

ORIGINAL

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FILED
Superior Court of California
County of Los Angeles

JUL 02 2018

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

7 *Attorneys for Plaintiff, ANTHONY W. FORD*
8 *on behalf of himself and all others similarly situated*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES

11
12 **ANTHONY W. FORD**, on behalf of himself
13 and all others similarly situated,

14 Plaintiffs,

15 v.

16 **DOUGLASS EMMETT MANAGEMENT,**
17 **LLC**, a Delaware limited liability company,
18 and DOES 1 through 50, inclusive,

19 Defendants.

Case No. BC705955
ASSIGNED FOR ALL PURPOSES TO:
JUDGE: HON. John Shepard Wiley, Jr.
DEPT: 9

**NOTICE OF MINUTE ORDER AND
INITIAL STATUS CONFERENCE**

Date: September 14, 2018
Dept: 9
Time: 2:00 p.m.

FAKED

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NOTICE OF MINUTE ORDER AND INITIAL STATUS CONFERENCE

CASE NO. BC705955

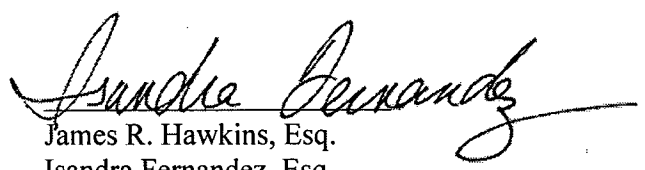
07/03/2018

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TO THE COURT AND ALL PARTIES OF RECORD AND THEIR ATTORNEYS:
PLEASE TAKE NOTICE the Court in the above entitled action has set an Initial Status
Conference for September 14, 2018 at 2:00 P.M. in the above entitled Court located at 312 N.
Spring Street, Los Angeles, California 90012. A true and correct copy of the Courts Minute
Order and Initial Status Conference Order is attached hereto as Exhibit A and Exhibit B,
respectively.

Dated: July 2, 2018

Respectfully submitted,
JAMES HAWKINS APLC



James R. Hawkins, Esq.
Isandra Fernandez, Esq.
Attorneys for Plaintiff Anthony W. Ford,
and for Members of the Class and Subclass

07/03/2018

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PROOF OF SERVICE, COUNTY OF ORANGE

I am a resident of the State of California, County of Orange. I am over the age of eighteen years and not a party to the within action. My business address is 9880 Research Drive., Suite 200, Irvine, California 92618.

On July 2, 2018, I served on the interested parties in this action the following document(s) entitled:

- **NOTICE OF MINUTE ORDER AND INITIAL STATUS CONFERENCE**

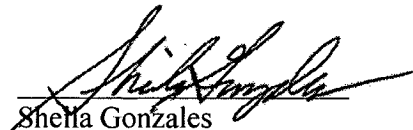
[XX] BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

SERVICE LIST

Rafael Gonzalez, Esq.
Nathan E. Klouda, Esq.
MULLEN HENZELL, LLP
112 East Victoria Street
Santa Barbara, CA 93101
Tel: 805-966-1501
Fax: 805-966-9204
rgonzalez@mullenlaw.com
nklouda@mullenlaw.com

[XX] STATE: I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed on July 2, 2018, at Irvine, California


Sheila Gonzales

07/03/2018

07/03/2018
07/03/2018

EXHIBIT A

07/03/2018

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/26/18

DEPT. SS9

HONORABLE JOHN SHEPARD WILEY JR

JUDGE M. MATA

DEPUTY CLERK

HONORABLE #1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

T. BIVINS, CA

Deputy Sheriff

NONE

Reporter

8:30 am BC705955

Plaintiff
Counsel

ANTHONY W FORD
VS

NO APPEARANCES

DOUGLAS EMMETT MANAGEMENT LLC

Defendant
Counsel

CPX 5/16/18 170.6/DEFT JUDGE KU

NATURE OF PROCEEDINGS:

COURT ORDER SETTING INITIAL STATUS CONFERENCE

This case has been reassigned to Judge John Shepard Wiley Jr. in Department 9, Spring Street Courthouse, for all further purposes.

The Court makes further orders pursuant to the "Initial Status Conference Order" as signed and filed this date.

The Court sets an Initial Status Conference on September 14, 2018 at 2:00 p.m. in this department.

Counsel for plaintiff is to serve a copy of this minute order as well as the attached "Initial Status Conference Order" on all parties and file proof thereof directly in this department.

