

Attorneys for Defendant Colt's Manufacturing Co., Inc.

Coordination Proceedings
Special Title (rule 1550(b)),

FIREARMS CASES

Including actions:

People, et al. v. Arcadia Machine & Tool, Inc., et al.; Los Angeles Superior Court No. BC 214794

Date: December 19, 2000
Time: 8:30 a.m.
Place: Dept. 65
Judge: Vincent P. DiFiglia

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to San Diego Superior Court Local Rule 6.15 and California Rule of Court 319, defendant Colt's Manufacturing Co., Inc. ("Colt") hereby lodges with this Court true and correct copies of the following documents in support of its ex parte application for a protective order re: document production by Colt.

EXHIBIT

DESCRIPTION

A

October 11, 2000, letter from Robert C. Wright to Michael J. Dowd and Robert J. Nelson.

B

December 8, 2000, letter from Robert C. Wright to Robert J. Nelson.

C

July 19, 1996, order in Cordova v. Liggett Group, Inc., San Diego Superior Court, Case No. 651824, coordinated proceedings JCCP No. 4041.

Wright & L'Estrange
Attorneys for Defendant Colt Manufacturing Co., Inc.

Dated: December 12, 2000

By: 

Robert C. Wright

WRIGHT & L'ESTRANGE
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

LAWYERS

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Writer's e-mail address:
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October 11, 2000

VIA FACSIMILE

Michael J. Dowd, Esq.
MILBERG WEISS BERSHAD HYNES & LERACH, LLP
600 West Broadway, Suite 1800
San Diego, California 92101

Robert J. Nelson, Esq.
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 38th Floor
San Francisco, California 94111-9339

Re: Coordinated Firearm Cases -- JCCP No. 4095

Dear Mike and Robert:

As I believe you know from several conference calls on the subject in connection with the Boston case, Colt has spent over a year reviewing, collecting and organizing documents potentially relevant to the over 20 lawsuits against it brought by municipalities, The Center to Prevent Handgun Violence, and others. The documents have been organized as they are kept in the ordinary course of business, e.g., the documents are filed in copies of their original file folders, and are available at a depository in Hartford, Connecticut. Voluminous repetitive documents, e.g., design drawings and purchase orders, are housed at Colt's facilities nearby and are available upon request.

Colt has offered to make this collection of documents ("Colt's Records Collection") available for your review in its discovery responses and otherwise. As you know, various discussions involving Colt's Records Collection have taken place, without resolution.

An item on the agenda for this Friday's status conference is the creation of a central or master file of documents produced by the parties in the California cases. I suggest that, as to Colt's Records Collection, only those documents selected by you following your review should be copied and sent to San Diego, California, to

EXHIBIT A

Michael J. Dowd, Esq.
Robert J. Nelson, Esq.
October 11, 2000
Page 2

be placed in the master file of documents produced. To that end,
I propose the enclosed stipulated order.

Please give me your thoughts on the foregoing. This proposal
parallels in many respects a stipulation and order in the Cordova
tobacco case for access to the Minnesota depository.

Sincerely,



Robert C. Wright

RCW:csa
Encl.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

Coordination Proceeding)	Judicial Council Coordination
Special Title (Rule 1550(b)))	Proceeding No. 4095
)	
FIREARMS CASE)	
)	
Including Actions:)	STIPULATION AND ORDER RE
)	DOCUMENT PRODUCTION BY COLT'S
PEOPLE, et al. v. ARCADIA)	MANUFACTURING CO., INC.
MACHINE & TOOL, et al.; San)	
Francisco Superior Court No.)	
303753)	
)	Ctrm: 65
PEOPLE, et al. v. ARCADIA)	Judge: Hon. Vincent P. DiFiglia
MACHINE TOOL, et al., Los)	
Angeles Superior Court No. BC)	
210894)	
)	
PEOPLE, et al. v. ARCADIA)	
MACHINE & TOOL, et al., Los)	
Angeles Superior Court No. BC)	
214794)	
)	
)	
)	
)	

The undersigned parties, by and through their respective
counsel, stipulate as follows:

1. Defendant Colt's Manufacturing Co., Inc. ("Colt") has
established a collection of potentially relevant documents for
review by plaintiffs in all U.S. firearms cases against Colt
("Records Collection"). The Records Collection contains copies of

1 voluminous Colt documents, a file level index, and a reading room
2 suitable for review and use by plaintiffs' counsel. The Records
3 Collection is located in the offices of Shipman & Goodwin, LLP, One
4 American Row, Hartford, Connecticut 06103. Contact person: Morgan
5 Rueckert (860) 251-5000, and is available for use during regular
6 business hours.

