

## Instructions: Preparing the Case Management Statement

This template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used in certain civil lawsuits in the Northern District Court of California. *This template provides guidance only. Using this template does not guarantee any result in your case.*



### HOW TO GET LEGAL INFORMATION AND ADVICE

This packet provides general guidance about preparing a Case Management Statement. *Before filing this document*, make an appointment for free legal information and advice at one of the Legal Help Centers.



If the case is assigned to a judge in the San Francisco, Oakland, or Eureka federal courthouse, do one of the following:



Call the appointment scheduling line for the Federal Pro Bono Project: 415-782-8982



Sign up in the appointment book at either:

450 Golden Gate Ave., 15th Floor, Room 2796, San Francisco or  
1301 Clay Street, 4th Floor, Room 470S, Oakland



Email us at [federalprobonoproject@sfbbar.org](mailto:federalprobonoproject@sfbbar.org)

*This email is to schedule appointments only-no legal advice is given over email.*



If the case is assigned to a judge in the San Jose federal courthouse, do one of the following:



Call the appointment scheduling line for the Federal Pro Se Program: 408-297-1480



*Monday to Thursday 9:00 am - 12:00 pm*, drop in at

The Law Foundation of Silicon Valley, 152 North 3rd St., 3rd Floor, San Jose

*Monday to Thursday 1:00 pm - 4:00 pm*, drop in at

280 South 1st Street, 2nd Floor, Room 2070, San Jose



### WHEN TO PREPARE A CASE MANAGEMENT STATEMENT

1. **Figure out the date the Statement is due.** When the case was filed, the Clerk issued a document called an Initial Scheduling Order, which set the date that this Statement is due. Check this Order and any other Orders issued by the Court to confirm this date.
2. **Begin working a few weeks before the due date.** While the Statement should not take long to prepare, it may take time to reach the opposing side by phone before you file (see the next section).



## HOW TO COMPLETE THIS CASE MANAGEMENT STATEMENT TEMPLATE

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- Contact the opposing side.** Before you file a Case Management Statement, you must contact the opposing party’s lawyer (or the unrepresented party) to talk about the Statement. It is a good idea at this time to ask the other side if they want to submit the Statement together, which the Court prefers.
- Fill in the case information.** Fill in all blanks, including the Conference date and time.
- Complete Section 1.** This section, “Jurisdiction,” explains why this is the correct court to decide this case, instead of a state court. Federal courts like this one generally decide two types of cases: (1) those involving a violation of federal law (“federal question”); and (2) those involving parties from different states (“diversity of citizenship”), where the plaintiff is suing for more than \$75,000.
- Complete Section 2.** This section explains whether the Defendants have been properly served with the Complaint. Review the Proof of Service for each Defendant and write in the correct name and date in the first two columns. If you are not sure about “personal jurisdiction” or “venue,” contact the Legal Help Center.
- Complete Section 3.** This should be a *short* description of what this case is about. Include only the most important facts from the Complaint, including those you and the other side disagree on.
- Complete Section 4.** Briefly explain the laws the Plaintiff says the Defendant violated. If you know of any similar cases that might help you win, you can list those here.
- Complete Section 5.** “Motions” are requests to the Court, usually made in writing. This section tells the Court which Motions have been filed, and which ones may be filed later.
- Complete Section 6.** If a Plaintiff wants to change its claims, or a Defendant wants to change its defenses or claims, it will need to “amend” its Complaint or Answer/Counterclaim. If you think you may want to file an amendment, make an appointment at the Legal Help Center (page 1).
- Complete Section 7.** This section, “Evidence Preservation,” lets the Court know that you are keeping all of the papers, electronic information, such as emails and text messages, and any other records that might be needed by either side. You are required to speak with the opposing side about the type of information each of you is preserving. You are also required to review the Court’s Guidelines for the Discovery of Electronically Stored Information, available here:  
<http://www.cand.uscourts.gov/eDiscoveryGuidelines>.
- Complete Section 8.** At the beginning of almost every case, without the Court telling you to, each party must write its own list of the people and documents that have information supporting its case. This is called “Initial Disclosures” and parties are required to exchange these. The Legal Help Center has an Initial Disclosure template you can use.
- Complete Section 9.** “Discovery” is the process used by the parties to collect evidence, information, and testimony from each other. This process includes requests for documents and written questions, as well as depositions and subpoenas. Section 9 describes each side’s plan for discovery, and whether there will be problems getting access to the information needed.

