

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

FEB 19 2020

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

1 Paul R. Kiesel, State Bar No. 119854
kiesel@kiesel.law
2 Mariana A. McConnell, State Bar No. 273225
mccconnell@kiesel.law
3 Melanie Palmer, State Bar No. 286752
palmer@kiesel.law
4 Nicole F. DeVanon, State Bar No. 284551
devanon@kiesel.law
5 **KIESEL LAW LLP**
8648 Wilshire Boulevard
6 Beverly Hills, California 90211-2910
Tel: 310-854-4444
7 Fax: 310-854-0812

8
9 Mark P. Robinson, Jr., State Bar No. 54426
mrobinson@robinsonfirm.com
10 Daniel S. Robinson, State Bar No. 244245
drobinson@robinsonfirm.com
11 Lila Razmara, State Bar No. 269779
lrazmara@robinsonfirm.com
12 **ROBINSON CALCAGNIE, INC.**
19 Corporate Plaza
Newport Beach, CA 92660
13 Tel: 949-720-1288
Fax: 949-720-1292

14 Attorneys for Plaintiffs

15
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF LOS ANGELES, SPRING STREET

18 CONNOR BATHAM, an individual,
19 Plaintiff,

20 v.

21 JUUL LABS, INC., a corporation; PAX
22 LABS, INC., a corporation; and DOES 1
23 through 100, inclusive,
24 Defendants.

Lead Case No. 19STCV22935

**JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 5052**

*Case Assigned for All Purposes to the
Honorable Ann I. Jones Department 11*

**[PROPOSED] CASE MANAGEMENT
ORDER NO. 1**

25 **THIS DOCUMENT RELATES TO:**
26 COORDINATION PROCEEDING SPECIAL
TITLE [RULE 3.550]
27 **JUUL LABS PRODUCT CASES**

1 Pursuant to Rule 3.541 of the California Rules of Court, having considered the written
2 submission of the parties, the comments and proposals presented to the Court, and good cause
3 appearing, and:

4 WHEREAS, the Judicial Council has created a Judicial Council Coordination Proceeding
5 (“JCCP”) No. 5052 entitled *Juul Labs Product Cases*;

6 WHEREAS, the Superior Court of the County of Los Angeles Presiding Judge Kevin
7 Brazile has appointed Judge Ann Jones as the JCCP Judicial Officer;

8 WHEREAS this [Proposed] Case Management Order No. 1 has been provided to all
9 known counsel for all parties in these proceedings as set forth in the attached Proof of Service; and

10 **IT IS HEREBY ORDERED**

11 **I. ORGANIZATION OF COUNSEL**

12 **A. Private Plaintiffs’ Co- Lead Counsel**

13 1. The Court appoints Private Plaintiffs’ Co-Lead Counsel:

14 Paul R. Kiesel
15 **KIESEL LAW LLP**
16 8648 Wilshire Boulevard
17 Beverly Hills, California 90211-2910
18 Tel: 310-854-4444
19 Fax: 310-854-0812

20 Mark P. Robinson, Jr.
21 **ROBINSON CALCAGNIE, INC.**
22 19 Corporate Plaza
23 Newport Beach, CA 92660
24 Tel: 949-720-1288
25 Fax: 949-720-1292

26 **B. Responsibilities of Private Plaintiffs’ Co-Lead Counsel**

27 1. Private Plaintiffs’ Co-Lead Counsel (hereinafter referred to as “Lead Counsel”)

28 Paul Kiesel and Mark Robinson, are hereby vested with the following responsibilities:

1.1. Coordinate and oversee the responsibilities of the respective Plaintiffs’ Steering
Committee (“PSC”);

1 1.2. To schedule PSC meetings and keep minutes or transcripts of these meetings;

2
3 1.3. To appear at periodic Court-noticed status conferences and hearings;

4
5 1.4. To sign and file all pleadings relating to all actions; and to coordinate with the
6 respective PSC in scheduling settlement discussions and discovery, setting agendas,
7 entering into stipulations, and in other necessary interactions with defense counsel;

8
9 1.5. The Lead Counsel shall also have the authority to retain the services of any
10 attorney not part of the PSC to perform any common benefit work, provided the
11 attorney so consents and is bound by the PSC's compensation structure;

12
13 1.6 To designate chairs of Plaintiffs' committee working groups;

14
15 1.7 To hire expert witnesses on common issues as necessary;

16
17 1.8 To assess costs on all Plaintiffs' counsel and pro per Plaintiffs and to collect
18 said costs as authorized by the procedures set forth in subsequent orders;

19
20 1.9 To set protocols for Common Benefit Work and Expenses to be addressed via
21 subsequent Case Management Order; and

22
23 1.10 The Lead Counsel shall perform other necessary PSC administrative and
24 logistic functions and carry out any other duty as the Court may order.

