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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

MICHAEL ERAZO, MIGUEL OCHOA, and
JAMIE MCDOLE, on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA and ACCELLION, INC.,

Defendants.

Case No. RG21097796

**STIPULATION AND [PROPOSED]
ORDER TO DESIGNATE *FIELDS*
AND *BECKER* COMPLEX,
CONSOLIDATE RELATED
ACTIONS AND APPOINT LEAD
COUNSEL**

STIPULATION AND [PROPOSED] ORDER TO DESIGNATE *FIELDS* AND *BECKER*
COMPLEX, CONSOLIDATE RELATED ACTIONS AND APPOINT LEAD COUNSEL
Case Nos. RG21097796, RG21107152, RG21107777

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ARIELLE FIELDS and ALVARO GALVIS,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Defendant.

Case No. RG21107152

ROSE BECKER and STEVE GOLDFIELD,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Defendant.

Case No. RG21107777

1 The parties to the above-captioned actions hereby stipulate as follows:

2 WHEREAS, *Erazo v. Regents of Univ. of Cal. and Accellion, Inc.*, Case No.
3 RG21097796 (“*Erazo*”) was filed in this Court on April 27, 2021;

4 WHEREAS, *Fields v. Regents of Univ. of Cal.*, Case No. RG21107152 (“*Fields*”) was
5 filed in this Court on July 20, 2021;

6 WHEREAS, *Becker v. Regents of Univ. Cal.*, Case No. RG21107777 (“*Becker*”) was
7 filed in this Court on August 2, 2021;

8 WHEREAS, Plaintiffs in *Erazo*, *Fields*, and *Becker* (the “Related Actions”) allege in their
9 respective complaints that in December 2020 and January 2021, the University of California
10 (“UC”) learned of breaches of its electronic systems that compromised millions of people’s
11 sensitive personal information (the “Data Breach”), and that The Regents of the University of
12 California (“UC Regents”) failed to secure their and others’ sensitive personal information. Each
13 action brings similar statutory and common law claims, including violations of the
14 Confidentiality of Medical Information Act, Cal. Civ. Code § 56, *et seq.*, violations of the
15 Information Practices Act, Civ. Cod § 1798, *et seq.*, Negligence, and Invasion of Privacy. Each is
16 a proposed class action, which has been designated by the plaintiffs as complex. *Erazo*, *Fields*,
17 and *Becker* are thus related cases under the California Rules of Court, rule 3.300 because the
18 cases involve the same parties, are based on the same or similar claims and arise from the same
19 incident requiring determination of the same or substantially identical questions of law or fact;

20 WHEREAS, the parties have conferred and agree that consolidation of the Related
21 Actions, which involve common questions of law and fact, will advance the just and efficient
22 progress of this litigation and will avoid unnecessary costs or delay. *See* Code of Civ. Pro. §
23 1048(a). However, nothing in this stipulation is intended to be a concession by Defendants that
24 common issues of fact or law predominate for the purposes of class certification;

25 WHEREAS, if the Related Actions are consolidated, the parties agree that *Erazo* should
26 be the lead case under California Rules of Court, rule 3.350(b);

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1 WHEREAS, Defendants UC Regents and Accellion, Inc. (“Accellion”) filed demurrers in
2 *Erazo* on August 4, 2021, and Plaintiffs in *Erazo* are briefing oppositions to those demurrers,
3 which are due September 10, 2021;

4 WHEREAS, the parties agree that Defendants’ demurrers in *Erazo* raise threshold legal
5 questions such that a ruling on the demurrers would impact Plaintiffs’ claims in *Fields* and
6 *Becker*;

7 WHEREAS, the parties agree that having a resolution to any demurrers to a consolidated
8 complaint would be more efficient and better use of the Court’s and the parties’ resources;

9 WHEREAS, Defendants will not attempt to remove any of the Related Actions prior to
10 the filing of a consolidated complaint;

11 WHEREAS, UC Regents’ time to respond to the complaints in *Fields* and *Becker* will be
12 tolled until either 30 days after a consolidated complaint is filed in the lead case or 30 days from
13 the denial of this stipulation;

