

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
STANDING ORDER IN CIVIL CASES**

**Judge Yvonne Gonzalez Rogers
(Updated April 11, 2024)**

1. Conformity to Rules. Parties are expected to consult and comply with all provisions of the Local Rules and the Federal Rules of Civil Procedure relating to motions, briefs, continuances, and all other matters, unless specifically superseded by this Standing Order. Any failure to comply with any of the rules and the Court's Standing Order may be deemed sufficient grounds for monetary sanctions, dismissal, entry of default judgment, or other appropriate sanctions. Parties are advised that this Standing Order is subject to change without notice and that they should check for the latest revisions on the Court's website at cand.uscourts.gov/ygrorders.

2. Scheduling days. Prior to noticing a motion, parties shall check the scheduling information on this Court's website to confirm open and available dates. However, noticed days may be reset as the Court's calendar requires, with order of call to be determined by the Court. Generally, the Court will schedule as follows:

- a.** Case Management Conferences are conducted on Mondays at 2:00 p.m.
- b.** Civil Law and Motion calendar is conducted on Tuesdays at 2:00 p.m.
- c.** Pretrial conferences are conducted on Fridays at 9:30 a.m. Trials are set to commence on Mondays at 8:00 a.m.
- d.** Before appearing for a matter before this Court, all parties shall check the Court's calendar at cand.uscourts.gov to confirm that their matter is still on calendar. Frequently, the Court will issue a written order and vacate the hearing unless oral argument appears to be necessary. Where argument is allowed, the Court will attempt to advise counsel in advance of the issues to be addressed.

The default rule is that all Case Management Conferences are held via Zoom videoconference and all other proceedings are presumed to be in-person. Parties are advised that the Court may exercise its discretion to deviate from these default rules. Requests to appear by videoconference may be entertained upon a compelling showing of good cause. Any changes to the default settings will be communicated via the case docket, public calendar, and/or email correspondence. It is the parties' burden to keep apprised of changes to the Court calendar.

In addition, if a written request for oral argument is filed before issuance of a ruling stating that a lawyer six or fewer years out of law school will conduct all or most of the oral argument, the Court will entertain oral argument on the principle that young lawyers need more opportunities for appearances than they typically receive.

- e. If a party intends to use audio-visual demonstratives during a hearing (e.g., PowerPoint presentation), it shall provide a copy to opposing parties and the Court no fewer than **24 hours in advance** of the hearing and bring printed copies of the demonstrative(s) to the hearing. If a party requires use of audio-visual equipment in the courtroom, the party shall contact the Courtroom Deputy, Edwin Cuenco, to make an appointment to test that equipment on a date at least one day in advance of the hearing.

3. Changes to Court Calendar. No changes to the Court’s schedule shall be made except by signed order of the Court and only upon a showing of good cause. Parties seeking to continue hearings, request special status conferences, modify briefing schedules, or make any other procedural changes shall submit a signed stipulation and proposed order, or, if a stipulation is not possible, a Motion for Administrative Relief as contemplated by Civil Local Rule 7-11. Continuances will be granted only upon a showing of good cause, particularly focusing on evidence of diligence by the party seeking delay and of prejudice that may result if the continuance is denied. Briefing schedules may not be changed without Court approval. The Court generally will not approve elongated briefing schedules without sufficient explanation.

Parties seeking to enlarge a filing deadline by way of a Motion for Administrative Relief are admonished to file such a motion in advance of the filing deadline, rather than on the day the filing is due. *Parties are advised that requests which, in effect, do not allow the Court two weeks from the filing of the last brief until the scheduled hearing date are likely to be denied.*

Requests to accommodate remote appearances for compliance deadlines will be summarily denied. All compliance deadlines are decided on the papers unless otherwise stated by the Court.

4. Notice of Hearing Location. Parties shall notice hearings for the Oakland Federal District Courthouse, 1301 Clay Street, Courtroom 1, Fourth Floor. However, the courtroom location is subject to change. Hearings may be held by Zoom videoconference at the Court’s discretion. Parties should check the Court’s website, the case docket, and/or notifications posted at the Courthouse leading up to and on the hearing date.

