedule for review by the Court and
10 request that the Court set the schedule.

11 **V. DISCOVERY ISSUES**

12 **A. Discovery Phases**

13 Discovery in these cases will proceed in two phases. Stage One relates to: (1) liability
14 discovery; (2) damages discovery with regard to Individual Plaintiffs claiming preference; and (3)
15 damages discovery from all Individual Plaintiffs for whom preference is not an issue. Stage One
16 shall commence with respect to items (1) and (2) on April 22, 2016. The parties will meet and
17 confer with regard to the form of damages discovery to Individual Plaintiffs, as further discussed
18 in Section V.D., below. The parties will also meet and confer with regard to the timing of the
19 commencement of item (3) and report back to the Court. A further Case Management Conference
20 has been scheduled for May 24, 2016, at 10:00 a.m., to discuss discovery and other issues as set
21 forth herein.

22 Stage Two will be expert discovery on issues of both liability and damages and will be
23 subject to further order of this Court.

24 **B. Liability Discovery**

25 **From Plaintiffs to Defendants:** In order to provide efficiency, economy, and uniformity,
26 all Plaintiffs will propound discovery as one as to each Defendant on all subjects related to
27 liability and cause of the fire ("liability discovery"). Liability discovery will be propounded
28

1 jointly by Plaintiffs' Liaison Counsel in consultation with the Plaintiff Executive Committee and
2 the Subrogating Plaintiffs. Each Defendant will verify responses served by them. Should any
3 Plaintiff or law firm believe after consultation with Liaison Counsel that they need to propound
4 liability discovery that has not been or will not be propounded by Liaison Counsel, such Plaintiff
5 or firm may seek an order from the Court allowing such discovery to be propounded. Otherwise,
6 no Plaintiff may serve separate liability discovery.

7 **From Defendants to Plaintiffs:** To the extent possible, the Defendants will coordinate
8 with one another to avoid propounding duplicative liability discovery upon Plaintiffs. There are
9 many issues where all Defendants are in the same position and they should not duplicate general
10 discovery issued by another Defendant. It is acknowledged that there are many issues where each
11 Defendant is in a different position and may need to propound discovery unique to their
12 circumstance. Each Defendant has the right to propound liability discovery, but each agrees not to
13 ask the same or nearly the same questions that have been asked by another Defendant previously.
14 This provision does not preclude propounding supplemental discovery as permitted by code.
15 Plaintiffs will respond to liability discovery propounded by Defendant(s) with a Master Response
16 to Liability Discovery – a single master set of responses. Plaintiffs' responses to liability
17 discovery to one Defendant will apply to all Defendants.

18 As to verifications, since no Individual Plaintiff or Subrogating Plaintiff has knowledge of
19 the liability facts and would only be responding on information and belief, no verification of a
20 Master Response will need to be served by any Plaintiff, and the Master Responses will be
21 deemed verified by the Individual and Subrogating Plaintiffs, unless within 14 days of service of
22 the Master Responses, an Individual or Subrogation Plaintiff serves notice that he, she or it does
23 not agree with the Master Response. If a Plaintiff objects to any portion of a Master Response,
24 that Plaintiff must serve his, her or its own verified response to the request(s) at issue within 14
25 days of service of the Master Response. If there are eyewitness accounts or any other information
26 known personally to a Plaintiff that is responsive to any discovery request and/or contained in a
27 Master Response, each Plaintiff with individual knowledge must serve an adoption and
28

1 verification of the Master Response within 14 days of service of the Master Response. For
2 example, if a question calls for information from the owners of the Fitzgerald Ranch aka Caufield
3 Ranch (the property where the fire allegedly started) to respond to facts, those responding
4 Plaintiffs will serve an adoption and verify their responses.

5 **C. Damages Discovery**

6 **From Defendants to Individual Plaintiffs:** Defendants intend to jointly propound a
7 uniform set of initial damages discovery to be answered by all Individual Plaintiffs, in the form of
8 damages questionnaires and document requests (“Initial Damages Discovery”). Responses to the
9 Initial Damages Discovery will be verified by each Individual Plaintiff. The parties will meet and
10 confer in an effort to agree by May 6, 2016 on: (1) the form and content of the Initial Damages
11 Discovery and the due date for responses; and (2) the process and schedule for Defendants to seek
12 clarification or additional information from Individual Plaintiffs in response to the Initial Damages
13 Discovery. If there is no agreement on these issues by May 6, 2016, Defendants may serve formal
14 damages discovery or bring the dispute to the Court for resolution. Any such dispute will be
15 brought before this Court on an expedited basis, either ex parte or on shortened notice.

16 Further damages discovery to a Plaintiff who has completed the Initial Damages Discovery
17 process (“follow-up damages discovery”) may then be propounded by any Defendant. To the
18 extent possible, Defendants will not generate duplicative damages discovery upon a Plaintiff.
19 Each Defendant has the right to propound damages discovery, but each agrees not to ask the same
20 or nearly the same questions that have been asked by another Defendant previously. This
21 provision does not preclude propounding supplemental discovery as permitted by the Code.
22 Responses to follow-up damages discovery will be verified by the responding Plaintiff.
23 Responses to discovery propounded by one Defendant will apply to all Defendants.

24 **From Defendants to Subrogating Plaintiffs:** Damages discovery may be propounded to
25 all Subrogating Plaintiffs in a Master Request to All Subrogating Plaintiffs. The Subrogating
26 Plaintiffs will serve a Master Response to the Master Request to All Subrogating Plaintiffs, and
27 each Subrogating Plaintiff will then serve an adoption of the Master Response “In Full” or “In
28

1 Part.” If the response adopts “In Part,” the responding Subrogating Plaintiff will set forth any
2 answers that are different from the Master Response in the Adoption. These adoptions will be
3 verified by each responding Subrogating Plaintiff.

