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Attorneys for Plaintiffs BKK Working Group,
an unincorporated association, and certain of its
individual members

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BKK WORKING GROUP; et al.,

Plaintiffs,

vs.

ALBERTSONS COMPANIES, INC., et
al.,

Defendants.

Case No. CV 18-5836-MWF(PLAx)

CASE MANAGEMENT ORDER

1 This Case Management Order No. 1 (“CMO No. 1”) is entered to manage
2 this litigation and promote the use of judicial resources efficiently and effectively.
3 The Court has attempted to balance the competing interests of the various parties to
4 the litigation, including parties yet to be served in the action.

5 Unless otherwise indicated, this CMO No. 1 shall be binding on all parties
6 and their counsel.

7 The Court orders as follows:

8 A. AMENDED COMPLAINT

9 Plaintiffs are permitted to amend the complaint prior to service on or before
10 April 29, 2024. Upon service of the Amended Complaint, Rule 15 of the Federal
11 Rules of Civil Procedure shall apply.

12 B. SETTLING DEFENDANTS

13 The litigation will remained stayed and a further extension of time to serve
14 the complaint is granted as to those Defendants that have executed a settlement and
15 are awaiting the finalization of that settlement.

16 C. PLEADINGS

17 1. **Service of Complaints.** On or before July 22, 2024, Plaintiffs
18 shall notify all non-settling Defendants that a complaint has been filed and request a
19 waiver of service of summons pursuant to Rule 4(d) of the Federal Rules of Civil
20 Procedure allowing a return date of thirty (30) days from the date the request was
21 sent. The final deadline for return of the waiver of service of summons is August
22 21, 2024 for Defendants to whom the waiver request was sent on July 22, 2024. To
23 the extent a Defendant fails to return the waiver of service of summons, Plaintiffs
24 shall request a summons from the Court by September 21, 2024. A copy of this
25 CMO No. 1 and the Court’s Standing Order shall be provided to each non-settling
26 Defendant.

27 2. **Responsive Pleadings.** All responsive pleadings are stayed
28 until February 19, 2025.

1 3. **Joinder of Third Parties.** Joinder of third parties under Rule
2 14 of the Federal Rules of Civil Procedure shall be stayed until further order of this
3 Court.

4 D. ORGANIZATION OF DEFENSE COUNSEL

5 1. **Defendants' Liaison Counsel.** Defendants shall establish a
6 leadership structure, including the appointment of liaison counsel with authority to
7 appear, speak and file pleadings on common issues. A notice setting forth the
8 leadership structure and identities of liaison counsel shall be filed and served on
9 December 20, 2024.

10 2. **Responsive Pleadings.** Defendants' counsel shall meet and
11 confer to coordinate the filing of responsive pleadings to minimize duplication. In
12 furtherance of that goal, any Defendants who choose to answer the Complaint shall
13 meet and confer to develop, file, and serve a single Coordinated Answer to the
14 Complaint. The Coordinated Answer shall identify the Defendants whom elect to
15 adopt it. The Coordinated Answer may contain affirmative defenses on common
16 issues. Any Defendant who adopts the Coordinated Answer may also file a
17 separate Statement of Affirmative Defenses.

18 Any Defendants who choose to file a motion pursuant to Rule 12(b), (e) or
19 (f) shall meet and confer to coordinate the filing of such motions to minimize
20 duplication on common issues of law or fact. Any motions brought pursuant to this
21 section shall identify the Defendants who elect to adopt them.

22 E. DISCOVERY

23 1. **Initial Disclosures.** The Initial Disclosure requirements
24 contained in Rule 26 are hereby stayed, except for, on a rolling basis, sixty (60)
25 days after service of the Complaint or the return date of a Rule 4(d) waiver request,
26 the Parties shall exchange the following information within their possession,
27 custody or control:
28

i. Plaintiffs shall produce (1) all manifest and other related documents linking Defendants to the BKK Class I Landfill, and (2) technical reports concerning the investigation and remediation of the BKK Class I Landfill.

ii. Defendants shall produce (1) all insurance information for the relevant time period, and (2) all records relating to the BKK Class I Landfill, including manifests, weigh tickets, invoices, payment history, correspondence, and other related documents.

Defendants' production of initial exchange of information shall not constitute a waiver of any argument that the Court lacks jurisdiction over the Defendant.

2. **Stay of Discovery.** All other discovery is stayed until April 20, 2025, or further order of the Court.

3. **Common Document Repository.** As soon as practicable, the Parties shall establish a common document repository with an agreed upon vendor. The costs for this document repository shall be shared with Plaintiffs paying 50% of the cost and the Defendants, collectively, paying the remaining 50% of the cost.

F. MEET AND CONFER

Upon the completion of the information exchange, and no later than January 6, 2025, Plaintiffs and served Defendants shall meet and confer on a further Case Management Order.

G. CASE MANAGEMENT SCHEDULE

April 29, 2024	Deadline for filing Amended Complaints
April 29, 2024	Begin notification of Complaint and Request for Waiver of Summons in tranches
July 22, 2024	Final deadline for notification of Complaint and Request for Waiver of Summons
Aug. 20, 2024	Final deadline to return Waiver of Service of Summons
Sept. 21, 2024	Deadline to request summons for Defendants who fail to return Waiver of Service of Summons

1	Nov. 19, 2024	Final deadline for exchange of initial information
2	Dec. 20, 2024	Deadline for Notice of Establishment of Defendants'
3		Leadership Counsel
4	January 6, 2025	Deadline for Parties to meet and confer regarding further
5		Case Management Order
6	Feb. 19, 2025	Coordinated Answer to Amended Complaint or
7		Coordinated Rule 12 Motions Due
8	Feb. 19, 2025	Defendant Separate Statement of Affirmative Defenses
9		Due
10	April 20, 2025	Lifting of Discovery Stay, unless further order of Court

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12 PDuring this schedule, the case will remain stayed for the settling Defendants
13 as they await public notice and the finalization of the settlements.

14 **IT IS SO ORDERED.**

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16 Dated: April 9, 2024

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18 MICHAEL W. FITZGERALD
19 United States District Judge
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6 Attorneys for Plaintiff
BKK WORKING GROUP, an unincorporated
7 association, and individual members identified
below
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
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12 BKK WORKING GROUP; et al.,
13 Plaintiffs,
14 vs.
15 1700 SANTA FE LTD, et al.,
16 Defendants.
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MICHAEL W. FITZGERALD
United States District Judge

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