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the minute order and Initial Status Conference Order dated 6/26/18 upon each party or counsel named below by placing the document for collection and mailing so as to

<p align="center">MINUTES ENTERED 06/26/18 COUNTY CLERK</p>

07/03/2018

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/26/18

DEPT. SS9

HONORABLE JOHN SHEPARD WILEY JR

JUDGE

M. MATA

DEPUTY CLERK

HONORABLE
#1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

T. BIVINS, CA

Deputy Sheriff

NONE

Reporter

8:30 am BC705955

Plaintiff

Counsel

NO APPEARANCES

ANTHONY W FORD

VS

Defendant

DOUGLAS EMMETT MANAGEMENT LLC

Counsel

CPX 5/16/18 170.6/DEFT JUDGE KU

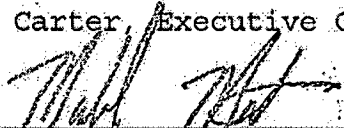
NATURE OF PROCEEDINGS:

cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: June 26, 2018

Sherri R. Carter, Executive Officer/Clerk

By:



MARIBEL MATA, Deputy Clerk

James R. Hawkins
JAMES HAWKINS, APLC
9880 Research Drive, Suite 200
Irvine, CA 92618

MINUTES ENTERED 06/26/18 COUNTY CLERK

07/03/2018

07/03/2018

EXHIBIT B

EXHIBIT B

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
JUN 25 2018
Sheri R. Carter, Executive Officer/Clerk of Court
Sheri R. Carter, Executive Officer/Clerk of Court
By: Maribel Mata, Deputy
By: Maribel Mata, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

ANTHONY W. FORD
Plaintiff,
vs.
DOUGLAS EMMETT MANAGEMENT,
LLC.
Defendant,

Case No.: BC705955

CLASS ACTION
INITIAL STATUS CONFERENCE ORDER

Case Assigned for All Purposes to
Judge John Shepard Wiley Jr.

Department: 9
Date: September 14, 2018
Time: 2:00 p.m.

This case has been assigned for all purposes to Judge John Shepard Wiley Jr. in the Complex Litigation Program. An Initial Status Conference is set for September 14, 2018 at 2:00 p.m. in Department 9 located in the Los Angeles Superior Court at United States Court House, 312 North Spring Street, Los Angeles, CA 90012. Counsel for all parties are ordered to attend.

The court orders counsel to prepare for the Initial Status Conference by identifying and discussing the central legal and factual issues in the case. Counsel for plaintiff is ordered to initiate contact with counsel for defense to begin this process. Counsel then must negotiate and agree, as possible, on a case management plan. To this end, counsel must file a Joint Initial Status

07/03/2018

1 Conference Class Action Response Statement five court days before the Initial Status Conference.

2 The Joint Response Statement must be filed on line-numbered pleading paper and must
3 specifically answer each of the below-numbered questions. Do not the use the Judicial Council
4 Form CM-110 (Case Management Statement).

5 **1. PARTIES AND COUNSEL:** Please list all presently-named class representatives and
6 presently-named defendants, together with all counsel of record, including counsel's contact and
7 email information.

8
9 **2. POTENTIAL ADDITIONAL PARTIES:** Does any plaintiff presently intend to add
10 more class representatives? If so, and if known, by what date and by what name? Does any
11 plaintiff presently intend to name more defendants? If so, and if known, by what date and by what
12 name? Does any appearing defendant presently intend to file a cross-complaint? If so, who will
13 be named.

14 **3. IMPROPERLY NAMED DEFENDANT(S):** If the complaint names the wrong
15 person or entity, please explain.

16 **4. ADEQUACY OF PROPOSED CLASS REPRESENTATIVE(S):** If any party
17 believes one or more named plaintiffs might not be an adequate class representative, please
18 explain. No prejudice will attach to these responses.

19
20 **5. ESTIMATED CLASS SIZE:** Please discuss and indicate the estimated class size.

21 **6. OTHER ACTIONS WITH OVERLAPPING CLASS DEFINITIONS:** Please list
22 other cases with overlapping class definitions. Please identify the court, the short-caption title, the
23 docket number, and the case status.

24
25 **7. POTENTIALLY RELEVANT ARBITRATION AND/OR CLASS ACTION**
26 **WAIVER CLAUSES:** Please include a sample of any clause of this sort. Opposing parties must
27 summarize their views on this issue.

28

1 **8. POTENTIAL EARLY CRUCIAL MOTIONS:** Opposing counsel are to identify and
2 describe the significant core issues in the case. Counsel then is to identify efficient ways to
3 resolve those issues. The vehicles include:

- 4 ■ Motion to Compel Arbitration,
- 5 ■ Early motions in limine,
- 6 ■ Early motions about particular jury instructions and verdict forms,
- 7 ■ Demurrers,
- 8 ■ Motions to strike,
- 9 ■ Motions for judgment on the pleadings, and
- 10 ■ Motions for summary judgment and summary adjudication.