4 The Subrogating Plaintiffs will set forth a list of claims for which they are seeking
5 reimbursement. The Subrogating Plaintiffs will provide to Defendants an updated list of the
6 names, addresses, policy numbers, dates of loss, claim numbers, the amounts paid by Subrogating
7 Plaintiffs and open reserves (as that information is available) as to each of the subrogated claims
8 for which they are seeking reimbursement (hereinafter the “List of Claims”) not later than April
9 29, 2016. The Subrogating Plaintiffs will provide an updated List of Claims at least on a quarterly
10 basis, or more frequently as necessary to advise Defendants of additional payments made on any
11 claims, and/or as reasonably requested by the Defendants. In any event, Subrogating Plaintiffs
12 will provide a final List of Claims to Defendant on or September 9, 2018, (prior to the statute of
13 limitations), which will constitute the final list of claims to be included in the litigation. The
14 original and/or any amended adoption complaint filed by the Subrogation Plaintiffs will be
15 deemed to set forth all of the information in the List of Claims provided to Defendants pursuant to
16 this CMO. Any claims not disclosed by the Subrogating Plaintiffs on or before September 9,
17 2018, will be barred by statute. This informal provision of information will not bar any Defendant
18 from seeking verified responses to discovery on damage issues, but the parties recognize that this
19 should be done closer to a trial if the discovery relates to claims that are still open and being paid,
20 or at any time as individual claims warrant.

21 The Lists of Claims provided by the Subrogating Plaintiffs will not be admissible in
22 evidence unless the Defendants later reach an agreement with the Subrogating Plaintiff that
23 prepared the List of Claims that the List of Claims is admissible.

24 The Subrogating Plaintiffs will produce claim files on a rolling basis. The parties will
25 meet and confer regarding a schedule and protective order to govern the production of claim files
26 and will report back to the Court on this issue in or around 60 days from the date of this Order.
27 The Subrogating Plaintiffs will continue to produce on a rolling basis any supplements to the
28

1 claim files as required to update Defendants on any additional payments made on the claims
2 following the production of the claim files. Defendants will also be notified of additional
3 payments on any of the claims by the Subrogating Plaintiffs by the periodic production of an
4 updated List of Claims. Claim files may be requested sooner for any plaintiff claiming a
5 preference or on a case-by-case basis, and Subrogating Plaintiffs will make every effort to produce
6 such claim files within 15 days of a request.

7 **D. Miscellaneous Discovery Issues**

8 The parties shall meet and confer with regard to: (1) the production of electronically stored
9 information ("ESI"); (2) a document production protocol; and (3) a deposition protocol, including
10 agreement on the use of a single deposition reporter. The parties will report to the Court on these
11 issues at the next Case Management Conference set for May 24, 2016 with respect to the status of
12 meet-and-confer efforts as described above, to confirm the parties' agreements with regard to
13 discovery, and/or seek entry of further order(s) of the Court.

14 In addition to the requirements set forth in Code of Civil Procedure sections 2030.060;
15 2031.030; and 2033.060, the discovery requests propounded by any party or by Plaintiffs' Liaison
16 Counsel will be numbered consecutively and sequentially among all sets of discovery. For
17 example, if the first set of document requests propounded by Plaintiffs' Liaison Counsel to PG&E
18 includes 20 document requests, then the second set of document requests propounded by Liaison
19 Counsel to PG&E would start with Request for Production No. 21.

20 The parties will serve discovery requests and responses via CHP, with the exception of
21 Individual Plaintiff damages discovery responses and the parties' document productions which
22 will be served electronically pursuant to separate agreement of the parties and/or further order of
23 the Court. It is recognized that most damages-related discovery responses will be responses from
24 Plaintiffs to discovery propounded by Defendants. Consequently, to preserve the potential privacy
25 and confidentiality protections of Individual Plaintiffs from seeing responses of their neighbors
26 and others in the community, service of Individual Plaintiffs' discovery responses as to damages
27 only will be served only upon the Defendants herein and the relevant Subrogating Plaintiffs. As to
28

1 damage documents produced by Individual Plaintiffs represented by different attorneys, those
2 parties will not have access to the other's damage-related discovery responses.

3 Documents will not be produced via CHP. The parties will meet and confer regarding a
4 document production protocol and will report back to the Court on this issue at the next Case
5 Management Conference. Pending agreement on a depository, document production protocol,
6 and/or further order of this Court, any documents produced by the parties in response to discovery
7 requests will be produced in PDF format on a thumb drive to Sue Muncey at Berger Kahn (for
8 Plaintiffs) and Scott Weingrad at Quinn Emanuel (for Defendants).

9 **E. Depositions**

10 The parties will cooperate in the notice and taking of depositions, and Plaintiffs and
11 Defendants will agree to the use of one court reporter service for all depositions in these
12 coordinated actions. The parties will meet and confer regarding a deposition protocol to include
13 an agreed-upon court reporter service and procedures and deadlines relating to depositions and
14 will report back to the Court on this issue at the next Case Management Conference.

15 **F. Discovery Referee**

16 The parties will meet and confer by May 17, 2016, with regard to the need for and
17 selection of a discovery referee and with regard to a process for the resolution of discovery
18 disputes. If the parties are unable to agree on the need for or the selection of the discovery referee,
19 the Defendants collectively and the Plaintiffs collectively will each, in advance of the next Case
20 Management Conference set for May 24, 2016, provide the Court with a statement of the parties'
21 positions along with three names of potential discovery referees. The Court will determine
22 whether a discovery referee is appropriate and, if so, select a discovery referee. If the parties
23 cannot agree on an expedited process for the resolution of discovery disputes, each side will
24 submit a proposal to the Court in advance of May 24, 2016, and the Court will make a
25 determination regarding an expedited discovery resolution process if one is deemed to be
26 necessary.

27
28

1 VI. MISCELLANEOUS PROVISIONS

2 A. Captions

3 All captions will use the title *Butte Fire Cases*, Judicial Council Coordination Proceeding
4 No. 4853. If the filing relates to an individual case or cases, the caption should include that
5 individual case information as well.

6 B. Avoidance of Unnecessary Duplication - Pleadings

7 All parties shall use their best efforts to avoid or minimize duplicative motions, briefs,
8 discovery, and other court papers to the extent consistent with the parties' individual interests.
9 Parties may file joint motions and oppositions to motions.

10 With regard to Plaintiffs, it is anticipated that Liaison counsel will file papers that are
11 deemed to be filed and served on behalf of all. No individual or subrogation firm will have to file
12 a "joinder." However, should a law firm desire to file a pleading or document on behalf of one or
13 more of its clients, it may file its own papers, arguing any position necessary for that firm or group
14 of Plaintiffs.

