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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DANIELLE TRUJILLO, as Guardian Ad Litem for KADEN PORTER, a minor, on behalf of himself and others similarly situated; LACEY MORALES, as Guardian Ad Litem for ISABEL MORALES, a minor, on behalf of herself and others similarly situated; BEVERLY HOY, on behalf of herself and all others similarly situated,

Plaintiff,

v.

AMETEK, INC., a Delaware corporation; SENIOR AEROSPACE KETEMA, a business entity form unknown; and DOES 1 through 100, inclusive,

Defendant.

Civil No. 15cv1394 GPC (BGS)

ORDER: (1) VACATING FURTHER TELEPHONIC CASE MANAGEMENT CONFERENCE; and (2) SETTING TELEPHONIC STATUS CONFERENCE

On June 28, 2016, the Hon. Gonzalo P. Curiel issued an Order granting in part Defendants’ motion for entry of *Lone Pine* case management order. [ECF No. 71.] In the Order, Judge Curiel ruled as follows:

“Thus, the Court finds it appropriate that before proceeding to class certification each named Plaintiff be required to make a *prima facie* showing as to exposure, increased risk of specific injury, and causation. That said, the Court will not stay discovery proceedings in their entirety in the meantime. Discovery is ongoing in the related case *Greenfied....*The Court has reviewed the joint discovery plans submitted here and in

1 *Greenfield* and finds that they are largely co-extensive, with the exception
2 of Plaintiff's discovery requests (l)-(o) in the instant case. See ECF No. 58.
3 Moreover, [the] parties are represented by the same counsel in both cases.
4 Thus, to the extent that Plaintiff's discovery requests in the instant case are
5 co-extensive with those in *Greenfield*, and to the extent consistent with
6 Magistrate Judge Skomal's management of the scope of discovery
7 proceedings prior to class certification, the Court will permit discovery to
8 go forward at the present time."

9 [ECF No. 71 at 7:4-16.]

10 In light of Judge Curiel's instruction to permit discovery co-extensive with
11 that in *Greenfield*, the Court ordered the parties to meet-and-confer and submit a
12 revised joint proposed discovery plan that took into account the now required *prima*
13 *facie* showing by Plaintiff and the allowance of co-extensive discovery requests (a)-
14 (k)¹ of the parties' earlier filed joint discovery plan at ECF No. 58. The parties filed
15 a revised joint discovery plan on July 14, 2016. [ECF No. 73.]

16 The Court has carefully reviewed the proposals set forth in the revised joint
17 discovery plan, and issues the following **ORDERS**:

18 1. In the interests of promoting proportionality and efficiency, as well as

19 ¹ The categories of discovery Judge Curiel found co-extensive were:

- 20 a. Discovery concerning the liability of Ametek, Inc.'s ("AMETEK") operation, maintenance and
21 inspection of the subject site at or near Magnolia Elementary School.
- 22 b. Discovery concerning the liability of Senior Aerospace Ketema and/or Senior Operations, LLC.'s
23 operation ("SENIOR"), maintenance and inspection of the subject site at or near Magnolia Elementary
24 School.
- 25 c. Discovery concerning the negligence of AMETEK at or near the subject site Magnolia Elementary
26 School.
- 27 d. Discovery concerning the negligence of SENIOR at or near the subject site Magnolia Elementary
28 School.
- 29 e. Discovery concerning the liability of AMETEK for public nuisance.
- 30 f. Discovery concerning the liability of SENIOR for public nuisance.
- 31 g. Discovery concerning the waste dumped near the subject site Magnolia Elementary School.
- 32 h. Discovery concerning the liability of AMETEK to clean-up and abate the contamination.
- 33 i. Discovery concerning ERM, the DTSC, the California Water Board, and the efforts to monitor and
34 analyze data.
- 35 j. Discovery concerning the punitive conduct of AMETEK.
- 36 k. Discovery concerning the punitive conduct of SENIOR.

ECF No. 58 at p.4.

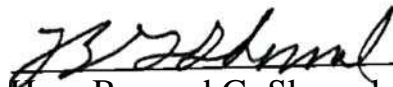
1 avoiding duplicative and burdensome requests, the parties may conduct discovery
2 that is co-extensive (or overlapping) in both the *Greenfield* and *Trujillo* cases with
3 respect to categories (a) through (k) in the parties' April 8, 2016 *Trujillo* joint
4 discovery plan. Fed. R.Civ.P. 26(b)(1). If counsel disagree on the issue of what is
5 overlapping or co-extensive with respect to a *particular* discovery request, they are
6 instructed to follow the procedures set forth in Judge Skomal's chambers rules
7 governing discovery disputes.

8 2. The further telephonic Case Management Conference currently
9 scheduled for August 19, 2016, is **VACATED**.

10 3. The Court will hold a telephonic status conference on **October 12, 2016**
11 **at 10:30 a.m.** to receive a status update regarding Plaintiff's *prima facie* showing
12 before Judge Curiel. Plaintiff's counsel is ordered to arrange and initiate a joint call
13 to the Court at (619) 557-2993 on the day and at the time indicated above. In
14 preparation for the status conference, the Court will also require the parties to file a
15 joint status conference statement suggesting a proposed deadline/briefing schedule
16 for Plaintiff's anticipated Motion for Class Certification **no later than October 3,**
17 **2016.**

18 **IT IS SO ORDERED.**

19 DATED: August 15, 2016

20 
21 Hon. Bernard G. Skomal
22 U.S. Magistrate Judge
23 United States District Court
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