5. Chambers Copies. *This requirement does not apply to self-represented litigants.* Chambers copy of all filings **in excess of 15 pages**, inclusive of exhibits and attachments, whether electronically filed or manually filed at the Clerk’s Office, shall be submitted to the Clerk’s Office in an envelope clearly marked with the case number and “YGR Chambers Copy” for receipt by no later than 12:00 noon the second business day after the document is filed. Submission by overnight delivery such as Federal Express or UPS is sufficient.

- a. **All chambers’ copies must be 3-hole punched** in the left margin in a manner suitable for placement in a 3-ring binder. They shall not be stapled.
- b. Chambers copies **must include tabs between exhibits** and must fasten or attach pages of individual documents together so as to distinguish between separate documents. Do not use bottom tabs as they do not work well in binders.
- c. **Chambers copies in summary judgment motions:** Chambers copies of all summary judgment motions and oppositions (including the brief, separate

statement, declarations, exhibits, and other supporting documents) are required to be provided by the filing party in a 3-ring binder or binders with tabs separating documents. Submitting chambers copies of the reply documents in a binder is optional. *This requirement does not apply to habeas corpus petitions or summary judgment motions in ERISA or Social Security cases.*

- d. **Chambers copies in administrative motions to seal:** As noted in paragraph 11 below, parties shall provide chambers copies of the **unredacted** documents with proposed redacted material highlighted **only**. Parties shall not submit chambers copies of the **redacted** versions of documents they seek to seal.
- e. Chambers copies submitted without meeting the above requirements may be rejected, and the party may be required to re-submit.
- f. In motions involving voluminous citations to evidence or records, parties are encouraged to submit chambers copies of their briefing in an electronic format with hyperlinks to the evidence, on flash drives or other removable media. Parties may request to submit such electronic copies in lieu of paper chambers copies.

6. Case Management Conference. Joint case management statements are required and must be filed **seven** days in advance of the initial case management conference date.

Updated joint case management statements are required and must be filed **seven** days in advance of all other case management conferences. In cases involving litigants unrepresented by counsel, the parties may file separate case management statements.

The format shall follow the Standing Order for All Judges of the Northern District of California re: Contents of Joint Case Management Statement (“CAND CMC Order”) found on the Court’s website at cand.uscourts.gov/ygr.

- a. These conferences are intended to be substantive and productive. Accordingly, **each party shall be represented at case management conferences by lead trial counsel or counsel with authority to enter into stipulations and make admissions** pursuant to Fed. R. Civ. P. 16(a) and (c), as well as fully prepared to address all of the matters in the CAND CMC Order and Civil L.R. 16-10(b). Failure to do so shall be considered grounds for sanctions. Because of the substantive discussions that occur during case management conferences, telephonic appearances are disfavored.

7. Proposed Orders Required. Each party filing or opposing any motion shall also serve a proposed order that sets forth the relief or action sought and a short statement of the rationale of the decision, including citation of authority that the party requests the Court to adopt, and citations to the record evidence where applicable. The proposed order should be submitted at the same time as the motion or opposition, with a courtesy copy emailed to ygrpo@cand.uscourts.gov. This email address should not be used by litigants for substantive communications.

8. Discovery and Discovery Motions. Time permitting, the Court will maintain discovery disputes. The provisions of this paragraph apply only to cases in which discovery is supervised by this Court.

Except as specifically set forth below, no motions regarding discovery disputes may be filed without prior leave of Court.