15 With regard to Defendants, they may jointly file papers or file them separately.

16 The caption of a joint pleading will identify it as such, e.g., "Defendants' Joint Motion
17 To..."

18 C. Communications with Court

19 The Court is not to be copied with letters between the parties. Should a discovery referee
20 be appointed, the Court may establish the process by which it will be involved in communications.
21 Bulletin Board procedures on CHP are outlined in Exhibit C.

22 D. Protective Order

23 The parties will meet and confer regarding a protective order and will report to the Court
24 on this issue at the next Case Management Conference.

25 E. Preservation Order

26 Plaintiffs may seek from the Court a Preservation Order, a proposed version of which
27 Plaintiffs will provide to the Defendants and the Court. The parties will meet and confer with
28

1 respect to any proposed preservation order.

2 **F. Protected Communications - Defendants**

3 Cooperation among counsel and the parties is essential for the orderly and expeditious
4 resolution of the Subject Actions. Plaintiffs' counsel will not seek discovery of any
5 communications among the Defendants and their counsel regarding matters related to the defense
6 of the Subject Actions. This includes all oral, electronic, written or other communications,
7 exchanges of work product and cooperation with respect to sharing costs, expenses and
8 information. Furthermore, to the extent provided by applicable law, the communication of
9 information between and among Defendants' counsel will not be deemed to be a waiver of the
10 attorney-client privilege or the protection afforded to an attorney's work-product and will not be
11 used by any Plaintiff against any Defendant. Nothing contained in this provision or order will be
12 construed to limit the rights of any party or counsel to assert the attorney-client privilege or
13 attorney work-product doctrine.

14 The fact of communication among the Defendants, pursuant to this paragraph, will not
15 constitute evidence of conspiracy, concerted action, or any other wrongful conduct, nor will it
16 constitute evidence of approval or ratification of any Defendant's allegedly wrongful conduct by
17 any other Defendant, nor will it be communicated by any party, witness, or attorney to the jury.

18 **G. Protected Communications - Plaintiffs**

19 Cooperation among counsel and the parties is essential for the orderly and expeditious
20 resolution of the Subject Actions. Defendants' counsel will not seek discovery of any
21 communications among the Plaintiffs and their counsel regarding matters related to the
22 prosecution of the Subject Actions. This includes all oral, electronic, written or other
23 communications, exchanges of work product and cooperation with respect to sharing costs,
24 expenses and information. Furthermore, to the extent provided by applicable law, that the
25 communication of information between and among Plaintiffs' counsel will not be deemed to be a
26 waiver of the attorney-client privilege or the protection afforded to an attorney's work-product and
27 will not be used by any Defendant against any Plaintiff. Nothing contained in this provision will
28

1 be construed to limit the rights of any party or counsel to assert the attorney-client privilege or
2 attorney work-product doctrine.

3 The fact of communication among the Plaintiffs, pursuant to this paragraph, will not
4 constitute evidence of conspiracy, concerted action, or any other wrongful conduct, nor will it
5 constitute evidence of approval or ratification of any Defendant's allegedly wrongful conduct by
6 any other Plaintiff, nor will it be communicated by any party, witness, or attorney to the jury.

7 **VII. STAY PREVIOUSLY ORDERED BY THE COURT**

8 At the case management conference on April 22, 2016, the Court lifted the stay on the
9 Coordination Proceeding, except the Court kept in place the stay on any deadlines for Defendants
10 to respond to complaints included in the Coordination Proceeding or complaints subject to add-on
11 petitions. With entry of this order, Defendants shall not be required to file or serve any responsive
12 pleadings to any complaints other than the Master Complaints, as provided in Section II.B., supra.

13 **VIII. CALENDAR**

14 The next Case Management Conference is set for May 24, 2016, at 10:00 a.m., in
15 Department 42 of the Sacramento Superior Court, located at 720 Ninth Street, Sacramento,
16 California.

17 The Court has meet with Plaintiffs' Liaison Counsel and Defense Counsel and/or their
18 representatives on May 11, 2016, at 10:00 a.m., regarding Court procedures for the Coordination
19 Proceeding.

20 **ORDER**

21 Having read and approved the Case Management Conference Order in this matter, it is
22 hereby made the Oder of the Court.

23 IT IS SO ORDERED.

24 Dated: 5/20/16

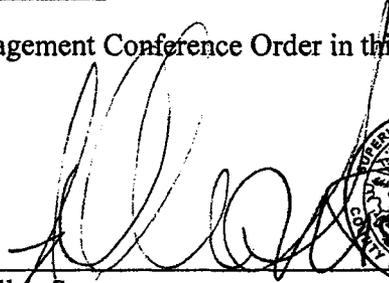
25 By: 
26 Allen Sumner
27 Judge of the Superior Court
28 

EXHIBIT A

**CHAIR, JUDICIAL COUNCIL OF CALIFORNIA
455 Golden Gate Avenue, San Francisco, CA 94102-3688**

Coordination Proceeding)
Special Title (Rule 3.550))

BUTTE FIRE CASES)

) JUDICIAL COUNCIL
) COORDINATION PROCEEDING
) NO. 4853
)
)
)
)

ORDER ASSIGNING COORDINATION TRIAL JUDGE

THE PRESIDING JUDGE of the Superior Court of California, County of Sacramento, is hereby authorized to assign this matter to a judge of the court pursuant to Code of Civil Procedure section 404.3 and rule 3.540 of the California Rules of Court to sit as coordination trial judge to hear and determine the coordinated actions listed below, at the site or sites he or she finds appropriate. Immediately upon assignment, the coordination trial judge may exercise all the powers over each coordinated action of a judge of the court in which that action is pending.

COORDINATED ACTIONS

<u>COURT</u>	<u>NUMBER</u>	<u>SHORT TITLE</u>
Superior Court of California County of Calaveras	15CV41216	Alander, et al. vs. PG&E Corporation, et al.
Superior Court of California County of Calaveras	15CV41209	Andrews vs. Pacific Gas and Electric Company, et al.

