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15 Edison International

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **COUNTY OF LOS ANGELES**

18 Coordination Proceeding Special Title
19 (Rule 3.550)

Case No. JCCP 4965
For Filing Purposes: BC698429
[Hon. Daniel J. Buckley – Dept. 1]

20 **SOUTHERN CALIFORNIA FIRE CASES**

21 **DECLARATION OF DEREK R. FLORES IN**
22 **SUPPORT OF SOUTHERN CALIFORNIA**
23 **EDISON COMPANY’S AND EDISON**
24 **INTERNATIONAL’S OPPOSITION TO**
25 **MOTION TO LIFT STAY**

26 Date: February 15, 2022
Time: 1:45 p.m.
Dept: 1 (Spring Street Courthouse)
Judge: Hon. Daniel J. Buckley

DECLARATION OF DEREK R. FLORES

I, Derek R. Flores, declare as follows:

1. I am an attorney at law duly licensed to practice before all of the courts in the State of California. I am an attorney at the law firm of Hueston Hennigan LLP, counsel of record for Defendants Southern California Edison Company (“SCE”) and Edison International (collectively, “Edison”) in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Based on Edison’s review of the opt-out information in this case, Edison estimates that there are 157 total opt-out plaintiffs comprising approximately 61 households. Edison estimates that the Singleton group represents 110 of the opt-out plaintiffs and those 110 plaintiffs comprise approximately 36 households.

3. The 110 opt-out plaintiffs represented by the Singleton group include:

- a. 12 plaintiffs in the *Alfakori* complaint, Case No. BC700161, filed March 29, 2018;
- b. 12 plaintiffs in the *Celine Abate* complaint, Case No. BC710734, filed June 20, 2018;
- c. 7 plaintiffs in the *Brokaw* complaint, Case No. 2018-00515167, filed July 18, 2018;
- d. 4 plaintiffs in the *Johnson, Harry* complaint, Case No. 19STCV02475, filed January 28, 2019;
- e. 5 plaintiffs in the *Amestoy* complaint, Case No. 19STCV23632, filed July 9, 2019;
- f. 48 plaintiffs in the *Van Der Kar* complaint, Case No. 2019-00536705, filed December 3, 2019;
- g. 1 plaintiff in the *Fleming* complaint, Case No. 2019-00536879, filed December 24, 2019;
- h. 9 plaintiffs in the *Abate* complaint, Case No. BC699216, filed February 6, 2020;

1 i. 9 plaintiffs in the *Alfieri* complaint, Case No. 2020-00545728, filed October
2 7, 2020; and

3 j. 3 plaintiffs in the *McKenzie* complaint, Case No. 2020-00547573, filed
4 December 1, 2020.

5 4. The legal costs of engaging in continued litigation would far exceed the costs that
6 Edison is currently expending to participate in the settlement program. Edison's expenditures in the
7 Thomas Fire proceedings in the 12-month period prior to the implementation of the settlement
8 protocol closely approximate its expected costs should the Court lift the stay. Edison's average
9 monthly attorneys' fees in the 12-month period prior to the adoption of the Thomas Fire protocol are
10 2.87 times on average its fees for conducting the settlement program. Thus, Edison's attorneys' fees
11 conducting the mediation program alone are approximately 35% of its attorneys' fees while actively
12 litigating. Edison expects that its expert and vendor fees will also increase substantially if litigation
13 resumes.

14 5. Attached hereto as **Exhibit A** is a true and correct copy of the February 2, 2021, Order
15 on Several Motions for Trial Preference in the *Woolsey Fire Cases*, JCCP No. 5000 (L.A. Cnty.
16 Super. Ct.).

17 6. Attached hereto as **Exhibit B** is a true and correct copy of the March 16, 2021,
18 Tentative Order in the *Woolsey Fire Cases*, JCCP No. 5000 (L.A. Cnty. Super. Ct.).

19 7. Attached hereto as **Exhibit C** are true and correct excerpts of the transcript from the
20 March 16, 2021, status conference in the *Woolsey Fire Cases*, JCCP No. 5000 (L.A. Cnty. Super.
21 Ct.).

22 8. Attached hereto as **Exhibit D** is a true and correct copy of the May 19, 2021, Minute
23 Order in the *Woolsey Fire Cases*, JCCP No. 5000 (L.A. Cnty. Super. Ct.).

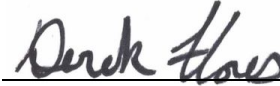
24 9. Attached hereto as **Exhibit E** are true and correct excerpts of the transcript from the
25 May 19, 2021, status conference in the *Woolsey Fire Cases*, JCCP No. 5000 (L.A. Cnty. Super. Ct.).

26 10. Attached hereto as **Exhibit F** are true and correct excerpts of the transcript from the
27 August 13, 2021, status conference in the *Woolsey Fire Cases*, JCCP No. 5000 (L.A. Cnty. Super.
28 Ct.).

1 11. Attached hereto as **Exhibit G** are true and correct excerpts of the transcript from the
2 October 14, 2021, status conference in the *Woolsey Fire Cases*, JCCP No. 5000 (L.A. Cnty. Super.
3 Ct.).

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

6 Executed on this 1st day of February, 2022, at Newport Beach, California.

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Derek R. Flores

EXHIBIT A

FILED
Superior Court of California
County of Los Angeles

FEB 02 2021

Sherri R. Carter, Executive Officer/Clerk of Court
By  Deputy

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

WOOLSEY FIRE CASES

JCCP 5000

ORDER ON SEVERAL MOTIONS FOR
TRIAL PREFERENCE

Hearing Date: February 2, 2021

I.

BACKGROUND

This is a coordinated proceeding of several hundred actions filed against multiple defendants, chief among them Southern California Edison Co. (“Edison”), alleging liability for injuries suffered during or as a result of the Woolsey Fire, a wildfire that burned in the Counties of Los Angeles and Ventura in November 2018. Per the Joint Twenty-seventh Status Conference Report (“Report”), filed January 14, 2021,¹ there are 314² complaints filed by

¹Due to the technical limitations of the Superior Court’s eCourt system, status reports in this JCCP are filed under the *Foley v. Southern California Edison Co.*, 18STCV08779 docket. That particular docket is otherwise not at issue in these motions.

²Edison’s Opposition puts the number of active complaints as of January 25, 2021 at “approximately 351.”

1 individual plaintiffs (of which 311 are active) that have been coordinated into JCCP 5000.
2 (Report at 2.) According to Edison, as of January 25, 2021, these complaints have been filed by
3 88 different firms. (Flores Decl., ¶ 3.) Based on estimates made by BrownGreer, a claims
4 administration firm retained by the parties to handle this case's database of discovery, these
5 complaints represent 6,591³ plaintiffs comprising 2,351 households.⁴ (Report at 2.) Moving
6 parties thus are but six of the individual plaintiffs—each is just 0.015 percent of the total
7 individual plaintiff pool. They appear on four of the 311 active dockets in this coordinated
8 action—one docket is just 0.32 percent of the JCCP. They represent four households—each one
9 just 0.04 percent of the 2,351 total households in the whole action. The motions are brought by
10 only two of the 88 plaintiff firms involved in this coordinated proceeding, a mere 2.3 percent of
11 the interested plaintiff advocates. Notably, and relying on data supplied to the Court on June 23,
12 2020 as to client counts by plaintiff firm (“Woolsey Plaintiffs by Firm” served as Excel
13 spreadsheet by Plaintiffs’ Leadership on Case Anywhere on June 23, 2020 at 9:37 a.m.), even as
14 to the clients of these two firms, the motions relate to only one of the Engstrom firm’s 568
15 individual plaintiffs (and only one of 265 separate households) and as to the Singleton firm only
16 five of that firm’s 135 plaintiffs (and only three of 42 households).

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20 On July 15, 2020 the Court selected a number of plaintiffs to serve as bellwethers. Since
21 then, bellwether discovery has been ongoing and the first bellwether trial is set for June 1, 2021.
22 The Court considered a plaintiff’s preference eligibility when determining whether the party
23 would be included in the bellwether pool. (*See* July 15, 2020 Tentative Rulings at 1-2, 5 (“The
24 balance of the picks were chosen with consideration of . . . preference-eligible status”).) The
25 Court intentionally included five preference-eligible plaintiff households in the first round and
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27
28 ³Edison’s Opposition puts the most current number at 6,758 plaintiffs as of January 25, 2021.

⁴There is a lag in BrownGreer’s estimates, and the actual numbers may be slightly higher or lower as of the date of this Order due to newly filed and coordinated cases or settlement of pending cases.

1 another five in the second—meaning over half of the first nineteen bellwether cases to be tried
2 will feature preference-eligible plaintiffs.⁵ (*See id.* at 1-2, 4; *see also* Minute Order of July 15,
3 2020 at 4 (adopting July 15, 2020 Tentative Rulings as the final order of the Court).)

4
5 In February 2021 four motions for trial preference made by six non-bellwether plaintiffs
6 came before the Court. The moving plaintiffs are Ronald Semler in *Malibu Wines v. Southern*
7 *California Edison Co.*, 18STCV08273; Marjorie Trebaol and Leonard Rowe in *Malibu Belleview*
8 *Estates, LLC v. Southern California Edison Co.*, 20STCV04303; Kenneth Handler and Barbara
9 Handler in *Abelson v. Southern California Edison Co.*, 20STCV22748; and Ruth Cook⁶ in
10 *Brockovich v. Southern California Edison Co.*, 20STCV26623.

11 Each plaintiff moved for a mandatory preference trial under § 36(a) of the Code of Civil
12 Procedure and, alternatively, for a discretionary preference trial under § 36(e). The motions are
13 opposed by Defendant Edison. For the reasons discussed below, the Court denies each moving
14 plaintiff's motion for a preference trial.
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16 17 II.

18 DISCUSSION

19 *Mandatory Preference Under § 36(a)*

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21 A trial court shall grant a preference to a party to a civil action who is over 70 years of
22 age when court finds that both “[t]he party has a substantial interest in the action as a whole” and
23 “[t]he health of the party is such that a preference is necessary to prevent prejudicing the party’s
24 interest in the litigation.” (Code Civ. Proc., § 36(a).) It is undisputed that the moving plaintiffs
25 are each over 70 years of age and that the state of their health meets § 36(a)’s requirements. The
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28 ⁵The third round has four preference-eligible cases, including an agricultural case.

⁶Lila Stevens also moved for a trial preference in the *Brockovich* docket, but died before the motion was heard.

