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19
20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

21 **IN AND FOR THE COUNTY OF SAN MATEO**

22 Coordination Proceeding Special Title
(Rule 3.550)
23

24 PG&E "SAN BRUNO FIRE" CASES
25

JCCP No. 4648

26 **JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

27 Date: December 16, 2011
Time: 9:30 a.m.
28 Dept.: 7
Judge: Hon. Steven L. Dylina
400 County Center
Redwood City, CA

1 Liaison counsel have met and conferred and submit this joint case management
2 conference statement in preparation for the case management conference on December 16,
3 2011, at 9:30 a.m.,¹ in Department 7 of the San Mateo Superior Court, the Honorable Steven L.
4 Dylina presiding, at 400 County Center, Redwood City. The Honorable Ronald M. Sabraw
5 (Ret.) will meet with liaison counsel and attorneys for the parties on December 16, 2011, at 8:30
6 a.m., in Department 7 of the San Mateo Superior Court, before the case management
7 conference.

8 1. Meeting with Judge Sabraw: Liaison counsel and attorneys for the parties met
9 with the Honorable Ronald M. Sabraw (Ret.) on December 9, 2011 for his recommendations
10 and guidance on matters including discovery, pre-trial orders, the pre-trial schedule, case
11 categories and selection, and other case management matters. As permitted by Judge Sabraw,
12 the parties will serve and submit statements to Judge Sabraw on several matters under
13 consideration.

14 2. Fourth Recommended Discovery Order: The parties anticipate that Judge
15 Sabraw may issue a Fourth Recommended Discovery Order in preparation for the case
16 management conference on December 16, 2011. Subjects discussed with Judge Sabraw, which
17 may be included in the recommended order or which may be addressed with Judge Sabraw on
18 December 16, 2011 and/or at later hearings, include disclosure of expert witnesses, categories to
19 describe the cases, selection of cases for trial, Plaintiffs' discovery responses, PG&E's
20 discovery responses, depositions, and scheduling of mandatory settlement conferences.

21 3. Admission by PG&E: The San Mateo County Superior Court has stated that
22 resolution of the cases arising from the rupture of the pipeline is its top priority. PG&E actively
23 supports that goal. Therefore, PG&E will and does admit:

24 PG&E agrees that its use of transmission pipe on Line 132 beginning in 1956 with a
25 defective weld was negligent and this negligence was a proximate cause of the
rupture of the pipe on September 9, 2010.

26 PG&E makes this judicial admission at the Court's request for a statement of PG&E's
27 position as the parties prepare for mandatory settlement conferences and trial. PG&E does not
28

¹ Notice of the change in time to 9:30 a.m. has been served on all parties.

1 blame Plaintiffs and residents who have been affected by this terrible accident and specifically
2 restates its long-held position that none of the Plaintiffs or residents of San Bruno are at fault.
3 PG&E provided funds to Plaintiffs and residents immediately after the accident, and PG&E
4 remains committed to assisting them and resolving their claims fairly and promptly.

5 Plaintiffs' Position Regarding PG&E's Admission

6 Defendant's above-referenced admission is of little assistance. Defendant
7 continues to be silent as to whether it will assert comparative fault, or otherwise assert
8 blame, on the part of any person or entity. Further, although PG&E states that it
9 "actively supports" the resolution of these cases, PG&E has taken no action to show that
10 it is committed to fairly and adequately compensating the victims and paying all damages
11 associated with its conduct carried out in willful and conscious disregard of the rights
12 and safety of the victims.

13 4. Proposed Mandatory Settlement Conference Judges: Counsel for Plaintiffs
14 propose that the Honorable Gene McDonald (Ret.), the Honorable Zerne Hanning (Ret.), the
15 Honorable John Schwartz (Ret.), and the Honorable Margaret Kemp (Ret.) serve as settlement
16 conference judges. Counsel for PG&E propose the Honorable Edward Panelli (Ret.), the
17 Honorable Jamie Jacobs-May (Ret.) and Mr. Randall Wulff serve as settlement conference
18 judges.

19 Respectfully submitted by liaison counsel,

20 DATED: December 14, 2011

21 By: 

22 Frank M. Pitre
23 COTCHETT, PITRE & MCCARTHY, LLP
24 Jerry E. Nastari
25 COREY, LUZAICH, PLISKA, DE GHETALDI &
26 NASTARI LLP
27 Liaison Counsel for Plaintiffs

28 DATED: December 14, 2011

By: 

29 Kate Dyer
30 CLARENCE DYER & COHEN
31 Gayle L. Gough
32 SEDGWICK LLP
33 Liaison Counsel for Defendants
34 PACIFIC GAS AND ELECTRIC COMPANY and
35 PG&E CORPORATION

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party
3 to the within action. My business address is Sedgwick LLP, 333 Bush Street, 30th Floor, San
4 Francisco, CA 94104. On December 14, 2011, I served the within document(s):

5 **JOINT CASE MANAGEMENT CONFERENCE STATEMENT**

- 6 FACSIMILE - by transmitting via facsimile the document(s) listed above to the
7 fax number(s) set forth on the attached Telecommunications Cover Page(s) on
8 this date before 5:00 p.m.
- 9 MAIL - by placing the document(s) listed above in a sealed envelope with
10 postage thereon fully prepaid, in the United States mail at San Francisco,
11 California addressed as set forth below.
- 12 PERSONAL SERVICE - by personally delivering the document(s) listed above
13 to the person(s) at the address(es) set forth below.
- 14 E-MAIL - by electronically transmitting the document(s) listed above to the
15 email address(es) of the addressee listed below.
- 16 OVERNIGHT COURIER - by placing the document(s) listed above in a sealed
17 envelope with shipping prepaid, and depositing in a collection box for next day
18 delivery to the person(s) at the address(es) set forth below via Federal Express.

19 **SEE ATTACHED SERVICE LIST**

20 I am readily familiar with the firm's practice of collection and processing correspondence
21 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
22 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
23 motion of the party served, service is presumed invalid if postal cancellation date or postage
24 meter date is more than one day after date of deposit for mailing in affidavit.

25 I declare under penalty of perjury under the laws of the State of California that the above
26 is true and correct. Executed on December 14, 2011, at San Francisco, California

27 
28 Amanda L. Henderson