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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN BERNARDINO, SAN BERNARDINO DISTRICT

Complex Litigation Program

Judge David Cohn

Department S-26

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

NOV 26 2019

BY Alfie Cervantes
ALFIE CERVANTES, DEPUTY

MCFADYEN -V- GHOSTGUNNER, INC.

Case No. CIV-DS1935422

INITIAL CASE MANAGEMENT CONFERENCE ORDER

This case is assigned for all purposes to Judge David Cohn in the Complex Litigation Program. An initial Case Management Conference (CMC) is scheduled for FEB 18 2020 at 8:30 a.m., in Department S-26, located at the San Bernardino Justice Center, 247 West Third Street, San Bernardino, California, 92415.

Counsel for all parties are ordered to attend the initial CMC. Telephonic appearances are allowed, though discouraged. If there are defendants who have not yet made a general or special appearance, those parties who are presently before the court may jointly request a continuance of the initial CMC to allow additional time for such non-appearing defendants to make their general or special appearances. Such a request should be made by submitting a Stipulation and Proposed Order to the Court, filed directly in Department S-26, no later than ten court days before the scheduled hearing.

1 Pending further order of this court, and except as otherwise provided in this
2 Order, these proceedings are **stayed** in their entirety. This stay precludes the filing of
3 any answer, demurrer, motion to strike, or motions challenging the jurisdiction of the
4 Court. Each defendant, however, is directed to file a Notice of General Appearance (or
5 a Notice of Special Appearance if counsel intends to challenge personal jurisdiction) for
6 purposes of identification of counsel and preparation of a service list. The filing of a
7 Notice of General Appearance is without prejudice to any substantive or procedural
8 challenges to the complaint (including subject matter jurisdiction), without prejudice to
9 any denial or affirmative defense, and without prejudice to the filing of any cross-
10 complaint. The filing of a Notice of Special Appearance is without prejudice to any
11 challenge to the court's exercise of personal jurisdiction. This stay of the proceedings is
12 issued to assist the court and the parties in managing this case through the
13 development of an orderly schedule for briefing and hearings on any procedural or
14 substantive challenges to the complaint and other issues that may assist in the orderly
15 management of this case. This stay shall not preclude the parties from informally
16 exchanging documents and other information that may assist them in their initial
17 evaluation of the issues.

18
19 Plaintiffs' counsel is ordered to serve this Order on counsel for each defendant,
20 or, if counsel is not known, on each defendant within five days of the date of this Order.
21 If the complaint has not been served as the date of this Order, counsel for plaintiff is to
22 serve the complaint along with this Order within ten days of the date of this Order.

23
24 Counsel for all parties are ordered to meet and confer in person no later than
25 fifteen court days before the initial CMC to discuss the subjects listed below. Counsel
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1 must be fully prepared to discuss these subjects with the court.

2 Agenda for the Initial CMC

- 3 1. Any issues of recusal or disqualification;
- 4 2. Any potentially dispositive or important threshold issues of law or fact that, if
- 5 considered by the court, may simplify or further resolution of the case;
- 6 3. Appropriate mechanisms for Alternative Dispute Resolution;
- 7 4. A plan for the preservation of evidence and a uniform system for the identification
- 8 of documents to be used throughout the course of this litigation, including
- 9 discovery and trial;
- 10 5. A discovery plan for the disclosure and production of documents and other
- 11 discovery, including whether the court should order automatic disclosures,
- 12 patterned on Federal Rule of Civil Procedure 26(a) or otherwise;
- 13 6. Whether it is advisable to conduct discovery in phases so that information
- 14 needed to conduct meaningful ADR is obtained early in the case;
- 15 7. Any issues involving the protection of evidence and confidentiality;
- 16 8. The use and selection of an electronic service provider;
- 17 9. The handling of any potential publicity issues.
- 18 10. Any other issues counsel deem appropriate to address with the court.
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23 The Joint Report

24 Counsel are ordered to prepare a Joint Report for the initial CMC, to be filed

25 directly in Department S-26 (not in the Clerk's office), no later than ten court days

26 before the conference date. The Joint Report must include the following:

