



FILE
San Francisco County Superior Court

SEP 24 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. 3

I conducted a case management conference (CMC) September 21, 2018.

The next CMC is set for **October 19, 2018 at 10:30 a.m.** The parties' joint CMC statement should reflect the results of their meet and confer on these subjects:

Trial setting. The parties should propose a trial with this detail, for each trial proposed:

- Which fire (Tubbs, Atlas, etc.). Explain the choice, if the parties disagree.
- Number of plaintiffs.
- Key characteristics of each plaintiff (e.g. the case includes wrongful death, or type of damage (e.g., agricultural); or presents a key issue [in which case this issue should be cited]; or plaintiff is selected randomly.
 - When and how each plaintiff will be identified, and if a series of backup plaintiffs whose cases present similar characteristics will be identified.
- Estimated number of witnesses, with very brief descriptions of their testimony (e.g. expert on topic X, plaintiff on damages, PG&E witness on topic Z, etc.).

- 1 • Estimated number of days for trial, accounting for cross examination of witnesses by
2 all counsel who would have reasons to do so.¹
3
4 • Proposed trial date.
5
6 • Proposed county for trial.
7
8 • While some parties have asked for trial in this Dept. 304, if the Department's trial
9 calendar does not allow a trial in or around the date proposed, state alternative (e.g.,
10 trial in different county; trial judge assigned by the Presiding Judge of this Court on
11 the date of trial {master calendar approach}, etc.).

12 Plaintiffs have explained that liability-only trials are not feasible because, among other
13 things, punitive damages are sought.

14 *Discovery*

15 -*Discovery cut off.* Proposed dates for expert and percipient discovery cut off, given the
16 proposed dates of trial above.

17 -*PG&E ESI.* Does the end date of December 21, 2018 still appear feasible? Can
18 plaintiffs commence corporate depositions before that date? Are there any remaining
19 issues in accessing backups drives?

20 -*CAL Fire.* Status of discussions to obtain access to evidence in the hands of Cal Fire. If
21 the parties are unsatisfied with the response by CAL Fire, state the options the parties are
22 considering, how much time it will take to resolve, and the impact on the choice of which
23 trial to handle first.

24 -*Plaintiff's CMO#2 compliance.* Plaintiffs agree to October 1, 2018. Are there any
25 remaining issues? If so name the plaintiff law firms responsible.
26

27 ¹ In Dept. 304, each trial day lasts about 4.1 to 4.2 hours per day exclusive of breaks (time is set aside in the morning
 (9-10 a.m.) and afternoon (4 p.m. and on) to handle the other cases in the Department).

1 -Are there topics where stipulations may be feasible?

2 *Procedures to refine issues.* Aside from motions for summary judgment or adjudication,
3 whether the parties contemplate other procedures to refine issue, such as (i) early in limine
4 motions to test the admissibility of significant evidence or expert testimony;² (ii) early jury
5 instruction conference to test what law will apply at trial; (iii) short, bifurcated jury or bench
6 trials to resolve key fact or legal issues; (iv) motions under C.C.P 437c(t) to resolve a key legal
7 issue.
8

9 *Mediation.* Approximate dates when the parties will be ready for mediation. This must be
10 in advance of any trial.

11 *Discovery disagreements.* Once the parties have finally and completely finished their
12 meet and confer on a discovery issue, they may call the clerk of this Department to arrange for
13 an informal conference on the matter, with a short (usually no more than 2 pages) statement
14 presenting the issue sent to the Clerk at least 24 business hours in advance.
15

16
17
18 Dated: September 24, 2018



Curtis E.A. Karnow
Judge Of The Superior Court

27 ² If expert testimony will be the subject of such an early motion, the parties will have to agree to conclude expert discovery earlier than provided by Code.

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 **SEP 25 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:

SEP 25 2018

T. Michael Yuen, Clerk

By:



DANIAL LEMIRE, Deputy Clerk