7 2. Colt shall provide plaintiffs with reasonable access to
8 the Records Collection, which shall constitute a document
9 production in these coordinated cases. Plaintiffs shall advise
10 Colt of the specific identifying information, e.g., bates numbers,
11 of any documents reviewed in the Records Collection of which
12 plaintiffs request a copy.

13 3. Documents reviewed or obtained by plaintiffs from the
14 Records Collection shall be subject to the protections and
15 procedures of the order governing the confidentiality of certain
16 business records in these coordinated cases

17 4. Colt shall provide plaintiffs with all privilege logs
18 applicable to documents withheld from production into the Records
19 Collection within three weeks of the time of: (i) plaintiffs'
20 review of the Records Collection; or (ii) the placement of
21 additional documents into the Records Collection by Colt, as
22 applicable. Plaintiffs may challenge any privilege designation on
23 these logs by motion in the above-captioned California Superior
24 Court. Colt reserves all rights to oppose any such challenge.
25 Plaintiffs may not seek or obtain any documents listed on the
26 privilege logs, except in accordance with the procedures described
27 herein.

1 5. Any issues arising in these cases in connection with
2 Colt's Records Collection, including issues related to the
3 application of privileges or other protections to documents
4 produced from the Records Collection, shall be resolved by this
5 Court under California law and procedure.

6 6. Following plaintiffs' review of the documents in Colt's
7 Records Collection, Colt shall place copies of all documents
8 selected and designated by plaintiffs for copying in the master or
9 central file of documents established for these cases in San Diego,
10 California.

11 7. Colt does not waive any right or argument with respect to
12 the relevance or admissibility of any document plaintiffs may
13 review or obtain as a result of these provisions. All issues of
14 relevance or admissibility shall be determined by the above-
15 captioned California Superior Court under California law.

16 LIEFF, CABRASER, HEIMANN &
17 BERNSTEIN, LLP
18 Liaison Counsel for Plaintiffs

19 Dated: October __, 2000

By _____
Robert J. Nelson

21 MILBERG WEISS BERSHAD HYNES &
22 LERACH, LLP
23 Liaison Counsel for Plaintiffs

24 Dated: October __, 2000

By _____
Michael J. Dowd

26

27

WRIGHT & L'ESTRANGE
Counsel for Colt's Manufacturing
Co., Inc.

Dated: October ___, 2000

By Robert C. Wright

ORDER

The Court having reviewed the foregoing stipulation, and good cause appearing therefor,

IT IS SO ORDERED.

Dated: October ___, 2000

JUDGE OF THE SUPERIOR COURT

F:\WP2\95901\P\DoctProd.Stip.Order.wpd

EXHIBIT B

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December 8, 2000

VIA FACSIMILE

Robert J. Nelson, Esq.
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 38th Floor
San Francisco, California 94111-9339

Re: Coordinated Firearm Cases -- JCCP No. 4095

Dear Robert:

This is to notify you that on December 19, 2000, at 8:30 a.m., in Department 65 of the San Diego Superior Court, Colt's Manufacturing Co., Inc., will bring an ex parte application to determine the following outstanding issues relating to production of documents by Colt:

1. Whether the place for production should be Colt's document depository in Hartford, Connecticut, or Washington, D.C., as requested by plaintiffs;
2. Whether Colt should be required to copy in its entirety its depository in Hartford, Connecticut, and reproduce it in Washington, D.C.;
3. Whether plaintiffs must pay for the cost of copying any documents they select; and
4. Whether privilege and other issues that may arise in connection with production of documents will be resolved by this court under California law.

I intend to propose an order similar to the one that accompanied my October 11, 2000 letter to you.

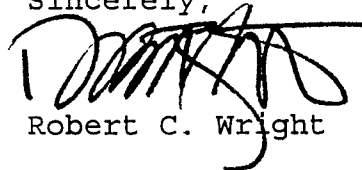
EXHIBIT B

WRIGHT & L'ESTRANGE
LAWYERS

Robert J. Nelson, Esq.
December 8, 2000
Page 2

If you would like to discuss any of these matters further,
please let me know.