<u>COURT</u>	<u>NUMBER</u>	<u>SHORT TITLE</u>
Superior Court of California County of Calaveras	15CV41162	Moeller, et al. vs. Pacific Gas and Electric Company, et al.
Superior Court of California County of Calaveras	15CV41224	Brundage, et al. vs. PG&E Corporation, et al.
Superior Court of California County of Calaveras	15CV41194	Slifkoff, et al. vs. PG&E Corporation
Superior Court of California County of Calaveras	15CV41255	Barragan, et al. vs. PG&E Corp., et al.
Superior Court of California County of Calaveras	15CV41290	Kern vs. PG&E Corp., et al.
Superior Court of California County of Calaveras	15CV41335	Pargett vs. PG&E
Superior Court of California County of Calaveras	15CV41261	Rush, et al. vs. PG&E Corp., et al.
Superior Court of California County of Calaveras	15CV41279	Allstate Insurance Company, et al. vs. PG&E, et al.
Superior Court of California County of Calaveras	15CV41278	Bankers Standard Insurance, et al. vs. PG&E, et al.
Superior Court of California County of Calaveras	15CV41267	CSAA Insurance Exchange, et al. vs. PG&E, et al.
Superior Court of California County of Calaveras	15CV41276	Fire Insurance Exchange, et al. vs. PG&E, et al.
Superior Court of California County of Calaveras	15CV41274	Hartford Casualty Insurance Company, et al. vs. PG&E, et al.
Superior Court of California County of Calaveras	15CV41289	Liberty Insurance Corporation, et al. vs. PG&E, et al.
Superior Court of California County of Calaveras	15CV41277	Nationwide Mutual Insurance Company, et al. vs. PG&E, et al.
Superior Court of California County of Calaveras	15CV41266	State Farm General Insurance Company, et al. vs. PG&E, et al.

<u>COURT</u>	<u>NUMBER</u>	<u>SHORT TITLE</u>
Superior Court of California County of Calaveras	15CV41275	United Services Automobile Association, et al. vs. PG&E, et al.
Superior Court of California County of San Francisco	CGC15548611	Smith, et al. vs. Pacific Gas and Electric Company, et al.
Superior Court of California County of San Francisco	CGC15548319	Tyler vs. Pacific Gas and Electric Company, et al.
Superior Court of California County of San Francisco	CGC15548386	Biggs-Adams, et al. vs. Pacific Gas and Electric company, et al.
Superior Court of California County of San Francisco	CGC15548619	Mathes/Goldsmith, et al. vs. PG&E Corporation, et al.
Superior Court of California County of San Francisco	15549036	Monteith, et al. vs. PG&E, et al.
Superior Court of California County of San Francisco	15549334	Sacks, et al. VS. PG&E, et al.
Superior Court of California County of San Francisco	15549623	Thompson vs. PG&E, et al.
Superior Court of California County of San Francisco	15549629	Adams vs. PG&E, et al.
Superior Court of California County of San Francisco	CGC15548899	Burriss, et al. vs. PG&E Corporation, et al.

The coordination motion judge has designated the Court of Appeal, Third Appellate District, as the reviewing court having appellate and writ jurisdiction. (Code Civ. Proc., § 404.2; Cal. Rules of Court, rule 3.505(a).)

Pursuant to rules 3.501 and 3.540 of the California Rules of Court, every paper filed in a coordinated action must be accompanied by proof of submission of a copy thereof to the coordination trial judge at the following address:

Presiding Judge of the Superior Court of California,
County of Sacramento
720 Ninth Street
Sacramento, CA 95814

Pursuant to rule 3.511 of the California Rules of Court, a copy of every paper required to be transmitted to the Chair of the Judicial Council must be sent to the following address:

Chair, Judicial Council of California
Attn: Appellate Court Services
(Civil Case Coordination)
455 Golden Gate Avenue, 5th Floor
San Francisco, CA 94102-3688

Petitioner is directed to serve a copy of this order on (1) all parties to the included coordinated actions, and (2) the clerk of each court for filing in each included action, pursuant to rule 3.540(c) of the California Rules of Court.

Dated: February 9, 2016

Paul J.

Chief Justice of California and
Chair of the Judicial Council

CHAIR, JUDICIAL COUNCIL OF CALIFORNIA

PROOF OF SERVICE BY MAIL

JUDICIAL COUNCIL COORDINATION NUMBER: 4853	CASE NUMBER:
--	--------------

1. I am over the age of 18 and not a party to this legal action.
2. I am employed in the City and County of San Francisco and my business address is

**455 Golden Gate Avenue
San Francisco, CA 94102-3688**

3. On February 10, 2016, I served a copy of the following documents:

- ORDER ASSIGNING COORDINATION MOTION JUDGE
- ORDER ASSIGNING COORDINATION TRIAL JUDGE
- ORDER ASSIGNING COORDINATION MOTION JUDGE AND SETTING DATE FOR HEARING
- AMENDED ORDER ASSIGNING COORDINATION MOTION JUDGE
- AMENDED ORDER ASSIGNING COORDINATION TRIAL JUDGE
- OTHER

on the interested parties listed on the attached mailing list by placing a true copy enclosed in a sealed envelope with postage fully prepaid in the outgoing mailbox in my office, in accordance with ordinary business practices for deposit with the United States Postal Service in San Francisco, California. I am readily familiar with my office's business practice for collection of and processing of correspondence for mailing, and under that practice the above document is being deposited with the United States Postal Service this date in San Francisco, California, in the ordinary course of business.

4. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wednesday, February 10, 2016

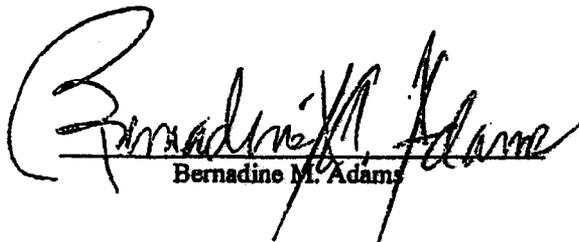

Bernadine M. Adams

EXHIBIT A

MAILING LIST

JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4853

**JOHN H. GOMEZ
JOHN P. FISKE
AHMED S. DIAB
GOMEZ TRIAL ATTORNEYS
655 West Broadway, #1700
San Diego, CA 92101**

**KENNETH R. CHIATE
JEFFREY N. BOOZELL
SARAH J. COLE
QUINN EMANUEL URQUHART
& SULLIVAN
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017**

