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3 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
4 FOR THE COUNTY OF LOS ANGELES

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ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

JUL 28 2011

John A. Clarke, Executive Officer/Clerk  
By [Signature] Deputy  
K. KRYSKIBANICZ

Case No.: BC462270

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6 DONALD SIPPLE, ET AL.

Plaintiffs

**INITIAL STATUS CONFERENCE ORDER**

8  
9 Vs.

Complex Litigation Program

10 THE CITY OF ALAMEDA CALIFORNIA

Defendants

The Honorable William F. Highberger  
Department 307

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14 An Initial Status Conference is set for September 2, 2011 at 9:00 a.m. in Department  
15 307, Central Civil West Courthouse, located at 600 S. Commonwealth Avenue, Los Angeles,  
16 CA 90005. Counsel for all parties are ordered to attend the Initial Status Conference.

17 To facilitate the orderly conduct of discovery and motions brought before this court, no  
18 responsive pleadings or motions may be filed prior to the Initial Status Conference and all  
19 discovery (including the time to respond to pending discovery demands) is stayed. This stay is  
20 not intended to preclude the parties from exchanging documents and information informally to  
21 assist the initial evaluation process. Parties should file a Notice of Appearance in lieu of an  
22 answer or other responsive pleading. Nothing herein stays the time for filing an affidavit of  
23 prejudice pursuant to Code of Civil Procedure Section 170.6.

24 Prior to the Initial Status Conference, counsel for all parties are ordered to meet and  
25 confer in person (no later than ten (10) days before the Conference) and discuss the following  
areas. Additionally, counsel shall be prepared to discuss these issues with this court at the  
Initial Status Conference.

1. Parties and the addition of parties;
2. Claims and defenses;
3. Consideration of any issues of recusal or disqualifications;
4. Issues of law that, if considered by the court, may simplify or further resolution of the case;
5. Appropriate alternative dispute resolution (ADR) mechanisms (e.g., mediation, mandatory settlement conference, arbitration, mini-trial, etc.);
6. A plan for preservation of evidence;
7. A plan for disclosure and discovery;
8. Whether it is possible to plan "staged discovery" so that information needed to conduct meaningful ADR is obtained early in the case, allowing the option to complete discovery if the ADR effort is unsuccessful;
9. A target trial date;
10. Whether a structure of representation such as liaison/lead counsel is appropriate for the case in light of multiple plaintiffs and/or multiple defendants;
11. Procedures for the drafting of a Case Management Order, if appropriate;
12. Any issues involving the protection of evidence and confidentiality;
13. The handling of any potential publicity issues;
14. The creation of a single master file for the litigation to eliminate the need for multiple filings of similar documents when related cases have common parties; and
15. Whether it is appropriate to reduce the number of parties upon whom service of documents must be made.

Counsel for plaintiff is to take the lead in preparing a Joint Initial Status Conference Report to be filed three (3) court days prior to the Initial Status Conference. It shall address:

1. A list of all parties and counsel;

- 1 2. A statement as to whether additional parties are likely to be added and a  
2 proposed date by which all parties must be served;
- 3 3. An outline of the claims and cross-claims and the parties against whom each  
4 claim is asserted;
- 5 4. Service lists and procedures for efficient service filing;
- 6 5. Whether any issues of jurisdiction or venue exist that might affect this court's  
7 ability to proceed with this case;
- 8 6. Applicability and enforceability of arbitration clauses;
- 9 7. A list of all related litigation pending in other courts, a brief description of any  
10 such litigation, and a statement as to whether any additional related litigation is  
11 anticipated;
- 12 8. A description of core factual and legal issues;
- 13 9. A description of legal issues that, if decided by the court, may simplify or further  
14 resolution of the case;
- 15 10. Whether discovery should be conducted in phases or limited; and if so, the order  
16 of phasing or types of limitations on discovery;
- 17 11. Any issues which need to be addressed regarding discovery of electronically  
18 stored information;
- 19 12. Whether particular documents relevant to the case can be exchanged by  
20 agreement of the parties. Whether information concerning relevant witnesses  
21 can be exchanged by agreement of the parties.
- 22 13. The parties' tentative views on an ADR mechanism and how such mechanism  
23 might be integrated into the course of the litigation;
- 24 14. For insurance coverage cases and construction defect cases, an insurance  
25 coverage chart listing all insurance, including the names of the insured and  
insurance company, effective dates of the policy, policy limits, amount of monies

1 previously paid out on the policy, whether the policy limits have been exhausted,  
2 and whether the policy is primary, umbrella, etc;

3 15. A proposed discovery cut-off date; and

4 16. A target date and a time estimate for trial.

5 To the extent the parties are unable to agree, the positions of each party or of various  
6 parties shall be set forth separately in the Joint Report.

7 Counsel are reminded of their responsibility to file a notice of related cases pursuant to  
8 California Rule of Court 3.300(b) and Los Angeles County Superior Court Rule 7.3(f). Related  
9 cases include cases pending in other counties and in Federal Court. (See California Rule of  
10 Court 3.300(b).) These rules establish a duty that continues throughout the course of the  
11 litigation. (See, e.g., California Rule of Court 3.300(f).)

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13 IT IS SO ORDERED:

WILLIAM F. HIGHBERGER

14 DATED: 7/26/11

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WILLIAM F. HIGHBERGER  
Judge of the Superior Court