

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

**STANDING ORDER FOR CIVIL CASES BEFORE
DISTRICT JUDGE ARACELI MARTÍNEZ-OLGUÍN
(Revised May 10, 2023)**

****Chambers copies are not required unless specifically requested by the Court****

Parties shall comply with the procedures in the Federal Rules of Civil or Criminal Procedure, the Northern District of California's Local Rules and General Orders, and this standing order, all of which are available at <http://www.cand.uscourts.gov>. The parties' failure to comply with any of the rules or orders may be grounds for monetary sanctions, dismissal, entry of judgment, or other appropriate sanctions.

A. COMMUNICATION WITH THE COURT

Counsel shall not attempt to contact Judge Martínez-Olguín or her chambers staff by telephone, email, or any other ex parte means, but may contact her Courtroom Deputy, Alexis Solorzano, at amocrd@cand.uscourts.gov regarding scheduling or other appropriate matters.

B. SCHEDULING

Parties should notice motions (other than discovery motions) pursuant to the Local Rules. Parties need not reserve a hearing date, but should confirm the Court's availability at <http://www.cand.uscourts.gov>. For scheduling questions, please contact Judge Martínez-Olguín's Courtroom Deputy, Alexis Solorzano, at amocrd@cand.uscourts.gov. Noticed days may be reset as the Court's calendar requires, with order of call to be determined by the Court.

C. CALENDAR DATES

Civil motions are heard in person in Courtroom 10, 450 Golden Gate Avenue, San Francisco, California on Thursdays at 2:00 p.m.

Civil case management and status conferences are held in person in Courtroom 10, 450 Golden Gate Avenue, San Francisco, California on Thursdays at 10:00 a.m.

Pretrial conferences are held in person in Courtroom 10, 450 Golden Gate Avenue, San Francisco, California on Thursdays at 11:00 a.m.

The Court may notify the parties in advance of a setting that it will be conducted via Zoom rather than in person, but the default rule is that all settings are held in person. If all parties agree, they may request to have a setting by Zoom video, but they must make their request at least one week in advance. Such a joint request should be prepared and filed in the form of an Administrative Motion as detailed in Civil Local Rule 7-11. Absent agreement, requests to appear by video conference 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.

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. If a party requires use of audio-visual equipment in the courtroom, the party shall contact the Courtroom Deputy to make an appointment to test equipment on a date at least **two days in advance** of the hearing.

If a written request for oral argument is filed before issuance of a ruling stating that a lawyer eight 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.

D. INVITATION TO SELF-IDENTIFY PRONOUNS AND HONORIFICS

If they so choose, litigants and lawyers may indicate their pronouns (e.g., she/her, he/him, they/their) and honorifics (e.g., Mr., Ms., Mx., Dr.) by adding the information in the name block or signature line of the pleadings.

E. CHAMBERS COPIES

Chambers copies are generally not required; however, the Court may request that a party provide chambers copies for particularly voluminous filings. If the Court does so, the chambers copies should be double-sided (when possible) and three-hole punched along the left side of the page, and should bear the ECF filing "stamp" (case number, docket number, date, and ECF page number) along the top of the page. All exhibits shall be clearly delineated with labels along the right side. If the filing includes exhibits over two inches thick, the parties shall place the chambers copies in a binder. The chambers copies shall be marked "Chambers Copy" and submitted to the Clerk's Office, in an envelope marked with "Judge Martínez-Olguín," the case number, and "Chambers Copy."

If the Court requires electronic copies of a filing, it will specifically request it from the parties. **Parties should not otherwise email amocrd@cand.uscourts.gov with electronic copies of filings.**

F. CIVIL CASE MANAGEMENT

No later than **seven (7)** days before the initial case management or status conference, the parties shall file a Joint Case Management Statement in full compliance with the Northern District of California's general standing order for civil cases entitled "Contents of Joint Case Management Statement," a copy of which is attached hereto. **Updated** joint case management conference statements are required and must be filed **seven (7)** days in advance of all other case management conferences. In cases involving litigants unrepresented by counsel, the parties may file separate case management statements.

Parties may not continue a case management, status, or pretrial conference without Court approval. At the case management conference, counsel shall attend on behalf of each party or, for parties unrepresented by an attorney, the party shall attend. Counsel or unrepresented parties shall be (1) prepared to address all matters referred to in the Northern District of California's general standing order on Joint Case Management Statements; and (2) have full authority to enter stipulations and make admissions pursuant to that order.

The Court strongly encourages parties to permit less experienced attorneys to actively participate in the proceedings by presenting argument at motion hearings or examining witnesses at trial. The Court permits more than one attorney to argue for a party at a motion hearing or case management conference if this creates an opportunity for less experienced attorneys to participate.

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

Amended Pleadings

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

Documents filed on ECF

All exhibits to motions and/or discovery dispute joint statements should be separately filed on ECF. For example, if the motion is Docket No. 30, and the declaration with 10 exhibits is Docket No. 31, Exhibit A would be filed as Docket No. 31-1, Exhibit B would be Docket No. 31-2, and so on. Electronically filed documents must be text-searchable PDFs whenever possible.

Motions to File Under Seal

Parties are reminded that court proceedings are presumptively public, and no document shall be filed under seal without request for a court order that is narrowly tailored to cover only the document, the particular portion of the document, or the category of documents for which good cause exists for filing under seal. If a party wishes to file a document under seal, that party shall first file an administrative motion to seal in accordance with Local Rule 79-5.

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

G. CIVIL DISCOVERY

Parties should be mindful of the December 1, 2015 amendments to the Federal Rules of Civil Procedure, and in particular, the directive in Rule 1 that the Rules "should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive

determination of every action and proceeding,” and the proportionality requirements for discovery under Rule 26(b)(1).