**FRANK M. PITRE
COTCHETT PITRE & McCARTHY LLP
SF Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010**

**GAYLE L. GOUGH
MARK J. HANCOCK
GOUGH & HANCOCK LLP
649 Mission Street, Suite 460
San Francisco, CA 94102**

**GERALD SINGLETON
ERIKA L. VASQUEZ
BRODY A. MCBRIDE
SINGLETON LAW FIRM, APC
115 West Plaza Street
Solana Beach, CA 92075**

**DARIO de GHETALDI
AMANDA L. RIDDLE
COREY, LUZICH de GHETALDI,
NASTARI & RIDDLE, LLP
700 El Camino Real
Millbrae, CA 94030**

EXHIBIT B

1 **MASTER SERVICE LIST**

2 *Butte Wildfire Litigation*

3 March 31, 2016

4 **PLAINTIFF COUNSEL**

5 Maura Walsh Ochoa 6 Waylon J. Pickett 7 Todd C. Harshman 8 GROTEFELD HOFFMANN, et al. 9 655 Montgomery Street, Suite 1220 10 San Francisco, CA 94111 11 P: (415) 344-9670 12 F: (415) 989-2802 13 mchoa@ghlaw-llp.com 14 wpickett@ghlaw-llp.com 15 tharshman@ghlaw-llp.com 16 lcortez@ghlaw-llp.com (Paralegal)	Attorneys for Subrogation Plaintiffs State Farm General Insurance Company, et al. Case No. 15CV41266
17 Shawn E. Caine 18 LAW OFFICES OF SHAWN E. CAINE 19 1125 Camino Del Mar, Suite D 20 Del Mar, CA 92014 21 P: (858) 350-1660 22 F: (866) 754-1398 23 scaine@cainelaw.com	Attorneys for Subrogation Plaintiffs United Services Automobile Association, et al. Case No.
24 Craig S. Simon 25 BERGER KAHN, A LAW CORPORATION 26 2 Park Plaza, Suite 650 27 Irvine, CA 92614 28 P: (949) 474-1880 F: (949) 474-7265 csimon@bergerkahn.com smuncey@bergerkahn.com (Paralegal)	Attorneys for Subrogation Plaintiffs Fire Insurance Exchange, et al. Case No. 15CV41276
Kevin D. Bush COZEN O'CONNOR 501 West Broadway, Suite 1610 San Diego, CA 92101 P: (619) 234-1700 F: (619) 234-7831 kbush@cozen.com	Attorneys for Subrogation Plaintiffs Bankers Standard Insurance Company, et al. Case No. 15CV41278
Howard D. Maycon COZEN O'CONNOR 601 S. Figueroa Street, Suite 3700 Los Angeles, CA 90017 P: (213) 892-7900 F: (213) 892-7999 hmaycon@cozen.com dkeiser@cozen.com (Paralegal)	Attorneys for Subrogation Plaintiffs Bankers Standard Insurance Company, et al. Case No. 15CV41278

1	Eric M. Schroeder William Loscotoff Amanda Stevens	Attorneys for Subrogation Plaintiffs Allstate Insurance Company; California Capital Insurance Company; North Light Specialty Insurance Company Case No. 15CV41279
2	CULBRETH SCHROEDER, LLP 2945 Ramco Street, Suite 110	
3	West Sacramento, CA 95691 P: (916) 438-8300	
4	F: (916) 438-8306 emschroeder@calsubro.com	
5	wloscotoff@calsubro.com	
6	astevens@calsubro.com	
7	Alan J. Jang Jennifer A. Stewart	Attorneys for Subrogation Plaintiffs CSAA Insurance Exchange, et al. Case No. 15CV41267
8	JANG & ASSOCIATES, LLP 1766 Lacassie Avenue, Suite 200	
9	Walnut Creek, CA 94596 P: (925) 937-1400	
10	F: (925) 937-1414 ajang@janglit.com	
11	jstewart@janglit.com	
12	Scott Loewe Patrick Y. Howell	Attorneys for Subrogation Plaintiffs Hartford Casualty Insurance Company, et al. Case No. 15CV41274
13	BAUMAN LOEWE, et al. 8765 E. Bell Road, Suite 210	
14	Scottsdale, AZ 85260 P: (480) 502-4664	
15	F: (480) 502-4774 sloewe@blwmlawfirm.com	
16	phowell@blwmlawfirm.com	
17	dbaker@blwmlawfirm.com	
18	ccoito@blwmlawfirm.com	
19	Daniel Schmaeling HARRIS & YEMPUKU 2180 Harvard Street, Suite 375	Attorneys for Subrogation Plaintiffs Liberty Mutual Insurance Company Case No.
20	Sacramento, CA 95815 P: (916) 649-8333	
21	F: (916) 334-7903 daniel.schmaeling@libertymutual.com	
22	Dario de Ghetaldi Amanda Riddle	Attorneys for Individual Plaintiffs Case No.
23	Clare Capaccioli Velasquez COREY, LUZAICH de GHETALDI, et al. 700 El Camino Real	
24	Millbrae, CA 94030 P: (650) 871-5666	
25	F: (650) 871-4144 deg@coreylaw.com	
26	alr@coreylaw.com	
27	ccv@coreylaw.com	
28	dlp@coreylaw.com	

1	Mike Danko Kristine Meredith DANKO MEREDITH 333 Twin Dolphin Drive, Suite 145 Redwood Shores, CA 94065 P: (650) 453-3600 F: (650) 394-8672 <u>mdanko@dankolaw.com</u> <u>kmeredith@dankolaw.com</u>	Attorneys for Individual Plaintiffs Case No.
6	Daniel G. Whalen ENGSTROM LIPSCOMB & LACK 10100 Santa Monica Blvd., 12th Floor Los Angeles, CA 90067 P: (310) 552-3800 F: (310) 552-9434 <u>dwhalen@elllaw.com</u> <u>gwaters@elllaw.com</u> <u>ajacobson@elllaw.com</u> <u>ebell@elllaw.com</u> <u>sedwards@elllaw.com</u> <u>tgunther@elllaw.com</u>	Attorneys for Individual Plaintiffs Case No.
12	John Gomez John Fiske Ahmed Diab GOMEZ TRIAL ATTORNEYS 655 W. Broadway, Suite 1700 San Diego, CA 92101 P: (619) 237-3490 F: (619) 237-3496 <u>john@gomeztrialattorneys.com</u> <u>ifiske@gomeztrialattorneys.com</u> <u>adiab@gomeztrialattorneys.com</u> <u>inard@gomeztrialattorneys.com</u> (Paralegal)	Attorneys for Individual Plaintiffs Richard Tyler, et al. Case No. CGC-15-548319
19	Robert W. Jackson Brett R. Parkinson LAW OFFICES OF ROBERT W. JACKSON 205 W. Alvarado Street Fallbrook, CA 92028 P: (760) 723-1295 F: (760) 723-9561 <u>robert@jacksontriallawyers.com</u> <u>brett@jacksontriallawyers.com</u> <u>david@jacksontriallawyers.com</u>	Attorneys for Individual Plaintiffs Case No.
24	Eric Ratinoff ERIC RATINOFF LAW CORP. 401 Watt Ave., Suite 1 Sacramento, CA 95864 P: (916) 970-9100 F: (916) 246-1696 <u>eric@ericratinoff.com</u>	Attorneys for Individual Plaintiffs Case No.

