

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

**STANDING ORDER FOR CIVIL CASES
JUDGE P. CASEY PITTS
(Revised November 13, 2023)**

I. CONFORMITY TO RULES

Parties and counsel shall comply with the Federal Rules of Civil Procedure, the Civil Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court’s standing orders.

II. COMMUNICATION WITH THE COURT

Parties and counsel shall not engage in any ex parte communication with Judge Pitts or his chambers staff by telephone, facsimile, e-mail, or any other means, unless such contact has been authorized in advance. Parties and counsel may contact Judge Pitts’s Courtroom Deputy Nicole Coleman at (408) 535-5346 or pcpcrd@cand.uscourts.gov with any inquiries regarding scheduling or any other matter.

Judge Pitts does not review or respond to letters or letter briefs providing case information or seeking relief from the Court, even if the letter is filed on the docket. All requests requiring the Court to take action shall be made either by Stipulation and Proposed Order or by an appropriate motion filed pursuant to the Civil Local Rules.

III. EMERGENCY APPLICATIONS

Counsel should call and email Judge Pitts’s Courtroom Deputy Nicole Coleman at (408) 535-5346 and pcpcrd@cand.uscourts.gov to notify her if they submit an application for a temporary restraining order, a stipulation that requires a response from the Court within 24 hours, or any other emergency request.

When a party files an application for a temporary restraining order or other emergency relief, the opposing party should not file a response unless instructed to do so by the Court. The

1 Court will almost never grant such an application without requesting a response from the opposing
2 party.

3 If the party seeking emergency relief does not show that it made every reasonable effort to
4 notify the opposing party and the opposing party’s counsel, at the earliest possible time, of its
5 intent to seek emergency relief, the relief almost certainly will not be granted.

6 **IV. INVITATION TO SELF-IDENTIFY PRONOUNS AND HONORIFICS**

7 If they so choose, litigants and lawyers may indicate their pronouns (e.g., she/her, he/him,
8 they/their) and honorifics (e.g., Mr., Ms., Mx., Dr.) by adding the information in the name block
9 or signature line of the pleadings, by filing a letter on the public docket, or by informing the Court
10 at the start of a hearing.

11 **V. SCHEDULING**

12 The Court may notify the parties in advance of a setting that it will be conducted via Zoom
13 teleconference rather than in person, but the default is that all settings are held in person.

14 The parties may jointly request to have a setting by Zoom teleconference rather than in
15 person. Such a joint request must be made at least one week in advance of the setting, and must be
16 prepared and filed in the form of an Administrative Motion under Civil Local Rule 7-11. The
17 Court retains full discretion to grant or deny such a joint request.

18 Requests to appear by telephone or Zoom teleconference may also be entertained upon a
19 showing of good cause by one party (e.g., to limit burdensome travel expenditures, reduce the
20 costs of litigation for resource-poor litigants, allow mobility-limited attorneys to participate, or
21 increase party access to proceedings). Such requests are more likely to be granted for case
22 management and status conferences than for motion hearings.

23 Persons granted remote access to court proceedings by Zoom teleconference are strictly
24 prohibited from photographing, including “screen-shots,” recording, or rebroadcasting the court
25 proceeding. Pursuant to General Order 58, violation of these prohibitions may result in sanctions,
26 including removal of court-issued media credentials, restricted entry into future hearings, or any
27 other sanctions deemed necessary by the Court.

28

1 **VI. CASE MANAGEMENT CONFERENCES**

2 The attorney appearing at a case management conference need not be lead counsel but
3 must have full authority to make decisions about any issue that may come up during the
4 conference.

5 If a defendant files a motion to dismiss that is dispositive of the entire case, the parties can
6 stipulate to move the initial case management conference to the first available date falling no
7 earlier than 21 days after the hearing on that motion. If the motion to dismiss is not dispositive of
8 the entire case, the initial case management conference will not be moved.

9 Parties must prepare a joint case management statement 14 days prior to the date of any
10 case management or status conference. As Judge Pitts conducts such conferences on Thursday
11 afternoons, the joint statement must be submitted before midnight on the Thursday falling 2 weeks
12 prior to the scheduled conference. In their joint case management statement for the initial case
13 management conference, the parties must propose a full litigation schedule, including a proposed
14 last day to amend pleadings as well as a deadline to complete ADR, regardless of whether they
15 have received a ruling on any motion to dismiss.

16 As a general rule, counsel should budget no more than 18 months between the initial case
17 management conference and trial. Counsel requesting longer pretrial periods must be prepared to
18 justify that request at the initial case management conference.