25
26 2. Lead Counsel shall also do the following:

27 1.1 Establish and maintain a joint depository for orders, pleadings, hearing
28

1 transcripts, and all documents served upon plaintiffs' counsel, and make such
2 papers available to plaintiffs' counsel upon reasonable request; and
3

4 1.2 Kiesel Law will establish and maintain the litigation fund in conjunction with
5 their accountant, records of receipts and disbursements advanced by PSC members
6 and received by the PSC and report in writing to the PSC concerning disbursements
7 and receipts.
8
9
10

11 **C. Private Plaintiffs' Liaison Co-Counsel**

12 1. The Court appoints Private Plaintiffs' Liaison Co-Counsel (hereinafter referred to
13 as "Liaison Counsel"):

14
15 Raymond P. Boucher
BOUCHER LLP
16 21600 Oxnard Street, Suite 600
Woodland Hills, CA 91367
17 Tel: 818- 340-5400
Fax: 818-340-5401
18

19 Thomas V. Girardi
Girardi Keese
20 1126 Wilshire Blvd
Los Angeles, CA 90017
21 Tel: 213-977-0211
22 Fax: 213-481-1554
23

24 **D. Responsibilities of Private Plaintiffs' Liaison Counsel**

25 2. Private Plaintiffs' Liaison Counsel, Raymond Boucher and Thomas V. Girardi,
26 are hereby vested with the following responsibilities:

27 2.1 To liaise with the Private Plaintiffs' Lead Counsel, Public Entity Plaintiffs'
28

1 Counsel on all matters in dispute;

2
3 2.2 To maintain a current Master Service List of counsel of record in coordination
4 with Defendants' Counsel;

5
6 2.3 To develop, revise, and set agendas for Status Conferences in coordination
7 with Private Plaintiffs' Lead Counsel and Defendants Counsel;

8
9 2.4 To participate as an *ex officio* member of the Private Plaintiffs PSCs and to
10 coordinate efforts with the PSCs;

11 2.5 To coordinate and assist members of the PSCs to schedule depositions, set
12 agendas and otherwise interact with Defense Counsel;

13
14 2.6 To perform such other function as may be directed and/or authorized by Private
15 Plaintiffs' Lead Counsel or further Order of this Court.

16
17 **E. Plaintiffs' Executive Committee**

18 1. The Court designates the following to serve as the Plaintiffs' Executive Committee:

19 Barrett Beasley
20 **SALIM-BEASLEY, LLC**
21 1901 Texas Street
22 Natchitoches, Louisiana 71457
23 Tel: 318-238-1827
24 Fax: (318)354-1227

25 Paul R. Kiesel
26 **KIESEL LAW LLP**
27 8648 Wilshire Boulevard
28 Beverly Hills, California 90211-2910
Tel: 310-854-4444
Fax: 310-854-0812

Mark P. Robinson, Jr.
ROBINSON CALCAGNIE, INC.
19 Corporate Plaza

1 Newport Beach, CA 92660
2 Tel: 949-720-1288
3 Fax: 949-720-1292

4 **F. Responsibilities of Plaintiffs' Executive Committee**

5 1. The Plaintiffs' Executive Committee, Barrett Beasley, Paul Kiesel and Mark
6 Robinson, are hereby vested with the following responsibilities:

7
8 1.1 To coordinate and oversee the responsibilities and work of the
9 Plaintiffs' Steering Committee so as to avoid duplication and to ensure that
10 all counsel work in an efficient and effective manner together.

11 **G. Plaintiffs' Steering Committee**

12 1. The Court designates the following to serve as the Plaintiffs' Steering Committee:

13 Barrett Beasley
14 **SALIM-BEASLEY, LLC**
15 1901 Texas Street
16 Natchitoches, Louisiana 71457
17 Tel: 318-238-1827
18 Fax: (318)354-1227

17 Robert Binstock
18 **Reich & Binstock**
19 4265 San Felipe
20 Suite 1000
21 Houston, TX 77027
22 Tel: 713-352-7883
23 Fax: 713-623-8724

22 Francois M. Blaudeau
23 **Southern Institute For Medical & Legal**
24 **Affairs LLC**
25 2224 First Ave N
26 Birmingham, AL 35203
27 Tel: 205-547-5525
28 Fax: 205-547-5526

