

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CIVIL STANDING ORDER FOR
MAGISTRATE JUDGE ALEX G. TSE

I. CONFORMITY WITH RULES

Parties must follow the Federal Rules of Civil Procedure and the Northern District of California's local rules and general orders, except as superseded by this standing order. Failure to comply with these rules and orders may be grounds for monetary sanctions, dismissal, entry of judgment, or other appropriate sanctions. Parties are also encouraged to comply with the Northern District of California's guidelines for professional conduct.¹

II. HEARINGS

A. Dates and Times

Civil motions are heard on Fridays at 10:00 a.m. If more than one motion is set for a given Friday, the Court may—but will not always—assign separate times for each motion (e.g., motion one will be heard at 10:00 a.m., motion two will be heard at 10:30 a.m.). These assignments sometimes will not be made until the day before the hearings, so parties should check the Court's calendar to determine if separate times have been assigned. Unless a motion is specially set, the Court will not schedule a civil motion hearing before 10:00 a.m. The parties may not specially set any matter without leave of the Court.

During the months when Judge Tse is on criminal duty, the Court may move civil motions to Friday afternoons.

Civil case management and pretrial conferences are heard on Fridays at 2:00 p.m.

B. Scheduling

Parties should notice motions pursuant to the local rules. Parties need not reserve a hearing date, but if they intend to they should confirm the Court's availability at www.cand.uscourts.gov (click the link "Calendars"). Noticed dates may be reset as the Court's calendar requires. For scheduling questions, please contact Judge Tse's Courtroom Deputy, Stephen Ybarra, at (415) 522-3694 or agtcrd@cand.uscourts.gov.

¹ <https://www.cand.uscourts.gov/forms/guidelines-for-professional-conduct/>

In response to the **Coronavirus Disease Public Health Emergency**, all civil hearings will be conducted by videoconference or telephonically pending further notice. Judge Tse's Courtroom Deputy will post a conference number and access code on ECF. For further information on the Court's response to the Coronavirus, see N.D. Cal. General Orders 72-6 through 77.

C. Opportunities for Less-Experienced Attorneys

The Court believes that junior lawyers need more opportunities for appearances. So, although the Court sometimes vacates hearings and rules on the papers, it will often be inclined to hear argument if a written request is filed by any side within seven days of the hearing, stating that a lawyer of seven or fewer years of experience will conduct most of the argument.

D. Transcripts

All hearings, case management, status and pretrial conferences are audio recorded; court reporters are usually not provided. Parties may request a copy of either the audio recording (on CD) or a transcription of the audio recording, or the court reporter's transcript if applicable, by following the procedures set out at www.cand.uscourts.gov/transcripts.

III. CONSENT CASES

In civil cases that are randomly assigned to Judge Tse for all purposes, the parties should file their written consent to the assignment of a United States Magistrate Judge for all purposes, or their written declination of consent, as soon as possible. If a party files a dispositive motion (such as a motion to dismiss or a motion to remand), the moving party must file the consent or declination simultaneously with the motion. The consent/declination form is available at www.cand.uscourts.gov/civilforms.

In no event shall the consent or declination be filed later than the deadlines specified in Civil Local Rule 73-1.

IV. COURTESY COPIES

To reduce waste, paper courtesy copies should not be submitted unless the Court requests them.

V. PROPOSED ORDERS

Any stipulation or proposed order in a case subject to e-filing should, in addition to being e-filed, be submitted by email to agtpo@cand.uscourts.gov as a word document on the same day the document is e-filed. This email address should be used only for this stated purpose unless otherwise directed by the Court.

VI. CIVIL CASE MANAGEMENT

A. Case Management Statements

Prior to an initial or further case management conference, counsel must meet and confer and then, no later than seven days before the conference, file a joint statement. For all initial case management conferences, the joint statement must comply with the Standing Order for All Judges of the Northern District of California, available [here](#). For further case management conferences, the joint statement need only address matters that the parties wish to discuss and matters that have changed since the last conference.

B. Amended Pleadings

If a party files an amended pleading, it should concurrently file a redlined or highlighted version comparing the amended pleading to the prior operative pleading.

C. Documents filed on ECF

When exhibits are included with a motion, opposition brief, or reply brief, the exhibits should be filed separately on ECF. For example, if a motion is Docket No. 30, and a declaration with 10 exhibits is Docket No. 31, Exhibit A should be filed as Docket No. 31-1, Exhibit B should be filed as Docket No. 31-2, and so on. All exhibits should be filed in a searchable OCR format when possible.

