

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL STANDING ORDERS

1. **Conformity to Rules.** Counsel 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Federal Rules of Civil Procedure relating to motions, briefs, continuances, and all other matters, unless specifically superseded by these Standing Orders. Any failure to comply with any of the rules and orders may be deemed sufficient grounds for monetary sanctions, dismissal, entry of default judgment, or other appropriate sanctions.
2. **Communication with Court.** Counsel shall not attempt to make contact by telephone, facsimile, or any other *ex parte* means with the Court or its chambers staff, but may contact the Courtroom Deputy Clerk, Jennifer Ottolini, at (510) 637-3541 or by email at email jswerd@cand.uscourts.gov with appropriate inquiries.

Ms. Ottolini is unable to provide parties with updates regarding the status of rulings. Parties are therefore advised to avoid contacting Ms. Ottolini to make such inquiries.

Counsel should list their facsimile transmission numbers 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.

With the exception of discovery disputes (*see* Standing Order ¶ 8) or by permission of the Court, Counsel shall not submit letters to the Court. Any communication with the Court must be on pleading paper, including but not limited to, status reports, requests for continuances, and requests for telephonic appearances.

Scheduling days. Prior to noticing a motion, counsel shall check the scheduling information on this Court's website to confirm open and available dates. If the case in which a party is noticing a motion is a related case, the parties must use the lowest numbered case of the related cases for motion filing purposes.

Noticed days may be reset as the Court's calendar requires, with order of call to be determined by the Court. Motions shall be noticed in accordance with the following times:

- Civil Law and Motion calendar is conducted on Fridays at 9:00 a.m.
- Case Management Conferences are conducted on Fridays at 11:00 a.m.

- Pretrial conferences are conducted on Mondays at 2:00 p.m. Trials are set to commence on Mondays at 8:00 a.m. In general, jury selection takes place at 8:00 a.m. the Wednesday preceding the start of a trial.

Before appearing for a matter before this Court, all parties shall check the Court's calendar at <https://www.uscourts.gov> or the posting in the Clerk's Office to confirm that their matter is still on calendar.

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 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 by stipulation; the parties must obtain leave of court and show good cause for such a request. 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 a brief or other matter is due.

4. **Chambers Copy.** Unless the Court directs otherwise the parties shall not submit chambers copies of materials that are filed electronically. If the parties manually file an item that is contained on some form of electronic media, *e.g.*, a CD-ROM or a thumb drive, they shall provide the Clerk with the original and shall provide the Court with a copy of that electronic media.
5. **Case Management Conference Statements.** Joint case management statements are required and must be filed five (5) court days in advance of the case management conference date. Counsel shall conform to all elements requested in the "Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement." *See* N.D. Civ. L.R. 16-9. In cases involving pro se litigants, the parties may file separate case management statements.
6. **Motions.** All briefs, whether in support of, in opposition to, or in reply to any motion, with the exception of summary judgment motions and claims construction briefs, may not exceed **fifteen (15)** pages in length. The title page, indices of cases, table of contents, and exhibits are not included in this page limitation.

All written text, including footnotes and quotations, must conform with the requirements of Civil Local Rule 3-4(c)(2). All declarations shall be filed as separate documents. With the exception of objections to requests for judicial notice or evidence submitted with a reply brief, all evidentiary objections to evidence submitted shall be contained in the parties' briefs. *See* N.D. Civ. L.R. 7-3(a), (c). If a party fails to comply with this requirement, the Court may not consider the objections.

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

Discovery disputes may be referred to a Magistrate Judge. After the parties have met and conferred, the parties shall prepare a joint letter brief of not more than **eight (8)** pages explaining the dispute. Up to **twelve (12)** pages of attachments may be added. The joint letter must be electronically filed under the Civil Events Category of “Motions and Related Filings > Motions – General > Discovery Letter Brief.”

If the Court refers discovery disputes to a Magistrate Judge, the Magistrate Judge to whom the matter is assigned will advise the parties of how that judge intends to proceed. The Magistrate Judge may issue a ruling, order more formal briefing, or set a telephone conference or a hearing. After a Magistrate Judge has been assigned, all further discovery matters shall be filed pursuant to that Judge’s procedures.

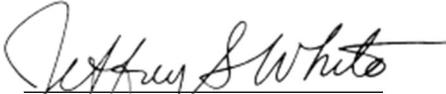
If this Court retains supervision of discovery, the Court will then advise the parties if additional briefing or a telephonic conference will be necessary.

If this Court has retained supervision of discovery, and if a dispute arises during a deposition that 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 through contact with Chambers at (510) 637-1820. Any such conference shall be attended by the court reporter recording the deposition.

8. **Motions for Summary Judgment.** All issues shall be contained within one motion, shall not exceed **twenty-five (25)** pages in length, and shall conform with Civil Local Rule 7-2. Absent of a showing of good cause, the Court will address only one motion for summary judgment per side. Separate statements of undisputed facts will not be considered by the Court. Joint statements of undisputed facts are not required, but are helpful if completely agreed upon. In the event parties intend to cross-move for summary judgment, the Court strongly prefers a four-brief schedule.
9. **Proposed Orders Required.** Each party filing or opposing a motion shall also electronically file and serve a proposed order that sets forth the relief or action sought and a short statement of the rationale of decision, including citation of authority, that the party requests the Court to adopt. The proposed order should be electronically filed at the same time as the motion or opposition. A word version of the proposed order should be sent to jswpo@cand.uscourts.gov.
10. **Grounds for Recusal.** Parties are directed to inform the Court of any and all reasonable bases for recusal at the earliest possible date, and no later than the initial case management conference. *See also* Standing Order on Recusal.

11. **Service of Standing Orders.** Plaintiff (or in the case of removed cases, any removing defendant) is directed to serve copies of these standing orders 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).

IT IS SO ORDERED.



JEFFREY S. WHITE
United States District Court

7/2021 Rev.