14 WHEREAS, discovery will be stayed in *Fields* and *Becker* if consolidation is granted, but
15 will not be stayed in *Erazo*;

16 WHEREAS, Plaintiffs in the Related Actions also agree that appointment of an executive
17 committee of Girard Sharp LLP, Wolf Haldenstein Adler Freeman & Herz LLP, and Morgan &
18 Morgan as Plaintiffs’ lead counsel will be beneficial to the effective prosecution of Plaintiffs’
19 claims because it will formally empower them to act on behalf of the proposed class;

20 WHEREAS, Girard Sharp LLP will serve as lead of the executive committee;

21 WHEREAS, Defendants take no position on designation of the proposed lead counsel to
22 act on behalf of the proposed class;

23 WHEREAS, as reflected in the declaration and firm resumes submitted herewith,
24 proposed lead counsel are well-qualified to represent the interests of the proposed class. *See*
25 Declaration of Simon S. Grille and Exhibits A-C attached thereto;

26 IT IS THEREFORE AGREED TO AND STIPULATED, by and through the undersigned
27 attorneys for the parties, subject to the Court’s approval, that:

1 would be vacated and the case management conferences shall be
2 continued to 30 days after the filing of the consolidated complaint or other
3 date provided by the Court. The case management statement shall be due
4 five court days before the scheduled case management conference.

5 5. If this stipulation is denied:

6 a. the *Erazo* Plaintiffs must file their response to the demurrers within 15
7 days of the order denying this stipulation, and the *Erazo* Defendants must
8 file any reply in support of the demurrers within 20 days of the filing of
9 any such opposition; and

10 b. UC Regents' time to respond to the complaints in *Fields* and *Becker* will
11 be 30 days from the denial of this stipulation.

12 6. Discovery is stayed in *Fields* and *Becker*.

13 7. Any cases that are filed in or transferred to this Court involving the same or
14 substantially similar issues of law and fact shall be consolidated with the Related Actions,
15 unless the Court orders otherwise. Any objection to such consolidation must be filed within 14
16 days after notice to counsel for the plaintiff(s) in the newly-filed action.

17 8. The Court appoints an executive committee of Girard Sharp LLP, Wolf
18 Haldenstein Adler Freeman & Herz LLP, and Morgan & Morgan as Plaintiffs' lead counsel to
19 act on behalf of the proposed class in this case and in any additional actions on behalf of
20 persons affected by the Data Breach that might be consolidated with the Related Actions.

21 9. Girard Sharp LLP will serve as lead of the executive committee.

22 10. Pursuant to this structure, and consistent with the Manual for Complex Litigation,
23 Fourth, §§ 10.221 and 40.22, lead counsel shall have the authority to perform or delegate the
24 following tasks on behalf of all Plaintiffs in this consolidated action:

25 a) directing, coordinating, and supervising the prosecution of Plaintiffs' claims in
26 this action;

27 b) preparing, structuring, and presenting pretrial and other case management orders;

- 1 c) convening meetings of counsel;
- 2 d) communicating with defense counsel;
- 3 e) initiating, responding to, scheduling, briefing, and arguing all motions;
- 4 f) appearing at all hearings and conferences regarding the case;
- 5 g) determining the scope, order, and conduct of all discovery proceedings;
- 6 h) assigning work to Plaintiffs' counsel in this action, as necessary and appropriate;
- 7 i) retaining experts;
- 8 j) conducting settlement negotiations on behalf of named Plaintiffs and the class;
- 9 k) entering into stipulations with opposing counsel as necessary for the conduct of
- 10 the litigation;
- 11 l) preparing and distributing status reports to any other law firms that might seek to
- 12 represent the proposed class;
- 13 m) collecting and reviewing time and expense records from Plaintiffs' counsel on a
- 14 regular basis, or as provided for under any Court-approved protocol;
- 15 n) coordinating activities to avoid duplication and inefficiency in the filing, serving,
- 16 and/or implementation of pleadings, other court papers, discovery papers, and discovery
- 17 practice, and generally in the litigation;
- 18 o) coordinating discovery and briefing of common legal issues, and if appropriate,
- 19 settlement approval proceedings; and
- 20 p) performing such other duties that may be incidental to proper coordination of
- 21 Plaintiffs' pretrial activities or authorized by further order of this Court.

