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7 Attorneys for Plaintiffs
Francisco Gudino Cardenas and McFayden, et al.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ORANGE

12 FRANCISCO GUDINO CARDENAS, an
individual, and

13 TROY MCFAYDEN, in his Individual Capacity,
14 and as Heir at Law and Successor in Interest to
MICHELLE MCFADYEN, Deceased, ET AL.

15 Plaintiffs,

16 v.

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

19 DEFENSE DISTRIBUTED d/b/a
20 GHOSTGUNNER.NET

21 CODY WILSON d/b/a GHOSTGUNNER.NET

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

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

24 GHOST AMERICA LLC, d/b/a
25 GHOSTGUNS.COM;

26 GHOST GUNS LLC, d/b/a GRID DEFENSE
and GHOSTRIFLES.COM;

27 JUGGERNAUT TACTICAL INC., d/b/a
28 JTACTICAL.COM;

Case No. JCCP 5167

**PLAINTIFFS' CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: August 13, 2021
Time: 1:30pm
Dept.: CX 102
Judge: Hon. William D. Claster

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MFY TECHNICAL SOLUTIONS LLC, d/b/a
5DTACTICAL.COM;

TACTICAL GEAR HEADS LLC, d/b/a 80-
LOWER.COM; AR-
15LOWERRECEIVERS.COM; and
80LOWERJIG.COM;

JAMES TROMBLEE, JR., d/b/a
USPATRIOTARMORY.COM;

INDUSTRY ARMAMENT INC., d/b/a
AMERICANWEAPONSCOMPONENTS.CO
M;

THUNDER GUNS LLC, d/b/a
THUNDERTACTICAL.COM;

DOES 1-100, Inclusive

Defendants.

1 Pursuant to this Court's Order Setting Preliminary Trial Conference of July 6, 2021,
2 Plaintiffs hereby submit the following memorandum:

3 These two coordinated cases with claims for negligence, public nuisance, and unfair
4 competition are brought on behalf of the victims and family members of a horrific mass shooting
5 that occurred in Rancho Tehama Reserve in November 2017. Plaintiffs' claims, essentially, are
6 that Defendants make and sell "ghost gun" kits to supply criminals, gun traffickers who arm
7 criminals, and other persons ineligible to possess or own guns with gun kits that enable a
8 purchaser to easily assemble a gun that will have no serial numbers and will be unregistered and
9 therefore essentially untraceable. As a result, the Defendants enable purchasers to evade federal,
10 state, and local gun laws and regulations designed to ensure that guns are not in the hands of
11 felons or the mentally disturbed and that weapons will be traceable if used in a crime.

12 Defendants' negligent and unlawful conduct caused Plaintiffs' injuries by supplying the
13 man who shot them or their loved ones. Plaintiffs allege that the Tehama Ranch perpetrator (who
14 does not deserve the notoriety of being named here) purchased gun parts and/or gun kits from one
15 or more of the Defendants leading up to and/or during November 2017 and used those parts
16 and/or kits to assemble at least two AR-15 style "ghost gun" rifles. Because Defendants' parts
17 and kits are designed to be fungible and are expressly marketed by Defendants as untraceable,
18 Plaintiffs are pursuing a market share theory of liability.

19 Plaintiffs' cases have been pending for nearly *two years* already without a single answer
20 or motion to dismiss filed by any of the thirteen named Defendants and with no discovery
21 allowed to go forward due to stays imposed following service of all named Defendants. Even so,
22 Plaintiffs—like Defendants—agree that the present coordinated cases should proceed together in
23 an orderly and efficient manner. Defendants should coordinate their motions and discovery
24 requests to submit one joint submission wherever that is possible. In addition, Plaintiffs are
25 willing to discuss with Defendants and the Plaintiffs in the *O'Sullivan* case (a recently filed case
26 pending in Sacramento Superior Court against some of the same named Defendants in the present
27 matters for their role in supplying the gun parts for the gun used to kill a 21-year-old Sacramento
28 law enforcement officer) whether some coordinated discovery across the *O'Sullivan* case makes

1 sense.

2 Plaintiffs have patiently waited to prosecute their claims and promptly agreed to
3 coordination of the *Cardenas* and *McFayden* cases at Defendants' request. Now that the cases
4 have been coordinated and assigned to the present court, Defendants seek to further delay
5 resolution of Plaintiffs' claims on the merits by proposing that the pending matters be further
6 stayed pending an extended briefing round of demurrers and further coordinated with the
7 *O'Sullivan* litigation, an entirely different case, involving entirely different plaintiffs, different
8 counsel for plaintiffs, and different facts. Plaintiffs are committed to working with Defendants to
9 streamline and minimize burdens on the parties and on the Court's resources wherever reasonable
10 and practical. But that willingness to cooperate should not be used as the justification to further
11 delay the prosecution of these two cases that have already languished for some two years. Further
12 delay of discovery and prosecution of the cases on the merits could result in justice so delayed as
13 to potentially be justice denied. The Plaintiffs deserve timely resolution of their claims, whatever
14 that resolution might be.

15 There will be complex and novel legal theories at issue in these coordinated matters and
16 they will be addressed in due course. But it is time to begin discovering the truth about
17 Defendants' conduct, and that includes taking discovery without further delay. Plaintiffs
18 therefore respectfully submit the following proposed schedule and case management proposals
19 pursuant to California Rule of Court 3.541.