- a. **Depositions:** If a dispute arises during a deposition and involves a persistent obstruction of the deposition or a refusal to answer a material question on the basis of any ground other than privilege or the work-product doctrine, counsel may arrange a telephonic conference with the Court by contacting the Courtroom Deputy, Aris Garcia, at (510) 637-3540. Any such conference shall be attended by the court reporter recording the deposition.
- b. **Joint Discovery Letter:** All other requests for discovery relief must be summarized by the parties in **one joint** letter brief no longer than **four pages** (two pages per side). In the joint letter brief, counsel must attest that, prior to filing the request for relief, counsel met and conferred in person or by videoconference, and then concisely summarize all remaining issues that counsel were unable to resolve. **The parties may not file multiple joint letter briefs** irrespective of the number of disputes then at-issue. If there are multiple disputes at issue, the parties may provide a list of disputes as part of their joint letter brief.

The joint letter brief may cite to limited and specific legal authority only for resolution of dispositive issues. The joint letter brief may not be accompanied by declarations; however any specific excerpt of disputed discovery material may be attached. The Court will then advise the parties if additional briefing, a telephonic conference, or a personal appearance will be necessary.

Note: Discovery letter briefs must be e-filed under the Civil Events category of Motions and Related Filings: Motions—General: “Discovery Letter Brief.”

- c. **Stipulated Protective Orders:**
 1. Parties submitting proposed forms of stipulated protective order shall include the following language with respect to resolution of designation disputes:

[6.3 Judicial Intervention.] If the Parties cannot resolve a challenge without court intervention, the parties shall follow the Court’s Standing Order in Civil Cases regarding Discovery and Discovery Motions. The parties may file a joint letter brief regarding retaining confidentiality within 21 days of the initial notice of challenge or within 14 days of the parties agreeing that the meet and confer process will not resolve their dispute, whichever is earlier. Failure by a Designating Party to file such discovery dispute letter within the applicable 21- or 14-day period (set forth above) with the Court shall automatically waive the confidentiality designation for each challenged designation. If, after submitting a joint letter brief, the Court allows that a motion may be filed, any such motion must be accompanied by a competent declaration affirming that the movant has complied with the meet and confer requirements imposed in the preceding paragraph. The Court, in its discretion, may elect to transfer the discovery matter to a Magistrate Judge.

In addition, the parties may file a joint letter brief regarding a challenge to a confidentiality designation at any time if there is good cause for doing so,

including a challenge to the designation of a deposition transcript or any portions thereof. If, after submitting a joint letter brief, the Court allows that a motion may be filed, any motion brought pursuant to this provision must be accompanied by a competent declaration affirming that the movant has complied with the meet and confer requirements imposed by the preceding paragraph. The Court, in its discretion, may elect to refer the discovery matter to a Magistrate Judge.

The burden of persuasion in any such challenge proceeding shall be on the Designating Party. Frivolous challenges, and those made for an improper purpose (e.g., to harass or impose unnecessary expenses and burdens on other parties) may expose the Challenging Party to sanctions. Unless the Designating Party has waived the confidentiality designation by failing to file a letter brief to retain confidentiality as described above, all parties shall continue to afford the material in question the level of protection to which it is entitled under the Producing Party's designation until the court rules on the challenge.

2. The Northern District provides a model form of Stipulated Protective Order for Standard Litigation at cand.uscourts.gov/model-protective-orders. The parties shall submit a redline comparison with the model Stipulated Protective Order for Standard Litigation, along with their electronic form of proposed order, to ygrpo@cand.uscourts.gov.

9. Motions for Summary Judgment.

- a. **Pre-filing Conference Required:** Except as specifically set forth below, no motion for summary judgment pursuant to Rule 56 of the Rules of Civil Procedure may be filed without prior leave of Court. The moving party must file a letter, with a copy to Chambers and the opposing parties, to request a pre-filing conference, and propose a date and time for such conference. Pre-filing conferences are normally set for Wednesday or Friday afternoons at 2:00 p.m. unless circumstances and the Court's calendar require otherwise, and should be requested sufficiently in advance of the deadlines established in the Court's initial case management order. All pre-filing conferences are held in person and appearances via telephone and videoconference will not be allowed.