- Review Section 10.** Most cases involving pro se litigants are not “Class Actions.” If you think the case might be a class action, contact the Legal Help Center. Otherwise, there is nothing you need to do in this section.
- Complete Section 11.** The Court wants to know if another judge or other person has been asked to decide a case that is “related” to this one because it involves some or all of the same people, and the same claims or legal issues. If you are not sure, Local Rule 3-12 (see page 7) gives more information about what kind of cases are “related” or contact the Legal Help Center.
- Complete Section 12.** State what the plaintiff wants from the defendant, or what the plaintiff wants the Court to do, including any amount of money sought and how that amount was calculated. If a defendant filed a claim, state the same information for the defendant.
- Complete Section 13.** Alternative Dispute Resolution (“ADR”) refers the ways in which cases can be resolved without a trial. The Court wants to know if you have tried to resolve the case informally already. The Court also wants to know which ADR option you choose. If there is information you need or a request you would like the Court to decide in order to make settlement possible, list that below.
- Complete Section 14.** A Magistrate Judge is a one of the two types of judges in this Court. If you need more information about Magistrate Judges, contact the Legal Help Center. For each party, check one box to show whether that party agrees to have a Magistrate Judge hear the case.
- Review Section 15.** Sometimes the judge may refer a case to another decision-maker, such as an arbitrator. Because this does not happen very often, this Section is pre-filled to say “Not applicable,” and there is nothing you need to add. If you have questions, contact the Legal Help Center.
- Complete Section 16.** In some cases, the parties agree on some or all the facts and may just need the Court to decide if a law was actually violated. If there are issues on which all of the parties agree, or that the Court can resolve based on the written papers of the parties (by “Motion”), check the box that applies and explain. Otherwise, check the first box “Not applicable.”
- Review Section 17.** If all parties agree to the Court’s Expedited Trial Procedure, their case will get to trial more quickly but there are some changes in procedure. Review the Court’s General Order 64 (see page 6, below), and contact the Legal Help Center if you are considering this option. If you want to use the Court’s normal process, there is nothing you need to do in this section.
- Complete Section 18.** Usually the Court will set the deadlines for the rest of the case, but if you want to propose deadlines or timing, you may do so. The deadlines commonly set at the Conference are the following:
  - Fact Discovery Cutoff: See Section 9. The “cutoff” is the date by which all parties must *receive* information from the other side.
  - Hearing Date for Dispositive Motions: “Dispositive motions” are written requests to end the case without a trial; the most common kind is a Motion for Summary Judgment.
  - Proposed Month/Year for Trial: It is not unusual for a trial to happen about a year after a Case Management Conference.
- Complete Section 19.** If you requested a jury trial in the Complaint or Answer, and still would like a jury trial, check the first box. If you forgot to request a jury trial in the Complaint or Answer, or are

not sure whether your case can or should be tried before a jury, contact the Legal Help Center. If you do not want to have a jury trial, check the second box.

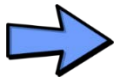
- Complete Section 20.** This Section is used to tell the Court whether anyone who is not named as a plaintiff or defendant in the case will be affected by the outcome. These people, companies, or organizations are thought of as being “interested” in the case. Local Rule 3-16 (see page 7) explains who may be “interested.” Usually, if you are representing yourself, the answer is “None.”
- Complete Section 21.** If you have ideas for making this case go smoothly, write them here.
- Number the pages.** Count the number of pages in your final Statement, including any you added after the signature lines. In the bottom of each page, write in the page number and the total.
- Review and sign your Case Management Statement.** Read the entire Statement and to confirm that all of the statements are correct.
- Prepare the Certificate of Service.** Each document that you file must be “served” on each other party, usually by sending it in the mail. A Certificate of Service lets the Court know that you served a certain document. To prepare the Certificate, follow the instructions on it.