Sincerely,



Robert C. Wright

RCW:csa
Encls.

cc: Michael J. Dowd, Esq. (via fax)

[95901]

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14 Attorneys for Plaintiff

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN DIEGO

17 JULIA L. CORDOVA, On Behalf of the
18 General Public,

19 Plaintiff,

20 vs.

21 LIGGETT GROUP, INC., et al.,

22 Defendants.

) Case No. 651824

) [I/C The Honorable
Robert May]

) DEPT: 37

) TRIAL DATE: 12/12/97

23
24 STIPULATION AND [PROPOSED] ORDER REGARDING
25 CASE MANAGEMENT
26
27
28

EXHIBIT C

1 Plaintiff and defendants, through their respective counsel of
2 record, enter into this stipulation with reference to the following
3 facts:

4 1. Plaintiff has moved for leave to file a second amended
5 complaint. Defendants will not oppose this motion, but plan to
6 challenge the second amended complaint, or portions thereof, by
7 demurrer and/or motion to strike.

8 2. Given the size and complexity of this case, and the
9 anticipated timetable for completion of defendants' document
10 discovery, the parties have agreed to extend the case scheduling
11 and trial dates, subject to the approval of the Court. The purpose
12 for the extension is to allow adequate time to complete discovery
13 and trial preparation in this matter.

14 IT IS HEREBY STIPULATED AS FOLLOWS:

15 A. Second Amended Complaint

16 1. Plaintiff's motion for leave to file a second
17 amended complaint, filed on May 24, 1996, should be granted, and
18 the second amended complaint should be deemed filed as of July 12,
19 1996.

20 2. Defendants shall file and serve their demurrers
21 and/or motions to strike no later than August 16, 1996.
22 Plaintiff's oppositions shall be filed and served no later than
23 September 16, 1996. Defendants' reply briefs shall be served and
24 filed no later than October 11, 1996. The hearing on the demurrers
25 and/or motions to strike shall be on October 25, 1996 at 8:30 a.m.

26 / / /

27 / / /

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1 B. Document Discovery

2 1. The provisions of this section "B" shall apply if
3 the second amended complaint survives defendants' demurrers and
4 motions to strike in all material aspects.

5 2. Defendants who are parties in both the Minnesota
6 Litigation and the instant action consent to providing plaintiff
7 access to documents produced by each of them into the document
8 depository established by an order dated June 15, 1995 and filed
9 June 16, 1995 in the case State of Minnesota v. Philip Morris
10 Incorporated, No. C1-94-8565, pending in the State of Minnesota
11 District Court, County of Ramsey ("the Minnesota Litigation"). A
12 copy of the June 16, 1995 order is attached to this stipulation.

13 3. Plaintiff's access to the depository shall be
14 governed by the June 16, 1995 order and all amendments to that
15 order. Plaintiff and defendants shall comply with all requirements
16 and obligations set forth in that order, including any amendments
17 thereto, and any other requirements or obligations with respect to
18 access to the depository that have been imposed or may be imposed
19 by the court in the Minnesota Litigation. Plaintiff's access to
20 the depository also shall constitute a document production in
21 Cordova v. Liggett Group Inc., et al. by the defendants who are
22 parties in both the Minnesota Litigation and the instant action.
23 Accordingly, documents obtained by plaintiff shall be subject to
24 the protective order in Cordova.

25 4. Plaintiff shall advise defendants of the Bates
26 number(s) of any document(s) in the depository of which plaintiff
27 requests a copy. If all requests for copies by plaintiff are
28 reflected in a "copy request form" provided by the depository,

1 forwarding a copy of each completed form to defense counsel (or a
2 representative of defense counsel) shall be deemed compliance with
3 this paragraph.

4 5. This stipulation does not permit plaintiff access to
5 any documents that a defendant in Cordova may have produced in the
6 Minnesota Litigation, through any means other than production into
7 the depository. Defendants shall notify plaintiff of any
8 categories of documents that were produced by defendants in the
9 Minnesota Litigation but are not placed in the depository.
10 Plaintiff reserves whatever rights she may have to seek access to
11 such documents in Minnesota or California. Defendants do not
12 concede that plaintiff has the right to seek such information,
13 either in Minnesota or elsewhere, and reserve all rights to oppose
14 any such request.