The moving party's letter shall be submitted at least **seven (7) business days** prior to the proposed conference date and must explain the grounds for the motion. The letter shall be no more than three single-spaced pages in length, *including* any attached exhibits or other supporting papers. Within **three (3) business days** after receipt of the letter, any party who will oppose the motion must file a written response addressing the substance of the moving party's letter, with a copy to Chambers and the moving party. This response shall also be limited to three single-spaced pages, *including* any attached exhibits or supporting papers.

This pre-filing requirement does not apply to either side in cases where one party is self-represented. This pre-filing requirement also does not apply to habeas corpus petitions or motions in Social Security appeals.

Parties are on notice that the Court may, in its discretion, request copies of evidence and/or additional case authority to the extent it will provide for a fulsome discussion at the Pre-Filing Conference.

b. One Motion Per Side: All issues shall be contained within one motion, may not exceed twenty-five pages in length, and shall conform to Civil Local Rule 7-2. **Only one summary judgment motion may be filed collectively per side, absent leave of court.** Leave of court to file more than one motion may be requested if multiple parties comprise one or both sides. This issue will be addressed at the Pre-filing Conference.

c. Separate Statements: Any party moving for summary judgment or opposing summary judgment is required to submit a separate statement as set forth herein.

1. Supporting Separate Statement: Parties moving for summary judgment must include a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried (“Supporting Separate Statement”). The Supporting Separate Statement must: (1) identify the issue or claim number(s) to which the fact relates; and (2) list each asserted material fact and the record evidence with specific pincites (e.g., deposition, declaration, discovery response). Upon filing, the moving party shall provide the separate statement to all other parties in an electronic, word-processing format for ease of response thereto. The Supporting Separate Statement must follow this format:

Issue No.	Moving Party’s Undisputed Material Facts and Supporting Evidence	Opposing Party’s Response and Supporting Evidence
Issue 1 (Doe cannot establish breach of contract)	Fact 1. Doe Co. and Acme Co. entered into a written contract for sale of widgets. Roe Declaration at 2:17-21 and Exh. A [contract].	
Issue 1	Fact 2. Widgets were received by Doe’s headquarters on December 1, 2010. Roe Declaration at 3:14-19 and Exh. B [signed invoice].	

2. Responsive Separate Statement: The papers opposing a motion for summary judgment shall include *one* Responsive Separate Statement which: (1) incorporates the facts in the moving separate statement; (2) provides a response to each of the facts in the correspondingly numbered paragraph in the moving separate statement; **and** (3) identifies any *additional material facts* that the party contends will establish a genuine

issue to be tried. For each fact, the Responsive Separate Statement shall state whether the party contends the fact is disputed and the evidence establishing any dispute with particular citations to the record. These requirements also apply to any response to additional material facts raised in the opposition.

If the opposing party contends that the fact is in dispute, the party must cite to evidence in the record which establishes the dispute. Consistent with the Civil Local Rules, evidentiary objections shall be provided in the motion papers. Objections raised in the Responsive Separate Statement of are improper and may be disregarded. Responsive Separate Statements must follow this format:

Issue No.	Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting Evidence
Issue 1 (No breach of contract)	<u>Fact 1.</u> Doe Co. and Acme Co. entered into a written contract for sale of widgets. Roe Decl. at 2:17-21 and Exh. A [contract].	Undisputed.
Issue 1	<u>Fact 2.</u> Widgets were received by Doe Co.'s headquarters on December 1, 2010. Roe Decl. at 3:14-19 and Exh. B [invoice].	Disputed. No widgets were received. Jackson Decl., Exh. B [Smith Depo.] at 21:04-23:19.
OPPOSING PARTY'S ADDITIONAL MATERIAL FACTS		
Issue 1	<u>Additional Fact 3:</u> An empty crate was delivered to Doe Co.'s headquarters on December 1, 2010.	Jackson Declaration, Exh. B [Smith Depo.] at 32:06-33:12.