26 C. Brooks Cutter
27 **CUTTER LAW, P.C.**
28 4179 Piedmont Avenue, 3rd Floor
Oakland, CA 94611

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Frederick B. Darley, III
Beasley Allen
218 Commerce Street
Montgomery, AL
Tel: 800-898-2034
Fax: 334-954-7555

W. Lewis Garrison, Jr.
Heninger Garrison Davis, LLC
2224 1st Avenue North
Birmingham, AL 35203
Tel: 205-303-3998
Fax: 205-326-3332

Jeffrey L. Haberman
Schlesinger Law Offices, P.A.
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
Tel: 954-467-8800
Fax: 954-320-9509

Hirlye R. "Ryan" Lutz, III
CORY WATSON, P.C.
2131 Magnolia Avenue
Birmingham, AL 35205
Tel: 205-328-2200
Fax: 205 -324-7896

Richard D. Meadow
The Lanier Law Firm
21550 Oxnard Street, 3rd Floor
Woodland Hills, CA 91367
Tel: 310- 277-5100
Fax: 310-459-4858

Jacob Plattenberger
TorHoerman Law, LLC
227 West Monroe Street
Suite 2650
Chicago, IL 60606
Tel: 312-313-2273
Fax: 618-656-4401

Adam Pulaski
Pulaski Law Firm PLLC
2925 Richmond Avenue

Suite 1725
Houston, TX 77098
Tel: 713-664-4555
Fax: 713-664-7453

H. Responsibilities of Plaintiffs' Steering Committee

1. The Plaintiffs' Steering Committee, including Lead Counsel and Liaison counsel (hereinafter referred to collectively as "PSC") are hereby vested with the following responsibilities:

1.1. The PSC will be vested by the Court, and as directed by Lead Counsel, with the responsibility of consolidating and coordinating discovery, and research. Subject to Court and Lead Counsel supervision, the PSC shall make decisions concerning common issues relating to the planning, preparation, presentation, and prosecution of this action. The PSC shall designate counsel to carry out the responsibilities and duties set forth below:

1.2 To advance the common interests of the Plaintiffs by prosecuting the common issues against Defendants and any other parties hereinafter joined or added as Defendants;

1.3 To conduct the examination of witnesses in depositions as appropriate;

1.4 To coordinate and direct the pretrial preparation as directed by Lead Counsel of this matter and to delegate work responsibilities to selected counsel as required;

1.5 To avoid conducting duplicative discovery or filing duplicative pleadings;

1.6 To prepare the common liability issues of this case as directed by Lead

1 Counsel;

2
3 1.7 To conduct all discovery as to common liability as directed by Lead Counsel;

4
5 1.8 To perform such other functions, including scheduling and coordinating
6 depositions and assisting in the preparation of damages and discovery as may be
7 authorized by Lead Counsel and further order of this Court.

8
9 1.9 No pleadings or other papers shall be filed or discovery conducted concerning
10 liability on behalf of Private Plaintiffs, except as prepared by the PSC and
11 authorized by the Lead Counsel, and to the extent possible and where appropriate,
12 pleadings and discovery will be coordinated between the PSCs in an effort to
13 reduce cost and duplication.

14
15 1.10 An attorney's membership in the PSCs, as Trial Counsel, or as Liaison
16 Counsel shall be contingent on that Attorney's, and/or the attorney's law firms,
17 continuing commitment to the diligent prosecution of this litigation and that
18 attorney promptly paying any assessment for the Expense Fund. Further, if any
19 designee fails to meet his or her financial obligations to the PSCs for funding this
20 litigation for more than 60 days, the designee will be removed from their respective
21 appointed position without further order of this Court.

22
23 1.11 It is intended and expected by this Order that, as to all matters common to the
24 coordinated cases, and to the fullest extent consistent with the independent
25 fiduciary obligations owed by any and all plaintiffs' counsel to their clients, that
26 pretrial proceedings shall be conducted by and through the PSCs.

1 **I. Trial Coordination**

2 1. Plaintiffs reserve their right to have their respective counsel of record
3 participate as co-counsel, together with Plaintiff's Trial Counsel, in the trial of their individual
4 cases.

5 2. The Court designates the following to serve as Private Plaintiffs' Co- Lead
6 Trial Counsel:

7 Scott P. Schlesinger
8 **SCHLESINGER LAW OFFICES, P.A.**
9 1212 SE 3rd Avenue
10 Fort Lauderdale, FL 33316
11 Tel: 954-467-8800
12 Fax: 954-320-9509

13 3. Private Plaintiffs' Trial Counsel, Scott Schlesinger, in consultation and
14 coordination with Private Plaintiffs' Lead Counsel, Private Plaintiffs' Liaison Counsel, and the
15 PSCs is hereby vested with the following responsibilities:

16 3.1 Subject to G.1 above, to direct the trial of any case in these proceedings
17 on behalf of the non-public entity Plaintiffs; and

18 3.2 To perform such other functions as may be directed and/or authorized
19 by further Order of this Court.