15 6. Except as provided in paragraph B.5 above and
16 paragraph B.7 below, plaintiff may not contest or challenge any
17 matter, issue or dispute concerning formal or informal requests for
18 document production in the Minnesota Litigation, or concerning the
19 production of documents in the Minnesota Litigation.

20 7. Defendants in Cordova shall provide plaintiff with
21 all privilege logs concerning their documents withheld from
22 production into the Minnesota depository. Plaintiff may challenge
23 any designation on these logs by motion in the above-captioned
24 California Superior Court. Defendants reserve all rights to oppose
25 any such request. California law and procedure shall govern any
26 such motion. Plaintiff may not seek or obtain any document listed
27 on the above-described Minnesota privilege logs, except in
28 accordance with the procedures described in this paragraph. This

1 paragraph does not affect plaintiff's review or use of documents
2 that plaintiff contends are presently in the public domain but
3 which are subject to a claim of privilege by defendants. As to
4 such documents, all parties reserve all rights and objections.

5 8. Plaintiff shall serve no further document requests
6 on defendants in Cordova who are also defendants in the Minnesota
7 Litigation except as noted in paragraph B.9 below. Plaintiff
8 specifically reserves her rights to serve further document requests
9 on Hill & Knowlton and United States Tobacco Company, defendants in
10 the Cordova Litigation, but not the Minnesota Litigation.
11 Defendants do not concede that plaintiff has the right to seek such
12 information and reserve all rights to oppose any such request.

13 9. Plaintiff may seek California-specific information
14 about defendants' respective financial status, including but not
15 limited to, monies, sales, profits, costs, expenses, etc. This
16 exception does not modify or eliminate any requirements or legal
17 standards plaintiff may be required to satisfy to obtain such
18 information. Defendants reserve all rights to oppose any such
19 request.

20 10. Plaintiff may employ all other discovery devices
21 directed to defendants, permitted by California law, including but
22 not limited to, interrogatories, requests for admissions, and
23 depositions, provided that the effect of such discovery does not
24 undermine the limitations on additional document discovery from
25 defendants as set forth in this stipulation.

26 11. This stipulation does not affect or impact third
27 party discovery in any way. Plaintiff explicitly reserves her
28 right to serve discovery on non-parties in Cordova. Plaintiff

1 further explicitly reserves whatever right she may have to seek
2 access to documents produced by defendants in cases other than the
3 Minnesota Litigation, provided that the effect of such discovery
4 does not undermine the limitations on additional document discovery
5 from defendants as set forth in this stipulation. Defendants
6 reserve all rights to oppose any request for discovery from non-
7 parties in Cordova or any request for documents produced by
8 defendants in cases other than the Minnesota Litigation.

9 12. Defendants do not waive any rights or arguments with
10 respect to the relevance or admissibility of any document plaintiff
11 may view or obtain as a result of this stipulation. All issues of
12 relevance or admissibility shall be determined by the above-
13 captioned California Superior Court under California law.

14 13. Nothing in this stipulation modifies any obligation
15 to produce documents required to be produced by the June 28, 1995
16 letter agreement between plaintiff and defendants, or plaintiff's
17 ability to seek judicial enforcement of such obligations. Those
18 obligations under the June 28, 1995 agreement are still in force
19 and effect; plaintiff may seek to enforce compliance with those
20 obligations. This stipulation does, however, supersede any
21 mechanism or procedure in the June 28, 1995 agreement for
22 additional document discovery, except as to defendants Hill &
23 Knowlton and United States Tobacco Company.

24 14. Nothing in this Stipulation affects or impacts
25 plaintiff's ability to obtain documents informally through any
26 other means. Defendants reserve all rights to oppose any such
27 request or effort by plaintiff.

28 / / /

1 C. Plaintiff's Appeal of Judge Orfield's June 4, 1996
2 Recommendations

3 1. Plaintiff's appeal of Judge Orfield's June 4, 1996
4 recommendations concerning defendants' motion for a protective
5 order will be withdrawn.

6 2. If the second amended complaint does not survive
7 defendants' demurrers and motions to dismiss in all material
8 aspects, and defendants do not consent to providing plaintiff
9 access to the Minnesota depository, plaintiff may reinstate her
10 appeal of Judge Orfield's June 4, 1996 recommendations.