19 Once the Court has entered a case schedule, the parties may not move the dates except by
20 Court order. If the parties seek to move one of these dates, the parties must file a joint statement of
21 no more than three pages proving particularized good cause for the requested change. A trial date
22 typically will be set at the initial case management conference. Once set, the trial date will not be
23 continued absent compelling good cause. Parties hoping to alter deadlines set in an initial Case
24 Management Order must jointly submit a separate Stipulation and Proposed Order.

25 **VII. CIVIL CASE MANAGEMENT**

26 **A. Amended Pleadings**

27 All amended pleadings shall attach as an exhibit a redlined or highlighted document
28 showing the changes made to the previously filed pleading.

1 **B. Objections to Evidence**

2 Objections to evidence shall be contained within the objecting party’s brief and shall not
3 be filed as a separate pleading.

4 **C. Documents Filed on ECF**

5 When filing documents on ECF, each motion, supporting declaration, and exhibit should
6 be filed as a separate text-searchable PDF. A declaration must be filed separately from the motion,
7 and each exhibit to a declaration must be filed separately as an attachment to the declaration. A
8 declaration, along with any exhibits, should generally be filed as one docket entry, with the
9 declaration as the “Main Document” in ECF, and each exhibit filed separately as “Attachments.”
10 For example, if the motion is Docket No. 20, and the supporting declaration is Docket No. 21,
11 Exhibit A would be filed as Docket No. 21-1, Exhibit B would be Docket No. 21-2, and so on.
12 When filing motions, declarations, and exhibits, the ECF “Description” of each document should
13 include the name of the document and a brief description of the document.

14 Where each party relies on the same exhibit, the later-filing party should cite to the earlier-
15 filed exhibit, and should not file a duplicate exhibit. If possible, the parties should meet and confer
16 prior to filing a motion and submit a joint appendix of evidence.

17 **D. Chambers Copies**

18 Chambers copies shall not be submitted unless the Court requests them. The Court may at
19 times specifically order the parties to provide digital chambers copies of motion briefs, including
20 supporting documents, on portable media (e.g., a CD or flash drive). In rare instances, the Court
21 may request paper chambers copies for particularly voluminous filings. If the Court does so, the
22 chambers copies should be double-sided (when possible) and three-hole punched along the left
23 side of the page, and should bear the ECF filing “stamp” (case number, docket number, date, and
24 ECF page number) along the top of the page. All exhibits shall be clearly delineated with labels
25 along the right side. If the filing includes exhibits over two inches thick, the parties shall place the
26 paper chambers copies in a binder. The chambers copies shall be marked “Chambers Copy” and
27 submitted to the Clerk’s Office, in an envelope marked with “Judge Pitts,” the case number, and
28 “Chambers Copy.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E. Briefing Guidelines

Requests to enlarge page limits will rarely be granted, and must be filed at least 72 hours prior to the filing date. If the request is made by administrative motion rather than stipulation, any opposition must be filed: (a) no later than 12:00pm one business day before the deadline in question; or (b) within the time allowed by Civil Local Rule 7-11, whichever is sooner.

When used, footnotes must appear in no less than 12-point type. Excessive footnotes will be disregarded.

F. Motion Advice

All case citations and factual statements must be completely accurate. A citation to a case, statute, or other authority is counsel’s representation to the Court that the authority stands for the proposition asserted and is good law. A quotation of a case or other authority is counsel’s representation that the quoted language is complete and present in the authority cited. Counsel must ensure that the use of ellipses or elisions in quotes does not mislead the Court or misrepresent the substance of the holding or other authority. Counsel’s representations of facts are subject to the same requirements of completeness and accuracy. Misrepresentations of law or fact, however subtle, may result in sanctions and a referral to the District’s Standing Committee on Professional Conduct.

If either party cites to an unpublished case, the Court generally prefers Westlaw citations.

G. Sealed Documents

The Court requires strict compliance with Civil Local Rule 79-5. Parties that submit frivolous motions to seal or otherwise frivolously overbroad motions will be sanctioned. Federal courts are paid for by the public, and the public has the right to inspect court records, subject only to narrow exceptions. When submitting a motion to seal, the filing party must state whether the compelling reasons or good cause standard applies and why. *See Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1099 (9th Cir. 2016). The filing party must make a specific showing explaining why each document that it seeks to seal may justifiably be sealed and why the proposed redactions are as narrowly tailored as possible, rather than making a blanket statement about the grounds for sealing. Generic and vague references to “competitive harm” are almost

1 always insufficient justification for sealing.

2 If a party files a request to seal that is significantly overbroad and/or does not provide
3 adequate reasons for concealing information from the public, the party bears the risk that the Court
4 will simply deny the request in its entirety and place all documents sought to be sealed in the
5 public docket. Each document filed under seal must be highlighted to show the proposed
6 redactions. In the rare situation where a party believes it is appropriate to seal an entire document,
7 the document filed under seal should be labeled to indicate that sealing is sought in full.