1	Steven M. Campora Catia G. Saraiva Jason J. Sigel	Attorneys for Individual Plaintiffs Fred Slifkoff, et al Case No. 15CV41194
2	DREYER BABICH BUCCOLA WOOD, et al. 20 Bicentennial Circle Sacramento, CA 95826 P: (916) 379-3500 F: (916) 379-3599 scampora@dbbwc.com csaraiva@dbbwc.com jsigel@dbbwc.com nwong@dbbwc.com rchipak@dbbwc.com alutge@dbbwc.com	Richard C. Bush, et al. Case No. 15CV41261
8	John V. Airola AIROLA LAW OFFICES 2399 American River Drive, Suite 2 Sacramento, CA 95825 P: (916) 971-3314 F: (916) 971-3402 john@law4injury.com	Attorneys for Individual Plaintiffs Case No.
12	Frank M. Pitre Alison E. Cordova COTCHETT PITRE & McCARTHY LLP 840 Malcolm Road, Suite 200 Burlingame, CA 94010 P: (650) 697-6000 F: (650) 697-0577 fpitre@cpmlegal.com acordova@cpmlegal.com tstevens@cpmlegal.com (Assistant) mdominguez@cpmlegal.com (Paralegal) cgomez@cpmlegal.com (Case Assistant)	Attorneys for Individual Plaintiffs Teresa L. Rush Case No. 15CV41261 Fred Slifkoff Case No. 15CV41194
19	Ken Roye Joseph Astleford LAW OFFICE OF KENNETH P. ROYE 142 West 2nd Street, Suite B Chico, CA 95928 P: (530) 893-2398 F: (530) 893-2396 ken@kenroyelaw.com joseph@kenroyelaw.com deann@kenroyelaw.com (Assistant) brittany@kenroyelaw.com (Assistant)	Attorneys for Individual Plaintiffs Case No.
25	Jeffery L. Caufield CAUFIELD & JAMES LLP 2851 Camino Del Rios S #410 San Diego, CA 92108 P: (619) 325-0441 F: (619) 325-0231 jeff@caufieldjames.com	Attorneys for Individual Plaintiffs Case No.

1	Christopher C. Sieglock LAW OFFICES OF CHRISTOPHER C. SIEGLOCK, A Professional Corporation	Attorneys for Individual Plaintiffs
2	1221 Camino Del Mar	Case No.
3	Del Mar, CA 92014	
4	P: (209) 712-8814 F: (866) 664-0577 chris@sieglocklaw.com	
5	Dave Fox FOX LAW APC	Attorneys for Individual Plaintiffs
6	1221 Camino Del Mar	Case No.
7	Del Mar, CA 92014	
8	P: (858) 256-7616 F: (858) 256-7618 dave@foxlawapc.com	
9	Gerald Singleton Erika L. Vasquez Amanda LoCurto	Attorneys for Individual Plaintiffs Moeller and Stewart
10	SINGLETON LAW FIRM, APC	Case No.
11	115 West Plaza Street	
12	Solana Beach, CA 92075	
13	P: (760) 697-1330 F: (760) 697-1329 gerald@geraldsingleton.com erika@geraldsingleton.com amanda@geraldsingleton.com tyler@geraldsingleton.com (Paralegal)	
14		
15	Co-Counsel	
16	Demetrios A. Sparacino SPARACINO LAW CORPORATION	
17	525 B Street, Suite 1500	
18	San Diego, CA 92101	
19	P: (619) 955-5254 F: (619) 374-1313 dsparacino@sparacinolaw.com	
20	Elliot Adler Brittany Zummer ADLER LAW GROUP, APLC	Attorneys for Individual Plaintiffs
21	402 W. Broadway, Suite 860	Case No.
22	San Diego, CA 92101	
23	P: (619) 531-8700 F: (619) 342-9600 eadler@theadlerfirm.com bzummer@theadlerfirm.com chunter@theadlerfirm.com (Paralegal)	
24		
25		
26		
27		
28		

1	Amy Wright Wes Beavers Jeffrey Korinko	Attorneys for Nationwide Mutual Insurance Company, et al.
2	LAW OFFICES OF DRISKELL & LAWRENCE	Case No. 15CV41277
3	105 Decker Court, Suite 150 Irving, TX 75062	
4	wright17@nationwide.com	
5	beaver@nationwide.com	
6	korinkj@nationwide.com	
7	rutanj@nationwide.com	
8	willik55@nationwide.com	
9	jerry11@nationwide.com	
10	john14@nationwide.com	
11	Ty Tosdal TOSDAL LAW FIRM	Attorneys for Individual Plaintiffs
12	777 South Highway 101, Suite 215 Solana Beach CA 92075	
13	P: (858) 704-4710	
14	F: (888) 740-3859	
15	ty@tosdallaw.com	
16	angela@tosdallaw.com	
17	Don Dowling Jessica Rowen	Attorneys for Plaintiffs Sachs, Thompson
18	ROSS, HACKETT, DOWLING, VALENCIA & WALTI	Case No. 15CV41326
19	600 El Camino Real San Bruno, CA 94066	
20	P: (650) 588-0367	
21	F: (650) 588-3413	
22	ddowling@rosshackett.com	
23	jrowen@rosshackett.com	
24	David Denton Erin Lahey	Attorneys for Plaintiffs American Modern Home Insurance, Co., American Family Home Insurance, Co., and Armed Forces Insurance, Co.
25	Media Benjamin DENENBERG TUFFLEY	Case No. 16CV41429
26	10250 Constellation Boulevard, Suite 2320 Los Angeles, CA 90067	
27	P: (310) 356-4683	
28	F: (310) 284-9089	
29	ddenton@dt-law.com	
30	elahey@dt-law.com	
31	mbejamin@dt-law.com	
32	llund@dt-law.com	
33	Brian Osborne OSBORNE LAW FIRM	Attorneys for Plaintiff Marcella Kern
34	674 County Square Drive, Suite 310 Ventura, CA 93003	Case No. 15CV41326; 15CV41290
35	P: (805) 642-9283	
36	F: (805) 642-7054	
37	osborneb@sbcglobal.net	