1 question that must be resolved is whether each movant “has a substantial interest in the action as
2 a whole.” Moving parties argue their substantial interests in their respective claims satisfy the
3 statute. Defendant Edison argues in opposition that “action as a whole” refers to the entire
4 coordinated proceeding; thus plaintiffs do not have a “substantial interest” because they are each
5 one among thousands of litigants in this coordinated proceeding.
6

7 The precise meaning of the phrase “substantial interest in the action as a whole” in the
8 context of § 36 has yet to be decided by the appellate courts. (*See Weil & Brown, CALIFORNIA*
9 *PRACTICE GUIDE: CIVIL PROCEDURE BEFORE TRIAL* ¶ 12:246.3 (Rutter 2020).) It thus falls upon
10 this Court to determine its import. Courts “ordinarily reject interpretations that render particular
11 terms of a statute mere surplusage, instead giving every word some significance.” (*City of San*
12 *Jose v. Superior Court* (1993) 5 Cal.4th 47, 55.) A court assumes “each term has meaning and
13 appears for a reason” and “may not excise words from statutes.” (*Kulshrestha v. First Union*
14 *Commercial Corp.* (2004) 33 Cal.4th 601, 611.)
15

16 The Court is persuaded that, in the context of a coordinated proceeding, a litigant seeking
17 a preference trial would have to show a substantial interest in the *entire* coordinated proceeding
18 to satisfy the “substantial interest in the action as a whole” requirement. If the legislature had
19 intended to confine the inquiry solely into the personal importance each party has in pursuing his
20 or her own claims or defenses, then it would have simply written “substantial interest in the
21 action,” and omitted the comparative language of “as a whole.”
22

23 The legislature’s choice to use the phrase “action as a whole” in subdivision (a) is further
24 illuminated by the contrasting language in subdivision (b). Subdivision (b) grants trial
25 preferences for minors under fourteen years old in “*wrongful death or personal injury*” actions
26 when they “have a substantial interest in the *case* as a whole.” (Code Civ. Proc., § 36(b)
27 (emphasis added).) Thus, whereas minors can only obtain trial preferences for specific claims,
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1 elders can obtain trial preferences in any civil action. (Code Civ. Proc., § 36.) Both
2 subdivisions, however, refer to trial preference rights for parties in “a civil action.” (*Id.*)
3 Nevertheless, a minor’s narrower right “in the *case* as a whole” is specifically distinguished from
4 an elder’s broader right “in the *action* as a whole.” (*Id.* (emphasis added).) Accordingly, the
5 statutory construction of § 36 indicates that the legislature at least foresaw that elders would be
6 involved in larger, more complicated civil actions—presumably containing multiple cases—
7 which would therefore require a broader analysis of the elder’s “interest in the action as a
8 whole.” The Court also notes that the phrase “coordination action” has been repeatedly used by
9 appellate courts as a reference to a Judicial Council Coordinated Proceeding. (*Jane Doe 8015 v.*
10 *Superior Court* (2007) 148 Cal.App.4th 489, 491; *Industrial Indemnity Co. v. Superior Court*
11 (1989) 214 Cal.App.3d 259, 261; *United States Fidelity & Guaranty Co. v. Superior Court*
12 (1988) 204 Cal.App.3d 1513, 1515.)

15 To the extent certain moving plaintiffs rely on the opinion of the Legislative Counsel of
16 California dated June 15, 1979 to interpret § 36 (*see* RJN, Ex. A),⁷ such an opinion, as “a *post*
17 *hoc* expression[,] . . . is only as persuasive as its reasoning.” (*Grupe Development Co. v.*
18 *Superior Court* (1993) 4 Cal.4th 911, 922.) A “Legislative Counsel opinion [has] no more
19 weight than the arguments of the parties[.]” (*Southern California Edison Co. v. Public Utilities*
20 *Comm’n* (2014) 227 Cal.App.4th 172, 195.) Plaintiffs’ reliance on the opinion of the Legislative
21 Counsel and on other legislative history, such as revision history and committee commentary, is
22 unpersuasive in light of the nature of the latter half of the phrase “a substantial interest in the
23 action as a whole.” While moving plaintiffs’ explanation that the words “substantial interest”
24 were intended to preclude nominal parties from moving for trial preferences is sensible, moving
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28 ⁷The request of some moving plaintiffs for judicial notice of items evincing the legislative history of § 36 is granted per Evidence Code § 452(a).

1 plaintiffs offer no sensible interpretation of the words “action as a whole” that would support
2 their reading of § 36.

3 The most persuasive interpretation of the phrase “a substantial interest in the action as a
4 whole” requires comparing the moving party’s individual interest to the interests of every other
5 party in the action. The “action as a whole” thus may refer to the entire coordinated proceeding.
6 (See, e.g., *Jane Doe 8015*, *supra*, 148 Cal.App.4th at 491 (“action” is whole coordinated
7 proceeding in context of § 170.6 peremptory challenge).)

8 Moving plaintiffs do not have an interest in the entirety of the coordinated proceeding,
9 and therefore do not have the requisite “substantial interest in the action as a whole.” As noted
10 previously, they are but six of the 6,591 individual plaintiffs—each just 0.015 percent of the total
11 plaintiff pool. They appear in four of the 311 active dockets, and they represent just four of the
12 2,351 total households in the whole action.⁸ Moving parties’ position that they have a
13 “substantial interest” in the entirety of the coordinated proceeding is untenable. Each individual
14 movant’s presence constitutes a mere fraction of a percentage of this entire action. Such a small
15 piece of the action, in the grand scheme of the coordinated proceeding, can hardly be
16 characterized as a “substantial interest.” These plaintiffs obviously have no interest in the claims
17 of other, unrelated parties for damages arising from the Woolsey Fire. For these reasons, the
18 Court finds moving plaintiffs have failed to demonstrate their “substantial interest in the action
19 as a whole,” such that the motions for a trial preference under § 36(a) should be denied. There
20 are, however, additional reasons why the motions should be denied.

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24 *Authority of Coordination Judges*

25 Plaintiffs argue that a mandatory trial preference cannot be overcome by the interest of
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⁸The Court notes that Plaintiff Semler’s potential damages may well be substantially larger than the typical claim, but the relative size of his claim does not make him a proxy for all the other litigants, each with his, her, or its own claim.

1 litigation efficiency inherent to coordinated proceedings and coordination judges' powers to
2 manage coordinated cases. But all cases cited by plaintiffs in support of this proposition concern
3 non-coordinated actions and none address the significance of the "action as a whole" language.
4 (See *Miller v. Superior Court* (1990) 221 Cal.App.3d 1200, 1202-03 (trial preference has priority
5 over actions that are part of the trial court delay reduction program); *Swaithes v. Superior Court*
6 (1989) 212 Cal.App.3d 1082, 1085-86 (probate case where appellate court held the "mere
7 inconvenience" of a preference trial to the trial court or other litigants is irrelevant to § 36
8 analysis and failure to complete discovery does not impede right to preferential trial); *Vinokur v.*
9 *Superior Court* (1988) 198 Cal.App.3d 500, 503 (trial preference trumps Code of Civil
10 Procedure § 1141.11's compulsory arbitration provisions); *Koch-Ash v. Superior Court* (1986)
11 180 Cal.App.3d 689, 698-99 (no relief from trial preferences in complex, *consolidated* actions;
12 cases were not Judicial Council Coordinated Proceedings subject to Code of Civil Procedure §
13 404.7); *Rice v. Superior Court* (1982) 136 Cal.App.3d 81, 84, 86 (holding that § 36(a)'s
14 language is mandatory in non-coordinated case where there was no question moving party's
15 interest in the case as a whole was substantial).) Plaintiffs have not presented controlling or
16 persuasive authority that a coordination trial court must always grant a mandatory preference
17 request made under § 36(a).
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21 The Court instead finds that the generally mandatory nature of Code of Civil Procedure §
22 36(a) does not apply to this coordinated proceeding. Courts presiding over coordinated actions
23 possess an express statutory authority that "[n]otwithstanding any other provision of law," "if the
24 prescribed manner of proceeding cannot, with reasonable diligence, be followed in a particular
25 coordination proceeding, the assigned judge may prescribe any suitable manner of proceeding[.]"
26 (Code Civ. Proc., § 404.7; Cal. Rules of Ct., Rule 3.504(c).) This broad grant of special
27 authority to coordination judges as to matters of "Practice and Procedure" generally applies to
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1 matters of trial preferences embodied in § 36 as much as it does to other procedural matters in
2 the Code of Civil Procedure.

3 Judicial Council Coordinated Proceedings authorized by Code of Civil Procedure § 404.7
4 and regulated by Rule 3.500 *et seq.* typically involve scores, hundreds, or thousands of plaintiffs,
5 represented by many different firms, pursuing a common target defendant or defendants. That is
6 certainly the case here. In evaluating how counsel and the Court should weigh the competing
7 considerations of group benefit versus individual interests in such mass tort cases, the American
8 Law Institute in its treatise PRINCIPLES OF AGGREGATE LITIGATION offers useful advice on how
9 to approach the inevitable tension at § 1.04, “Internal Objectives of Aggregate Litigation”:
10

11 **(a) A lawyer representing multiple claimants or respondents in an aggregate
12 proceeding should seek to advance the common objectives of those claimants or
13 respondents.**

14 **(b) Unless otherwise agreed by the claimants, the objectives of an aggregation
15 of claimants include but are not limited to**

- 16 **(1) maximizing the net value of the group of claims;**
17 **(2) compensating each claimant appropriately;**
18 **(3) obtaining a judicial resolution of the legality of challenged conduct and**
19 **stopping unlawful conduct from continuing;**
20 **(4) obtaining the broadest possible nondivisible remedies for past**
21 **misconduct; and**
22 **(5) enabling claimants to voice their concerns and facilitating the rendition**
23 **of further relief that protects the rights of affected persons as defined by**
24 **substantive law.**

25 (Bold emphasis added.)

26 It is for exactly this reason that a coordination trial judge needs to be able to pick suitable
27 bellwethers, prepare such cases with counsel’s necessary help for trial, and thereby move the
28 case forward as a whole for the benefit of all claimants. What these plaintiffs and their counsel
want to do is to jump the line to the detriment of all other plaintiffs and efficient case
management in the aggregate, thereby disrupting the orderly workings of this coordinated
proceeding. It also bears noting that the attorneys making these motions to jump the line are
doing so for a tiny fraction of their client caseload: one of 568 clients for the Engstrom firm and

1 five of 135 clients for the Singleton firm.

