

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Rumduol Vuong (#264392); Dylan Colbert (#341424) California Civil Rights Department 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758 TELEPHONE NO.: 916-709-0687 FAX NO. (Optional): E-MAIL ADDRESS (Optional): rumduol.vuong@dfeh.ca.gov; dylan.colbert@dfeh.ca.gov ATTORNEY FOR (Name): Plaintiff California Dep't of Fair Employment and Housing	FOR COURT USE ONLY Electronically Filed by Superior Court of CA, County of Santa Clara, on 7/17/2023 6:23 PM Reviewed By: R. Fleming Case #20CV372366 Envelope: 12502947
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 North First Street MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San Jose 95113 BRANCH NAME: Downtown Superior Court	
PLAINTIFF/PETITIONER: California Dep't of Employment and Housing DEFENDANT/RESPONDENT: Cisco Systems, Inc.	
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	CASE NUMBER: 20CV372366
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: August 1, 2023 Time: 10:00AM Dept.: 16 Div.: Civil Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Rumduol Vuong	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
 - a. This statement is submitted by party (name):
 - b. This statement is submitted **jointly** by parties (names):

2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
 - a. The complaint was filed on (date): October 16, 2020
 - b. The cross-complaint, if any, was filed on (date):

3. **Service** (to be answered by plaintiffs and cross-complainants only)
 - a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not):
 - (2) have been served but have not appeared and have not been dismissed (specify names):
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. **Description of case**
 - a. Type of case in complaint cross-complaint (Describe, including causes of action):
 Civil rights complaint under Fair Employment and Housing Act (Gov. Code 12900 et seq.) alleging five causes of action against Defendant, including employment discrimination and harassment based on race.

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4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

Plaintiff alleges that Cisco Systems, Inc. engaged in and failed to prevent unlawful employment practices on the basis of Real Party in Interest John Doe's religion, ancestry, national origin/ethnicity, and race/color. As a result, Doe has suffered economic damages and emotional distress. Plaintiff also seeks injunctive relief.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. The trial has been set for *(date)*:
- b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:
See Attachment 1.
- c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

- a. days *(specify number)*: 7
- b. hours (short causes) *(specify)*:

8. **Trial representation** *(to be answered for each party)*

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. E-mail address:
- f. Fax number:
- g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

- (1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
- (2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation** (if available).

- (1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
- (2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- (3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:
California Rules of Court, rule 3.811(b)(1)

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete mediation by (<i>date</i>): <input checked="" type="checkbox"/> Mediation completed on (<i>date</i>): See Attachment 1
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete settlement conference by (<i>date</i>): <input type="checkbox"/> Settlement conference completed on (<i>date</i>):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete neutral evaluation by (<i>date</i>): <input type="checkbox"/> Neutral evaluation completed on (<i>date</i>):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete judicial arbitration by (<i>date</i>): <input type="checkbox"/> Judicial arbitration completed on (<i>date</i>):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete private arbitration by (<i>date</i>): <input type="checkbox"/> Private arbitration completed on (<i>date</i>):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete ADR session by (<i>date</i>): <input type="checkbox"/> ADR completed on (<i>date</i>):

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11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- Bankruptcy Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
 - (1) Name of case:
 - (2) Name of court:
 - (3) Case number:
 - (4) Status:
- Additional cases are described in Attachment 13a.
- b. A motion to consolidate coordinate will be filed by (*name party*):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):
 Cisco seeks to bifurcate liability and damages

15. Other motions

- The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
 Cisco expects to file a motion for summary judgment or summary adjudication and motions in limine.

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiff and Defendant	Fact Discovery	08/01/2024
Plaintiff and Defendant	Expert Discovery	10/02/2024
- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):
 The parties have agreed to extend Plaintiff's time to move to compel further responses to discovery requests until after a ruling on the demurrer and motion to strike.

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17. **Economic litigation**

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. **Other issues**

- a. The party or parties request that the following additional matters be considered or determined at the case management conference (specify):
See Attachment 1.

19. **Meet and confer**

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): 1

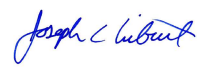
I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date:

Rumduol Vuong _____
(TYPE OR PRINT NAME)

▶  _____
(SIGNATURE OF PARTY OR ATTORNEY)

Joseph C. Liburt _____
(TYPE OR PRINT NAME)

▶  _____
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

ATTACHMENT 1

6b. Trial court proceedings were stayed while Defendants pursued an appeal and Plaintiff pursued a writ of mandamus. The case has now been remanded to the trial court and parties are commencing written discovery.

10c(1). The Parties participated in pre-suit mediation on 02/01/2020 and 06/10/2020. Plaintiff and Defendant Cisco Systems, Inc. participated in additional mediation on 05/02/2023.

18. The Parties wish to discuss the following outstanding motions: 1) Defendant's demurrer and motion to strike, 2) Plaintiff's motion to proceed under a fictitious name, and 3) proposed intervenor Hindu American Foundation's ("HAF") motion to intervene. The Parties propose the following briefing and hearing schedule for these motions:

1) Defendant filed a demurrer and a motion to strike on November 3, 2020. Plaintiff filed opposition briefings to both motions on February 24, 2021. On March 9, 2021, before Defendant filed a reply to either opposition, the court stayed proceedings on both motions due to a pending appeal of a separate order. The Parties now request the Court to schedule a joint hearing for both the demurrer and motion to strike in early October. Plaintiff will file supplemental opposition briefs thirty court days before the hearing. Defendant will file their reply briefs ten court days before the hearing.

2) Plaintiff filed a motion to proceed under a fictitious name on November 2, 2020. The Court issued an order denying the motion on February 11, 2021, and Plaintiff filed a writ of mandate seeking reconsideration on April 1, 2021. On August 5, 2022, the appellate court granted Plaintiff's writ of mandate and directed the trial court to vacate its order and reconsider the issue pursuant to additional guidance provided by the appellate court. The Parties request that a hearing on this motion be heard on the same day as, or shortly after, the hearing on Defendant's demurrer and motion to strike in early October. Defendant will file supplemental opposition briefing twenty court days before the hearing and Plaintiff will file supplemental reply briefing ten days before the hearing.

3) Proposed intervenor HAF filed a motion to intervene on January 7, 2021. Plaintiff filed an ex parte application to vacate the related hearing due to a pending appeal staying all proceedings, which the court granted on March 29, 2021. CRD requests that a hearing on this motion be held in early November. Plaintiff and Defendant will file opposition/responsive briefs twenty court days before the hearing, and proposed intervenor HAF will file a reply ten court days before the hearing. HAF asks that the Motion to Intervene schedule be the same as the Doe Motion schedule.