- 27 1. Whether the case should or should not be treated as complex;
- 28

- 1 2. Whether additional parties are likely to be added and a proposed date by which
2 all parties must be served;
- 3 3. A service list (the service list should identify all primary and secondary counsel,
4 firm names, addresses, telephone numbers, email addresses, and fax numbers
5 for all counsel.)
- 6
7 4. Whether the court should issue an order requiring electronic service. Counsel
8 should advise the court regarding any preferred web-based electronic service
9 provider;
- 10 5. Whether any issues of jurisdiction or venue exist that might affect this court's
11 ability to proceed with this case.
- 12
13 6. Whether there are applicable arbitration agreements, and the parties' views on
14 their enforceability;
- 15 7. A list of all related litigation pending in this or other courts (state and federal), a
16 brief description of any such litigation, including the name of the judge assigned
17 to the case, and a statement whether any additional related litigation is
18 anticipated;
- 19
20 8. A description of the major factual and legal issues in the case. The parties
21 should address any contracts, statutes, or regulations on which claims or
22 defenses are based, or which will require interpretation in adjudicating the claims
23 and defenses;
- 24
25 9. The parties' tentative views on an ADR mechanism and how such mechanism
26 might be integrated into the course of the litigation;
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- 1 10. A discovery plan, including the time need to conduct discovery and whether
2 discovery should be conducted in phases or limited (and, if so, the order of
3 phasing or types of limitations). With respect to the discovery of electronically
4 stored information (ESI), the plan should include:
5
6 a. Identification of the Information Management Systems used by the parties;
7
8 b. The location and custodians of information that is likely to be subject to
9 production (including the identification of network and email servers and
10 hard-drives maintained by custodians);
11
12 c. The types of ESI that will be requested and produced, e.g. data files,
13 emails, etc.;
14
15 d. The format in which ESI will be produced;
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17 e. Appropriate search criteria for focused requests.
18
19 f. A statement whether the parties will allow their respective IT consultants
20 or employees to participate directly in the meet and confer process.
21
22 11. Whether the parties will stipulate that discovery stays or other stays entered by
23 the court for case management purposes will be excluded in determining the
24 statutory period for bringing the case to trial under Code of Civil Procedure
25 Section 583.310 (the Five Year Rule).
26
27 12. Recommended dates and times for the following:
28
a. The next CMC;
b. A schedule for any contemplated ADR;
c. A filing deadline (and proposed briefing schedule) for any anticipated non-discovery motions.

1 d. With respect to class actions, the parties' tentative views on an
2 appropriate deadline for a class certification motion to be filed.

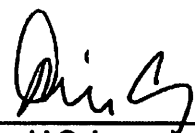
3 To the extent the parties are unable to agree on any matter to be addressed in
4 the Joint Report, the positions of each party or of various parties should be set forth
5 separately. The parties are encouraged to propose, either jointly or separately, any
6 approaches to case management that they believe will promote the fair and efficient
7 handling of this case.
8

9 Any stipulations to continue conferences or other hearings throughout this
10 litigation must be filed with the court **directly in Department S-26** (not in the Clerk's
11 office), **no later than ten court days before the conference or hearing date.**
12

13 Informal Discovery Conferences

14 Motions concerning discovery cannot be filed without first requesting an informal
15 discovery conference (IDC) with the court. Making a request for an IDC automatically
16 stays the deadline for filing any such motion. Absent prior permission from the court,
17 counsel must attend the IDC in person. No briefing is required, but counsel must have
18 the relevant discovery record available for the court to review. Any such materials
19 should not be filed with the court.
20

21
22 DATED: 11/26/19

23 
24 _____
25 David Cohn,
26 Judge of the Superior Court
27
28

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

San Bernardino District - Civil
247 West Third Street

San Bernardino CA 924150210

CASE NO: CIVDS1935422

I M P O R T A N T C O R R E S P O N D E N C E

From the above entitled court, enclosed you will find:

INITIAL COMPLEX ORDER AND GUIDELINES

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above listed notice:

() Enclosed in a sealed envelope mailed to the interested party addressed above, for collection and mailing this date, following standard Court practices.

() Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above, or as shown on the attached listing.

() A copy of this notice was given to the filing party at the counter

() A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file stamped documents.

Date of Mailing: 11/27/19

I declare under penalty of perjury that the foregoing is true and correct. Executed on 11/27/19 at San Bernardino, CA

BY: ALFIE CERVANTES

M A I L I N G C O V E R S H E E T

Notice 'ADDRES' has been printed for the following Attorneys/Firms
or Parties for Case Number CIVDS1935422 on 11/27/19:

BARR & MUDFORD, LLP
1824 COURT STREET/
P.O. BOX 994390
REDDING, CA 96099-4390

1 DOUGLAS MUDFORDState Bar No. 156392
2 ESTEE LEWISState Bar No. 268358
3 CATIE BARRState Bar No. 295538
4 BRANDON STORMENTState Bar No. 267260
5 BARR & MUDFORD, LLP
6 1824 Court Street/Post Office Box 994390
7 Redding, California 96099-4390
8 Telephone: (530) 243-8008
9 Facsimile: (530) 243-1648