2 Case management in complex coordinated cases is designed to manage cases to
3 settlement or other resolution short of trial because, as all involved understand, it is not possible
4 to try each case. Some cases may resolve on a legal issue, and that can be tested by means of
5 motions for summary judgment or otherwise. Sometimes there is a key fact issue cutting across
6 a large swath of cases, in which situation a short trial, either to a jury or the court, can resolve it.
7 Perhaps, as here, bellwether trials are essential to provide the parties the information they need to
8 settle. Sometimes (as appears to be true here, at least to a degree), the parties simply need to
9 conduct discovery across a spectrum of issues and claims to make an intelligent evaluation of the
10 worth of the cases. Often defendants may be willing to settle a large number of cases at once,
11 not on a case-by-case basis, because the latter approach may not reduce the cost of litigation or
12 sufficiently reduce the defendants' overall exposure. Coordination is the *sine qua non* of every
13 technique used to manage mass tort cases to these sorts of resolutions. The opening sentence of
14 the MANUAL FOR COMPLEX LITIGATION makes the obvious point:
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17 Fair and efficient resolution of complex litigation requires at least that (1) the
18 court exercise early and effective supervision (and, where necessary, control); (2) counsel
19 act cooperatively and professionally; and (3) the judge and counsel collaborate to develop
20 and carry out a comprehensive plan for the conduct of pretrial and trial proceedings.

21 MANUAL FOR COMPLEX LITIGATION (4th ed. 2004) at 7.

22 For all these reasons, coordination judges must possess the authority to delay or deny
23 otherwise meritorious § 36(a) trial preference requests in coordinated proceedings. (See *Abelson*
24 *v. National Union Fire Insurance Co.* (1994) 28 Cal.App.4th 776, 788 (recognizing “elderly
25 plaintiffs’ rights under [§ 36(a)] might undermine the coordination rules and statutes”).) Even
26 assuming moving plaintiffs could show “a substantial interest in the action as a whole,” the Court
27 is not obligated to grant a preference trial in those circumstances.
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2 *Discretionary Preference Under § 36(e)*

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4 A court may also grant a preference in its discretion “[n]otwithstanding any other
5 provision of law” when the motion “is supported by a showing that satisfies the court that the
6 interests of justice will be served by granting” a preference. (Code Civ. Proc., § 36(e).) Given
7 the substantial risk of prejudice posed to both the defendants and the thousands of other plaintiffs
8 in this massive coordinated proceeding, the Court finds that the interests of justice counsel
9 against the exercise of the Court’s discretion under § 36(e), and accordingly denies moving
10 plaintiffs’ motions to the extent they are made under that provision.
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13 **III.**

14 **CONCLUSION**

15 The Court finds that § 36(a)’s “substantial interest in the action as a whole” language
16 requires plaintiffs moving for a mandatory trial preference in a coordinated proceeding to
17 demonstrate they hold a “substantial interest” in the coordinated proceeding “as a whole.” The
18 Court finds moving plaintiffs have not done so. The Court further finds it is not obligated to
19 grant a request for a mandatory preference in a coordinated proceeding. Finally, the Court
20 denies to exercise its discretion to grant a trial preference in the interests of justice.
21

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23 **IV.**

24 **RULING AND ORDER**

25 Based on the foregoing, the Court finds that the moving parties are not entitled to a
26 mandatory preference trial under § 36(a). The Court further finds that it would not be in the
27 interests of justice to set preference trials in this coordinated proceeding and declines to exercise
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1 its discretion to grant plaintiffs' requests for a preference under § 36(e). Accordingly, the
2 motions are denied but without prejudice to consideration of establishment of a new Round 4 of
3 bellwether plaintiffs composed of some or all of these moving parties and/or other similarly
4 situated plaintiffs.
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6 Dated: February 2, 2021

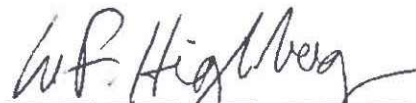
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8 William F. Highberger
9 Judge of the Superior Court
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EXHIBIT B

JCCP 5000 Woolsey Fire Cases

March 16, 2021 Tentative Ruling

Southern California Edison Co. Motion for Stay: Trailed for further briefing and argument on March 25, 2021 at 1:30 p.m. Current trial date continued from June 1, 2021 to July 6, 2021 without prejudice to further continuance if motion granted.

See below under Objections for more details.

Preliminary Comment re Proposed Resolution Protocol:

Note: None of Exhibits A through M¹ referenced in the Resolution Protocol have been provided to the Court. Please do so ASAP.

Although no space for a plaintiff's signature is currently shown, I have to assume that that is intended. I also trust you intend to let plaintiffs see the entire document before they consider signing it, such that they will be aware of the "confidential" material redacted from the public filing on pages 1-2 and 11. If this is not the case, then I will not be approving the request for a sealing order since plaintiffs need to be fully informed of the document's terms before they sign. How you hope to keep this document confidential in part thereafter when you hope to have thousands of separate households join into this Resolution Protocol is a mystery to me.

The proposed process seems reasonable, including the trial versus binding mediation option if a first session of mediation fails to obtain agreement. Borrowing the pro-settlement incentives of the "baseball arbitration" process seems quite intelligent.

Objections to Proposed Resolution Protocol and the Motion to Stay:

I do think that the Singleton Firm's expressed concerns about having to permanently waive any claim for punitive damages has some resonance given the current state of discovery and other relevant public disclosures. Please remind me if any portion of the Cal Fire Report remains redacted and if any update or supplement to the original draft Cal Fire Report has been received or is anticipated. Depending on what answers the Court receives to the following questions, it would hope that the entire Cal Fire Report can be made available to all litigants and the public going forward with zero redactions.

Please also confirm if the Ventura County Superior Court grand jury, which was receiving evidence about the fire, has been discharged or if it is in some kind of recess. If it has been discharged, how do we account for the possibility that it has issued a sealed indictment? Alternatively, the District Attorney and/or the Attorney General still have the option to file a Complaint without going back to a grand jury but with the burden of conducting a Preliminary Hearing. If so, when can we have any certitude if this will or will not occur? In connection therewith, the **Court will set an Order to Show Cause as to why the transcripts of the in camera proceeding had by the prosecutors with the Court in chambers on September 24, 2019 and August 18, 2020 should not be publicly disclosed; this OSC will be returnable in**

¹The Court finds reference therein to Exhibits A, B, C, D, E, F, G, H, J, K, and M. I find no reference to an Exhibit I or L.

Department 10 on March 25, 2021 at 1:30 p.m. with any objection thereto to be served and filed by March 23, 2021.

To allow the authorities time to respond to the above questions with hopefully definitive answers, the Court is inclined to continue the current trial date by one month to July 6, 2021 at 10:00 a.m. with the new Final Status Conference date June 24, 2021 at 10:00 a.m. **The Court does NOT presently intend to stay litigation activity between now and March 26 though it will cooperate with any mutual requests to slip existing deadlines in view of the trial continuance.**

As to the other Singleton objections, the Court believes the parties can accommodate one-off non-group non-binding mediation sessions when the circumstances warrant. If this requires some revision to the Protocol's language, please do so. This should not, however, be the norm. Group processing makes lots of sense given the number of households involved, the cost of mediator time and the relative scarcity of mediators, not to mention the cost in terms of lawyer time. The Court believes that to make the Trial "exit" fair, the parties should agree in advance to some waiver of the mediation privilege so that the Court, on some basis of relevant information, can make the determination and not delegate this very important judicial function to a hired neutral. Note: the Court has not been supplied with proposed Exhibit H to the Resolution Protocol, the "exit slip" from the mediator. Absent some waiver of the mediation privilege, the Court will have no relevant information on which to rule, making delegation to the neutral the only option.

Taking the longer view of where the Court hopes to guide this case for the benefit of as many litigants as possible, the Court sees substantial merit in the request of Southern California Edison Company ("Edison") and most plaintiffs to stay litigation activity as to Edison in favor of a full-court press on mediated settlement efforts. While every plaintiff tort lawyer wants the leverage of invoking a claim for punitive damages, the contents of the Cal Fire Report, at least as read by this Court, suggest a pattern of negligence by defendant Edison, not gross negligence or recklessness.

There are some additional defendants in some, but not all, of the cases, which complicates things.

The Court agrees with Cal Fire that its discovery (both written and otherwise) against AT&T should be allowed to proceed even if Edison's motion is otherwise granted.

That Court agrees with the Strange firm that written discovery against Boeing and Allied Universal should be allowed during the anticipated stay period of discovery and trial preparation involving Edison witnesses and plaintiffs.

The Court places less credit on the other objections to the Resolution Protocol and the Motion to Stay. The Court notes that none of the *Von Oeyen* or *Devane* plaintiffs' cases are in the current bellwether pool since their cases have been complicated by the voluntary addition of Boeing as a co-defendant. The early trial dates which may be continued if the stay motion is granted are not cases involving this plaintiff group. And while continuance of the bellwether trial dates may hold

up trials of plaintiffs outside the bellwether pool, the Court is not persuaded that an estimated delay of sixteen months while Edison mediates with non-objecting individual plaintiffs, who make up the vast majority of the litigants in this proceeding, will prejudice the claims of objecting plaintiffs who prefer resolution by trial.

The Court hopes that enough light can be shed on the viability of a claim for punitive damages such that the objecting parties will change their views a few weeks hence, or the proposing parties can modify the Protocol's terms to address the continuing objections sufficiently.

EXHIBIT C

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SSC10

HON. WILLIAM F. HIGHBERGER, JUDGE

WOOLSEY FIRE CASES)
) NO. JCCP5000
)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 16, 2021

APPEARANCES ON FOLLOWING PAGES

(PLEASE NOTE: DUE TO THE NATURE OF REMOTE
REPORTING, APPEARANCES CANNOT BE CERTIFIED.)

JOB NO. 161849

LAWANNA WALTERS CORSON,
CSR NO. 7135, RPR, CRR, CLR

Copy

58

1 THE COURT: MR. HIRSCH?

2 MR. HIRSCH: SO WE PROPOSE AND YOUR HONOR WAS
3 INITIALLY IN AGREEMENT THAT WE CAN CONTINUE OR WE CAN
4 BEGIN DISCOVERY AS TO AT&T.

5 I THINK I HEARD AS PART OF THIS DISCUSSION
6 THAT EDISON WAS OKAY WITH WRITTEN DISCOVERY, BUT IS THAT
7 CORRECT THAT THEY ARE NOT OKAY WITH US PURSUING
8 DEPOSITIONS IF WE NEED TO?

9 AND IF THAT'S THE CASE, THAT'S UNACCEPTABLE
10 TO US, AT LEAST BEYOND THE 30-DAY, 60-DAY TIME FRAME.
11 BECAUSE ONCE WE GET SOME DOCUMENTS, WE ARE GOING TO
12 DEFINITELY NEED SOME CLARIFICATION ON THOSE; SO I CAN SEE
13 US NEEDING P.M.K. DEPOSITIONS FROM AT&T TO EXPLAIN THOSE
14 DOCUMENTS.

