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9
 10 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 ANDREW S. BUSHKIN, derivatively on
 behalf of PG&E CORPORATION and
 13 PACIFIC GAS & ELECTRIC
 COMPANY,

14 Plaintiff,

15 v.

16 BARBARA L. RAMBO, *et al.*,

17 Defendants,

18 -and-

19 PG&E CORPORATION, a California
 corporation, and PACIFIC GAS &
 ELECTRIC COMPANY, a California
 20 corporation,

21 Nominal Defendants.

CASE NO. 3:16-cv-00973-SI

STIPULATION AND ~~PROPOSED~~ ORDER
 REGARDING ACCEPTANCE OF SERVICE AND
 COORDINATION WITH RELATED ACTIONS

Judge: Hon. Susan Illston

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1 WHEREAS on February 27, 2016, Plaintiff Andrew S. Bushkin (“Plaintiff”) commenced
2 this shareholder derivative action, captioned *Bushkin v. Rambo, et al.*, No. 3:16-cv-00973-SI
3 (“*Bushkin Action*”), on behalf of Nominal Defendants PG&E Corporation and Pacific Gas and
4 Electric Company (the “Utility”) (together, “PG&E”);

5 WHEREAS other shareholder derivative actions, putatively on behalf of PG&E and
6 captioned *San Bruno Fire Derivative Cases*, JCCP No. 4648-C, and *Tellardin v. Earley, et al.*,
7 No. CIV 534119 (collectively, the “State Derivative Actions”), are pending before the Superior
8 Court of California, County of San Mateo;

9 WHEREAS another shareholder derivative action, putatively on behalf of PG&E
10 Corporation and captioned *Iron Workers Mid-South Pension Fund v. Johns, et al.*, Case No.
11 3:13-cv-00550-SI (the “*Iron Workers Action*”), was filed in this Court on February 7, 2013;

12 WHEREAS a criminal action against the Utility, captioned *United States v. Pacific Gas*
13 *and Electric Company*, No. 3:14-cr-00175-TEH (the “Criminal Action”), is pending in this
14 District;

15 WHEREAS the court in the Criminal Action vacated the previously scheduled trial date
16 of April 26, 2016, and is expected to set a new trial date at an upcoming conference;

17 WHEREAS the *Bushkin Action*, the *Iron Workers Action*, and the State Derivative
18 Actions involve the same Nominal Defendant(s), many of the same individual defendants, and
19 concern the events leading to the gas pipeline rupture in San Bruno, California on September 9,
20 2010 (the “San Bruno Fire”);

21 WHEREAS following the San Bruno Fire, approximately 140 actions involving claims
22 for personal injury and property damage in connection with the San Bruno Fire were filed and
23 consolidated into Judicial Council Coordinated Proceeding No. 4648, captioned *PG&E San*
24 *Bruno Fire Cases* (the “State Consolidated Action”), which was litigated in the Superior Court of
25 California, County of San Mateo;

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1 WHEREAS the State Derivative Actions have been stayed pending conclusion of the
2 federal criminal proceedings;

3 WHEREAS, by agreement of the parties and with the approval of this Court, the *Iron*
4 *Workers* Action has been stayed in its entirety pending resolution of the State Derivative
5 Actions, and no date by which the defendants must respond to the *Iron Workers* complaint has
6 been set;

7 WHEREAS not all defendants in the *Bushkin* Action have been served with process, but
8 those defendants that have not been served desire to waive service of process and all parties
9 desire to establish a uniform date by which all defendants must respond to the complaint;

10 WHEREAS all parties believe that the *Bushkin* Action should be stayed, at a minimum,
11 pending conclusion of the trial in the Criminal Action;

12 WHEREAS by order dated August 28, 2015, the court in the State Derivative Actions
13 denied defendants' demurrer on demand-futility grounds; and

14 WHEREAS defendants have permitted the plaintiffs in the related derivative actions to
15 have access to certain limited discovery in the State Consolidated Action, including the right to
16 be provided with notice of certain depositions in the State Consolidated Action and the right to
17 attend and participate in such depositions, and defendants agree to provide Plaintiff Bushkin with
18 the same right to have access to such discovery, subject to Plaintiff's agreement to abide by the
19 terms of the confidentiality and protective order in place in the State Consolidated Action.

20 IT IS HEREBY STIPULATED THAT:

21 1. All defendants are deemed served with the complaint in the *Bushkin* Action as of
22 the date hereof.

23 2. The *Bushkin* Action is stayed pending conclusion of the trial in the Criminal
24 Action.

25 3. Counsel for all parties shall meet and confer regarding a further scheduling order
26 within 30 days after conclusion of the trial in the Criminal Action and provide a status update to
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1 the Court, including the parties' respective views on whether the stay of the proceedings in the
2 *Bushkin* Action should be continued.

3 4. The Initial Case Management Conference currently scheduled in the *Bushkin*
4 Action for June 17, 2016 shall be vacated.

5 5. During the pendency of the stay in the *Bushkin* Action, defendants agree to
6 provide Plaintiff, upon his agreement to abide by the terms of the confidentiality and protective
7 order in place in the State Consolidated Action, all discovery provided to plaintiffs in the State
8 Derivative Actions.

9 Dated: May 2, 2016

Respectfully submitted,

BOTTINI & BOTTINI, INC.

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18 Dated: May 2, 2016

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Attorneys for Nominal Defendants PG&E Corporation and Pacific Gas & Electric Company

Dated: May 2, 2016

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Dated: May 2, 2016

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1 In accordance with Civil Local Rule 5-1(i)(3) of this Court, I, Francis A. Bottini, Jr.,
2 attest to the fact that concurrence in the filing of this document has been obtained from each of
3 the other signatories, which shall serve in lieu of their signatures on the document.

4 /s/ Francis A. Bottini, Jr.

5 Francis A. Bottini, Jr.

6 * * *

7 ~~[PROPOSED]~~ ORDER

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: 5/3/16

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12 HONORABLE SUSAN ILLSTON
13 UNITED STATES DISTRICT JUDGE
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