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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**STANDING ORDER RE CIVIL CASES  
DISTRICT JUDGE BETH LABSON FREEMAN**

**A. CONFORMITY TO RULES**

Parties and counsel shall comply with the Federal Rules of Civil Procedure, the Civil Local Rules, the General Orders of the Northern District of California, and this Court’s standing orders, all of which are available at <http://www.cand.uscourts.gov>. Failure to comply with any of these rules or orders may be grounds for monetary sanctions, dismissal, entry of default judgment, or other appropriate sanctions.

**B. COMMUNICATION WITH THE COURT**

Parties and counsel shall not communicate *ex parte* with Judge Freeman or her chambers staff by telephone, facsimile, or any other means. Parties and counsel may contact Judge Freeman’s Courtroom Deputy Clerk, Tiffany Salinas-Harwell, at 408-535-5381 or [Tiffany\\_Salinas-Harwell@cand.uscourts.gov](mailto:Tiffany_Salinas-Harwell@cand.uscourts.gov) with inquiries regarding scheduling or other appropriate matters.

**C. SCHEDULING**

**1. Civil Motions**

Civil motions are heard *by reservation only* on Thursdays at 9:00 a.m. Hearing dates may be reserved by contacting Judge Freeman’s Courtroom Deputy Clerk, Tiffany Salinas-Harwell, at 408-535-5381 or [Tiffany\\_Salinas-Harwell@cand.uscourts.gov](mailto:Tiffany_Salinas-Harwell@cand.uscourts.gov).

Once a hearing date is reserved, the motion(s) shall be filed within 14 days thereafter.

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If no motion has been filed by the 15th day, the reservation will expire and the moving party must obtain a new reservation before filing the motion(s).

**2. Civil Case Management Conferences**

Civil Case Management Conferences are heard on Thursdays at 11:00 a.m.

A *joint* Case Management Statement shall be filed at least 7 days before each Case Management Conference. The joint Case Management Statement shall comply with the “Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement” and Civil Local Rule 16-9.

**3. Final Pretrial Conferences**

Final Pretrial Conferences are heard on Thursdays at 1:30 p.m.

A *joint* Pretrial Statement and Order shall be filed at least 14 days before each final Pretrial Conference in compliance with Judge Freeman’s Standing Order Re Final Pretrial Conference – Bench Trial or Standing Order Re Final Pretrial Conference – Jury Trial, whichever is applicable.

**4. Trials**

Trial is conducted on Mondays, Wednesdays, and Fridays from 9:00 a.m. to 5:00 p.m. and on Tuesdays from 10:00 a.m. to 5:00 p.m.

**5. Telephonic Appearances**

Telephonic appearances generally are permitted for Case Management Conferences and generally are not permitted for Motion Hearings. A party seeking to appear telephonically shall file an administrative motion pursuant to Civil Local Rule 7-11, supported by declaration, setting forth the reasons why in-person appearance is not feasible. If the administrative motion is granted, the party shall contact Court Call Phone Conferencing at (866) 582-6878 *in advance of the hearing* to schedule the telephonic appearance. If the scheduled Court date is vacated after arrangements for a telephonic appearance have been made, the party who made the arrangements is responsible for informing Court Call that the matter has been taken off calendar.

1 **D. MOTIONS TO SEAL**

2 Motions to seal documents shall be filed in accordance with Civil Local Rule 79-5. In e-  
3 filing cases, all materials supporting a motion to seal, including both the redacted *and* the  
4 unredacted versions of the document as to which sealing is requested, must be filed  
5 electronically as exhibits to the motion to seal. *See* Civ. L.R. 79-5(d)(1). The redacted and  
6 unredacted versions of the same document shall bear the same exhibit number. Instructions  
7 for sealing the exhibit comprising the unredacted version of the document may be found on  
8 the ECF website. In both e-filing cases and non-e-filing cases, a chambers copy of the  
9 motion and *all* exhibits must be submitted. The unredacted version of the document must  
10 indicate by highlighting which portions of the document have been omitted from the  
11 redacted version; this requirement applies whether the unredacted version of the document is  
12 e-filed, filed manually, or submitted as a chambers copy.

13 **E. SUBSTANTIVE MOTIONS**

14 **1. Page Limits**

15 **a. 25 pages; 25 pages; 15 pages**

16 Absent leave of Court, the page limits for the following types of motions and  
17 proceedings shall be 25 pages for the motion or opening brief, 25 pages for  
18 the opposition or response brief, and 15 pages for the reply brief: motions  
19 brought under Federal Rules of Civil Procedure 12, 23, 56, 59, or 65; motions  
20 brought under California’s anti-SLAPP statute; social security appeals;  
21 bankruptcy appeals; and claim construction briefing.