3. **Page Limits for Separate Statements:** Unless a party has obtained prior permission from this Court, the Supporting Separate Statement is limited to no more than fifteen (15) pages, and the Responsive Separate Statement is limited to no more than five (5) additional pages beyond the number of pages in the opening statement.
4. **Attestation Required for Separate Statements:** The Supporting and Responsive Separate Statement each **must be signed** by *lead* counsel (or by the party, if unrepresented by counsel) who has reviewed the document and can attest as follows: ***“I attest that the evidence cited herein fairly and accurately supports [or disputes] the facts as asserted.”***

- d. **Evidence Submitted:** Consistent with Federal Rule of Civil Procedure 56, parties shall provide particular citations to the record. Moreover, parties shall underline, highlight, or otherwise specify lines of the documents and transcripts upon which they rely in support of or opposition to a motion. As noted in paragraph 5(f), parties are encouraged to submit chambers copies of their briefing in an electronic format with hyperlinks to the evidence.
- e. **Cross-Motions:** Any cross-motion for summary judgment shall be contained within the opposition to any motion for summary judgment, shall contain twenty-five (25) pages or less, and shall be filed fourteen (14) days after the filing of the motion. The reply to a motion may contain up to fifteen (15) pages, shall include the opposition to any cross-motion, and shall be filed seven (7) days after the filing of the opposition. (*See* Civil Local Rule 7-3). The Court may, *sua sponte* or pursuant to a motion under Civil L.R. 6-3, reschedule the hearing so as to give a moving party time to file a reply to any cross-motion.
- f. **Pro Se Employment Actions:** A party bringing a motion for summary judgment in a pro se employment action must certify compliance with General Order 71 within the motion for summary judgment.

10. Experts and their Reports. All witnesses who will provide expert testimony under Federal Rule of Evidence 702, 703, or 705, whether retained or non-retained, must be disclosed and must provide written reports in compliance with Federal Rule of Civil Procedure 26(a)(2)(B). All expert reports shall number each paragraph to facilitate any motion practice challenging the specifics of any opinions and shall include a table of contents. At the beginning of the report, the expert shall list and number each opinion to be proffered in the report and, if applicable, provide an executive opinion of each.

Any percipient witness who may also testify at trial with technical expertise akin to an independent expert shall be identified by name no later than the date of expert disclosures to allow for deposition, if necessary.

Unless otherwise ordered affirmatively in a scheduling order, the parties may meet and confer and jointly agree that any/all such witnesses should be required to produce expert reports identifying any opinions of an expert nature to be provided in the action.

At the time of disclosure of a written report, the disclosing party must identify all written materials upon which the expert relies in that report and produce those materials if they have not done so previously.

11. Daubert Motions. Each side is limited to three *Daubert* motions throughout the entire case absent leave of court. *Daubert* motions must clearly specify the paragraphs or portions of the report that the party seeks to exclude. Parties are reminded that issues going to the weight and credibility to be given to a report are not proper bases to bring a *Daubert* motion.

12. Motions to Seal. Parties shall adhere to the below sealing procedures for complex cases/motions where considerable material is being filed under seal. The Court will advise parties if such procedures should be followed, although they may also raise the applicability of the below procedures with the Court in the first instance.

Procedures for Filing Under Seal: If a party seeks to file a document under seal the filing party shall:

- a. File the primary motion, brief, or other docket item (the “Primary Entry”) as its own docket entry, per normal filing procedures.
 - i. If a party does not seek to seal anything in association with the Primary Entry, include all attachments to the primary item as usual.
- b. If requesting that the Primary Entry or any attachment be sealed, do *not* include any attachments to the Primary Entry.¹ Immediately file a motion to file under seal using the event “Administrative Motion to File Under Seal” event (“Temporary Sealing Motion”).
 - i. The Temporary Sealing Motion shall include as attachments all items associated with the Primary Entry. The Temporary Sealing Motion shall:
 1. State that the reasons for sealing will be addressed in a forthcoming omnibus motion.
 2. Include a chart:
 - a. Identifying each attachment by docket number and content. (e.g., Dkt. No. 101-3, Exhibit A to Motion for Relief, Sealed).
 - b. Whether each contains the filing party’s confidential information or another party’s confidential information.