15 SO AN INDEFINITE STAND-DOWN OF DEPOSITIONS
16 WOULD NOT BE ACCEPTABLE. SO IF IT'S -- AGAIN, THIS 30 TO
17 60 DAYS, THAT'S FINE. BUT I DON'T WANT TO BE HAMSTRUNG
18 INDEFINITELY FROM BEING ABLE TO BE TOLD WHAT THESE
19 DOCUMENTS ARE BY AN AT&T DEPOSITION.

20 THE COURT: MY TENTATIVE THAT WAS ISSUED A COUPLE
21 HOURS AGO, WHICH REMAINS MY TENTATIVE FOR THE 25TH, WOULD
22 BE TO ALLOW YOU TO TAKE WITNESS TESTIMONY FROM AT&T
23 REPRESENTATIVES, IN PARTICULAR BECAUSE THE CAL FIRE REPORT
24 IDENTIFIES AT&T AS CO-RESPONSIBLE WITH EDISON FOR THE
25 CAUSE OF THE FIRE, WHEREAS THEY IDENTIFIED BOEING AS A
26 VICTIM.

27 MR. HIRSCH: VERY GOOD. THANK YOU, YOUR HONOR.

28 THE COURT: THAT'S A TENTATIVE BETWEEN NOW AND THE

1 25TH.

2 AS TO BOEING, I AM INCLINED TO WAIT AND MAKE
3 A DETERMINATION IN 60 OR 90 DAYS, WHEN MR. STRANGE AND
4 MR. SMITH COME BACK AND PRESS TO PROCEED WITH LIVE WITNESS
5 DISCOVERY OF BOEING REPRESENTATIVES AND TO DEAL WITH IT AT
6 THAT TIME WHEN WE SEE HOW THE PROCESS IS GOING.

7 I HAVE TO SAY THAT ONE OF MY CONSIDERATIONS
8 IS THAT JUDGE BUCKLEY, WHO HAS GONE BEFORE ME WITH WHAT
9 IS, I GUESS, IF NOT LITERALLY, VIRTUALLY THE SAME
10 PROTOCOL, QUITE POSSIBLY LITERALLY THE SAME PROTOCOL,
11 PERHAPS THE SAME SIDE ADJUSTMENTS BETWEEN MR. SINGLETON'S
12 OFFICE AND EDISON THAT HAVE BEEN DISCUSSED TODAY,
13 INDICATES THAT, TO HIS PERCEPTION, IT HAS GONE VERY WELL.

14 AND, AGAIN, BY WAY OF THE CITATION IN SOME
15 OF YOUR BRIEFS TO THE AMERICAN LAW INSTITUTE'S PRINCIPLES
16 OF AGGREGATE LITIGATION, THIS IS ONE WHERE I AM SORT OF A
17 KEN FEINBERG IN DISGUISE, TRYING TO DO MASS TORT
18 COMPROMISE OF THINGS WITHOUT PERSONALLY TAKING ON THE ROLE
19 OF KEN FEINBERG, BUT TRYING TO FIND A WAY WHERE AS MANY OF
20 THESE CLAIMS CAN BE ADJUSTED AS SOON AS POSSIBLE TO REDUCE
21 FURTHER FRICTION COSTS SO THAT PEOPLE CAN GET SOME FAIR
22 SHARE OF MONEY AND GET ON WITH THEIR LIVES.

23 IT IS NOT A PERFECT WORLD, MR. SMITH. IT IS
24 NOT THE PARADIGM OF ATTICUS FINCH LITIGATING FOR AN
25 INDIVIDUAL CLIENT IN FRONT OF A JURY TO DO THE PERFECT
26 JOB. BUT UNFORTUNATELY YOU FIND YOURSELF IN A MASS CRASH,
27 NOT AN INDIVIDUAL CASE, AND SO YOU ARE STUCK WITH THE
28 CONSEQUENCES OF THE KIND OF CLIENT AND REPRESENTATION THAT

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1 YOU UNDERTOOK BY BECOMING PART OF THIS EXERCISE.

2 IF YOU WANT THE INDIVIDUAL CASE, GO LOOK FOR
3 AN INDIVIDUAL SLIP-AND-FALL OR SOMEBODY'S ANTITRUST CASE
4 OR SOMETHING. BUT YOU FIND YOURSELF IN THE MIDDLE OF A
5 MASS EXERCISE, LIKE IT OR NOT, MR. SMITH.

6 MR. SMITH: YOUR HONOR, PLEASE FEEL FREE TO CUT US
7 LOOSE. WE ARE HAPPY TO GO OUR OWN WAY.

8 THE COURT: SO IF YOU CAN FIND SOME WAY TO JUST,
9 YOU KNOW, REFILE IN FEDERAL DISTRICT COURT OR SOMETHING,
10 YOU CAN SOLVE EVERYTHING. MAYBE YOU CAN GET A --

11
12 (SIMULTANEOUS SPEAKING.)

13
14 (REPORTER INTERRUPTION FOR
15 CLARIFICATION.)

16
17 THE COURT: -- FEDERAL DISTRICT COURT ON DIVERSITY
18 AND JUST LITIGATE THERE WITHOUT BEING PART OF THE J.C.C.P.

19 MR. GERALD SINGLETON: YOUR HONOR, IN RESPONSE TO
20 THAT, I WOULD JUST LIKE TO SAY, I KNOW NO PRINCIPLE OF LAW
21 IN WHICH THE TORTFEASOR IS ENTITLED TO A BENEFIT BECAUSE
22 THEY HARMED THOUSANDS OF INDIVIDUALS INSTEAD OF ONE. THIS
23 IS THE FIRST I AM HEARING THAT THAT IS SOMEHOW A
24 PRINCIPLE.

25 AND THE OTHER THING THAT I WOULD SAY IS,
26 WHILE I HAVE NOTHING BUT RESPECT FOR THE INDIVIDUALS WHO
27 DRAFTED THE AMERICAN LEGAL INSTITUTE WRITINGS THAT YOU ARE
28 SPEAKING ABOUT, NOT ONLY IS THAT NOT THE LAW IN

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

SSC10 HON. WILLIAM F. HIGHBERGER, JUDGE

WOOLSEY FIRE CASES) NO. JCCP5000
 _____) CERTIFICATE

I, LAWANNA WALTERS CORSON, OFFICIAL REPORTER PRO TEM OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT DUE TO COVID-19 AND THE ATTORNEYS APPEARING BY L.A.COURTCONNECT THE FOREGOING PAGES, 1 THROUGH 69, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON TUESDAY, MARCH 16, 2021, TO THE BEST OF MY ABILITY TO HEAR AND REPORT THIS MATTER.

DATED: MARCH 23, 2021.



LAWANNA WALTERS CORSON, CSR NO. 7135, RPR
 LAWANNA WALTERS CORSON, OFFICIAL REPORTER PRO TEM

EXHIBIT D

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

JCCP5000
Woolsey Fire Cases

May 19, 2021
1:30 PM

Judge: Honorable William F. Highberger
Judicial Assistant: A. Lim
Courtroom Assistant: D. McKinney

CSR: Lawanna Corson #7135
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Petitioner(s): Enrique Elliot Adler By Ellen Adler Via LACourtConnect; James Patrick Frantz Via LACourtConnect; Karen Lee Karavatos Via LACourtConnect -- See additional appearances below.

For Defendant(s): Brian Anthony Cardoza Via LACourtConnect; Jennifer Bunn Hayden Via LACourtConnect; Thomas Achilles Manakides Via LACourtConnect -- See additional appearances below.

Other Appearance Notes: SEE BELOW:

NATURE OF PROCEEDINGS: Further Status Conference; Hearing on Motion - Other unopposed motion to continue action by successor in interest of plaintiff's estate (C.C.P. Sec 377.31) (Julie Weisel); Hearing on Motion - Other unopposed motion to continue action by successor in interest of plaintiff's estate (C.C.P. Sec 377.31) (Rita Norman); Hearing on Motion to Continue Trial date and extend stay and discovery pending mediation program with individual plaintiffs; Hearing - Other Objection to Add-On Petition #26

The Further Status Conference scheduled for 05/19/2021 is 'Held' for cases 18STCV05313, 18STCV05362, 18STCV05485, 18STCV05569, 18STCV06113, 18STCV06330, 18STCV06727, 18STCV07486, 18STCV07820, 18STCV08092, 18STCV08273, 18STCV08285, 18STCV08779, 18STCV08802, 18STCV09198, 18STCV09413, 19GDCV00421, 19GDCV00425, 19GDCV00426, 19GDCV00427, 19GDCV00447, 19GDCV00481, 19GDCV00484, 19GDCV00485, 19GDCV00488, 19GDCV00489, 19GDCV00576, 19GDCV00577, 19GDCV00579, 19GDCV00584, 19GDCV00589, 19GDCV00590, 19GDCV00783, 19GDCV00964, 19SMCV00527, 19SMCV00601, 19SMCV00621, 19STCV00762, 19STCV01282, 19STCV01607, 19STCV01698, 19STCV01760, 19STCV01766, 19STCV01923, 19STCV01931, 19STCV02028, 19STCV02486, 19STCV02553, 19STCV03156, 19STCV03390, 19STCV03419, 19STCV03467, 19STCV04409, 19STCV05617, 19STCV05743, 19STCV06141, 19STCV06190, 19STCV06497, 19STCV08394, 19STCV08746, 19STCV09114, 19STCV09781, 19STCV10357, 19STCV10821, 19STCV10832, 19STCV11322, 19STCV11543, 19STCV11892, 19STCV12094, 19STCV12441, 19STCV12453, 19STCV12510, 19STCV12647, 19STCV12757, 19STCV12895, 19STCV12919,

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

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JCCP5000
Woolsey Fire Cases

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ERM: None
Deputy Sheriff: None

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

JCCP5000
Woolsey Fire Cases

May 19, 2021
1:30 PM

Judge: Honorable William F. Highberger
Judicial Assistant: A. Lim
Courtroom Assistant: D. McKinney

CSR: Lawanna Corson #7135
ERM: None
Deputy Sheriff: None

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00525414-CU-MT-VTA.