8 For cases where voluminous or multiple administrative motions to seal would be filed if
9 normal procedures were followed, parties (and any non-parties with potentially sealable
10 information) must, upon the completion of briefing, jointly file a new, combined administrative
11 motion to seal for all requests where sealing is unopposed. If any requests to seal are opposed,
12 each party or non-party making an opposed request should file a single combined administrative
13 motion to seal covering all of their opposed requests. If the parties anticipate that this paragraph
14 will apply to a round of briefing, they may indicate in the initial motion to file under seal that a
15 more fulsome and revised motion to seal will be forthcoming after the completion of briefing
16 pursuant to this paragraph of the Standing Order. The later combined motion to seal that is filed
17 should clearly identify the docket numbers of the prior motions to seal that are superseded by the
18 combined motion.

19 If parties are asked to provide paper chambers copies of documents filed under seal, the
20 chambers copies with confidential materials will be handled like all other chambers copies of
21 materials without special restriction, and will typically be recycled, not shredded. If the parties
22 wish to dispose of documents filed under seal in some other way, they must expressly indicate as
23 much in their sealing motion and make arrangements to pick up the documents upon disposition of
24 the motion.

25 **VIII. CALENDAR DATES**

26 Judge Pitts's civil law and motion calendar is called on Thursdays at 10:00 a.m. in
27 Courtroom 8 on the 4th Floor of the Robert F. Peckham Courthouse, located at 280 South First
28 Street, San Jose, CA, 95113. Civil case management and status conferences are heard on

1 Thursdays at 1:00 p.m. in the same courtroom.

2 Counsel need not request a motion hearing date in advance, and may notice non-discovery
3 motions for any Thursday (excepting holidays) at 10:00 a.m., consistent with the 35-day notice
4 period in Civil Local Rule 7-2(a) or other applicable timeline. Before filing any motion, however,
5 counsel should check Judge Pitts’s calendar on the Court’s website
6 (<https://apps.cand.uscourts.gov/CEO/cfd.aspx?B410>) to make sure the desired date is available.
7 Counsel for the moving party should confer with opposing counsel about a mutually convenient
8 hearing date before noticing any motion. The Court may vacate any hearing date and rule on the
9 papers, or may otherwise reset the hearing date as its calendar requires.

10 No changes to the Court’s schedule can be made except by order of the Court. Any motion
11 to continue a motion hearing or case management or status conference must be made no later than
12 72 hours prior to the scheduled appearance. Any request for an extension of a deadline (other than
13 an extension that the rules allow the parties to arrange between themselves without a court order)
14 must be filed not later than 72 hours prior to the deadline. When any party requests an extension of
15 time, the party must submit a proposed order listing all future deadlines and the proposed
16 extensions. The party must also state how many times the parties have requested extensions,
17 whether the Court has granted those extensions, and whether the Court has stated that no further
18 extensions will be granted.

19 **IX. CIVIL MOTIONS**

20 The parties may stipulate to and request Court approval of a briefing schedule that differs
21 from that set forth in the Court’s Civil Local Rules. Absent good cause, however, the briefing
22 schedule for any motion shall allow at least 14 days between the final party filing and the hearing
23 date.

24 **A. Demonstratives and Presentations**

25 Any demonstratives or audio-visual presentations to be used at a hearing must be
26 exchanged with opposing counsel and submitted to the Court at least 48 hours before the hearing.
27 Parties shall email electronic copies of the demonstratives or presentations to Judge Pitts’s
28 Courtroom Deputy Nicole Coleman at pcpcrd@cand.uscourts.gov.

1 **B. Lawyers with Less Experience**

2 If a motion will be argued either by an attorney who has 7 years of experience or less,
3 counsel may notify the Courtroom Deputy of that fact no later than 7 days before the hearing, and
4 the Court will take this into account in deciding whether to vacate the hearing and submit the
5 motion on papers, applying a presumption in favor of holding the hearing. In such a hearing, co-
6 counsel with more than 7 years of experience may offer additional argument for a few minutes at
7 the end of the hearing.

8 **C. Proposed Orders**

9 Proposed orders are not necessary for most substantive motions, such as motions for
10 summary judgment and motions to dismiss. The parties should only file proposed orders in
11 connection with administrative motions, ex parte applications, and motions that ask the Court to
12 order specific relief (e.g., a motion for a preliminary injunction or an application for a temporary
13 restraining order) or to make factual findings (e.g., a motion to approve a class settlement or a
14 motion for attorneys’ fees). Proposed orders submitted in connection with motions for injunctive
15 relief should state the specific relief sought. All proposed orders should be filed in PDF form on
16 ECF and sent in Microsoft Word format to pcppo@cand.uscourts.gov.