Example

A party wants to file a motion for relief. They want to file: the motion with redactions, Ex. A with redactions, Ex. B with no sealing/redactions, and Ex. C entirely under seal. They would file the *redacted* version of the motion for relief with no attachments, (e.g. at Dkt. No. 100) and then, at the next docket entry (Dkt. No. 101), file a Temporary Sealing Motion with the content described in this section. Then, they would attach *all* items associated with the Primary Entry:

- Dkt. No. 101-1: Motion for Relief (sealed)
- Dkt. No. 101-2: Exhibit A (Sealed)
- Dkt. No. 101-3: Exhibit A (Redacted)
- Dkt. No. 101-4: Exhibit B (Not under seal)
- Dkt. No. 101-5: Ex. C: (Sealed)

Note that if, like Ex. C above, a document is filed entirely under seal, there is no need to file an additional docket entry with a cover page indicating that it has been filed under seal, as under the standard procedures.

- c. Service and Opportunity for Dedesignation
 - i. The filing party shall serve all documents to be sealed upon all parties and on any designating third party whose confidential information is included.

¹ All attachments means all items, whether sealed, unsealed, containing filing party’s confidential materials, or other party’s confidential materials. The Court’s goal is to have all items associated with a motion/brief located in one docket entry.

- ii. Within 10 calendar days of receiving service, each designating party or third party shall communicate with the filing party regarding the sealing designations made.
 - 1. If the designating party agrees with the proposed provisional sealing, no action is needed until the omnibus sealing procedures described in the Post-Briefing Omnibus Sealing Procedures.
 - 2. If the designating party believes a document may be filed with redactions (rather than entirely under seal) or with fewer redactions, the designating party shall provide the filing party with a redacted version of the document for filing. The filing party will then be responsible for providing the document to the Court in accordance with the Post-Briefing Omnibus Sealing Procedures.
 - 3. If the designating party determines that the document is not entitled to protection, the designating party shall provide the filing party with a version of the document with the confidentiality designations removed for filing.
- d. For ease of reference, the parties shall consistently use the same identifier (e.g., Bates number) when referring to a given document produced by a party or third party containing confidential information.

Post-Briefing Omnibus Sealing Procedures

- a. Within 14 calendar days following the conclusion of briefing on the motion or other filing² for which the sealing requests were made, the parties shall file, after the filing and designating parties meet and confer regarding the proposed sealing and redactions:
 - i. Omnibus Sealing Stipulation: Parties shall file an omnibus sealing stipulation addressing all documents and portions of documents sought to be sealed in connection with the underlying motion or other court filing. The omnibus sealing stipulation shall include:
 - 1. A chart listing all documents requested to be seal. The chart shall identify:
 - a. each document by a consistent identifier (e.g., Bates number) as well as by the docket entry(ies) at which it has been filed under seal;
 - 1. organized by the requested action (i.e., all undisputed requests to maintain a document under seal or provisional redactions, undisputed requests to modify extent of sealing and/or provisional redactions, disputes); if a document is subject to multiple requested actions (e.g., it contains both undisputed redactions and disputed redactions), it should receive entries in each section as appropriate.
 - b. if in agreement, the basis for sealing;³

² All *Daubert* motions shall be treated as one motion for purposes of this section. This means that though there may be numerous *Daubert* motions, parties shall file one Omnibus Sealing Stipulation and one set of Omnibus Sealing Motions, as described in this section. Similarly, cross-motions shall be treated as one motion.

³ This should be brief. The Court shall request further explanation if necessary.