22 11. As lead of the executive committee, Girard Sharp will be vested with primary

23 authority for items (a), (b), (d), (e), (f), (h), (j), (k), (n), and (o), *supra*.

24 12. Plaintiffs' counsel shall keep detailed contemporaneous time and expense records,

25 including identifying with specificity the hours spent and particular activity performed.

26 Stipulated and agreed to by:


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Dated: September 9, 2021

GIRARD SHARP LLP

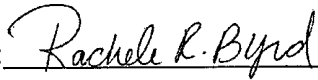
By:  _____

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Counsel for Plaintiffs Erazo, McDole, and Ochoa

Dated: September 9, 2021

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Counsel for Plaintiffs Fields and Galvis

Dated: September 9, 2021

**CLAYEO C. ARNOLD,
A PROFESSIONAL LAW CORP.**

By:  _____

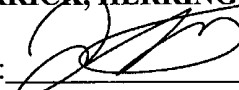
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*Attorneys for Defendant The Regents of the
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1 Dated: September 9, 2021

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11 *Counsel for Accellion, Inc.*

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[PROPOSED] ORDER

After reviewing the stipulation of the parties, and good cause appearing:

1. The Court hereby designates the *Fields* and *Becker* cases as complex and vacates the Complex Determination Hearings set for September 14 and 15, 2021, respectively.

2. Pursuant to Code of Civil Procedure section 1048(a), the above-captioned cases are consolidated for all pretrial and trial proceedings with *Erazo* designated as the lead case under California Rule of Court 3.350(b).

3. Pursuant to California Rule of Court 3.350(d), documents filed in the consolidated case must include the caption and case number of *Erazo*, the lead case, followed by the case numbers of all other consolidated cases.

4. The *Erazo* Defendants will contact the clerk and file a notice to take the demurrers in *Erazo* off calendar.

5. The *Fields* and *Becker* cases are designated as complex.

6. Discovery is stayed in *Fields* and *Becker*.

7. Plaintiffs will file a consolidated complaint within 14 days of this Order.

8. Defendants' time to respond to the consolidated complaint shall be 30 days from the filing of the consolidated complaint. If either or both Defendants file a demurrer to the consolidated complaint, Plaintiffs will have 30 days to respond to any such demurrer and Defendants shall have 20 days to submit reply papers in support of any such demurrer.

9. The case management conference for the consolidated case shall be set for 30 days after the filing of a consolidated complaint. The case management statement shall be due five court days before the scheduled case management conference.

10. Any cases that are filed in or transferred to this Court involving the same or substantially similar issues of law and fact shall be consolidated with the Related Actions, unless the Court orders otherwise. Any objection to such consolidation must be filed within 14 days after notice to counsel for the plaintiff(s) in the newly-filed action.

1 n. coordinating activities to avoid duplication and inefficiency in the filing, serving,
2 and/or implementation of pleadings, other court papers, discovery papers, and discovery
3 practice, and generally in the litigation;

4 o. coordinating discovery and briefing of common legal issues, and if appropriate,
5 settlement approval proceedings; and

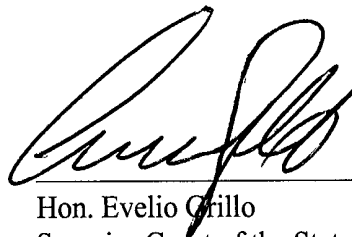
6 p. performing such other duties that may be incidental to proper coordination of
7 Plaintiffs' pretrial activities or authorized by further order of this Court.

8 14. As lead of the executive leadership committee, Girard Sharp is vested with
9 primary authority for items (a), (b), (d), (e), (f), (h), (j), (k), (n), and (o), *supra*

10 15. Plaintiffs' counsel shall keep detailed contemporaneous time and expense records,
11 including identifying with specificity the hours spent and particular activity performed.

12
13 **IT IS SO ORDERED.**

14
15 Dated: SEP 23 2021



16 Hon. Evelio Grillo
17 Superior Court of the State of California
18 County of Alameda
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