

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

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

**I. 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.

**II. 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 [BLFCRD@cand.uscourts.gov](mailto:BLFCRD@cand.uscourts.gov) with inquiries regarding scheduling or other appropriate matters.

**III. SCHEDULING**

**A. 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 [BLFCRD@cand.uscourts.gov](mailto:BLFCRD@cand.uscourts.gov). When reserving a hearing date, the attorney or party must inform Ms. Salinas-Harwell of the number and type(s) of motions to be filed. Once a hearing date is reserved, the motion(s) shall be filed within 14 days thereafter. 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).

**B. Case Management Conferences**

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.

**C. 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.

**D. 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.

**E. 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 for either a Case Management Conference or a Motion Hearing 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.

**IV. MOTIONS**

**A. Page Limits**

**1. 25 pages; 25 pages; 15 pages**

Absent leave of Court, the page limits for the following types of motions and proceedings shall be 25 pages for the motion or opening brief, 25 pages for the opposition or response brief, and 15 pages for the reply brief: motions brought under Federal Rules of Civil Procedure 12, 23, 56, 59, or 65; motions for certification of a collective action under the Fair Labor Standards Act; motions brought under California’s anti-SLAPP statute; social security appeals; and claim construction briefing. Motions for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) are subject to additional page limits set forth below in Paragraph VI.A.

**2. *Daubert* Motions**

*Daubert* motions may not exceed 10 pages per expert, and each side is limited to a total of 25 pages for *Daubert* motions. The parties are responsible for scheduling *Daubert* hearings at least 60 days before trial or to include such motions in their final pretrial motions in limine. Each side is limited to 5 pretrial motions in limine of 5 pages each.

**3. Post-Trial Motions**

Each side is limited to a total of 25 pages for all post-trial motions, which must be presented in a single brief.

**4. 10 pages; 10 pages; 5 pages**

Absent leave of Court, the page limits for all other types of motions and proceedings, except for those addressed above or those as to which specific page limits are set forth in the Court's Local Rules or Standing Orders, shall be 10 pages for the motion or opening brief, 10 pages for the opposition or response brief, and 5 pages for the reply brief. Motions subject to the 10-page limit include motions for sanctions, motions for stay, and motions to compel arbitration.

**5. Joinder**

If a party files its own motion and joins in another party's motion, both the party's own motion and the joined motion will count toward the party's page limits. Excess pages will not be considered by the Court.

**6. Multiple Parties Represented by the Same Counsel**

Where multiple parties are represented by the same counsel, all motions filed by those parties are limited to a single brief which complies with the page limits set forth above, absent leave of Court for additional pages.

**7. 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.

**B. Briefing**

The parties may stipulate to and request Court approval of a briefing schedule that differs from that set forth in the Court’s Civil Local Rules. Under no circumstances may the reply (or other final brief) be filed less than 14 days before the hearing.

**C. Hearing**

The filing party is responsible for reserving a hearing date for each motion filed. Currently, the Court is setting hearings approximately 5 months out. *Daubert* motions must be set for hearing at least 60 days before trial. Summary judgment motions must be set for hearing at least 90 days before trial.

**D. Incorporation by Reference Not Permitted**

All factual and legal bases for a party’s position with respect to a motion must be presented in the briefing on that motion. Arguments presented in earlier-filed briefs or documents may not be incorporated by reference.

**E. 12-Point Type and Double-Spaced**

All written text, including footnotes and quotations, shall be no less than 12-point type and shall be double-spaced.

**F. Footnotes**

Footnotes shall be no less than 12-point type and shall be double-spaced. Footnotes shall not be used to cite to legal authorities or evidence. All citations to legal authorities or evidence shall be in the body of the brief. Excessive footnotes will be disregarded. In general, no more than 5 footnotes per brief should be necessary.

**G. 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. 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.

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

The cited portions of depositions and other lengthy documents shall be highlighted in yellow for ease of reference. Highlighting in colors other than yellow will result in the document being stricken.