- c. whether a party has previously sought to seal the document or any information in the document; whether it was sealed; and the docket location of the order addressing the request.
 - 2. If parties have agreed to modify the redaction of a document, the modified redacted version shall be included as an exhibit to the stipulation. If the parties agree on some, but not all, modified versions, this modified redacted version shall redact any material that all parties do not agree to unseal.
 - 3. Declarations supporting requests to seal.
 - 4. Proposed Order On Undisputed Sealing Requests: Parties shall file and email to the Court's proposed order inbox, a proposed order addressing all undisputed sealing requests. This shall be in chart form with a column identifying the document(s), a column describing the action to be taken (seal, portions to redact, unseal), and a column for the Court's order.
- ii. Omnibus Motions on Sealing Disputes:
 - 1. Each party may file one motion addressing all disputed documents and information. Each motion shall be no longer than 5 pages unless leave from the Court is granted.⁴ Motions shall be accompanied by appropriate declarations.
 - 2. Proposed Order: Parties shall file an omnibus proposed order addressing all disputes. The order shall include a chart identifying all documents and portions of documents by consistent identifier (e.g., Bates number) and docket location and a column for the Court's order on each document and portions of documents.
- iii. Within 5 business days of the motions being filed, each party may file one opposition, of no more than 5 pages, unless leave is granted per the procedures identified above, in response to the sealing motions.
- iv. Within 5 business days of the oppositions being filed, moving parties shall file replies of no more than five pages, unless leave is granted per the procedures described above.
- b. If the briefing consists of a single filing (e.g., a joint discovery letter brief), the above procedures shall apply and the date of submission of the single filing will qualify as the "conclusion of briefing" for purposes of the above procedure.
- c. The parties may, by stipulation filed on the docket, extend the time to file the Omnibus Stipulation and Omnibus Motion to 21 days after the conclusion of briefing. Extensions beyond 21 days must be approved by the Court.

Procedures After Court Issues Sealing Orders

After the Court issues its order(s) on the parties' omnibus stipulation and motion(s) to seal, the following shall be done by the Court and parties.

- a. If the Court grants the stipulation or motion(s) to seal, no action will be needed. The document or portions of documents will remain under seal or redacted where filed.

⁴ Before seeking leave for additional pages, a party must meet and confer with all other moving parties and file an omnibus motion that includes all requests. That is, there shall be only one motion and one docket entry regarding requests for additional pages. Each party shall have no more than one page therein to address the additional pages requested and basis for that request.

- b. If the Court orders a document filed under seal to be unsealed, the court clerk shall unseal the document where it is filed.
- c. If the Court orders modifications to the redaction/sealing of documents, within 14 days of the Court’s order the parties shall jointly file a stipulation with all modified documents attached. The stipulation shall include a chart which identifies the docket entries to which each modified document corresponds.

13. Amended Complaints and Motions for Leave to Amend. In connection with all amended complaints and motions seeking leave to amend pleadings, parties shall submit a redline comparison with the operative pleading to ygrpo@cand.uscourts.gov upon filing of the amended complaint or motion seeking leave to amend. This requirement does not apply to self-represented parties.

14. Securities Cases. Within 14 days of service of the complaint (or consolidated complaint), the plaintiff shall file a chart summarizing the information required by 15 U.S.C. § 78u-4(b)(1) and (2), specifically identifying the allegations in the operative complaint as follows: (a) each statement alleged to have been false or misleading; (b) the speaker, date, and medium by which the statement was made; (c) the reason(s) the statement was false or misleading when made; and (d) the facts alleged to show that defendant(s) knew the statement false and/or misleading. The chart should clearly identify which statements or omissions are attributable to which defendants and, for each such defendant, the facts alleged which give rise to a strong inference that the defendant acted with the required state of mind at the relevant time. **The chart must strictly adhere to the allegations in operative complaint and may not include any new or supplemental information or explanation.** The chart should be organized in the following format:

Statement No.	The Speaker(s), Date(s), and Medium	False and Misleading Statements	Reasons Statements Were False and Misleading When Made	Facts Giving Rise to a Strong Inference of Scierter
1	<u>When:</u> [date] <u>Where:</u> [e.g. Press release] <u>Speakers:</u> [e.g. CEO] (Compl. ¶ __)	[Direct quotation of the alleged false and misleading statements.]	[Summarize arguments on falsity with specific references to paragraphs in the complaint.]	[Summarize arguments on scierter with specific references to paragraphs in the complaint.]