17 **D. Motions for Summary Judgment**

18 Parties are limited to filing one motion for summary judgment. Any party wishing to
19 exceed this limit must request leave of Court. Unless otherwise ordered, the parties must meet and
20 confer to determine if they will file cross-motions for summary judgment. If so, only four briefs
21 will be allowed: (1) opening brief by the plaintiff side; (2) opening/opposition brief by the defense
22 side; (3) opposition/reply brief by the plaintiff side; and (4) reply brief by the defense side. The
23 parties may agree to reverse the order, and to have the defense side file its opening brief first,
24 without order of the Court.

25 Where the parties are submitting cross-motions for summary judgment, the first two briefs
26 are limited to 25 pages; the third brief is limited to 20 pages; and the fourth brief is limited to 15
27 pages. Before the first brief is filed, the parties must submit a Stipulation and Proposed Order
28 setting a briefing schedule for the cross-motions. The fourth brief must be filed at least 21 days

1 before the hearing date. Joint statements of undisputed facts are not required but are helpful if
2 completely agreed upon. Separate statements of undisputed facts may not be filed.

3 **E. Daubert Motions**

4 Motions challenging the reliability of expert testimony pursuant to *Daubert v. Merrill Dow*
5 *Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), may be noticed for hearing no later than the deadline
6 for hearing dispositive motions. The parties must allow at least twelve weeks between the
7 proposed dispositive and *Daubert* motions hearing deadline and the proposed final pretrial
8 conference. The parties must also allow at least two weeks between the proposed final pretrial
9 conference and the first day of the proposed trial.

10 Judge Pitts does not issue tentative rulings on upcoming matters. Any matters that are
11 taken under submission shall remain submitted until further order of the Court.

12 **X. DISCOVERY**

13 Discovery in almost all cases will be referred to a magistrate judge. In those cases, the
14 parties must follow the magistrate judge's procedures. In the rare cases where Judge Pitts is
15 overseeing discovery, the following procedures apply. Discovery disputes should be brought to the
16 Court's attention as early as possible. If the parties cannot resolve their discovery dispute after a
17 good faith effort, they shall prepare and file a joint letter of no longer than 5 pages stating the
18 nature and status of their dispute. Both sides must submit proposed orders as well. No exhibits
19 may be submitted with the letter other than any discovery request or response that is the subject of
20 the letter. The letter must be filed as soon as possible, but under no circumstances may it be filed
21 more than 7 days after the applicable discovery cutoff, per Civil Local Rule 37-3.

22 The side seeking relief from the Court should prepare its portion of the letter first, and then
23 provide that portion to the opposing side so that the opposing side may prepare its response. The
24 party seeking relief from the Court should file the letter. The Court may resolve the dispute on the
25 papers or schedule a hearing. The joint discovery letter process does not apply to discovery
26 disputes with third parties.

27 Parties requesting a protective order are encouraged to base any proposed order on the
28 model protective orders on the Northern District of California's website

1 (<https://www.cand.uscourts.gov/forms/model-protective-orders/>). When filing a proposed
2 protective order, at the very beginning of their stipulation or motion, parties must indicate whether
3 they have based their proposed order on one of the Northern District's model orders. If they have,
4 they must identify any deviations from the model order by submitting as an exhibit a redlined or
5 highlighted comparison of their proposed order and the model order.

6 **XI. REQUESTS FOR MAGISTRATE JUDGE SETTLEMENT CONFERENCES**

7 The Court receives many more requests for magistrate judge settlement conferences than it
8 can accommodate. As a result, with limited exceptions, the Court generally does not refer cases for
9 settlement with a magistrate judge unless the parties have already completed one of the other
10 processes set forth in ADR Local Rule 3-4: Early Neutral Evaluation, Mediation, or Private ADR.
11 Parties who complete one of these processes without reaching a settlement may request referral to
12 a magistrate judge at that time. If the parties believe their case merits an exception to this rule,
13 they should discuss their views in the initial case management statement.

14 **XII. UNREPRESENTED PARTIES**

15 Parties representing themselves may wish to contact the Federal Pro Se Program, a free
16 program that offers limited legal services to pro se litigants. The Federal Pro Se Program has an
17 office in the San Jose Courthouse in Room 2070 on the 2nd Floor. Parties may be seen on a drop-
18 in basis or may make appointments by calling the program's staff attorney, Haohao Song, at (408)
19 297-1480. Additional information regarding the Federal Pro Se Program is available at
20 <http://cand.uscourts.gov/helpcentersj>.

21
22 **IT IS SO ORDERED.**

23 Dated: November 13, 2023

24
25 

26 P. CASEY PITTS
27 United States District Judge
28