**I. Objections to Evidence**

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

**V. MOTIONS TO SEAL**

Motions to seal documents shall be filed in accordance with Civil Local Rule 79-5. Each motion must include a chart, in the format set forth below, which includes the following four columns: (1) ECF number or exhibit number of the document sought to be sealed; (2) description or name of the document sought to be sealed; (3) portion(s) of the document to seal; and (4) reason(s) why the document should be sealed, including citation to the applicable declaration. Each separate document for which sealing is sought shall have its own row in the table.

<b>ECF or Exh. No.</b>	<b>Document</b>	<b>Portion(s) to Seal</b>	<b>Reason(s) for Sealing</b>
252	Plaintiff’s Motion for Summary Judgment	Highlighted portions at 4:9-12; 10:2-7.	Contains confidential information relating to the parties’ licenses and negotiations with third parties, and Plaintiff’s internal financial and business strategies. See Smith Decl. ¶¶ 3-7. Public disclosure of this information would cause harm to Plaintiff. <i>Id.</i>

Chambers copies of sealing motions shall include only unredacted exhibits; chambers copies of redacted exhibits need not and shall not be submitted to the Court. When the granting of a sealing motion results in the sealing of some but not all of the briefs and/or exhibits in a particular filing, a courtesy copy of that filing containing a complete set of unredacted briefs and exhibits (and no redacted briefs or exhibits) thereafter shall be provided to the Court so that chambers staff does not have to reassemble the brief or declaration. Chambers copies must indicate via yellow highlighting which portions of the documents are sealed. Highlighting in colors other than yellow will result in the document being stricken.

**VI. POST-ANSWER DISPOSITIVE MOTIONS**

**A. Motions for Judgment on the Pleadings/Motions for Summary Judgment**

Unless otherwise ordered by the Court, each party is limited to a total of 25 pages for all post-answer dispositive motions, including motions for judgment on the pleadings and motions for summary judgment.

**B. One Motion for Summary Judgment per Party**

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

**C. Summary Judgment Motions Heard 90 Days Before Trial**

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

**VII. MOTIONS FOR ATTORNEYS' FEES**

A party moving for attorneys' fees must provide the Court with a chart, in the format set forth below, summarizing the hours expended on the major tasks in the case. While the Court has suggested several categories of tasks, the moving party may add or modify categories as necessary. The Court is primarily interested in the number of hours spent per task and per attorney, along with the effective billing rate associated with those hours. The total number of hours reflected in this chart must be identical to the number of hours set forth in the fees motion.

<b>Task</b>	<b>Atty A</b>	<b>Atty B</b>	<b>Atty C</b>
(Billing Rate)			
Compl. and Pre-Compl. Investigation			
Discovery			
Motion Practice (specify motion)			
Settlement Efforts			
Client Communication			
Miscellaneous (describe)			
<b>Total Hours</b>			

## **VIII. PROPOSED ORDERS**

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

## **IX. CHAMBERS COPIES**

### **A. ECF Filing Stamp**

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

### **B. Format**

In general, chambers copies must be single-sided (printed on only one side of the page), 2-hole punched at the top, and stapled or fastened with metal prongs. However, chambers copies of exhibits that are more than six inches thick must be placed in binders, and chambers copies submitted in connection with a Final Pretrial Conference must be 3-hole punched on the left side. Whether or not in binders, chambers copies must include numbered bottom tabs between exhibits. Each chambers copy shall be marked “Chambers Copy” and shall be submitted to the Clerk’s Office in an envelope marked with the case number and with the words “Chambers Copy” and “Judge Beth Labson Freeman.”

### **C. Sealed Documents**

When all or a portion of a filing has been sealed, the chambers copy of that filing shall contain a complete set of unredacted briefs and exhibits (and no redacted briefs or exhibits). Chambers copies must indicate via yellow highlighting which portions of the documents are sealed. Highlighting in colors other than yellow will result in the document being stricken.


### **D. Deposition Transcripts**

Deposition transcripts submitted to the Court must be in single-page format. Transcripts in 4-in-1 format, in which 4 pages of the deposition transcript are reduced to fit on a single document page, will be disregarded.

**X. UNREPRESENTED 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, Kevin Knestrick, at 408-297-1480. Additional information regarding the Federal Pro Se Program is available at <http://cand.uscourts.gov/helpcentersj>.

Dated: February 18, 2021

  
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BETH LABSON FREEMAN  
United States District Judge