## FILING AND SERVING YOUR CASE MANAGEMENT STATEMENT

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1. **Make three copies.** Once you have completed signed your Statement and Certificate, make three copies of each document. On one copy of the documents, write “Chambers” on the top in pen. (If there is more than one plaintiff or defendant, you will also need one copy for each of them.)
2. **File the Statement.** Deliver or mail the *original plus two copies* of the Statement and Certificate to the Clerk’s Office at the courthouse where the Judge hearing your case is located. The Clerk will take the original and the copy marked “Chambers” of each document. The other copy is for you to keep after it is stamped by the Clerk. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy of each document back to you.
3. **Serve the Statement.** Be sure that the Statement and Certificate are served on each other party.



## TIMELINE: AFTER THE CASE MANAGEMENT CONFERENCE

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This timeline lists what generally happen after the Conference. The Legal Help Centers (see page 1) can provide guidance about these steps, and have many other templates for documents you may need to file.

Both sides attend a meeting with the judge - the Case Management Conference or "CMC"

(usually within 90 days of the case being filed)

If they haven't yet, parties exchange information they will use in the case - "Initial Disclosures"

(deadline set by agreement or Scheduling Order)

Court sends out a written Scheduling Order setting the deadlines for the rest of the case

(after the CMC)

"Discovery": parties send and respond to written requests for documents and other information

(after the CMC, lasting several months)



## STAY UP TO DATE

1. **Tell the Court if you move.** You must file a notice with the Clerk right away if your mailing address changes, or you may miss important deadlines, causing you to lose your case. You should also provide the Court with your phone number.
2. **Check your mail.** Be sure to check your mail regularly for documents from the Court or the opposing side.
3. A list of all of the documents that have been filed, and (usually) the documents themselves can be viewed online. See Chapter 7 of the Handbook for Pro Se Litigants, and contact the Legal Help Center for information about how to access the documents (see page 1).



## UNDERSTANDING THE LAWS AND RULES

The Legal Help Centers (see page 1) are the best resource for people without lawyers. There are other resources for understanding the laws and rules of the Court:

1. **Handbook for Pro Se Litigants.** The Handbook is a procedural guide for people who are representing themselves. It was prepared by the Court and is available at the Clerk's Office or on the Court's website at [www.cand.uscourts.gov/prosehandbk](http://www.cand.uscourts.gov/prosehandbk).
2. **Legal Research Guide for Pro Se Litigants.** The Guide provides information for people who are representing themselves about how to do legal research, like finding statutes and decisions in other cases. It was prepared by the Justice & Diversity Center and is available at the Legal Help Centers and at <http://www.cand.uscourts.gov/Legal-Help-Center-Templates>.
3. **Federal Rules of Civil Procedure.** These Rules explain the procedures from filing through trial for all civil cases in the federal courts across the country, and are available at <http://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf>.
4. **Local Rules.** The Local Rules follow the same numbering as the Federal Rules of Civil Procedure, but generally provide more detail. They apply in this District only, and are available at <http://www.cand.uscourts.gov/localrules/civil>.

1 Your Name: \_\_\_\_\_  
2 Address: \_\_\_\_\_  
3 Phone Number: \_\_\_\_\_  
4 Fax Number: \_\_\_\_\_  
5 E-mail Address: \_\_\_\_\_

6 Pro Se

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 Division *[check one]*:  San Francisco  Oakland  San Jose  Eureka

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12 \_\_\_\_\_ ) Case Number: \_\_\_\_\_

13 \_\_\_\_\_ )  
14 \_\_\_\_\_ ) *[Check box for party submitting statement]:*

15 Plaintiff, )  **Plaintiff's**  **Defendant's**

16 vs. ) **CASE MANAGEMENT STATEMENT**

17 \_\_\_\_\_ )  
18 \_\_\_\_\_ ) DATE: \_\_\_\_\_

19 \_\_\_\_\_ ) TIME: \_\_\_\_\_

20 \_\_\_\_\_ ) JUDGE: Hon. \_\_\_\_\_

21 \_\_\_\_\_ )

22 Defendant. )

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28 *[See the Instructions for more detailed information about how to complete this template.]*

1 **1. JURISDICTION**

2 *Mark the option that applies to your case.*

3 This Court has subject matter jurisdiction in this case under:

4  Federal question jurisdiction because it is about federal laws or rights. *[List the laws*  
5 *or rights involved]* \_\_\_\_\_

6  
7  Diversity jurisdiction because none of the Plaintiffs live in the same state as any of the  
8 Defendants AND the amount of damages is more than \$75,000.