DEFENSE COUNSEL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>Kenneth R. Chiate Jeffrey N. Boozell Sarah J. Cole QUINN EMANUEL, et al. 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 P: (213) 443-3000 F: (213) 443-3100 kenchiate@quinnemanuel.com jeffboozell@quinnemanuel.com sarahcole@quinnemanuel.com</p>	<p>Attorneys for Defendant Pacific Gas & Electric Company</p>
<p>Gayle L. Gough Mark J. Hancock Sara Duncan GOUGH & HANCOCK LLP 649 Mission Street, Suite 460 San Francisco, CA 94105 P: (415) 848-8900 F: (415) 974-6745 gayle.gough@ghcounsel.com mark.hancock@ghcounsel.com sara.duncan@ghcounsel.com Jennifer.McNeil@ghcounsel.com</p>	<p>Attorneys for Defendant Pacific Gas & Electric Company</p>
<p>Randy W. Gimple Colin C. Munro Aaron Shapiro CARLSON, CALLADINE & PETERSON 353 Sacramento Street, 16th Floor San Francisco, CA 94111 P: (415) 391-3911 F: (415) 391-3898 rgimple@ccplaw.com cmunro@ccplaw.com shahn@ccplaw.com ashapiro@ccplaw.com</p>	<p>Attorneys for Defendant Trees, Inc.</p>
<p>Kenneth F. Strong Matthew T. Hawk GORDON & REES LLP 275 Battery Street, 20th Floor San Francisco, CA 94111 P: (415) 986-5900 F: (415) 986-8054 kstrong@gordonrees.com mhawk@gordonrees.com</p>	<p>Attorneys for Defendant ACRT</p>

EXHIBIT C

1 **BUTTE FIRE CASES JCCP 4853**

2 **EXHIBIT C**

3 **COURT ORDER REGARDING ELECTRONIC SERVICE**

4 Pursuant to Code of Civil Procedure §§ 1010.6 and 187 and California Rules of Court,
5 rules 2.250, *et. seq.* and 3.751, and the stipulation of the parties as outlined in the jointly filed
6 Case Management Statement, the Court makes this Order to reduce the costs of litigation and to
7 facilitate case management, document retrieval, and case organization.

8 When a party to this litigation wishes to serve a document, that party shall effectuate
9 service of the document by the procedure set forth in this Order:

10 **I. CASE HOME PAGE**

11 1. In order to facilitate case management, document retrieval and case organization,
12 the parties will utilize the services of Case Home Page and its litigation system (the "System")
13 for providing electronic service, storage and delivery of court-filed and discovery-related
14 documents, as provided in Case Management Order No. 1, through a secure website. Each firm
15 of record and unrepresented litigant is required to sign up with Case Home Page and will be
16 individually responsible for payment of applicable Case Home Page fees. Plaintiffs' Liaison
17 Counsel will work with Plaintiffs to meet the requirements for electronic service and use of Case
18 Home Page. The Court, at its option, may also use Case Home Page and its System for these
19 purposes and to communicate with counsel of record.

20 **II. SERVICE ONLY**

21 2. The System shall apply only to the service of documents, and not to their filing.
22 Original documents must still be filed pursuant to the applicable California Rules of Civil
23 Procedure, Local Rules of Court, and requirements of the Court.

24 **III. SERVICE LIST & SIGN-UP**

25 3. Counsel for Defendants and all law firms of record shall provide the following
26 information to Case Home Page: (i) firm address; (ii) firm telephone number; (iii) firm facsimile
27 number; (iv) identity of attorney(s) of record; (v) list of other firm attorneys to be provided
28 access (if any); (vi) list of firm professional staff to be provided access (if any); (vii) email

1 addresses of all attorneys and professional staff to be provided access; (viii) list of parties
2 represented; and (ix) the name and address of the individual designated to receive billing
3 invoices. Any unrepresented litigants shall provide similar contact information. Each party is
4 responsible for providing up-to-date contact information for Case Home Page's service list.
5 Each user is responsible for ensuring that their email account settings will allow receipt of emails
6 from info@casehomepage.com. The contact/registration information for CHP is:

7 CaseHomePage
8 775 Baywood Drive, Suite 308, Petaluma, CA 94954
9 Telephone: (707) 775-4577
10 Facsimile: (775) 535-8967
11 www.casehomepage.com
12 info@casehomepage.com

13 **IV. SERVICE OF DOCUMENTS AND WEBSITE**

14 4. When any party wishes to serve a document, that party shall serve the document
15 according to all the requirements and procedures of this Order. All references to "document" in
16 this Order shall be interpreted to include any exhibits or attachments to the document and shall
17 include both pleadings and discovery-related documents (such as interrogatories, requests for
18 production, deposition notices, etc.); provided, however, that each party shall determine
19 individually whether to utilize the System to serve correspondence.

20 5. Case Home Page shall establish and maintain an Internet website (the "Website")
21 for this litigation. Case Home Page will post all documents served by the parties to the Website
22 as provided in this Order and shall serve each document on the parties included on the service
23 list provided to Case Home Page in accordance with the procedures herein.

24 6. Each party shall serve each document via electronic transfer of the document file
25 to Case Home Page (in Word, WordPerfect, or PDF format) through the Internet. CHP will
26 name each document uploaded to the site to include the identity of the party and firm uploading
27 said document, the name of the document, and any numbering or version reference. Service by
28 CHP will be deemed effective on the date uploaded to CHP, and per California Code of Civil
Procedure § 1010.6 an additional 2 court days for response will be added.

1 7. After Case Home Page receives a document, Case Home Page shall convert such
2 document into PDF format (if it is not already uploaded in PDF format) and post it to the
3 Website.