Discovery Disputes Between Parties to the Case

Upon the development of an impasse with respect to discovery in a pending case assigned to Judge Martínez-Olguín, the parties must first meet and confer; that is, counsel for each party shall meet and confer in person or via videoconference to attempt to resolve their dispute informally. A mere exchange of letters, emails, telephone calls or facsimile transmissions 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 have two options:

- 1) If the dispute is straightforward, or the parties believe some initial informal guidance from the Court may help the parties resolve their dispute without the need for briefing, the parties may contact Judge Martínez-Olguín’s Courtroom Deputy, Alexis Solorzano, at amocrd@cand.uscourts.gov to arrange a telephonic conference with Judge Martínez-Olguín.
- 2) For more complex disputes, the parties shall prepare a joint statement of not more than five pages (12-point font or greater) stating the nature and status of the dispute and attesting to their good faith meet and confer efforts. Issue-by-issue, the joint statement shall describe each unresolved issue, summarize each party’s position with appropriate legal authority, and provide each party’s final proposed compromise before addressing the next issue. It is preferable that the parties file a separate statement for each dispute. Where necessary, the parties may submit supporting declarations and documentation of up to 12 pages. Parties are expected to plan for and cooperate in preparing the joint statement so that each side has adequate time to address the arguments.

The parties are strongly encouraged to submit a joint statement, but in the rare instances when a joint statement is not possible, each side may submit a statement of not more than two pages (12-point font or greater).

The joint statement or individual statements shall be e-filed (unless the case is exempt from e-filing requirements). Whether joint or individual, the statement must be filed under the Civil Events category of “Motions and Related Filings > Motions – General > Discovery Letter Brief.”

Upon review of the parties’ submission(s), the Court will advise the parties of how the Court intends to proceed. The Court may issue a ruling or schedule a videoconference 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.

Discovery Disputes Between a Party and a Non-Party

For discovery disputes involving non-parties (usually Federal Rule 45 disputes), the parties may utilize any of the procedures identified above, including asking for an informal discovery conference with Judge Martínez-Olguín, provided the parties and non-parties agree to that procedure. Absent agreement, the moving party should file a noticed motion pursuant to Local Rule 7. In either event, before the dispute may be brought to the Court’s attention, counsel must meet and confer in person or by videoconference.

Protective Orders

Parties who seek a protective order or order regarding discovery of electronically stored information (“ESI”) must, where practicable, use one of the model stipulated orders available at <https://cand.uscourts.gov/model-protective-orders> or <https://cand.uscourts.gov/eDiscoveryGuidelines>. Parties must file one of the following with any proposed protective order or order regarding discovery of ESI: (a) a declaration stating that the proposed order is identical to one of the model orders except for the addition of case-identifying information or the elimination of language denoted as optional; (b) a declaration explaining each modification to the model order, along with a redline version comparing the proposed order with the model order; or (c) a declaration explaining why use of one of the model orders is not practicable.

Privilege Logs

If a party withholds material as privileged under Federal Rule 26(b)(5) or 45(d)(2)(A), it must produce a privilege log as quickly as possible, but no later than fourteen days after its disclosures or discovery responses are due, unless the parties stipulate to or the Court sets another date. Privilege logs must contain the following: (a) the subject matter or general nature of the document (without disclosing its contents); (b) the identity and position of its author; (c) the date it was communicated; (d) the identity and position of all addressees and recipients of the communication; (e) the document’s present location; and (f) the specific privilege and a brief summary of any supporting facts. Failure to furnish this information promptly may be deemed a waiver of the privilege or protection.

Depositions

The parties are encouraged to negotiate a deposition protocol that addresses which depositions will be taken remotely and how remote depositions will be handled. Notice of depositions must be given at least 30 days prior to the close of fact discovery.

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 at amocrd@cand.uscourts.gov. Any such conference shall be attended by the court reporter recording the deposition.

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H. MOTIONS FOR SUMMARY JUDGMENT

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.

Evidence Submitted

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.

Cross-Motions

Any cross-motion for summary judgment shall be contained within the opposition to any motion for summary judgment, shall be twenty-five (25) pages or fewer, and shall be filed fourteen (14) days after the filing of the motion. The reply to a motion may be 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 Local Rule 6-3, reschedule the hearing to give a moving party time to file a reply to any cross-motion.

I. 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. The reports shall list each opinion to be proffered and 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.

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.

J. 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.

K. CLASS ACTION SETTLEMENTS

Any motion for preliminary or final approval of a class action settlement must address the respective guidelines in the Northern District of California's Procedural Guidance for Class Action Settlements, available at <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/>, in the order the guidelines are presented on the website.

As reflected in the Guidance, the Court will require a post-distribution accounting within 21 days after the final distribution of settlement funds. In addition to the information contained in the Guidance, the post-distribution accounting must discuss any significant or recurring concerns communicated by class members to the settlement administrator or counsel since final approval, any other issues in settlement administration since final approval, and how any concerns or issues were resolved.

L. PARTIES UNREPRESENTED BY AN ATTORNEY

Parties representing themselves, without the assistance of a lawyer, should visit the webpage entitled "Representing Yourself" available on the Court's website at <https://cand.uscourts.gov/pro-se-litigants/>. The page discusses the Court's Legal Help Center which provides free assistance for unrepresented parties over the phone. Parties can make an appointment by calling (415) 782-8982 or emailing fedpro@sfbbar.org.

IT IS SO ORDERED.

Dated: May 10, 2023



ARACELI MARTÍNEZ-OLGUÍN
United States District Judge