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APPENDIX A - JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

		CASE NO.
Plaintiff(s),		
v.		JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER
Defendant(s).		

The parties to the above-entitled action jointly submit this Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

DESCRIPTION OF THE CASE

- 1. A brief description of the events underlying the action:**
- 2. The principal factual issues which the parties dispute:**
- 3. The principal legal issues which the parties dispute:**
- 4. The other factual issues [e.g. service of process, personal jurisdiction, subject matter jurisdiction or venue] which remain unresolved for the reason stated below and how the parties propose to resolve those issues:**
- 5. The parties which have not been served and the reasons:**
- 6. The additional parties which the below-specified parties intend to join and the intended time frame for such joinder:**
- 7. The following parties consent to assignment of this case to a United States Magistrate Judge for [court or jury] trial:**

ALTERNATIVE DISPUTE RESOLUTION

8. [Please indicate the appropriate response(s).]
- The case was automatically assigned to Nonbinding Arbitration at filing and will be ready for the hearing by (date)_____.
 - The parties have filed a Stipulation and Proposed Order Selecting an ADR process (specify process):_____.
 - The parties filed a Notice of Need for ADR Phone Conference and the phone conference was held on or is scheduled for _____.
 - The parties have not filed a Stipulation and Proposed Order Selecting an ADR process and the ADR process that the parties jointly request [or a party separately requests] is _____.

9. Please indicate any other information regarding ADR process or deadline.

DISCLOSURES

10. The parties certify that they have made the following disclosures [list disclosures of persons, documents, damage computations and insurance agreements]:

DISCOVERY

11. The parties agree to the following discovery plan [Describe the plan e.g., any limitation on the number, duration or subject matter for various kinds of discovery; discovery from experts; deadlines for completing discovery]:

TRIAL SCHEDULE

12. The parties request a trial date as follows:

13. The parties expect that the trial will last for the following number of days:

Dated: _____
[Typed name and signature of counsel.]

Dated: _____
[Typed name and signature of counsel.]

CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

- [The Court may wish to make additional orders, such as:*
- a. Referral of the parties to court or private ADR process;*
- b. Schedule a further Case Management Conference;*
- c. Schedule the time and content of supplemental disclosures;*
- d. Specially set motions;*
- e. Impose limitations on disclosure or discovery;*
- f. Set time for disclosure of identity, background and opinions of experts;*
- g. Set deadlines for completing fact and expert discovery;*
- h. Set time for parties to meet and confer regarding pretrial submissions;*
- I. Set deadline for hearing motions directed to the merits of the case;*
- j. Set deadline for submission of pretrial material;*
- k. Set date and time for pretrial conference;*
- l. Set a date and time for trial.]*

Dated: _____
UNITED STATES DISTRICT/MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

		CASE NO.
Plaintiff(s),		
v.		SUPPLEMENTAL CASE MANAGEMENT STATEMENT AND PROPOSED ORDER
Defendant(s).		

Pursuant to Civil L.R. 16-10(d), the parties to the above-entitled action certify that they met and conferred at least 10 days prior to the subsequent case management conference scheduled in this case and jointly submit this Supplemental Case Management Statement and Proposed Order and request the Court to adopt it as a Supplemental Case Management Order in this case.

DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS

1. The following progress or changes have occurred since the last case management statement filed by the parties:

2. The parties jointly request [or a party separately requests] the Court to make the following Supplemental Case Management Order:

Dated: _____
[Typed name and signature of counsel]

Dated: _____
[Typed name and signature of counsel]

SUPPLEMENTAL CASE MANAGEMENT ORDER

The Supplemental Case Management Statement and Proposed Order is hereby adopted by the Court as a Supplemental Case Management Order for the case and the parties are ordered to comply with this Order. *[In addition, the Court orders as follows:]*

Dated: _____
UNITED STATES DISTRICT/MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff,

v.

Defendant.

**STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS
ADR CERTIFICATION**

The parties stipulate to participate in the following ADR process:

Court Processes:

- Arbitration ENE Mediation

(To provide additional information regarding timing of session, preferred subject matter expertise of neutral, or other issues, please attach a separate sheet.)

Private Process:

- Private ADR *(please identify process and provider)*

Dated: _____
Attorney for Plaintiff

Dated: _____
Attorney for Defendant

IT IS SO ORDERED:

Dated: _____
UNITED STATES DISTRICT JUDGE

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SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL

Pursuant to Civ. L.R. 16 and ADR L.R. 3-5(b), each of the undersigned certifies that he or she has read either the handbook entitled “Dispute Resolution Procedures in the Northern District of California,” or the specified portions of the ADR Unit’s Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

(Note: This Certification must be signed by each party and its counsel.)

Dated: _____ [Typed name and signature of plaintiff]

Dated: _____ [Typed name and signature of counsel for plaintiff]

Dated: _____ [Typed name and signature of defendant]

Dated: _____ [Typed name and signature of counsel for defendant]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff,

v.

Defendant.

**NOTICE OF NEED FOR ADR
PHONE CONFERENCE [ADR L.R. 3-5]
ADR CERTIFICATION**

The parties either:

- have not yet reached an agreement to an ADR process, or
- have tentatively agreed to a settlement conference before a magistrate judge.

Accordingly, ADR L.R. 3-5 requires a telephone conference with the ADR Director or Program Counsel before the case management conference.

Last day to file Joint Case Management Statement: _____

Date of Initial Case Management Conference: _____

The following counsel will participate in the ADR phone conference:

<i>Name</i>	<i>Party Representing</i>	<i>Phone No.</i>	<i>Fax No.</i>
_____	_____	_____	_____
_____	_____	_____	_____

(For additional participants, please attach a separate sheet with the above information.)

The ADR Unit will notify you by return fax indicating, in the space below, the date and time of your phone conference. Plaintiff's counsel shall initiate the call using the following number: (415) 522-4603. Please consult ADR L.R. 3-5(d).

For court use only:

ADR Phone Conference Date: _____ **Time:** _____ **AM/PM**

For scheduling concerns, call 415-522-2199.

Date: _____
_____ **ADR Case Administrator**

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(Note: This Certification must be signed by each party and its counsel.)

Dated: _____ [Typed name and signature of plaintiff]

Dated: _____ [Typed name and signature of counsel for plaintiff]

Dated: _____ [Typed name and signature of defendant]

Dated: _____ [Typed name and signature of counsel for defendant]

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

(Full Name of Petitioner)
Petitioner,

v.

(Name of Warden)
Respondent.

**CASE NO. _____
DEATH PENALTY CASE**

**APPLICATION FOR
APPOINTMENT OF COUNSEL;
REQUEST FOR STAY OF EXECUTION**

My name is _____. I am a prisoner in state custody under sentence of death. I was convicted and sentenced in the _____ County Superior Court. The California Supreme Court affirmed my death sentence on _____, 20 _____. My scheduled execution date is _____, 20_____.

I was tried and I am being held in violation of my federal constitutional rights. The attorney who represented me in my most recent state court proceeding in connection with my conviction and death sentence has informed me that he/she is unable to represent me in federal habeas corpus proceedings. I am indigent and have substantially no assets. I hereby request that the Court appoint an attorney to represent me in my habeas corpus case in this Court. I also request that the Court stay my execution at this time.

I have filed the following federal applications for relief with respect to my conviction and death sentence: _____

_____.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____
[Signature of Prisoner]