4 8. Case Home Page shall send an email to all registered users notifying them that the
5 document has been posted to the Website. The email shall contain a hypertext link to the
6 document.

7 9. If a document to be filed with the Court is rejected for filing after Case Home
8 Page has posted it on the Website, the party that caused the document to be posted shall promptly
9 post to the Bulletin Board on Case Home Page that the document was rejected by the Court for
10 filing.

11 10. The System shall contain an index of all served documents for the litigation that
12 will be searchable and sortable in accordance with CHP usual methodology. It will contain a
13 folder for docket, Court transcripts, depositions, discovery, general matters, litigation, shared
14 document repository index, deposition calendar and Bulletin Board.

15 If this box is checked, the Court finds useful a Bulletin Board for two-way
16 Communication from the Court to the parties, and from the parties jointly to the Court, and
17 requests that such a Bulletin Board be set up through CHP. The Court or its staff may post
18 notices on the Bulletin Board that will immediately be transmitted via CHP to all parties on the
19 service list. No party may unilaterally post a notice to the Court on the Bulletin Board.
20 Communication with the Court must be made jointly by Individual Plaintiff Liaison Counsel,
21 Subrogation Plaintiff Liaison Counsel, and all Defense Counsel (e.g. when the parties agree to
22 take a contested matter off calendar, and wish to seek the Court's approval, or when the parties
23 have agreed to seek an extra day for filing a document requested by the Court, and seek the
24 Court's approval).

25 If this box is checked, the Court finds useful a "Judge's Folder" on CHP
26 containing a courtesy copy of all documents actually filed with the Court and asks that it be
27 established. The Court should not and will not be copied on communications between and
28

1 among the parties or any non-filed materials served via CHP. Plaintiffs' Liaison Counsel and
2 Defendants' Counsel will establish a procedure for posting documents in a "Judge's Folder."

3 11. Access to the System will be limited to registered users. Registered users will
4 consist of counsel of record, in house counsel for any party, designated staff members, and
5 authorized counsel for liability insurers for Defendants if desired. Court personnel will have
6 access to only the two-way Bulletin Board and the Judge's Folder. Case Home Page will
7 provide each registered firm with a username and password to access the System and the
8 documents served in the litigation, each firm's personnel may utilize the firm password to access
9 the CHP website. Case Home Page personnel will perform all administrative functions for the
10 System, but all initial data as well as additions, deletions or changes to the service list must be
11 provided by the parties. Any disputes regarding initial data, additions, deletions or changes to
12 the service list shall be resolved by Defense and Plaintiff Liaison Counsel.

13 12. Every pleading, document and instrument served electronically shall bear a
14 facsimile or electronic signature of at least one of the attorneys of record (or, if applicable, the
15 signature of an unrepresented litigant), along with the typed name, address, and State Bar of
16 California number of such attorney. Electronic signatures shall be treated exactly as original
17 signatures for purposes of electronically served documents under the California Rules of Civil
18 Procedure.

19 13. Any document transmitted to the System shall certify in the Proof of Service that
20 a true and correct copy was electronically served by transmission to Case Home Page.

21 14. This Order Authorizing Electronic Service, and any modifications thereto, shall
22 also apply to any new parties that subsequently enter the action. All such parties must register
23 with Case Home Page within five days of their first appearance in the case.

24 15. Case Home Page shall have available to registered users a telephone helpline
25 (800) 416-4135 and e-mail support (info@casehomepage.com) 365 days a year.

26 **V. CONCLUSION OF SERVICE BY CHP**

27 16. Unless otherwise instructed by the Court, Case Home Page shall maintain the
28 Website until instructed by the Defense and Plaintiff Liaison Counsel jointly that the site may be

1 taken down. When taken down, a full and complete copy of all materials stored on the site will
2 be made available to any party in the case upon request.

3 17. Notwithstanding the above, access for individual law firms will be terminated
4 upon the earlier of the following: (i) all parties represented by that firm have been voluntarily
5 dismissed; (ii) the firm no longer represents any party in the litigation; or (iii) a final judgment
6 for or against each party represented by the law firm has been issued and all appeals therefrom
7 have been exhausted or concluded. Access for unrepresented litigants will be terminated upon
8 the earlier of the following: (i) the party has been voluntarily dismissed; or (ii) a final judgment
9 for or against the party has been issued and all appeals therefrom have been exhausted or
10 concluded. Each law firm and unrepresented litigant is responsible for informing Case Home
11 Page of the above.

12 18. Each law firm shall notify Case Home Page if access by any of its registered users
13 shall be terminated for any reason. Upon receipt of such notification, Case Home Page will
14 terminate access rights for the indicated individual. Access to the Website must be maintained
15 for at least one attorney of record from each firm unless access has otherwise been terminated
16 pursuant to the provisions above.

17 19. Upload to CHP does not constitute filing with the Court. Case Management
18 Order no. 1, section I.F., provides requirements for filing with the Court and serving the Court
19 with courtesy copies.

20 IT IS SO ORDERED.
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO**

BUTTE FIRE CASES

Judicial Council Coordination No. 4853

CERTIFICATE OF SERVICE

BY MAILING AND EMAILING

(C.C.P. Sec. 1013a(4))

I, the Clerk of the Superior Court of California, County of Sacramento, certify that I am not a party to this cause, and on the date shown below I served the foregoing **CASE MANAGEMENT ORDER NO. 1** by electronic copies thereof, sent to email addresses respectively to the persons and addresses shown below:

SERVICE LIST

Steven M. Campora scampora@dbbwc.com	Craig S. Simon csimon@bergerkahn.com
Maura Walsh Ochoa mochoa@ghlaw-llp.com	Dario de Ghetaldi Amanda Riddle deg@coreylaw.com alr@coreylaw.com
Kenneth R. Chiate Jeffrey N. Boozell kenchiate@quinnemanuel.com jeffboozell@quinnemanuel.com	Gayle L. Gough Gayle.gough@ghcounsel.com
Randy W. Gimple rgimple@ccplaw.com	Kenneth F. Strong kstrong@gordonrees.com

I, the undersigned Deputy Clerk, declare under penalty of perjury that the foregoing is true and correct.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

Dated: May 20, 2016

By: M. GARCIA
Deputy Clerk