9 **2. SERVICE**

10 *Complete the table to show when each defendant was served with the Complaint and whether*  
11 *any defendant will argue that this Court is not the correct one to decide this case.*

Defendant's Name	Date Served or Expected to Serve	Does Defendant dispute that the Court has personal jurisdiction?	Does Defendant dispute that this is the correct venue?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

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16  *Check box if there are more defendants, and provide the above information for each*  
17 *defendant on an additional page at the end of this document.*

18 **3. FACTS**

19 *Give a short description of the important facts in this case including facts that you and*  
20 *the other side disagree about. Add an additional page if needed.*

1 **4. LEGAL ISSUES**

2 *Briefly explain the laws the Plaintiff says the Defendant violated.*

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12 **5. MOTIONS**

13 *Complete the table to list any motions that have been filed or might be filed.*

Party filing motion	Type of Motion	Date of Ruling (or "pending" or "to be filed")

14  *Check box if there are more motions and add a page at the end with additional information.*

15 **6. AMENDING THE COMPLAINT, ANSWER, COUNTERCLAIM/CROSSCLAIM**

16 *Mark one option to tell the Court whether you plan to change your claims or defenses.*

17 • The submitting party [name] \_\_\_\_\_

18  does not plan to amend the Complaint.

19  plans to amend the Complaint by [date] \_\_\_\_\_

20  *Check box if you need to list more parties, and provide the above information for each party on an additional page at the end of this document.*

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**7. EVIDENCE PRESERVATION**

*Parties to a lawsuit must make sure that they are protecting and not destroying evidence that might be used in the case. Check the correct box or boxes.*

- The submitting party *[name]* \_\_\_\_\_ has
  - reviewed the Guidelines for the Discovery of Electronically Stored Information
  - spoken with the opposing parties about preserving evidence relevant to the issues one could reasonably understand to be part of this case
  - plans to do the above by *[date]* \_\_\_\_\_

*Check if you need to list more parties, and provide the above information for each party on an additional page at the end of this document.*

**8. INITIAL DISCLOSURES**

*Initial Disclosures are lists of information that the parties must send each other at the beginning of a case. Check the box that applies, and provide the agreed date if needed.*

- Parties have sent each other Initial Disclosures.
- Parties have not yet sent each other Initial Disclosures, but agree to exchange them by *[date]* \_\_\_\_\_

**9. DISCOVERY**

*Give a short description of what you plan to investigate during discovery and if there are any discovery issues.*

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**10. CLASS ACTIONS**

Not applicable.

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**11. RELATED CASES**

*Check the correct box to explain whether you are aware of any cases related to this one. If you check the second box, list the case number and the court, government agency, or other administrative body that will decide that case.*

The party submitting this statement

- is not aware of any related cases.
- is aware of related cases *[list cases]*: \_\_\_\_\_

**12. RELIEF SOUGHT**

*State what the Plaintiff wants from the Defendant, or wants the Court to do, including any amount of money sought and how that amount was calculated. If a Defendant filed a counter or crossclaim, state the same information for the Defendant. Insert a page if needed.*

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**13. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION (“ADR”)**

*Check at least one box in each section. If you need information to help you decide how to resolve the case, explain what that information is.*

The parties:

The submitting party agrees to the following form of

- have tried to settle the case.
- have not tried to settle the case.

ADR:

- Settlement conference with a magistrate judge
- Mediation
- Other \_\_\_\_\_

Information needed: \_\_\_\_\_

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1                   **14. CONSENT TO HAVE A MAGISTRATE JUDGE HEAR THE CASE**

2                   *Mark one option to let the Court know if you consent to have a magistrate judge hear the case.*

- 3                   • The submitting party [name] \_\_\_\_\_

4                    does consent to a magistrate judge.