10 Attorneys for Plaintiffs

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IN THE SUPERIOR COURT OF CALIFORNIA
IN THE COUNTY OF SAN BERNARDINO

TROY MCFADYEN, in his Individual
Capacity, and as Heir at Law and Successor
in Interest to MICHELLE MCFADYEN,
Deceased;

PHILLIP BOW and
SIA BOW, as Heirs at Law and Successors
in Interest to MICHELLE MCFADYEN,
Deceased;

BOB STEELE, a Dependent Adult, by and
through his Guardian ad Litem, DAVID
STEELE, Heir at Law and Successor in
Interest to DIANA STEELE, Deceased;

MICHAEL ELLIOTT, Heir at Law and
Successor in Interest to DANIEL LEE
ELLIOT II, Deceased, and
DIANA STEELE, Deceased;

G.E., a Minor, by and through his Guardian ad
Litem, ALMA FEITELBERG, Heir at Law
and Successor in Interest to DANIEL LEE
ELLIOT II, Deceased, and
DIANA STEELE, Deceased;

M.E., a Minor, by and through her Guardian ad
Litem, LATISHA CORNWALL, Heir at Law

No. CIV-DS1935422

**NOTICE OF CONTINUED CASE
MANAGEMENT CONFERENCE**

Date : November 20, 2020

Time : 9:00 a.m.

Dept. : S26 w/Hon. David Cohn

1 and Successor in Interest to DANIEL LEE
2 ELLIOT II, Deceased, and
3 DIANA STEELE, Deceased;
4
5 MARCIA MCHUGH, Heir at Law and Successor
6 in Interest to JOSEPH MCHUGH, Deceased;
7
8 GRACE MCHUGH, Heir at Law and Successor
9 in Interest to JOSEPH MCHUGH, Deceased;
10
11 A.H., a Minor, by and through his Guardian ad
12 Litem, MARIA MONROY;
13
14 TIFFANY PHOMMATHEP;
15
16 JOHN PHOMMATHEP SR.;
17
18 J.P. II, a Minor, by and through his Guardian
19 ad Litem, TIFFANY PHOMMATHEP;
20
21 J.P., a Minor, by and through his Guardian
22 ad Litem, TIFFANY PHOMMATHEP;
23
24 N.P, a Minor, by and through his Guardian
25 ad Litem, TIFFANY PHOMMATHEP;
26
27 JAMES WOODS, JR.; and
28 JAMES WOODS, SR.

Plaintiffs,

vs.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET;

DEFENSE DISTRIBUTED d/b/a
GHOSTGUNNER.NET

CODY WILSON d/b/a GHOSTGUNNER.NET

BLACKHAWK MANUFACTURING GROUP
INC., d/b/a 80PERCENTARMS.COM;

RYAN BEEZLEY and BOB BEEZLEY, d/b/a
RBTACTICALTOOLING.COM;

1 GHOST AMERICA LLC, d/b/a
2 GHOSTGUNS.COM;
3 GHOST FIREARMS LLC, d/b/a GRID
4 DEFENSE and GHOSTRIFLES.COM;
5 JUGGERNAUT TACTICAL INC., d/b/a
6 JTACTICAL.COM;
7 MFY TECHNICAL SOLUTIONS LLC, d/b/a
8 5DTACTICAL.COM;
9 TACTICAL GEAR HEADS LLC, d/b/a 80-
10 LOWER.COM; AR-
11 15LOWERRECEIVERS.COM; and
12 80LOWERJIG.COM;
13 JAMES TROMBLEE, JR., d/b/a
14 USPATRIOTARMORY.COM;
15 INDUSTRY ARMAMENT INC., d/b/a
16 AMERICANWEAPONSCOMPONENTS.COM;
17 THUNDER GUNS LLC, d/b/a
18 THUNDERTACTICAL.COM;
19 DOES 1-100, Inclusive,
20
21 Defendants.

22 **TO ALL PARTIES AND/OR THEIR ATTORNEYS OF RECORD:**

23 **PLEASE TAKE NOTICE** that a Continued Case Management Conference has been
24 scheduled for November 20, 2020, at 9:00 a.m. in Department S26 of the above-entitled Court
25 located at 247 W. Third Street, San Bernardino, California.

26 DATED: July 23, 2020

BARR & MUDFORD



ESTEE LEWIS
Attorney for Plaintiffs