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4 **United States District Court**  
5 **for the Central District of California**  
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7 ) **CASE NO.**  
8 )  
9 **Plaintiff(s),** ) **ORDER RE: PRETRIAL**  
10 **v.** ) **CONFERENCE:**  
11 ) **1. PRETRIAL CONFERENCE**  
12 ) **PURSUANT TO FED. R. CIV.**  
13 ) **P. 16 AND 26 AND LOCAL**  
14 ) **RULE 26**  
15 ) **2. MOTIONS & EX PARTE**  
16 ) **APPLICATIONS**  
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15 This action has been assigned to the calendar of Chief Judge Audrey B. Collins,  
16 Courtroom 680, Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012.

17 The responsibility for the progress of litigation in the Federal Courts falls not only upon  
18 the attorneys in the action, but upon the Court as well. In order “to secure the just, speedy, and  
19 inexpensive determination of every action,” Fed. R. Civ. P. 1, all counsel are hereby ordered to  
20 familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the  
21 Central District of California.

22 **NOTICE:** Two sets of mandatory chambers paper copies must be delivered to chambers  
23 by 12:00 p.m. (noon) of the court day following the filing of any document. For security  
24 reasons, paper copies of filings shall be removed from envelopes or folders before being placed  
25 with chamber’s drop-box. Counsel shall familiarize themselves with Central District General  
26 Orders 08-02 and 08-11.  
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1 **1. SCHEDULING CONFERENCE**

2 This matter is set for a Pretrial/Scheduling Conference on \_\_\_\_\_ at \_\_\_\_\_ a.m.

- 3 (a) The conference will be held pursuant to Fed. R. Civ. P. 16, 26(f), and Local Rule  
4 26-1. The parties are reminded of their obligations to disclose information. The  
5 parties must confer on a discovery plan not later than 21 days prior to the  
6 scheduling conference and report to the Court by filing a Joint Rule 26(f) Report  
7 not later than 14 days after they confer as required by Fed. R. Civ. P. 26 and the  
8 Local Rules of this Court. Failure to comply with all applicable rules or to  
9 cooperate in the preparation of the Joint Rule 26(f) Report may lead to the  
10 imposition of sanctions.
- 11 (b) Counsel should begin to conduct discovery before the Scheduling Conference.  
12 This will expedite settlement discussions and early motion work on the litigation.
- 13 (c) If counsel for any party has his or her office outside Los Angeles County, the  
14 Court may in its discretion conduct the scheduling conference by conference  
15 telephone call. *Counsel requesting the telephonic conference shall contact the*  
16 *courtroom deputy at (213) 894-6500 for approval.* Opposing counsel who are  
17 outside of Los Angeles County may also participate by telephone. Counsel  
18 requesting the telephonic will be responsible for originating the conference call to  
19 the court after assembling all parties on the line. Counsel may be required to  
20 remain available on the telephone until the case number is called.

21 **2. FILING AND CONTENTS OF THE JOINT RULE 26(f) REPORT**

22 *The Joint Rule 26(f) Report shall be filed not later than one week before the scheduling*  
23 *conference.* Plaintiff is responsible for drafting the report, but it shall be submitted and signed  
24 jointly. The Joint Rule 26(f) Report shall include the following:

- 25 (a) A short statement of the claims, counterclaims, and affirmative defenses, not to  
26 exceed three (3) pages;
- 27 (b) A brief description of the key legal issues;
- 28 (c) A discussion of the likelihood of motions seeking to add other parties or claims,

1 file amended pleadings, or transfer venue;

2 (d) A discussion of discovery and experts pursuant to Rule 26(f);

3 (e) A description of any issues which may be resolved by motions for summary  
4 judgment;

5 (f) A brief description of settlement discussions to date, and the settlement selection  
6 pursuant to Local Rule 16;

7 (g) A realistic time estimate required for trial and whether it will be by jury or court;

8 (h) Proposed dates for:

9 ▶ Motion and claims cut-off;

10 ▶ Discovery cut-off;

11 ▶ Motion cut-off;

12 ▶ Final Pre-Trial Conference;

13 ▶ Jury or court trial<sup>1</sup>; and

14 (i) Any other matters affecting the status of the case.

15 • **ERISA cases.** Note that the Court will not hear motions for summary judgment,  
16 see Kearney v. Standard Insurance Co., 175 F.3d 1084 (1999), but will hear  
17 motions to determine the standard of review and the scope of the administrative  
18 record. There will be a court trial (usually confined to oral argument) on the  
19 administrative record, along with any other expanded testimony.

20 • **Patent Cases.** Counsel should propose dates for claim construction and  
21 Markman hearings.