11 **NOTE: Effective 2012, by stipulation a party may move for summary adjudication of**
12 **a legal issue or a claim for damages that does not completely dispose of a cause of action, an**
13 **affirmative defense, or an issue of duty.¹ Counsels are to analyze, discuss, and report on the**
14 **relevance of this powerful new procedure.**
15

16 **9. CLASS CONTACT INFORMATION:** Does plaintiff need class contact information
17 from the defendant's records? If so, do the parties consent to an "opt-out" notice process (as
18 approved in *Belaire-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, 561) to
19 precede defense delivery of this information to plaintiff's counsel? If the parties agree on the
20 notice process, who should pay for it? Should there be a third-party administrator?
21

22 **10. PROTECTIVE ORDERS:** Parties considering an order to protect confidential
23 information from general disclosure should begin with the model protective orders found on the
24 Los Angeles Superior Court Website under "Civil Tools for Litigators."
25

26 _____
27 ¹See Code Civ. Proc. § 437c, subd. (s).
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11. DISCOVERY: Please discuss discovery. Do the parties agree on a plan? If not, can the parties negotiate a compromise? At minimum, please summarize each side's views on discovery. The court generally allows discovery on matters relevant to class certification, which (depending on circumstances) may include factual issues also touching the merits. The court generally does not permit extensive or expensive discovery relevant only to the merits (for example, detailed damages discovery) unless a persuasive showing establishes early need. If any party seeks discovery from absent class members, please estimate how many, and also state the kind of discovery you propose.²

12. INSURANCE COVERAGE: Please state (1) if there is insurance for indemnity or reimbursement, and (2) whether there are any insurance coverage issues that might affect settlement.

13. ALTERNATIVE DISPUTE RESOLUTION: Please discuss ADR and state each party's position about it. If pertinent, how can the court help identify the correct neutral and prepare the case for a successful settlement negotiation?

14. TIMELINE FOR CASE MANAGEMENT: Please recommend dates and times for the following:

- The next status conference,
- A schedule for alternative dispute resolution, if it is relevant,
- A filing deadline for the motion for class certification, and
- Filing deadlines and descriptions for other anticipated non-discovery motions.

²See Code Civ. Proc. § 437c, subd. (s)

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15. ELECTRONIC SERVICE OF PAPERS: For efficiency the complex program requires the parties in every new case to use a third-party cloud service provider. Please agree on one and submit the parties' choice when filing the Joint Initial Status Conference Class Action Response Statement. If there is agreement, please identify the vendor. If parties cannot agree, the court will select the vendor at the Initial Status Conference. Electronic service is not the same as electronic filing. Only traditional methods of filing by physical delivery of original papers or by fax filing are presently acceptable.

Reminder When Seeking To Dismiss Or To Obtain Settlement Approval:

"A dismissal of an entire class action, or of any party or cause of action in a class action, requires court approval. . . . Requests for dismissal must be accompanied by a declaration setting forth the facts on which the party relies. The declaration must clearly state whether consideration, direct or indirect, is being given for the dismissal and must describe the consideration in detail."³ If the parties have settled the class action, that too will require judicial approval based on a noticed motion (although it may be possible to shorten time by consent for good cause shown).

Pending further order of this Court, and except as otherwise provided in this 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, any defendant may file a Notice of Appearance for purposes of identification of counsel and preparation of a service list. The filing of such a Notice of Appearance 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

³ California Rule of Court, Rule 3.770(a)

07/03/2018

1 to the filing of any cross-complaint in this action. This stay is issued to assist the Court and the
2 parties in managing this "complex" case through the development of an orderly schedule for
3 briefing and hearings on procedural and substantive challenges to the complaint and other issues
4 that may assist in the orderly management of these cases. This stay shall not preclude the parties
5 from informally exchanging documents that may assist in their initial evaluation of the issues
6 presented in this case, however shall stay all outstanding discovery requests.

7
8 Plaintiff's counsel is directed to serve a copy of this Initial Status Conference Order on
9 counsel for all parties, or if counsel has not been identified, on all parties, within five days of
10 service of this order. If any defendant has not been served in this action, service is to be
11 completed within twenty days of the date of this order.

12
13 Dated: JUN 26 2018

14 JOHN SHEPARD WILEY JR.

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16 Judge of the Los Angeles Superior Court
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