20 **1. Appointment of Liaison Counsel**

21 To the extent liaison counsel is required for Plaintiffs, Plaintiffs appoint Amy K. Van Zant
22 of Orrick, Herrington, & Sutcliffe LLP as plaintiffs' Lead and Liaison Counsel. Ms. Van Zant
23 can be reached at:

24 **Amy K. Van Zant**
25 Orrick, Herrington & Sutcliffe LLP
26 1000 Marsh Road
27 Menlo Park, CA 94025-1015
28 Telephone: +1 650 614 7400
Facsimile: +1 650 614 7401
E-mail: avanzant@orrick.com

1 Plaintiffs defer taking a position on the appointment of liaison counsel for Defendants
2 until all Defendants have made a proposal.

3 **2. Proposed Timetable for Motions Filing**

4 Plaintiffs propose the following schedule for discovery, motion practice, pre-trial, and trial
5 submissions based on a trial date 18-months from the CMC:

6 Event	7 Proposed Deadline
8 Fact Discovery	
9 Deadline for Serving Written and Document Discovery	5/6/2022
10 Deadline to File Discovery Motions on Written and Document Discovery	5/15/2022
11 Close of Fact Discovery	7/15/2022
12 Deadline to File Discovery Motions on Fact Depositions	7/22/2022
13 Expert Discovery	
14 Initial Expert Disclosures	8/19/2022
15 Rebuttal Expert Disclosures	9/23/2022
16 Close of Expert Discovery	10/14/2022
17 Dispositive & Pre-Trial Motions	
18 Deadline for Counsel to make Appearances for all Defendants	8/27/2021
19 Deadline to Answer or File Demurrer (with oppositions and replies due in accordance with the California Rules of Court)	9/17/2021
20 Deadline for Filing Opening Briefs on Dispositive Motions (with oppositions and replies due in accordance with the California Rules of Court)	11/18/2022
21 Hearing on Dispositive Motions	12/16/2022
22 Pre-Trial & Trial	
23 Meet and Confer re Pre-Hearing Statement	2/24/2023
24 Pre-Trial Filings, including Pre-Hearing Statement, Exhibit List, Motions in Limine, and Witness List	3/10/2023
25 Oppositions to Motions in Limine	3/31/2023
26 Pre-Trial Conference	4/14/2023
27 Trial – Estimated at 15 Court Days	5/15/2023- 6/2/2023
28 Post-Trial Briefs	7/10/2023

3. Proposed Discovery Schedule

Currently, the cases originally filed in San Bernardino are stayed pursuant to the Court's order in the lead up to coordination proceedings. The Cardenas matter, originally in Orange County, was stayed only pending the determination of Defendants' petition for coordination. *See* 10/29/20 Minute Order. Because these complaints have been pending for nearly two years, and have been served on all Defendants, discovery should commence immediately, per the proposed schedule in Section 2, *supra*.

4. Method and Schedule for the Submission of Preliminary Legal Questions

Plaintiffs propose that the parties conduct a videoconference within 60 days of the CMC to be attended by at least Plaintiffs' Lead Counsel and Defendants' Lead and Liaison Counsel to the Court during which the parties will confer and identify a joint list of preliminary legal questions to be submitted by October 29, 2021.

5. Establish a Central Depository to Receive and Maintain Evidentiary Material and not Required to be Served on all Parties

Plaintiffs will meet and confer with Defendants on the establishment of a central repository for evidentiary material not required to be served on all parties.

6. Proposed Stipulations

Plaintiffs propose that the parties stipulate to a Protective Order based on Los Angeles Superior Court Model Protective Order. Plaintiffs further propose stipulations on discovery limits as follows:

- Special interrogatories: 30 coordinated interrogatories each for Plaintiffs/Defendants and 5 individual interrogatories per individual plaintiff/defendant
- Form interrogatories: A single coordinated set shall be served by the Defendants on each Plaintiff and a single coordinated set shall be served by the Plaintiffs on each Defendant.
- Requests for production/inspection: 30 coordinated RFPs each for Plaintiffs/Defendants and 5 individual RFPs per individual plaintiff/defendant

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- Fact depositions: 15 coordinated depositions each for Plaintiffs/Defendants and 2 depositions per individual plaintiff/defendant

The parties shall be permitted to exceed the discovery limits by stipulation or upon a showing of good cause to the Court.

Respectfully submitted.

Dated: August 6, 2021

AMY K. VAN ZANT
SHAYAN SAID
ANNA Z. SABER
Orrick, Herrington & Sutcliffe LLP

By: /s/ Amy K. Van Zant

AMY K. VAN ZANT
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Francisco Gudino Cardenas
McFayden, et al.

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27 JUGGERNAUT TACTICAL INC., d/b/a
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Case No. JCCP 5167

PROOF OF SERVICE

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14 DOES 1-100, Inclusive
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16 Defendants.
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PROOF OF SERVICE

I am employed in the County of San Mateo, State of California. I am over the age of eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Rd., Menlo Park, CA 94025.

On August 6, 2021, I served the following document(s) entitled:

PLAINTIFFS' CASE MANAGEMENT CONFERENCE STATEMENT

on all interested parties to this action in the manner described as follows:

X	(VIA EMAIL) I caused to be transmitted via electronic mail the document(s) listed above to the electronic address(es) set forth below.
	(VIA U.S. MAIL) By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Menlo Park, California addressed as set forth below.

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10
11 **Attorneys for Defendant Tactical Gear Heads,**
12 **LLC**

13 I declare under penalty of perjury under the laws of the State of California that the above
14 is true and correct.

15 Executed on August 6, 2021 at Menlo Park, California.

16 /s/ Amy Dalton
17 Amy Dalton
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