

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHONETTA CRAIN AND KIRA SERNA,
individually and on behalf of all other
similar situated individuals,

Plaintiffs,

v.

ACCREDITED CASUALTY AND
SURETY COMPANY, INC., *et al.*,

Defendants.

Case No. 3:19-CV-01265-JST

**STIPULATED [~~PROPOSED~~] PRETRIAL
CONSOLIDATION ORDER**

STEVEN BREAUX, individually and on
behalf of all other similar situated
individuals,

Plaintiff,

v.

ACCREDITED CASUALTY AND
SURETY COMPANY, INC., *et al.*,

Defendants.

Case No. 3:19-CV-00717-JST

1
2 WHEREAS, on January 29, 2019, Plaintiffs Shonetta Crain and Kira Serna filed a
3 complaint in Alameda County Superior Court, *Crain et al. v. Accredited Casualty and Surety*
4 *Company, Inc., et al.* (“Crain Action”);

5 WHEREAS, on February 8, 2019, Plaintiff Steven Breaux filed a complaint in the
6 Northern District of California, *Breaux v. Accredited Casualty and Surety Company, Inc., et al.*
7 (“Breaux Action”);

8 WHEREAS, on March 8, 2019, Defendants Two Jinn, Inc. and Seaview Insurance
9 Company filed a notice of removal of the *Crain* Action to the Northern District of California;

10 WHEREAS, on March 19, 2019, the Court related the *Crain* Action and the *Breaux*
11 Action (collectively, the “Related Actions”);

12 WHEREAS, the Related Actions are proposed class actions against Defendants
13 Accredited Casualty and Surety Company, Inc., Aegis Security Insurance Company, All-Pro Bail
14 Bonds Inc., American Bail Coalition, Inc., Alleghany Casualty Company, American Contractors
15 Indemnity Company, American Surety Company, Associated Bond and Insurance Agency, Inc.,
16 Bankers Agency, Inc., Bankers Insurance Company, Bond Safeguard Insurance Company,
17 California Bail Agents Association, Continental Heritage Insurance Company, Crum & Forster
18 Indemnity Company, Danielson National Insurance Company, Financial Casualty & Surety, Inc.,
19 Golden State Bail Agents Association, Harco National Insurance Company, Indiana Lumbermens
20 Mutual Insurance Company, International Fidelity Insurance Company, Lexington National
21 Insurance Corporation, Lexon Insurance Company, National American Insurance Company,
22 North River Insurance Company, Philadelphia Reinsurance Corporation, Safety First Insurance
23 Company, Seaview Insurance Company, Seneca Insurance Company, Stillwater Property and
24 Casualty Insurance Company, Sun Surety Insurance Company, Two Jinn, Inc., United States Fire
25 Insurance Company, Universal Fire & Casualty Insurance Company, Williamsburg National
26 Insurance Company, Jerry Watson and William B. Carmichael, and DOES 1-100 pursuant to
27 California’s antitrust statute, Business and Professions Code sections 16720, *et seq.* (the
28 “Cartwright Act”); and California’s unfair competition law, Business and Professions Code

sections 17200, *et seq.* (the “Unfair Competition Law”);

WHEREAS, the parties in the Related Actions have met and conferred and agree that the above-entitled actions should be consolidated pursuant to Federal Rule of Civil Procedure 42(a);

WHEREAS, consolidation of the Complaints and other like actions will avoid duplication and unnecessary costs, and will promote the efficient conduct of the proceedings;

WHEREAS, the parties in the Related Actions have met and conferred and agree to a schedule for filing a consolidated amended complaint following the appointment of interim class counsel;

WHEREAS, the parties in the Related Actions have met and conferred and agree that no answers, motions, or other responses to the complaints need be filed in the Related Actions until after the appointment of interim class counsel and the filing of a consolidated amended complaint;

WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial efficiency and economy, and will not cause prejudice to any party;

NOW, THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs and Defendants in the Related Actions, by and through their undersigned respective counsel of record, as follows:

I. CONSOLIDATION

The Related Actions are consolidated for all purposes, including pre-trial proceedings and trial, pursuant to Federal Rule of Civil Procedure 42(a) (the “Consolidated Action”).

II. MASTER DOCKET AND MASTER FILE

A Master Docket and a Master File shall be created under the civil action number that has been assigned to the first-filed federal court case, No. 19-CV-00717-JST, with the caption “*In re California Bail Bond Antitrust Litigation*”. All docket entries regarding the Consolidated Action shall be docketed under the Master File number No. 19-CV-00717-JST. If a document pertains to only one or some of the consolidated cases, it will be docketed on the Master Docket with the notation in the docket text as to the case number(s) to which it pertains.

1 **III. RELATION AND CONSOLIDATION OF SUBSEQUENTLY FILED OR**
 2 **TRANSFERRED CASES**

3 The parties shall file a Notice of Related Cases pursuant to Civil L.R. 3-12 whenever a
 4 case that should be consolidated into this Consolidated Action is filed in, or transferred to, this
 5 District. If the Court determines that the case is related, the clerk shall:

- 6 (a) place a copy of this Order in the separate file for such action;
 7 (b) serve on plaintiff's counsel in the new case a copy of this Order;
 8 (c) direct that this Order be served upon defendants in the new case; and
 9 (d) make the appropriate entry in the Master Docket.