22 • **Consent to Magistrate Judge.** The parties may consent to have a magistrate  
23 judge preside over the entire case, including trial. The parties are free to select  
24 from among all the magistrate judges available for this purpose, not just the  
25 magistrate judge assigned to this case. (Please consult the court's website for the  
26 list of Magistrate Judges.)

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28 <sup>1</sup>All motion cut-off and pre-trial conference dates are on Mondays. Trials are  
always set on Tuesdays.

1 **3. MOTIONS**

2 In motion matters, counsel should note the timing and service requirements of Local  
3 Rules 6 and 7, **as revised effective January 1, 2010**, which include:

- 4 a. **Local Rule 6-1:** If mailed, the notice of motion shall be served not later than  
5 thirty-one (31) days before the hearing date designated in the notice. If served  
6 personally, the notice of motion shall be served not later than twenty-eight (28)  
7 days before the hearing date designated in the notice.
- 8 b. **Local Rule 7-3:** Pre-Filing Conference of Counsel. Counsel should be familiar  
9 with this rule, which requires a pre-filing meeting to discuss the substance and  
10 potential resolution of non-discovery motions. Note that counsel for the moving  
11 party must notify the Court in any notice of motion that the meeting took place.
- 12 c. **Local Rule 7:** Note the requirements included in L.R. 7-4. The notice of motion  
13 shall include a concise statement of the relief or court action the movant seeks.
- 14 d. **Local Rule 7-9:** Opposing papers shall be served upon other parties and filed  
15 not later than twenty-one (21) days before the hearing date.
- 16 e. **Local Rule 7-10:** Reply papers, if any, shall be served and filed not later than  
17 fourteen (14) days before the motion hearing date.

18 Adherence to the timing requirements of all Local Rules is mandatory for proper chambers  
19 preparation of motion matters.

20 **4. DISCOVERY**

21 This Court refers all discovery motions and disputes to the magistrate judge assigned to  
22 the case. Note that the discovery cut-off date means the last day by which depositions must be  
23 completed and responses to all previously served written discovery must be provided. (See  
24 further discussion in the Court's Civil Jury and Court Trial Orders.)

1 **5. EX PARTE APPLICATIONS**

2 Ex parte applications are considered on the papers and are not usually set for hearing.  
3 Ex parte applications are to be reserved solely for extraordinary relief. This court may impose  
4 sanctions for misuse of ex parte applications. See Local Rule 7-19; In re Intermagnetics Am.,  
5 Inc., 101 B.R. 191 (Bankr. C.D. Cal. 1989). Counsel are ordered to read and comply with the  
6 requirements of Mission Power Engineering, Co. v. Continental Casualty Co., 883 F. Supp. 488  
7 (C.D. Cal. 1995), before filing an ex parte application with this court.

8 **Counsel must comply with Local Rule 7-19 and 7-19.1. Applications which**  
9 **fail to conform with these rules, including a statement of opposing counsel's**  
10 **position, will not be considered. The moving party shall serve the opposing party**  
11 **by facsimile transmission. Opposing papers must be filed not later than twenty-**  
12 **four hours following such facsimile service. Counsel must inform the Courtroom**  
13 **Deputy Clerk, Angela Bridges, (213) 894-6500, if the ex parte application will not**  
14 **be opposed. Counsel must deliver two mandatory chambers paper copies of the**  
15 **ex parte application and opposing papers to chambers.**

16 **6. SETTLEMENT PROCEDURE**

17 A settlement procedure appropriate to the particular case will be used in every civil  
18 action. Counsel must be familiar with the procedures and timing mandated by Local Rule 16-  
19 14. A Notice of Settlement Selection Procedure, signed by counsel for both sides, shall be filed  
20 no later than 10 days after entry of this order. Frank discussion of settlement options should  
21 begin now.

22 **7. NOTICE TO BE PROVIDED BY COUNSEL**

23 Plaintiff's counsel or, if plaintiff is appearing *pro se*, defendant's counsel, shall provide  
24 this Order to any parties who first appear after the date of this Order and to parties who are  
25 known to exist but have not yet entered appearances.

1 **8. COURT'S WEBSITE**

2 Copies of this and all other orders of this Court that may become applicable to this case  
3 are available on the Central District of California website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) under  
4 “Judge’s Procedures & Schedules.” Copies of the Local Rules and General Orders are also  
5 available on the website.<sup>2</sup>

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7 **IT IS SO ORDERED.**

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9 **Dated:**

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**AUDREY B. COLLINS**  
13 **Chief United States District Judge**

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<sup>2</sup> Local Rules may be purchased from the following:

27 **Los Angeles Daily Journal**  
28 **915 East First Street**  
**Los Angeles, CA 90012**

**West Publishing Co.**  
**50 West Kellogg Boulevard**  
**St. Paul, MN 55164-9979**

**Metropolitan News**  
**210 South Spring Street**  
**Los Angeles, CA 90012**