The Hearing - Other Objection to Add-On Petition #26 scheduled for 05/19/2021 is 'Held' for cases 18STCV05313, 18STCV05362, 18STCV05485, 18STCV05569, 18STCV06113, 18STCV06330, 18STCV06727, 18STCV07486, 18STCV07820, 18STCV08092, 18STCV08273, 18STCV08285, 18STCV08779, 18STCV08802, 18STCV09198, 18STCV09413, 19GDCV00421, 19GDCV00425, 19GDCV00426, 19GDCV00427, 19GDCV00447, 19GDCV00481, 19GDCV00484, 19GDCV00485, 19GDCV00488, 19GDCV00489, 19GDCV00576, 19GDCV00577, 19GDCV00579, 19GDCV00584, 19GDCV00589, 19GDCV00590, 19GDCV00783, 19GDCV00964, 19SMCV00527, 19SMCV00601, 19SMCV00621, 19STCV00762, 19STCV01282, 19STCV01607, 19STCV01698, 19STCV01760, 19STCV01766, 19STCV01923, 19STCV01931, 19STCV02028, 19STCV02486, 19STCV02553, 19STCV03156, 19STCV03390, 19STCV03419, 19STCV03467, 19STCV04409, 19STCV05617, 19STCV05743, 19STCV06141, 19STCV06190, 19STCV06497, 19STCV08394, 19STCV08746, 19STCV09114, 19STCV09781, 19STCV10357, 19STCV10821, 19STCV10832,

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Deputy Sheriff: None

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

JCCP5000
Woolsey Fire Cases

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1:30 PM

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Courtroom Assistant: D. McKinney

CSR: Lawanna Corson #7135
ERM: None
Deputy Sheriff: None

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21STCV03104, 56-2019-00524394-CU-PA-VTA, 56-2019-00525414-CU-MT-VTA, and
JCCP5000_01.

The Hearing on Motion - Other unopposed motion to continue action by successor in interest of plaintiff's estate (C.C.P. Sec 377.31) (Julie Weisel) scheduled for 05/19/2021 is 'Held' for case 20STCV36990.

The Hearing on Motion - Other unopposed motion to continue action by successor in interest of plaintiff's estate (C.C.P. Sec 377.31) (Rita Norman) scheduled for 05/19/2021 is 'Held' for case 20STCV05192.

The Hearing on Motion to Continue Trial date and extend stay and discovery pending mediation program with individual plaintiffs scheduled for 05/19/2021 is 'Held' for case 18STCV08779.

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Woolsey Fire Cases

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Judge: Honorable William F. Highberger
Judicial Assistant: A. Lim
Courtroom Assistant: D. McKinney

CSR: Lawanna Corson #7135
ERM: None
Deputy Sheriff: None

The Order Appointing Court Approved Reporter as Official Reporter Pro Tempore was previously signed and filed. Lawanna Corson #7135

The matter is called for hearing.

The above-entitled motions to continue by successor in interest are heard. The Court notes that there are no objections filed. Orders are signed and filed.

The above-entitled motion to continue trial is heard and argued. The Court's tentative is adopted as the final ruling of the Court. It reads as follows:

"Motion to Continue Trial: Grant continuance of trial from August 9, 2021 to October 26, 2021 at 10 a.m. (because Court is Dark Oct. 19-25) and continuance of stay on discovery from May 24, 2021 to July 23, 2021. Also set OSC returnable June 22, 2021 at 1:30 p.m. why the stay on discovery as to Edison defendants should not terminate on September 1, 2021.

Given that discovery against the Edison defendants has been stayed for some months now and that very little had been undertaken before the stay for mediation protocol was imposed due to the delayed receipt of the semi-final or final Cal Fire report and due to delays caused by the coronavirus pandemic, the current Jury Trial date of August 9, 2021 is illusory. Even if the Motion to Continue Trial was denied today, there is no practical way to obtain the needed discovery of percipient witnesses and expert witnesses between now and July 9, 2021 (cut-off for percipient witnesses) or July 23, 2021 (cut-off for expert witnesses). So some delay of the current trial date is needed EVEN IF a full-on discovery push was allowed in derogation of the logic behind approval of the mediation protocol as a substitute for expensive plenary discovery efforts and trial-preparation efforts.

The Court sees that as of the date of the Amended Joint Report (May 12, 2021) the settlement rate for Woolsey Fire cases which had mediated was 84% (142 of 168 households) and that as of May 17, 2021 per Edison's posting that date it had reset at 89% (165 of 185 households). Based on the Von Oeyen Plaintiffs' May 19 Status Report, it appears that the settlement rate in the Thomas Fire Cases, using the same mediation protocol with many of the same law firms as participants on both sides, was 90% (710 of 778 households). A settlement rate of 85% or better is a remarkable success in the world of mass tort litigation and is to be celebrated, not criticized.

Clients and their counsel on the plaintiff side do need to gather their proof before a useful mediation can be held, and the Court sees no reason to criticize the Edison parties if this process is going slower than Edison might have predicted. It is notable that out of 60+ plaintiff firms

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involved in this mass tort litigation, objection to the mediation protocol (and thus to the requested trial continuance) is coming from only three firms (considering Howarth & Smith and Law Offices of Ames Smith as one firm for these purposes and Mr. Tepper's office and Mr. Ardi's office as one firm for these purposes, consistent with how they list themselves jointly on their papers) and that two of those three firms (Singleton and Tepper/Ardi) have been willing to use the mediation protocol for some though not all clients.

The Court does appreciate that there is a consensus between the several objector firms and the current Plaintiffs' Leadership that current Plaintiffs' Leadership should step aside and clear the path for the objectors to spend their own lawyer time and cash reserves in the pursuit of discovery as against the Edison defendants since the Plaintiffs' Leadership would prefer to conserve their resources by pursuing the clearly available mediation alternative. The Court would note in passing that it resisted earlier suggestions of the original (and current) Plaintiffs' Leadership to impose a common-benefit-fund obligation on all plaintiffs since doing so over Mr. Singleton's objections, in particular, would require him and his clients to subsidize other lawyers while Mr. Singleton himself was limited in his ability to manage discovery against the Edison defendants.

Soon enough this will change (when Plaintiffs' Leadership passes the conn1 to the objectors), and Messrs. Singleton, Howarth, Smith, Ardi, and Tepper and Ms. Smith will then collectively have a chance to see how much of their own resources they want to invest in plenary discovery (without any hope that a common-benefit fund will shift some of this cost to others). From a process point of view the hand-off of leadership will not be instantaneous, and the Court will continue the Trial, as requested, and continue the current discovery stay for sixty days from May 24, to July 23, 2021.

The Court also wants to give a clear signal that failing consensus it will allow the objectors to engage in discovery (of all types) as against the Edison defendants and third parties. To do so, it is setting an Order To Show Cause returnable at our next Further Status Conference why the Stay should not be lifted as of September 1, 2021 (i.e. 104 days hence). This will give the Edison defendants sufficient time to bring into the mediation protocol additional participants to confirm the general acceptance by most plaintiffs and their counsel of the process, to staff Edison's side of the mediation process sufficiently so that it can operate even as traditional litigation activities are set to resume, and to develop sufficient staffing resources from Hueston Hennigan or elsewhere to competently "fight a war on two fronts;" i.e., dealing with many parties in mediation but also dealing with the gutsy outliers investing their scarce resources in traditional litigation. This will also give these objector/outlier plaintiffs and their counsel a period of reflection to determine how serious they are about ignoring a settlement process with an apparent

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success rate of about 90%.² The Court's current view is that, effective September 1, 2021, the objector/outlier plaintiffs will likely be allowed to engage in robust litigation if they think it is prudent to do so and if they can afford it without allies and without a chance to offload the expense to the many other plaintiffs using mediation. The Court will, of course, stand ready to conduct Informal Discovery Conferences to try to be sure that the litigation activity is conducted as efficiently as possible.

The Court does not, however, propose to limit discovery to one deposition per week as proposed in Mr. Singleton's opposition to the motion. The request for a mere one deposition a week suggests that this is more a ceremonial or theatrical threat, not a serious commitment to full trial preparation efforts.

FOOTNOTES:

1. The control exercised by one who conns a ship." Webster's New Collegiate Dictionary.
2. It is notable that the scorecard provided by Howarth & Smith shows that in March 2021 "[t]he number of households settled exceeded the number of households mediated/negotiated in March 2021 because SCE resolved the claims of households that had been mediated/negotiated in prior months without resolution." As all experienced litigators know, sometimes it just takes more time and haggling to bring in a settlement which does not come together by 5:00 p.m. or 7:00 p.m. on the day first set for mediation. This suggests that with a bit of applied effort, the not-yet-settled bellwether plaintiffs might still be able to strike an acceptable deal. Would the parties like some or all of these cases ordered to a Mandatory Settlement Conference in the near future with a sitting Los Angeles County Superior Court judge? The Court is willing to consider ordering this in aid of the mediation protocol and not in derogation of its efforts and the Special Master's assigned duties.

The Court and counsel confer regarding Petition For Add-on #26. The Court's tentative is adopted as the final ruling of the Court. It reads as follows:

"

Contested Twenty-Sixth Add-On Petition: Grant

There is no dispute that the Twenty-Sixth Add-On Petition is in proper order from a format compliance point of view. There is also no dispute that the cases listed in this Add-On Petition share case attributes with the cases in the original coordination petition; i.e., they are complex tort claims arising from the November 2018 Woolsey Fire, which had common points of ignition such that causation of injury is a fact issue common to all tort claimants.

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The only real point of dispute is that the Hirsch plaintiffs, whose case is subject to the TwentySixth Add-On Petition, do not like how this Court has managed the coordination proceeding to date. That is not a reason to deny this Add-On Petition. It is a reason for these plaintiff attorneys to urge this Court to amend its current Case Management Orders such that some or all of these plaintiffs' concerns are addressed if this can be done without harm to the parties in these coordinated cases generally. While many of the plaintiff lawyers do not like to hear this, this Court firmly believes that it must manage this JCCP so that the general interests of the plaintiffs as a whole are advanced, even if this means that the desires of a small set of the included plaintiffs to have their cases managed in some other fashion cannot be accommodated.

This Court will further address matters of case management in the following discussion of the Motion to Continue Trial Date."

Further Status Conference held.

The Court and counsel confer regarding mediation and mandatory settlement conference. The parties are to check with their clients if they are willing to participate in mandatory settlement conference.