5                    does not consent to a magistrate judge.

6                    Check box if you need to list more parties, and provide the above information for each party  
7                   on an additional page at the end of this document.

8                   **15. OTHER REFERENCES**

9                   *In unusual cases, the judge may refer a case to another decision-maker. If this is one of  
10                   those cases, cross out "Not Applicable," and write in who should hear this case.*

11                   Not applicable.

12                   **16. NARROWING OF ISSUES, CLAIMS, OR DEFENSES**

13                   *Use this section to explain if issues in this case could be resolved by agreement or by  
14                   written papers submitted by the parties ("motion"). Check the box that applies, and explain.*

15                    Not applicable.

16                    Issues that can be resolved by agreement: \_\_\_\_\_

17                    Issues that can be resolved by motion: \_\_\_\_\_

18                   **17. EXPEDITED TRIAL PROCEDURE**

19                   *If you have questions about the Court's Expedited Trial Procedure, contact the Legal  
20                   Help Center.*

21                   Not applicable.

22                   **18. SCHEDULING**

23                   *The Court usually fixes the case deadlines. If you want to propose a schedule, you can  
24                   do so below. Be sure you will be in town and able to meet any deadlines proposed.*

25                    Agree to have Court set deadlines.

26                    Proposed deadlines:

1 **19. TRIAL**

2 *Check the box that applies and estimate how long the trial will last.*

3  This case will be tried by a jury. The trial is expected to last \_\_\_\_ days.

4  This case will be tried by a judge. The trial is expected to last \_\_\_\_ days.

5 **20. DISCLOSURE OF NON-PARTY INTERESTED PERSONS OR ENTITIES**

6 *This Section tells the Court if anyone who is not named as a party in the case will be affected by*  
7 *the outcome. Usually, if you are representing yourself, the answer is "None." If there is an*  
8 *"interested party," cross out "None" and write in the names.*

8 None.

9 **21. OTHER MATTERS**

10 *Use this section to discuss other issues that would assist with the just, speedy, and*  
11 *inexpensive resolution of this case.*

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20 *NOTE: This document should not be longer than ten pages, including any pages you add at the*  
21 *end. Each party submitting this statement must sign and date below.*

22 Date: \_\_\_\_\_ Sign Name: \_\_\_\_\_  
23 \_\_\_\_\_ Print Name: \_\_\_\_\_  
24 \_\_\_\_\_ *Pro se*  
25 \_\_\_\_\_  
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1 *Use this page if you need additional space for any Section. Be sure to write the Section number.*

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1                   **CERTIFICATE OF SERVICE OF DOCUMENT OTHER THAN COMPLAINT**

2                   \* *You must serve each document you file by sending or delivering to the opposing side. Complete*  
3                   *this form, and include it with the document that you file and serve.\**

4                   1. **Case Name:** \_\_\_\_\_ v. \_\_\_\_\_

5                   2. **Case Number:** \_\_\_\_\_

6                   3. **What documents were served?** Case Management Statement

7                   4. **How was the document served?** *[check one]*

8                    Placed in U.S. Mail

9                    Hand-delivered

10                   Sent for delivery (e.g., FedEx, UPS)

11                   Sent by fax (if the other party has agreed to accept service by fax)

12                  5. **Who did you send the document to?** *[Write the full name and contact information for*  
13                  *each person you sent the document.]*

14                  \_\_\_\_\_

15                  \_\_\_\_\_

16                  \_\_\_\_\_

17                  \_\_\_\_\_

18                  6. **When were the documents sent?** \_\_\_\_\_

19                  7. **Who served the documents?** *[Whoever puts it into the mail, faxes, delivers or sends for*  
20                  *delivery should sign, and print their name and address. You can do this yourself.]*

21                  I declare under penalty of perjury under the laws of the United States that the foregoing  
22                  is true and correct.

23                  Signature: \_\_\_\_\_

24                  Name: \_\_\_\_\_

25                  Address: \_\_\_\_\_

26                  \_\_\_\_\_