20 **J. Public Entity Plaintiffs Co-Lead Counsel**

21 1. The Court appoints the following Public Entity Plaintiffs' Co-Lead Counsel:

22 John Fiske
23 **Baron & Budd, P.C.**
24 11440 West Bernardo Court, Suite 265
25 San Diego, CA 92127
26 Tel: 858-225-7200
27 Fax: (619)261-4090

28 Rahul Ravipudi
29 **PANISH SHEA & BOYLE LLP**
30 11111 Santa Monica Blvd #700
31 Los Angeles, CA 90025

Tel: (310) 928-6200
Fax: (310) 477-1699

K. Responsibilities of Public Entity Plaintiffs Co-Lead Counsel

1. The Public Entity Plaintiffs Co-Lead Counsel, John Fiske and Rahul Ravipudi, are hereby vested with the following responsibilities which relate to their role in prosecuting the Public Entity cases only:

1.1 To appear at periodic Court-notice status conferences and hearings;

1.2 To sign and file all pleadings related to all actions;

1.3 To coordinate with the litigating public entities in scheduling settlement discussions and discovery, setting agendas, entering into stipulations, and in other necessary interactions with defense counsel;

1.4 Other necessary administrative and logistic functions and carry out any other duty as the Court may order;

1.5 To liaise with Private Plaintiffs Lead Counsel and Liaison Counsel and Defendants Counsel on all matters;

1.6 To develop, revise and set agendas for Status Conferences in Coordination with Private Plaintiffs' Lead Counsel and Liaison Counsel and Defendants Counsel;

1.7 To coordinate scheduling of depositions, set agendas, and otherwise interact with Defense Counsel;

1.8 To perform such other function as may be authorized;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1.9 Coordinate with Private Plaintiffs Lead Counsel and Liaison Counsel to consolidate and coordinate discovery, research, and ensure appropriate coordination to prevent unnecessary duplication of effort. Subject to Court supervision, Public Entity Co-Leads will participate in decisions concerning common issues relating to the planning, preparation, presentation and prosecution of this action;

1.10 To advance the common interests of the Plaintiffs by prosecuting the common issues against Defendants and any other parties hereinafter joined or added as Defendants;

1.11 To conduct examination of witnesses in depositions as appropriate;

1.12 To coordinate and direct the pretrial in this matter and to delegate work responsibilities to selected counsel as required;

1.13 To designate chairs of subcommittee working groups;

1.14 To avoid conducting duplicative discovery or filing duplicative pleadings;

1.15 To hire expert witnesses on common issues as they deem necessary and appropriate;

1.16 To prepare the common liability issues of this case;

1.17 To prepare discovery as to common liability issues;

1.18 To perform such other functions, including scheduling and coordinating

1 depositions and assisting in the preparation of damages, discovery, as may be
2 authorized by further order for this Court.

3
4 **L. Liaison Co-Counsel with Juul Multidistrict Litigation**

5 1. The Court appoints the following Liaison Co-Counsel (hereinafter referred to as
6 "Liaison Counsel") with the Juul Multidistrict Litigation ("MDL") Case No. 19-md-02913-WHO:

7
8
9
10 William A. Levin
11 **LEVIN SIMES ABRAMS LLP**
12 1700 Montgomery Street, Suite 250
13 San Francisco, CA 94111
14 Tel: 415-426-3000
15 Fax: 415-426-3001

16 Daniel S. Robinson
17 **ROBINSON CALCAGNIE, INC.**
18 19 Corporate Plaza
19 Newport Beach, CA 92660
20 Tel: 949-720-1288
21 Fax: 949-720-1292

22 2. Plaintiffs' Liaison Counsel with the MDL, William Levin and Daniel Robinson,
23 shall be vested with the following responsibilities:

24 1.1 To liaise with the MDL Liaison to the JCCP, Khaldoun Baghdadi and Leslie
25 LaMacchia;

26 1.2 Provide regular updates at the Status Conferences regarding the status of the
27 MDL litigation as requested by the Court; and

28 1.3 To perform such other functions as may be directed and/or authorized by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

further Order of this Court.

IT IS SO ORDERED.

Dated: FEB 18 2020

ANN I. JONES
Honorable Ann I. Jones