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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

General Order Re:
Related Google LLC Cases Involving
“Incognito” Mode

**ORDER DEEMING CASES
COMPLEX AND STAYING
DISCOVERY AND RESPONSIVE
PLEADING DEADLINES**

**Judge: Hon. Charles F. Adams
Department: 7 (Complex)**

Over 1,700 individual actions against Google LLC, related to Google LLC’s “Incognito” Mode, have been filed, beginning on March 28, 2024. All Plaintiffs in each of the individual actions are represented by the Office of Boies Schiller Flexner LLP. This General Order applies to each of these cases, listed in Exhibit A, which is expected to be supplemented in the future.

Plaintiff’s Counsel is ordered to serve this order on counsel for Google LLC.

Plaintiff’s Counsel shall notify the Court of any case not already listed in Exhibit A.

IT IS HEREBY ORDERED that:

The Court determines that the related Google LLC Cases involving “Incognito” Mode are **COMPLEX** within the meaning of California Rules of Court 3.400. These matters shall be, and are, assigned, for all purposes, including discovery and trial, to **Department 7 (Complex Civil Litigation)**, the **Honorable Charles F. Adams** presiding.

1 The parties are directed to the Court’s local rules and guidelines regarding electronic
2 filing and to the Complex Civil Guidelines, which are available on the Court’s website.

3 Pursuant to California Rules of Court, Rule 3.254, the creation and maintenance of the
4 Master Service List for each individual action shall be under the auspices of (1) the first-named
5 Plaintiff in each of the Complaints, and (2) the first-named party in each Cross-Complaint, if any.

6 Pursuant to Government Code section 70616(b), each party’s complex case fee, in each
7 of the individual actions, is due within ten (10) calendar days of this date.

8 Plaintiff shall serve a copy of this Order on all parties forthwith and file a proof of service
9 within seven (7) days of service.

10 Any party objecting to the complex designation must file an objection and proof of service
11 within ten (10) days of service of this Order. Any response to the objection must be filed within
12 seven (7) days of service of the objection. The Court will make its ruling on the submitted
13 pleadings.

14 The Case Management Conference in each individual action remains set for **August 22,**
15 **2024 at 2:30 p.m. in Department 7.**

16 Counsel for all parties are ordered to meet and confer in person at least 15 days prior to
17 the First Case Management Conference and discuss the following issues:

- 18 1. Issues related to recusal or disqualification;
- 19 2. Issues of law that, if considered by the Court, may simplify or further resolution of
20 the case, including issues regarding choice of law;
- 21 3. Appropriate alternative dispute resolution (ADR), for example, mediation, mandatory
22 settlement conference, arbitration, mini-trial;
- 23 4. A plan for preservation of evidence and a uniform system for identification of
24 documents throughout the course of this litigation;
- 25 5. A plan for document disclosure/production and additional discovery; which will
26 generally be conducted under court supervision and by court order;
- 27 6. Whether it is advisable to address discovery in phases so that information needed to
28 conduct meaningful ADR is obtained early in the case (counsel should consider
whether they will stipulated to limited merits discovery in advance of certification
proceedings), allowing the option to complete discovery if ADR efforts are
unsuccessful;
7. Any issues involving the protection of evidence and confidentiality;
8. The handling of any potential publicity issues;

1 Counsel for Plaintiffs shall take the lead in preparing a Joint Case Management
2 Conference Statement to be filed five (5) calendar days prior to the First Case Management
3 Conference, and include the following:

- 4
- 5 1. a brief objective summary of the case;
- 6 2. a summary of any orders from prior case management conferences and the progress of
the parties' compliance with said orders;
- 7 3. significant procedural and practical problems that may likely be encountered;
- 8 4. suggestions for efficient management, including a proposed timeline of key events; and
- 9 5. any other special consideration to assist the court in determining an effective case
management plan.

10 To the extent the parties are unable to agree on the matters to be addressed in the Joint
11 Case Management Conference Statement, the positions of each party or of various parties should
12 be set forth separately and attached to this report as addenda. The parties are encouraged to
13 propose, either jointly or separately, any approaches to case management they believe will
14 promote the fair and efficient handling of this case. The Court is particularly interested in
15 identifying potentially dispositive or significant threshold issues the early resolution of which
16 may assist in moving the case toward effective ADR and/or a final disposition.

17

18 **STAY ON DISCOVERY AND RESPONSIVE PLEADING DEADLINE** Pending
19 further order of this Court, the service of discovery and the obligation to respond to any
20 outstanding discovery is stayed. However, Defendant(s) shall file a Notice of Appearance for
21 purposes of identification of counsel and preparation of a service list. The filing of such a Notice
22 of Appearance shall be without prejudice to the later filing of a motion to quash to contest
23 jurisdiction. Parties shall not file or serve responsive pleadings, including answers to the
24 complaint, motions to strike, demurrers, motions for change of venue and cross-complaints until
25 a date is set at the First Case Management Conference for such filings and hearings.

26

27 This General Order is issued to assist the Court and the parties in the management of
28 these "Complex" cases through the development of an orderly schedule for briefing and hearings.

1 This Order shall not preclude the parties from continuing to informally exchange documents that
2 may assist in their initial evaluation of the issues presented in this Case.

3 SO ORDERED.

4
5 Dated: May 13, 2024



6 Hon. Charles F. Adams
7 Judge of the Superior Court