D. Motions to File Under Seal

Parties are reminded that court proceedings are presumptively public. Any request to file a document under seal must comply with Civil Local Rule 79-5.

VII. CIVIL DISCOVERY

A. Evidence Preservation

After a party has notice of this order, it must take the steps needed to preserve information relevant to the issues in question in the litigation, including suspending any document-destruction programs.

B. Discovery Disputes

Discovery disputes referred from a district court judge and those that occur in cases assigned to Judge Tse for all purposes, through consent of the parties, shall proceed as follows:

Upon the development of an impasse, the parties must first meet and confer. Counsel for each party must meet and confer in person or by videoconference. A mere exchange of letters, e-mails, or telephone calls does not satisfy the meet and confer requirement.

If the parties are unable to resolve their dispute informally after a good-faith effort, including meet and confer efforts conducted by lead counsel, the parties shall prepare a joint statement of not more than five pages (12-point or greater font) stating the following:

1. an attestation that counsel for the parties met and conferred in person or by videoconference in good faith to resolve their dispute prior to filing the joint statement;
2. each party's position, including pertinent factual background, requested relief, and citations to relevant legal authority; and
3. each party's final proposed compromise.

Joint statements shall not be accompanied by exhibits or affidavits other than relevant excerpts of discovery requests and responses, privilege logs, deposition testimony, and meet and confer correspondence.

Joint statements must be e-filed (unless the case is exempt from e-filing requirements) under the Civil Events category of "Motions and Related Filings > Motions – General > Discovery Letter Brief."

Upon review of a joint statement, the Court will advise the parties of how it intends to proceed. The Court may issue a ruling or schedule a telephone or in-person conference with the parties, and at such conference may issue rulings, order more formal briefing, or set further hearing dates. The Court may also order the parties to come to the courthouse to meet and confer in good faith.

C. Protective Orders

If parties believe a protective order is necessary, they shall when practicable use one of the model stipulated protective orders, available at www.cand.uscourts.gov/forms/model-protective-orders. When parties ask the Court to approve a stipulated protective order, they must file with the proposed order either (i) a statement in which they confirm that the proposed protective order doesn't differ in any respect from the model order, or (ii) a redline comparing the proposed protective order with the model order, along with an explanation of any changes.

D. Privilege Logs

Privilege logs must be promptly provided and must be sufficiently detailed and informative to justify the privilege. *See* Fed. R. Civ. P. 26(b)(5).

Privilege logs must contain the following:

- the title and description of the document, including number of pages or Bates-number range;
- the subject matter addressed in the document;
- the identity and position of its author(s);
- the identity and position of all addressees and recipients;
- the date the document was prepared and, if different, the date(s) on which it was sent to or shared with persons other than its author(s);
- the steps taken to ensure the confidentiality of the communication, including affirmation that no unauthorized persons have received the communication; and
- the specific basis for the claim that the document is privileged or protected.

Failure to furnish this information promptly may be deemed a waiver of the privilege or protection.

E. Document Responses

To the maximum extent feasible, all party files and records should be retained and produced in their original form and sequence, including file folders, and the originals should remain available for inspection by any counsel on reasonable notice.

F. Depositions

Depositions of fact witnesses must be noticed at least 30 days prior to the close of fact discovery.

Counsel shall consult in advance with opposing counsel to schedule depositions at a mutually convenient time and location. Counsel and parties must comply with Fed. R. Civ. P. 30(d)(1). Speaking objections are prohibited. When privilege is claimed, the witness must answer questions relevant to the existence, extent, or waiver of the privilege unless such information is itself privileged.

In emergencies, any party may, after exhausting good-faith attempts to resolve disputed issues, seek judicial intervention pursuant to Civil Local Rule 37-1(b) by contacting Judge Tse through his courtroom deputy. Before calling, the parties must first send a short email describing the nature of the dispute to agtrcd@cand.uscourts.gov. If the judge is unavailable, the deposition shall proceed with objections noted for the record.

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VIII. UNREPRESENTED (PRO SE) PARTIES

Parties representing themselves should visit the link titled “If You Don’t Have a lawyer...” on the Court’s homepage, www.cand.uscourts.gov. The link connects to a page that discusses the Court’s Legal Help Centers, which provide free assistance at the San Francisco, Oakland, and San Jose courthouses for unrepresented parties. Parties may visit the Legal Help Centers at the San Francisco and Oakland courthouses or call (415) 782-8982 to make an appointment. Parties may make an appointment to visit the San Jose Legal Help Center by calling (408) 297-1480.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Alex G. Tse', is written over a horizontal line.

ALEX G. TSE
United States Magistrate Judge