10 All related actions that are subsequently filed in, or transferred to, this District shall be
 11 consolidated into this action for pretrial purposes. This Order shall apply to every such related
 12 action, absent order of the Court. A party that objects to such consolidation, or to any other
 13 provision of this Order, must file an application for relief from this Order within thirty (30) days
 14 after the date on which a copy of this order is mailed to the party's counsel, pursuant to the above
 15 paragraph.

16 **IV. CAPTION OF CASES**

17 All papers hereafter filed in the Consolidated Action shall bear the following caption:

18 IN RE CALIFORNIA BAIL BOND
 19 ANTITRUST LITIGATION

Master Docket No. 19-CV-00717-JST

20
 21 THIS DOCUMENT RELATES TO:
 22

23 When a pleading or other court paper is intended to apply to all actions to which this
 24 Order is applicable, the words "All Actions" shall appear immediately after the words "THIS
 25 DOCUMENT RELATES TO" in the caption set out above. When a pleading or other court paper
 26 is intended to be applicable only to a subset of the Actions, the separate caption and docket
 27 number for each individual action to which the pleading is intended to be applicable shall appear
 28 immediately after or below the words "THIS DOCUMENT RELATES TO" in the caption

described above. The short form of the case caption ([named plaintiff] v. [first named defendant], *et al.*) for such actions may be used.

V. FILING AND DOCKETING

All papers previously filed and served to date in any of the above-referenced actions are hereby deemed part of the record in 19-CV-00717-JST.

When a paper is filed and the caption shows that it is to be applicable to “All Actions,” such paper shall be filed in the Master File and the Clerk shall note such filing in the Master Docket. Such papers need not be filed, and docket entries need not be made, in any other case file.

When a paper is filed and the caption shows that it is to be applicable to fewer than all of the Consolidated Actions, such paper shall be filed in the Master File, and the clerk shall note such filing in both the Master Docket and the docket of each such action. Thus, the paper should only be filed in the Master File in 19-CV-00717-JST.

VI. ECF AND SERVICE OF DOCUMENTS

This case is subject to Electronic Case Filing (“ECF”), pursuant to General Order 45, Section VI, which requires that all documents in such a case be filed electronically. If counsel has not already done so, counsel shall register forthwith as an ECF user and be issued an ECF user ID and password. Forms and instructions can be found on the Court’s website at ecf.cand.uscourts.gov.

All documents shall be e-filed in the Master File in 19-CV-00717-JST. Papers that are filed electronically through the Court’s ECF system are deemed served on all parties as of the date of filing. All other service of papers shall be governed by the Rules of Civil Procedure, unless otherwise agreed by the parties.

VII. PRESERVATION OF EVIDENCE

Until the parties agree on a preservation plan or the Court orders otherwise, each party shall take reasonable steps to preserve all documents, data, and tangible things containing information potentially relevant to the subject matter of this litigation.

VIII. SCHEDULE FOR RULE 23(G) MOTION, CONSOLIDATED AMENDED COMPLAINT, AND RESPONSIVE PLEADINGS

A. Rule 23(g) Motion

Plaintiffs will file a Motion for Appointment of Interim Class Counsel pursuant to Federal Rule of Civil Procedure 23(g) by May 1, 2019.

B. Consolidated Amended Complaint

Within seven (7) days of the Court's Order appointing Interim Class Counsel, Interim Class Counsel shall file the Consolidated Amended Complaint. The Consolidated Amended Complaint shall be deemed Plaintiffs' initial filing for purposes of Federal Rule of Civil Procedure 15(a). The Consolidated Amended Complaint shall relate back to the date of the first filed action in California state court, *Crain et al. v. Accredited Surety and Casualty Company, et al.* (filed January 29, 2019), for all purposes. Defendants shall have no obligation to answer, move, or otherwise plead in response to the previously-filed Complaints.

C. Responsive Pleadings/Motion to Dismiss

Defendants shall answer, move, or otherwise plead in response to the Consolidated Amended Complaint within thirty (30) days of the filing of the Consolidated Amended Complaint. The thirty (30) day deadline will apply to all state law response deadlines, including a motion to strike brought pursuant to California's anti-SLAPP statutes. The page limits will be governed by the Stipulation and Order re: Responsive Briefing Page Limits (*Crain* Action Dkt. 168; *Breaux* Action Dkt. 27).

1 Dated: April 30, 2019

Respectfully submitted,

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13 **Filer's Attestation**

14 Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that
15 concurrence in the filing of the document has been obtained from all the signatories.
16

17 Dated: April 30, 2019

/s/ Dean M. Harvey

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1 **IT IS SO ORDERED.**

2
3 Dated: May 1, 2019


HON. JON S. TIGAR
UNITED STATES DISTRICT JUDGE