Further Status Conference Re Participating in MSC is scheduled for 06/02/21 at 11:00 AM in Department 10 at Spring Street Courthouse on cases 18STCV05313, 18STCV05362, 18STCV05485, 18STCV05569, 18STCV06113, 18STCV06330, 18STCV06727, 18STCV07486, 18STCV07820, 18STCV08092, 18STCV08273, 18STCV08285, 18STCV08779, 18STCV08802, 18STCV09198, 18STCV09413, 19GDCV00421, 19GDCV00425, 19GDCV00426, 19GDCV00427, 19GDCV00447, 19GDCV00481, 19GDCV00484, 19GDCV00485, 19GDCV00488, 19GDCV00489, 19GDCV00576, 19GDCV00577, 19GDCV00579, 19GDCV00584, 19GDCV00589, 19GDCV00590, 19GDCV00783, 19GDCV00964, 19SMCV00527, 19SMCV00601, 19SMCV00621, 19STCV00762, 19STCV01282, 19STCV01607, 19STCV01698, 19STCV01760, 19STCV01766, 19STCV01923, 19STCV01931, 19STCV02028, 19STCV02486, 19STCV02553, 19STCV03156, 19STCV03390, 19STCV03419, 19STCV03467, 19STCV04409, 19STCV05617, 19STCV05743, 19STCV06141, 19STCV06190, 19STCV06497, 19STCV08394, 19STCV08746, 19STCV09114, 19STCV09781, 19STCV10357, 19STCV10821, 19STCV10832, 19STCV11322, 19STCV11543, 19STCV11892, 19STCV12441, 19STCV12453, 19STCV12510, 19STCV12647, 19STCV12757, 19STCV12895, 19STCV12919, 19STCV13001, 19STCV13369,

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ERM: None
Deputy Sheriff: None

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ERM: None
Deputy Sheriff: None

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Further Status Conference is scheduled for 06/22/21 at 01:30 PM in Department 10 at Spring Street Courthouse on cases 18STCV05313, 18STCV05362, 18STCV05485, 18STCV05569, 18STCV06113, 18STCV06330, 18STCV06727, 18STCV07486, 18STCV07820, 18STCV08092, 18STCV08273, 18STCV08285, 18STCV08779, 18STCV08802, 18STCV09198, 18STCV09413, 19GDCV00421, 19GDCV00425, 19GDCV00426, 19GDCV00427, 19GDCV00447, 19GDCV00481, 19GDCV00484, 19GDCV00485, 19GDCV00488, 19GDCV00489, 19GDCV00576, 19GDCV00577, 19GDCV00579, 19GDCV00584, 19GDCV00589, 19GDCV00590, 19GDCV00783, 19GDCV00964, 19SMCV00527, 19SMCV00601, 19SMCV00621, 19STCV00762, 19STCV01282, 19STCV01607, 19STCV01698, 19STCV01760, 19STCV01766, 19STCV01923, 19STCV01931, 19STCV02028, 19STCV02486, 19STCV02553, 19STCV03156,

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21STCV00879, 21STCV00883, 21STCV02177, 21STCV03104, 21STCV10340,
21STCV11433, 21STCV11631, 21STCV11634, 21STCV12031, 21STCV13239,
21STCV13309, 21STCV14108, 56-2019-00524394-CU-PA-VTA, 56-2019-00525414-CU-MT-
VTA, and JCCP5000_01. Joint Status Report to be served by 06/15/21 and file by 06/17/21.

Mr. Walsh is ordered to give notice.

A copy of this minute order will append to the following coordinated cases under JCCP5000:
18STCV05313, 18STCV05362, 18STCV05485, 18STCV05569, 18STCV06113,
18STCV06330, 18STCV06727, 18STCV07486, 18STCV07820, 18STCV08092,

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

JCCP5000
Woolsey Fire Cases

May 19, 2021
1:30 PM

Judge: Honorable William F. Highberger
Judicial Assistant: A. Lim
Courtroom Assistant: D. McKinney

CSR: Lawanna Corson #7135
ERM: None
Deputy Sheriff: None

18STCV08273, 18STCV08285, 18STCV08779, 18STCV08802, 18STCV09198,
18STCV09413, 19GDCV00421, 19GDCV00425, 19GDCV00426, 19GDCV00427,
19GDCV00447, 19GDCV00481, 19GDCV00484, 19GDCV00485, 19GDCV00488,
19GDCV00489, 19GDCV00576, 19GDCV00577, 19GDCV00579, 19GDCV00584,
19GDCV00589, 19GDCV00590, 19GDCV00783, 19GDCV00964, 19SMCV00527,
19SMCV00601, 19SMCV00621, 19STCV00762, 19STCV01282, 19STCV01607,
19STCV01698, 19STCV01760, 19STCV01766, 19STCV01923, 19STCV01931,
19STCV02028, 19STCV02486, 19STCV02553, 19STCV03156, 19STCV03390,
19STCV03419, 19STCV03467, 19STCV04409, 19STCV05617, 19STCV05743,
19STCV06141, 19STCV06190, 19STCV06497, 19STCV08394, 19STCV08746,
19STCV09114, 19STCV09157, 19STCV09781, 19STCV10357, 19STCV10821,
19STCV10832, 19STCV11322, 19STCV11543, 19STCV11892, 19STCV12094,
19STCV12441, 19STCV12453, 19STCV12510, 19STCV12647, 19STCV12757,
19STCV12895, 19STCV12919, 19STCV13001, 19STCV13369, 19STCV13489,
19STCV13868, 19STCV13974, 19STCV15415, 19STCV15688, 19STCV15734,
19STCV15764, 19STCV16030, 19STCV16597, 19STCV16835, 19STCV17566,
19STCV17950, 19STCV18378, 19STCV18579, 19STCV18591, 19STCV18685,
19STCV19841, 19STCV19941, 19STCV21245, 19STCV22148, 19STCV22285,
19STCV22286, 19STCV22936, 19STCV24255, 19STCV25496, 19STCV26152,
19STCV26706, 19STCV27330, 19STCV27331, 19STCV27355, 19STCV27684,
19STCV28721, 19STCV29647, 19STCV30995, 19STCV31494, 19STCV31614,
19STCV31862, 19STCV32194, 19STCV32331, 19STCV33072, 19STCV33421,
19STCV33575, 19STCV34145, 19STCV34264, 19STCV36261, 19STCV36311,
19STCV36388, 19STCV36423, 19STCV36477, 19STCV36736, 19STCV36890,
19STCV37081, 19STCV38624, 19STCV39078, 19STCV39319, 19STCV39432,
19STCV39609, 19STCV40109, 19STCV40115, 19STCV40377, 19STCV40528,
19STCV40799, 19STCV41063, 19STCV41370, 19STCV42823, 19STCV42830,
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20STCV07451, 20STCV07702, 20STCV07705, 20STCV07710, 20STCV07717,

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

JCCP5000
Woolsey Fire Cases

May 19, 2021
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Judge: Honorable William F. Highberger
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CSR: Lawanna Corson #7135
ERM: None
Deputy Sheriff: None

20STCV07939, 20STCV07944, 20STCV07959, 20STCV09097, 20STCV09392,
20STCV09811, 20STCV09983, 20STCV09985, 20STCV09986, 20STCV10176,
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20STCV15901, 20STCV15905, 20STCV16147, 20STCV16581, 20STCV17024,
20STCV17047, 20STCV17058, 20STCV17204, 20STCV17210, 20STCV17757,
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20STCV20373, 20STCV21014, 20STCV21022, 20STCV21393, 20STCV21412,
20STCV21505, 20STCV21830, 20STCV22089, 20STCV22127, 20STCV22298,
20STCV22587, 20STCV22748, 20STCV22765, 20STCV22937, 20STCV22959,
20STCV24173, 20STCV24559, 20STCV24663, 20STCV25598, 20STCV26051,
20STCV26623, 20STCV27045, 20STCV29252, 20STCV29689, 20STCV30523,
20STCV30879, 20STCV31779, 20STCV31797, 20STCV31820, 20STCV32006,
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20STCV42679, 20STCV42699, 20STCV42714, 20STCV42751, 20STCV42752,
20STCV42766, 20STCV42771, 20STCV42784, 20STCV42789, 20STCV42809,
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20STCV44186, 20STCV44401, 20STCV44643, 20STCV44766, 20STCV44999,
20STCV45481, 20STCV47066, 20STCV47812, 20VECP00138, 21STCV00879,
21STCV00883, 21STCV02177, 21STCV03104, 56-2019-00524394-CU-PA-VTA, 56-2019-

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

JCCP5000
Woolsey Fire Cases

May 19, 2021
1:30 PM

Judge: Honorable William F. Highberger
Judicial Assistant: A. Lim
Courtroom Assistant: D. McKinney

CSR: Lawanna Corson #7135
ERM: None
Deputy Sheriff: None

00525414-CU-MT-VTA, and JCCP5000_01.

APPEARANCES CONTINUED FROM ABOVE VIA LACOURTCONNECT:

David Furtado
Benjamin Margulis
Bart Ring
Joseph Finnerty
Stephen Semos
Gerald Singelton
John Ceglia
Ari Friedman
Chris Noyes
Robert Curtis
Kristina Herbert
Scott Tropio
David Aveni
Belynda Reck
Abby Hudson
Angelica Ramos
Craig Fligor
Ben Nabors
Taylor Wall
Brian strange
Victoria Sherlin
Alan Lazar
Joanna Fox
Joe Lack
Archibald Smith, IV
R. Martin Weber, Jr.
Cameron Patel
Natasha Serino
Regina Bagdasrian
George Stiefel
Ross Hirsh
Cherisse Cleofe
Nicholas Hutchinson
Lexi Hazam

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

JCCP5000
Woolsey Fire Cases

May 19, 2021
1:30 PM

Judge: Honorable William F. Highberger
Judicial Assistant: A. Lim
Courtroom Assistant: D. McKinney

CSR: Lawanna Corson #7135
ERM: None
Deputy Sheriff: None

Constantine Flogaitis
Ray Bolanos
Jacqueline Axtell
Scott Teper
Thomas Koegel

Additional appearances for Petitioner(s):
Peter John McNulty Via LACourtConnect
Lila Razmara Via LACourtConnect
Alexander Robertson, IV Via LACourtConnect

Additional appearance for Defendant(s):
Andrew Kiley Walsh

EXHIBIT E

Copy

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

SSC10 HON. WILLIAM F. HIGHBERGER, JUDGE

WOOLSEY FIRE CASES)
) NO. JCCP5000
)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
WEDNESDAY, MAY 19, 2021

APPEARANCES ON FOLLOWING PAGES

(PLEASE NOTE: DUE TO THE NATURE OF REMOTE
REPORTING, APPEARANCES CANNOT BE CERTIFIED.)

JOB NO. 162844

LAWANNA WALTERS CORSON,
CSR NO. 7135, RPR, CRR, CLR

Copy

29

1 THE COURT: MR. FRANTZ, YOU HAVE GOT A LOT OF
2 PLAINTIFFS WHO ARE HEADED TO MEDIATION TO MY
3 UNDERSTANDING.

4 DO YOU WISH TO MAKE ANY COMMENTS.

5 MR. FRANTZ: YES, YOUR HONOR, I WOULD LIKE TO
6 ADDRESS THE ISSUE OF SUCCESS IN MEDIATION. AND I CAN TELL
7 YOU WHOLEHEARTEDLY THAT OUR CLIENTS THAT HAVE SETTLED IN
8 MEDIATION ARE EXTREMELY SATISFIED.