11 D. Case Schedule

12 1. Subject to Court approval, the revised case schedule
13 is as follows:

14		
15	Plaintiff's First Designation of Experts	
16	(designation includes all information required	
	under C.C.P. 2034(f))	07-15-98
17	Last Date to Complete Fact Discovery	
18	(as defined in C.C.P. 2034(a))	09-03-98
19	Defendants' First Designation of Experts	
20	(designation includes all information	
	required under C.C.P. 2034(f))	09-17-98
21	Supplemental Expert Designation	
22	(as defined in C.C.P. 2034(h))	11-16-98
23	Last Date to Complete Expert Discovery	
	(as defined in C.C.P. 2034(a))	02-01-99
24	Deadline to File Summary Judgment or	
25	Summary Adjudication of Issues Motions	03-02-99
26	Deadline for Hearing All Dispositive	
27	and Discovery Motions (excluding	
	Motions in Limine)	04-30-99
28	Joint Disposition Conference	05-07-99

1 Pre-Trial Conference

06-04-99

2 Trial

06-11-99

3 2. The parties will not assert that Code of Civil
4 Procedure 583.310 precludes the Court from setting this case for
5 trial on June 11, 1999, and/or proceeding as soon thereafter as the
6 Court's schedule will permit the trial to commence.

7 E. Reservation of Rights

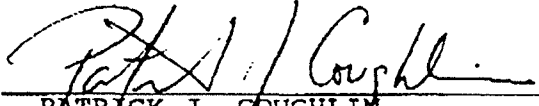
8 Except as expressly stated herein, all parties expressly
9 reserve all rights, privileges and objections.

10
11 APPROVAL BY COUNSEL:

MILBERG WEISS BERSHAD HYNES & LERACH
LLP

12
13 Dated: July 19th, 1996.

By:



PATRICK J. COUGHLIN
ALAN M. MANSFIELD
RANDI D. WEINBERGER
FRANK J. JANECEK, JR.

Attorneys for Plaintiff
JULIA CORDOVA

1 LUCE, FORWARD, HAMILTON & SCRIPPS
2 LLP

3 Dated: July 19, 1996.

4 By:


ROBERT G. STEINER
CHRISTOPHER J. HEALEY

5 Attorneys for Defendant
6 THE AMERICAN TOBACCO COMPANY
7 And authorized to enter into
8 this Stipulation on behalf of
9 Defendants LIGGETT GROUP, INC.,
10 PHILIP MORRIS U.S.A., R.J.
11 REYNOLDS TOBACCO CO., UNITED
12 STATES TOBACCO COMPANY, BROWN &
13 WILLIAMSON TOBACCO CORP.,
14 LORILLARD TOBACCO COMPANY, HILL
15 & KNOWLTON, INC., THE TOBACCO
16 INSTITUTE, INC., AND THE
17 COUNCIL FOR TOBACCO RESEARCH

18 ORDER

19 Good cause appearing, IT IS SO ORDERED.

20 Dated: July __, 1996.

21 HON. ROBERT E. MAY
22 JUDGE OF THE SUPERIOR COURT

23
24
25
26 Cordova v. Liggett Group, Inc., et al., San Diego Superior Court
27 Case No. 651824, Signature Page Re Stipulation and Order Regarding
28 Case Management

1
2 PROOF OF SERVICE BY MAIL

3 CORDOVA v. LIGGETT GROUP, INC., et al.
4 San Diego Superior Court Case No. 651824
5 Judge: Robert E. May
6 Dept: 37

7 I, LYNNE HERNANDEZ, declare as follows:

8 I am employed with the law firm of LUCE, FORWARD,
9 HAMILTON & SCRIPPS LLP, whose address is 600 West Broadway,
10 Suite 2600, San Diego, California 92101-3391. I am readily
11 familiar with the business practices of this office for
12 collection and processing of correspondence for mailing with the
13 United States Postal Service; I am over the age of eighteen and I
14 am not a party to this action.

15 On July 22, 1996, I served the following:

16 **STIPULATION AND [PROPOSED] ORDER REGARDING CASE MANAGEMENT** on the
17 below parties in this action by placing a true copy (copies)
18 thereof in a separate envelope(s), addressed as shown, for
19 collection and mailing on the below indicated day pursuant to the
20 ordinary business practice of this office which is that
21 correspondence for mailing is collected and deposited with the
22 United States Postal Service on the same day in the ordinary
23 course of business:

24 **SEE ATTACHED SERVICE LIST**

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

27 Executed at San Diego, California on this 22nd day of
28 July, 1996.

29 151
30 LYNNE HERNANDEZ