22 **b. 10 pages; 10 pages; 5 pages**

23 Absent leave of Court, the page limits for all other types of motions and  
24 proceedings, except for those as to which shorter page limits are expressly set  
25 forth in the Court’s Civil Local Rules and Standing Orders, shall be 10 pages  
26 for the motion or opening brief, 10 pages for the opposition or response brief,  
27 and 5 pages for the reply brief.

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**c. Miscellaneous**

These page limits are maximums, not minimums – counsel and parties are encouraged to be concise. Title pages, tables of contents, indexes of cases, and exhibits are not included in these page limits.

**2. Incorporation by Reference Not Permitted**

All factual and legal bases for a party’s position must be presented in the briefs submitted in connection with the particular motion before the Court. Facts and arguments presented in earlier-filed briefs or other documents may not be incorporated by reference into later-filed briefs.

**3. 12-Point Type**

All written text, including footnotes and quotations, shall be no less than 12-point type. *See* Civ. L.R. 3-4.

**4. Footnotes**

Footnotes are to be used sparingly and citations to textual matter shall not be contained in footnotes.

**5. Request for Judicial Notice**

A request for judicial notice may be made within the body of a brief or filed as a document separate from the brief. Exhibits containing documents as to which judicial notice is requested will not be counted against the requesting party’s page limits. However, whether the request for judicial notice is incorporated into a brief or filed separately, written *argument* in support of the request will be counted against the page limits for the brief to which it relates. Any response to the request for judicial notice shall be incorporated into the brief filed by the responding party.

**6. Highlighting Cited Portions of Depositions and Other Lengthy Documents**

The cited portions of depositions and other lengthy documents shall be highlighted for ease of reference. The highlighting shall be in a color different from any highlighting indicating redactions.

1           **7.     Objections to Evidence**

2           Objections to evidence shall comply with the Civil Local Rules, which require that  
3           objections be contained within the objecting party’s brief and that the text of all  
4           briefs be double-spaced. *See* Civ. L.R. 3-4(c)(2), 7-3(a), (c).

5   **F.     MOTIONS FOR SUMMARY JUDGMENT**

6           **1.     One Motion for Summary Judgment per Party**

7           Unless otherwise ordered by the Court, only 1 motion for summary judgment, partial  
8           summary judgment, or summary adjudication may be filed by each party.

9           **2.     Summary Judgment Motions Heard 90 Days Before Trial**

10          Summary judgment motions shall be heard at least 90 days before trial.

11          **3.     Separate Statement**

12          The Court no longer requires a separate statement.

13   **G.     PROPOSED ORDERS**

14          All proposed orders in e-filing cases shall be submitted *in Word format* by email to  
15          BLFpo@cand.uscourts.gov on the same day the proposed order is e-filed.

16   **H.     CHAMBERS COPIES**

17          **1.     ECF Filing Stamp**

18          Chambers copies shall be generated from ECF after electronic filing so that they bear  
19          the ECF filing information along the top of the page: case number, document  
20          number, and filing date.

21          **2.     Format**

22          Chambers copies must be single-sided (printed on only one side of the page), 2-hole  
23          punched at the top, and stapled or fastened with metal prongs. Chambers copies of  
24          exhibits that are more than six inches thick must be placed in binders. Whether or  
25          not in binders, *chambers copies must include numbered bottom tabs (not side tabs)*  
26          *between exhibits*. Each chambers copy shall be marked “Chambers Copy” and shall  
27          be submitted to the Clerk’s Office in an envelope marked with the case number and  
28          with the words “Chambers Copy” and “Judge Beth Labson Freeman.”

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**3. Under Seal Documents**

If a filing contains documents that are sealed in whole or in part, the chambers copy of the filing must include a complete set of documents in unredacted form so that chambers staff does not have to reassemble the whole brief or declaration. The chambers copy should indicate via highlighting which portions of the documents are sealed.

**I. UNREPRESENTED (PRO SE) PARTIES**

Parties representing themselves may wish to contact the Federal Pro Se Program, a free program that offers limited legal services to pro se litigants. The Federal Pro Se Program has an office in the San Jose Courthouse in Room 2070 on the 2nd Floor. Parties may be seen on a drop-in basis or may make appointments by calling the program’s staff attorney, Mr. Kevin Knestrick, at 408-297-1480. Additional information regarding the Federal Pro Se Program is available at <http://cand.uscourts.gov/helpcentersj>.

IT IS SO ORDERED.

Dated: April 12, 2016

  
BETH LABSON FREEMAN  
UNITED STATES DISTRICT JUDGE