9 I THINK THERE'S TWO OUT OF ABOUT 100 THAT
10 HAVE NOT RESOLVED IN MEDIATION, AND WE ARE GOING TO GET
11 THEM BACK ON THE WHEEL TO MEDIATE THOSE CASES AS WELL.

12 BUT EDISON HAS TREATED OUR CLIENTS VERY
13 REASONABLY, AND WE THINK THE MEDIATION PROTOCOL SHOULD GO
14 UNHINGED AT THIS POINT.

15 THE COURT: THANK YOU.

16 MR. ALEX ROBERTSON.

17 MR. ROBERTSON: YES, YOUR HONOR.

18 THE COURT: ANY COMMENTS?

19 MR. ROBERTSON: YOUR HONOR, OUR POSITION HAS NOT
20 CHANGED. WE FULLY SUPPORT THE RESOLUTION PROTOCOL. WE
21 HAVE RECOMMENDED IT TO ALL OF OUR CLIENTS. WE DON'T HAVE
22 ANY OPT-OUTS. WE BELIEVE THE PROCESS HAS BEEN EXTREMELY
23 SUCCESSFUL. WE USED THE SAME PROCESS TO SETTLE OVER 220
24 HOUSEHOLDS IN THE THOMAS CASE, MANY CASES SO FAR IN THE
25 WOOLSEY CASE. WE HAVE A MEDIATION COMING UP ON JUNE 23
26 FOR 30 ADDITIONAL HOUSEHOLDS.

27 IT WORKS. OUR CLIENTS ARE EXTREMELY HAPPY
28 WITH THE RESULTS, AND WE INTEND TO CONTINUE TO PURSUE THAT

Copy

30

1 AVENUE.

2 THE COURT: THANK YOU.

3 MS. LEXI HAZAM.

4 MS. HAZAM, WE ARE NOT HEARING YOU. YOU MAY
5 HAVE YOURSELF MUTED AT YOUR END?

6 MS. HAZAM: I DID. I APOLOGIZE, YOUR HONOR. LET
7 ME START AGAIN.

8 PLAINTIFFS' LEADERSHIP POSITION HAS NOT
9 CHANGED. WE CONTINUE TO SUPPORT THE RESOLUTION PROTOCOL.

10 WE BELIEVE IT IS A FAIR AND EFFICIENT MANNER IN WHICH TO

11 RESOLVE THE LARGE MAJORITY OF THE CASES IN THIS

12 LITIGATION. WE ARE RECOMMENDING TO OUR CLIENTS THAT THEY
13 PARTICIPATE. A NUMBER OF MY FIRMS CLIENTS HAVE SUBMITTED
14 PACKAGES UNDER THE PROTOCOL.

15 BUT WE HAVE NOT TAKEN AN OFFICIAL POSITION
16 WITH REGARDS TO THE MOTIONS BEFORE THE COURT. IN OTHER
17 WORDS, WE HAVE NOT JOINED IN THEM, NOR HAVE WE OPPOSED
18 THEM.

19 AND WE VERY MUCH APPRECIATE THE COURT'S
20 TENTATIVE, AND WE WOULD SIMPLY RETAIN OUR SAME POSITION
21 WITH REGARD TO IT.

22 THE COURT: THANK YOU.

23 I WILL GO BACK AND RESUME A DIALOGUE WITH
24 MR. WALSH. ARE THERE OTHERS WHO WISH TO BE HEARD AS TO
25 EITHER THE CONTESTED 26TH ADD-ON PETITION OR THE MOTION TO
26 CONTINUE TRIAL? IF SO, THIS IS YOUR TIME TO SPEAK.

27 OBVIOUSLY, PLEASE START WITH YOUR NAME.

28 HEARING NOTHING, BACK TO YOU MR. WALSH.

Copy

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

3 SSC10 HON. WILLIAM F. HIGHBERGER, JUDGE
4

5 WOOLSEY FIRE CASES)
6) NO. JCCP5000
7) CERTIFICATE
8
9
10

11 I, LA WANNA WALTERS CORSON, OFFICIAL REPORTER PRO
12 TEM OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR
13 THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT DUE TO
14 COVID-19 AND THE ATTORNEYS APPEARING BY L.A.COURTCONNECT
15 THE FOREGOING PAGES, 1 THROUGH 38, COMPRISE A FULL, TRUE,
16 AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE
17 ABOVE-ENTITLED MATTER ON WEDNESDAY, MAY 19, 2021, TO THE
18 BEST OF MY ABILITY TO HEAR AND REPORT THIS MATTER.

19 DATED: MAY 28, 2021.
20
21
22

23 

24 _____, CSR NO. 7135, RPR
25 OFFICIAL REPORTER PRO TEM
26
27
28

EXHIBIT F

August 13, 2021

Certified Copy

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER, JUDGE

4 COORDINATION PROCEEDING) JCCP5000
5 SPECIAL TITLE [RULE 3.550])

6 WOOLSEY FIRE CASES)

7 REPORTER'S TRANSCRIPT OF PROCEEDING
8 FRIDAY, AUGUST 13, 2021

9 APPEARANCE OF COUNSEL IN COURT:

10 FOR PLAINTIFF:

11 SCHIMMEL & PARKS
12 ALAN I. SCHIMMEL, ESQ.
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15 (818) 464-5061

16 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
17 LEXI J. HAZAM, ESQ.
18 275 BATTERY STREET, 29TH FLOOR
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20 (415) 956-1000

21 PANISH SHEA & BOYLE, LLP
22 RAHUL RAVIPUDI, ESQ.
23 11111 SANTA MONICA BOULEVARD, SUITE 700.
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WESTLAKE VILLAGE, CALIFORNIA 91361
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FOR DEFENDANTS:

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DOUGLAS J. DIXON, ESQ.
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(213) 788-4340

GIBSON, DUNN & CRUTCHER LLP
ABBEY HUDSON, ESQ.
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LOS ANGELES, CALIFORNIA 90071
(213) 229-7954

August 13, 2021

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22

1 IN SUPPORT OF THAT. I JUST WANT THAT MADE CLEAR
2 BECAUSE, IF MY CLIENTS ARE GOING TO BE DEPRIVED OF THEIR
3 RIGHT TO GO FORWARD, I JUST WANT TO HEAR SOME BASIS IN
4 REALITY AS TO WHY THAT WOULD BE.

5 MR. SCHIMMEL: YOUR HONOR, ALAN SCHIMMEL.
6 FIRST OF ALL, MOST OF US WHO TRY CASES ACTUALLY DO THE
7 DISCOVERY, DO THE HARD DISCOVERY, YOU KNOW, DO MAYBE
8 SCORCHED EARTH DISCOVERY SO THAT WE GET TO A POINT WHERE
9 THERE IS A PROTOCOL LIKE THIS, WHERE THERE ARE
10 MEDIATIONS GOING FORWARD, AND WHERE THERE IS SUCCESS IN
11 THE MEDIATIONS.

12 THIS IS PART OF THE LITIGATION. THIS IS
13 NOT -- NONE OF THE LAWYERS THAT I KNOW THAT HAVE SPOKEN
14 OR HAVE THE MAJORITY OF THESE CASES ARE AFRAID TO TRY
15 CASES. IN FACT, THAT'S NOT THE CASE AT ALL. THEY JUST
16 KNOW FROM YEARS AND YEARS OF EXPERIENCE THAT THIS
17 PROCESS SHOULD BE -- SHOULD BE BORNE OUT UNTIL IT FAILS.
18 AND THANK YOU, YOUR HONOR.

19 THE COURT: THANK YOU. I'VE HEARD ENOUGH AT
20 THIS POINT. I AM READY TO MAKE A RULING AND MY
21 ANALYSIS, AS FOLLOWS. THIS IS A MASS TORT CASE, LIKE IT
22 OR NOT. I KNOW THAT SOME OF THE PLAINTIFFS AND SOME OF
23 THE COUNSEL WISH THEY WERE STANDALONE LAWSUITS THAT WERE
24 NOT PART OF THE MASS TORT, BUT AS IT HAPPENS THIS IS
25 PART OF A MASS TORT. IT'S NOT CLAIMS RESOLUTIONS LIKE
26 KEN FEINBERG UNDER SOME ACT OF CONGRESS CREATING A FUND,
27 BUT IT IS IN SOME PRACTICAL TERMS A SITUATION WHERE THE
28 INTEREST OF DOING THE GENERAL GOOD FOR THE MOST PEOPLE

August 13, 2021

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23

1 POSSIBLE IS THE PRIMARY VALUE TO BE OBTAINED. AND
2 INSOFAR AS THAT REQUIRES INDIVIDUAL DUE PROCESS RIGHTS
3 TO BE SUBORDINATED TO A DEGREE, I WILL ACKNOWLEDGE AND
4 SAY ON THE RECORD THAT I AM PREPARED TO SUBORDINATE
5 INDIVIDUAL DUE PROCESS RIGHTS FOR THE INTEREST OF THE
6 COLLECTIVE.

7 AND, HERE, I AM PERSUADED BY WHAT HAS
8 BEEN SAID BY BOTH PLAINTIFFS' COUNSEL AND DEFENSE
9 COUNSEL, THAT THE GENERAL INTERESTS OF THE COLLECTIVE
10 FOR THE PLAINTIFFS IS ADVANCED BY HAVING MEDIATION
11 PROTOCOL AS THE SOLE SUBJECT OF ATTENTION FOR THE
12 PLAINTIFF AND THE DEFENSE BAR AT THIS TIME SUBJECT TO A
13 CARVE-OUT FOR HOLDING MANDATORY SETTLEMENT CONFERENCES
14 FOR THOSE WHO DON'T WISH TO PARTICIPATE IN THE MEDIATION
15 PROTOCOL AS OFFERED BY EDISON.

