FILED
Superior Court of California
County of Los Angeles
JUL 12 2019
Sherri R. Carter, Executive Officer/Clerk of Court
By Aldwin Lim Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER Plaintiff, vs. STATE WATER RESOURCES CONTROL BOARD Defendant	Case No.: 19STCP01176 INITIAL STATUS CONFERENCE ORDER (COMPLEX LITIGATION PROGRAM) Case assigned for all purposes to HON. WILLIAM F. HIGHBERGER Department SS10

This case has been assigned for all purposes to Judge William F. Highberger in the Complex Litigation Program. An Initial Status Conference is set for August 12, 2019 at 10:00 a.m. in Department 10, located at the Los Angeles Superior Court Spring Street Court House at 312 N. Spring Street, Los Angeles, California 900012. Counsel for all parties are ordered to attend.

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

1. Consideration of any issues of recusal or disqualification;
2. Issues of law and/or potentially dispositive or significant threshold issues that, if considered by the Court, may simplify or further resolution of the case;
3. Appropriate alternative dispute resolution (ADR) mechanisms (e.g., mediation, mandatory settlement conference, arbitration, mini-trial, etc.);
4. A plan for preservation of evidence and uniform system for identification of documents throughout the course of this litigation;
5. A plan for document disclosure/production and additional discovery; which will generally be conducted under court supervision and by court order;
6. Whether it is advisable to address discovery in phases so that information needed to conduct meaningful ADR is obtained early in the case;
7. Any issues involving the protection of evidence and confidentiality;
8. The selection of the required electronic service provider;
9. The handling of any potential publicity issues.

Counsel for the Plaintiff is to take the lead in preparing a Joint Initial Status Conference Report to be filed five court days prior to the hearing date. The Joint Status Conference Report must include the following:

1. A statement as to whether additional parties are likely to be added and a proposed date by which all parties must be served;
2. Service list (service list should identify all primary and secondary counsel, firm names, addresses, telephone numbers, email addresses and fax numbers for all counsel). The Court will issue an Order requiring electronic service. Counsel are to advise the Court regarding their preferred web-based electronic service provider at the time of the conference;
3. Whether any issues of jurisdiction or venue exist that might affect this court's ability to proceed with this case.
4. Applicability and enforceability of arbitration clauses, if any;
5. A list of all related litigation pending in other courts, a brief description of any such litigation, and a statement as to whether any additional related litigation is anticipated;
6. A description of core factual and legal issues – the parties should address any specific contracts, or contract provisions, on which Plaintiff's claims are based; any specific statutes the interpretation of which will be required to adjudicate Plaintiff's claims; and any specific Regulations the interpretation of which will be required to adjudicate Plaintiff's claims;
7. The parties' tentative views on an ADR mechanism and how such mechanism might be integrated into the course of the litigation;
8. A discovery plan, including whether discovery should be conducted in phases or limited; and if so, the order of phasing or types of limitations of discovery;

9. A plan for discovery of electronically stored information. Regarding the production of electronically stored information, the parties are encouraged to have their respective IT consultants/employees participate in the meet and confer process. At a minimum, the following issues should be addressed with respect to the production of electronically stored information: (1) the information management systems employed by the parties; (2) the location and custodians of information that is likely to be subject to production (including the identification of network and email servers and hard drives maintained by target custodians); (3) the format in which electronically stored information will be produced; (4) the type of ESI that will be produced, i.e., data files, emails, etc.; (5) appropriate search criteria for focused requests;
10. Whether the parties are prepared to stipulate that discovery and/or pleading stays entered by the Court for case management purposes shall not be considered in determining the statutory period for bringing the case to trial under Code of Civil Procedure Section 583.310.
11. Recommended dates and times for the following:
    a. The next status conference;
    b. A schedule for alternative dispute resolution, if it is relevant;
    c. A filing deadline (and proposed briefing schedule) for anticipated non-discovery motions, if any.

To the extent the parties are unable to agree on the matters to be addressed in the Joint Initial Status Conference Report, the positions of each party or of various parties shall be set forth separately in the Joint Statement. The parties are encouraged to propose, either jointly or

separately, any approaches to case management that they believe will promote the fair and efficient handling of this case. The Court is particularly interested in identifying potentially dispositive or significant threshold issues the early resolution of which may assist in moving the case toward effective ADR and/or a final disposition.

Pending further order of this Court, and except as otherwise provided in the Initial Status Conference Order, these proceedings are stayed in their entirety. This stay shall preclude the filing of any answer, demurrer, motion to strike, or motions challenging the jurisdiction of the Court; however, each defendant is directed to file a Notice of Appearance for purposes of identification of counsel and preparation of a service list. The filing of such a Notice of Appearances shall be without prejudice to any challenge to the jurisdiction of the Court, substantive or procedural challenges to the Complaint, without prejudice to any affirmative defense, and without prejudice to the filing of any cross-complaint in this action. This stay is issued to assist the Court and the parties in managing this "complex" case through the development of an orderly schedule for briefing and hearings on procedural and substantive challenges to the complaint and other issues that may assist in the orderly management of this case. This stay shall not preclude the parties from continuing informally exchange documents that may assist in their initial evaluation of the issues presented in this case, however shall stay all outstanding discovery requests.

Hereafter, all management stays, including stays of discovery issued by the Court, shall not be considered as a stay per Code of Civil Procedure section 583.310 unless specifically ordered by the Court.

07/24/19

Plaintiffs' counsel is to serve this Initial Status Conference Order on counsel for Defendant, or if counsel is not known, on Defendant within five (5) days of the date of this Order.

If the Complaint has not been served as of the date of this Order, Counsel for Plaintiff is to serve the Complaint within five (5) days of the date of this Order.

Dated: 7/12/19

WILLIAM F. HIGHBERGER
Judge of the Superior Court