15. Communication with Court. Parties shall not contact Judge Gonzalez Rogers or her chambers staff directly by telephone, email, or any other *ex parte* means, but may contact the **Courtroom Deputy at (510) 637-3540** with appropriate inquiries with counsel for all parties included on the communication. Parties should list their email address as well as their telephone numbers on their papers to facilitate communication with the Courtroom Deputy. All counsel listed on the parties’ briefing must be fully apprised of the status of the pending matter and must be authorized to respond to calendar settings by the Court.

16. Service of Standing Orders. Plaintiff (or in the case of removed actions, any removing defendant) is directed to serve copies of this Standing Order in Civil Cases and the CAND CMC Order at once upon all parties to their action, and upon those subsequently joined, in accordance

with the provisions of Federal Rules of Civil Procedure, Rules 4 and 5, and to file with the Clerk of the Court a certificate reflecting such service, in accordance with Civil Local Rule 5-6(a).

17. Settlements

- a. Notices of Settlement. Any notice of settlement sent to the Court must be signed by all parties to the settlement. Electronically filed notices shall be signed pursuant to Civil Local Rule 5-1(i), including, if applicable, a filer's attestation as provided by Civil Local Rule 5-1(i)(3).
- b. Request for Approval of Class Action Settlement: A motion for Court approval of a class action settlement must provide the information described in the Northern District of California's Procedural Guidance for Class Action Settlements.

18. Unrepresented Parties. Parties representing themselves may wish to contact the Legal Help Center, a free program that offers limited legal services to pro se litigants. The Legal Help Center can provide information, advice, and basic legal help but cannot represent litigants as their lawyers. Telephone appointments can be scheduled by emailing fedpro@sfbar.org or by calling (415) 782-8982. Additional information can be found online at <https://www.cand.uscourts.gov/pro-se-litigants/>.

19. Pronouns/Titles. Parties and attorneys may indicate their pronouns and titles (*e.g.* Mr., Ms., Mx.) by including them in the name block or signature line of their pleadings, or by submitting a letter directed to chambers.

20. ADA Litigation. General Order 56 sets forth various deadlines that parties must adhere to in prosecuting claims pursuant to the ADA. Failure to comply with those deadlines may result in sanctions, including dismissals for failure to prosecute. Any extensions of General Order 56's deadlines must be sought no later than one week in advance of the deadline and must be supported by a concrete and particularized showing of good cause. Parties are advised that stipulations or motions that fail to comply with this order may be summarily dismissed and/or may lead to appropriate sanctions for non-compliance.

21. Formatting Considerations.

- a. **Footnotes:** Footnotes shall be used sparingly, should never be less than 12-point font, and must include a single paragraph space in between individual footnotes.
- b. **Incorporation by Reference and Record Citations:** Incorporation by reference is a narrow exception applicable to certain pleadings. Parties shall *never* incorporate by reference prior argument submitted in the case. This practice creates substantial administrative burdens and may be construed as circumventing limits on pagination.

Furthermore, pincites to the record shall be as particular as possible for citations to the record.


- c. **String Citations:** String citations without any analysis or descriptive parentheticals will be disregarded.
- d. **Electronic Filing:** It is imperative that counsel know what their filings will look like on ECF once submitted to the Court. Accordingly, counsel shall familiarize themselves with this District's guidance on e-filing available online at <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/>. This applies even if counsel will be relying extensively on staff to finish filings.

As a tutorial from the District shows, parties may name individual attachments and documents. See <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/e-filing-my-documents/tutorial/>. These names shall be as descriptive as possible to help the Court identify pertinent documents on the docket. Parties are on notice that the Court may strike burdensome and/or illegible filings and direct them to be refiled consistent with the District's guidance.

While not required, pro se litigants may sign up to be registered ECF users. Failing to comply with filings requirements and the Civil Local Rules may result in ECF filing privileges being revoked.

IT IS SO ORDERED.

Dated: April 11, 2024


YVONNE GONZALEZ ROGERS
United States District Judge