16 MR. SINGLETON, EDISON HAS IN RESPONSE TO
17 YOUR LEGITIMATE CONCERNS DEALT WITH THE QUESTION OF
18 INDIVIDUAL OFFERS, AND TO MY UNDERSTANDING THAT IS NOT A
19 REASON THAT YOU WON'T DO THE MEDIATION PROTOCOL. I
20 THINK YOU HAVE BEEN HASTY IN REJECTING THEIR EFFORTS TO
21 MODIFY THE EXIT PROCESS, AND I URGE YOU TO CONTINUE TO
22 BARGAIN WITH THEM INCLUDING THE SUGGESTION OF
23 INTRODUCING NEW MEDIATORS TO THE MIX SO THAT PEOPLE WITH
24 WHOM YOU REPOSE TRUST AND CONFIDENCE CAN BECOME PART OF
25 THE TEAM AND POSSIBLY AT THAT POINT BECOME THE KEEPERS
26 OF THE EXIT SLIP AT LEAST FOR YOUR CASES IF NOT ALL
27 CASES. I DOUBT THAT PETER LICHTMAN REALLY FINDS ANY
28 POINT OF PRIDE IN HAVING THOSE RESPONSIBILITIES. I

August 13, 2021

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24

1 SUSPECT HE'D BE HAPPY TO TRANSFER IT IN GROSS TO
2 SOMEBODY ELSE.

3 AND, THEREFORE, I AM INSTEAD OF
4 DISCHARGING THE ORDER TO SHOW CAUSE I AM MODIFYING IT
5 AND CONTINUING THE ORDER TO SHOW CAUSE TO MONDAY,
6 DECEMBER 13 AT 1:30 P.M. AND MODIFYING IT TO PROVIDE
7 THAT IT'S NOW AN ORDER TO SHOW CAUSE WHY I SHOULDN'T
8 LIFT THE STAY ON DISCOVERY EFFECTIVE JANUARY 18TH OF
9 2022. AND AT THIS POINT I'M VACATING THE TRIAL DATE AND
10 THE FINAL STATUS CONFERENCE BECAUSE OF THE STAY OF THIS
11 DURATION. THERE IS NO POINT IN HOLDING ON TO AN APRIL
12 TRIAL DATE. AND WITH NO CERTAINTY AS TO WHAT IS GOING
13 TO HAPPEN ON DECEMBER 13TH, THERE IS NO POINT IN SETTING
14 UP A SUBSTITUTE TRIAL DATE.

15 I CONTINUE TO HAVE EXCELLENT AVAILABILITY
16 FOR TRIALS IN THE YEAR 2022 SUBJECT TO PROBLEMS WITH
17 COVID AND THE DELTA VARIANT AND SUCH LIKE SO, IF I GET A
18 CASE BACK ON TRACK TO BE SET FOR TRIAL, I WILL BE ABLE
19 TO SET A TRIAL WITH REASONABLE DISPATCH BECAUSE I AM
20 BLESSED WITH HAVING A TRIAL CALENDAR THAT IS IN GOOD
21 SHAPE.

22 I URGE YOU, MR. DIXON AND MR. SINGLETON,
23 TO GO TAKE THREE DEEP BREATHS, THINK ABOUT YOUR FAVORITE
24 PET ANIMAL OR CHILDREN OR HOBBY, TALK ABOUT SMALL TALK
25 AND TRY TO BOND WITH EACH OTHER AS HUMAN BEINGS AND
26 FORGET ABOUT CONTESTED MATTERS AND THEN RESUME A
27 DISCUSSION ABOUT THE POSSIBILITIES OF TWEAKING THE
28 MEDIATION PROTOCOL SO THAT MR. SINGLETON'S CLIENTS ON

August 13, 2021

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25

1 MR. SINGLETON'S ADVISE MAY FIND THEMSELVES WILLING TO
2 TAKE THEIR CASES INTO THAT SITUATION. I THINK MR.
3 SCHIMMEL'S POINT SUPPORTED BY MR. FRANTZ AND ATTORNEY
4 CURTIS, THAT THIS IS WORKING FOR THE GREATER GOOD OF
5 MOST OF THE PLAINTIFFS, SUPPORTS THE CONCLUSIONS I AM
6 REACHING.

7 MR. SINGLETON, WHEN MR. SMITH ASKED FOR A
8 MANDATORY SETTLEMENT CONFERENCE FOR CLIENTS WHO ARE
9 OTHERWISE READY TO SUBMIT FACT SHEETS, I WAS HAPPY TO
10 SET ONE UP FOR THEM. AND LET ME TURN AND DIGRESS,
11 THOUGH, AND SEE WHAT MR. SMITH'S UPDATE IS IN REGARD TO
12 ATTEMPTS TO SET AN MSC. MAYBE HE KNOWS SOMETHING I
13 DON'T.

14 MR. SMITH: YES, YOUR HONOR. THIS IS
15 ARCHIBALD SMITH AGAIN. JUST TO UPDATE THE COURT, WE
16 HAVE BEEN IN TOUCH WITH COUNSEL FOR EDISON AND COUNSEL
17 FOR BOEING. WE HAD CONFIRMED WITH JUDGE FREEMAN'S
18 DEPARTMENT A DATE OF SEPTEMBER 15TH FOR THE MANDATORY
19 SETTLEMENT CONFERENCE. I DON'T KNOW IF YOUR HONOR MAY
20 HAVE SPOKEN WITH HIM BEFORE HE GOT THAT INFORMATION FROM
21 HIS STAFF.

22 WE ARE HAVING A LITTLE BIT OF TROUBLE
23 JUST SORT OF GETTING CLARIFICATION ON WHAT PROCEDURES
24 JUDGE FREEMAN WOULD LIKE US TO FOLLOW, SPECIFICALLY,
25 BECAUSE IT WILL BE A VIRTUAL MSC. AND SO WE UNDERSTAND
26 THAT THE PARTIES NEED TO SET UP A ZOOM FOR JUDGE
27 FREEMAN, BUT WE REALLY HAVEN'T GOTTEN MANY PARAMETERS
28 OTHER THAN THAT. IF IT WOULD BE AT ALL POSSIBLE FOR

August 13, 2021

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

DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER, JUDGE

COORDINATION PROCEEDING)	JCCP5000
SPECIAL TITLE [RULE 3.550])	
WOOLSEY FIRE CASES)	REPORTER'S CERTIFICATE

I, BUFORD J. JAMES, CSR 9296, OFFICIAL
REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
FOREGOING PAGES 1 THROUGH 44, INCLUSIVE, COMPRISE A FULL,
TRUE, AND CORRECT TRANSCRIPT OF THE TESTIMONY AND
PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON FRIDAY,
AUGUST 13, 2021.

DATED THIS 30TH DAY OF AUGUST, 2021.



BUFORD J. JAMES, CERTIFIED SHORTHAND REPORTER

EXHIBIT G

October 14, 2021

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SSC10

HON. WILLIAM F. HIGHBERGER, JUDGE

WOOLSEY FIRE CASES

)
) NO. JCCP5000
)
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, OCTOBER 14, 2021

APPEARANCES ON FOLLOWING PAGES

(PLEASE NOTE: DUE TO THE NATURE OF REMOTE
REPORTING, APPEARANCES CANNOT BE CERTIFIED.)

JOB NO. 165207

LAWANNA WALTERS CORSON,
CSR NO. 7135, RPR, CRR, CLR

October 14, 2021

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1 MR. GERALD SINGLETON: THAT SOUNDS FINE TO ME, YOUR
2 HONOR. IT IS MY ERROR. I HAD MISUNDERSTOOD WHAT WAS
3 MEANT BY AN OFFER OF PROOF, AND I JUST DIDN'T WANT TO --

4 THE COURT: LET ME BE PRACTICAL. IN A MASS COURT
5 CASE LIKE THIS, YOU HAVE TO BE PRACTICAL. IF YOU ALWAYS
6 APPLY ELEGANCE OR EVEN THE RULES OF EVIDENCE STRICTLY AT
7 ALL POINTS IN TIME, ALL YOU DO IS GUM UP THE WORKS.

8 KEN FEINBERG WITH HIS MASS TORT CLAIMS
9 RESOLUTION PROCESS CAN'T POSSIBLY BE DOING TRADITIONAL
10 NEAT, TIDY LITIGATED CASES. YOU CAN'T GET A MASS TORT
11 RESOLVED IN A COST-EFFECTIVE FASHION. YOU HAVE TO
12 ESSENTIALLY CUT CORNERS.

13 AND AS LONG AS YOU ARE IN THE MASS TORT
14 BUSINESS, YOU HAVE TO ACCEPT THE FACT THAT THIS IS MORE
15 BATTLEFIELD SURGERY THAN, YOU KNOW, TRYING TO PROVE THAT
16 YOU DESERVE TO BE A BOARD-CERTIFIED SURGEON BECAUSE YOU DO
17 THINGS PERFECTLY.

18 MR. GERALD SINGLETON: UNDERSTOOD, YOUR HONOR. IN
19 THAT CASE --

20 THE COURT: YOU HAVE TO HELP THEM ARMY-EVACUATE-
21 MOSCOW-IN-THE-WINTER-WHEN-YOU-ARE-RETREATING-BACK-TO-
22 PARIS.

23 MR. GERALD SINGLETON: COMPLETELY UNDERSTOOD, YOUR
24 HONOR. IN THAT CASE, I THINK WE WILL BE FINE. I WILL --

25 THE COURT: WHY DON'T WE JUST KILL YOUR MOTION AND
26 SEE IF YOU AND MR. DIXON CAN WORK SOMETHING OUT.

27 MR. GERALD SINGLETON: SOUNDS GOOD. THANK YOU,
28 YOUR HONOR.

October 14, 2021

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SSC10


HON. WILLIAM F. HIGHBERGER, JUDGE

WOOLSEY FIRE CASES

) NO. JCCP5000
)
) CERTIFICATE

I, LAWANNA WALTERS CORSON, COURT REPORTER OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT DUE TO COVID-19 AND THE ATTORNEYS APPEARING BY L.A. COURTCONNECT, THE FOREGOING PAGES 1 THROUGH 32 COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON THURSDAY, OCTOBER 14, 2021, TO THE BEST OF MY ABILITY TO HEAR AND REPORT THIS MATTER.

DATED: OCTOBER 28, 2021 ^TODAY.


_____, CSR NO. 7135
LAWANNA WALTERS CORSON, COURT REPORTER PRO TEMPORE

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SOUTHERN CALIFORNIA FIRE CASES

JCCP No. 4965

ELECTRONIC PROOF OF SERVICE

I am over the age of 18 years and not a party to the within action. I am employed by Hueston Hennigan LLP whose business address is 620 Newport Center Drive, Suite 1300, Newport Beach, CA 92660.

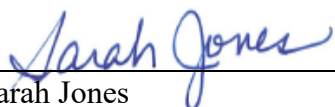
On February 1, 2022, I caused to be served the following document(s) described as:

DECLARATION OF DEREK R. FLORES IN SUPPORT OF SOUTHERN CALIFORNIA EDISON COMPANY’S AND EDISON INERNATIONAL’S OPPOSITION TO MOTION TO LIFT STAY

on the interested parties in this action pursuant to the most recent Omnibus Service List by submitting an electronic version of the document(s) via file transfer protocol (FTP) to CaseHomePage through the upload feature at www.casehomepage.com.

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

Executed on February 1, 2022, at Newport Beach, California.



Sarah Jones