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4 **United States District Court**
5 **for the Central District of California**
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8)
9) **Plaintiff(s),**
10)
11) **v.**
12)
13) **Defendant(s).**
14)

CASE NO.

**ORDER RE: PRETRIAL
CONFERENCE:**

1. **PRETRIAL CONFERENCE
PURSUANT TO FED.R. CIV.
P. 16 and 26; AND LOCAL
RULE 26**
2. **MOTIONS & EX PARTE
APPLICATIONS**
3. **EFILING - MANDATORY
CHAMBERS PAPER COPIES**

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17 This action has been assigned to the calendar of Judge Audrey B. Collins, Courtroom
18 680, Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012.

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

24 **NOTICE: Efiling is mandatory as of January 2, 2008. Two sets of**
25 **mandatory chambers' paper copies must be delivered directly to chambers by**
26 **12:00 p.m. (noon) of the court day following the efile of any document. For**
27 **security reasons, paper copies of filings shall be removed from envelopes or**
28 **folders before being placed with chamber's drop-box. Counsel shall familiarize**
themselves with the Central District's General Orders 08-02 and 08-11.

1. **SCHEDULING CONFERENCE**

This matter is set for a Pretrial/Scheduling Conference on _____ at _____ a.m.

- (a) The conference will be held pursuant to Fed. R. Civ. P. 16, 26(f), and Local Rule 26-1. The parties are reminded of their obligations to disclose information and confer on a discovery plan not later than 21 days prior to the scheduling conference and report to the Court by filing a Joint Rule 26(f) Report not later than 14 days after they confer as required by Fed. R. Civ. P. 26 and the Local Rules of this Court. Failure to comply or to cooperate in the preparation of the Joint Rule 26(f) Report may lead to the imposition of sanctions.
- (b) Counsel should begin to conduct discovery before the Scheduling Conference. This will expedite settlement discussions and early motion work on the litigation.
- (c) If counsel for any party has his or her office outside Los Angeles County, the Court may in its discretion conduct the scheduling conference by conference telephone call. *Counsel requesting the telephonic conference shall contact the courtroom deputy at (213) 894-3759 for approval.* Opposing counsel who are outside of Los Angeles County may also participate by telephone. Counsel requesting the telephonic will be responsible for originating the conference call to the court after assembling all parties on the line. Counsel may be required to remain available on the telephone until the case # is called.

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

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

- (a) A short statement of the claims, counterclaims, and affirmative defenses, not to exceed three (3) pages.

- 1 (b) A brief description of the key legal issues.
- 2 (c) A discussion of the likelihood of motions seeking to add other parties or claims,
3 file amended pleadings, or transfer venue.
- 4 (d) A discussion of discovery and experts pursuant to Rule 26(f).
- 5 (e) A description of any issues which may be resolved by motions for summary
6 judgment.
- 7 (f) A brief description of settlement discussions to date, and the settlement selection
8 pursuant to Local Rule 16.
- 9 (g) A realistic time estimate required for trial and whether it will be by jury or court.
- 10 (h) Proposed dates for:
- 11 ▶ Motion and Claims cut-off;
- 12 ▶ Discovery cut-off;
- 13 ▶ Motion cut-off;
- 14 ▶ Final Pre-Trial Conference; and
- 15 ▶ Jury or Court trial.
- 16 *Note: All motion cut-off and pre-trial conference dates are on Mondays. Trials*
17 *are always set on Tuesdays.*
- 18 (i) Any other matters affecting the status of the case.
- 19 (j) **ERISA cases.** Note that the Court will not hear motions for summary judgment
20 (See Kearney v. Standard Insurance Co., 175 F.3d 1084 (1999)) but will hear
21 motions to determine the standard of review and the scope of the administrative
22 record. There will be a court trial (usually confined to oral argument) on the
23 administrative record, along with any other expanded testimony.
- 24 (k) **Patent Cases.** Counsel should propose dates for hearings on claim construction
25 and Markman hearings.
- 26 (l) **Consent to Magistrate Judge.** The parties may consent to have a
27 magistrate judge preside over the entire case, including trial. The parties are free
28 to select from amongst all the magistrate judges available for this purpose, not

1 just the magistrate judge assigned to this case. (Please consult the court's website
2 for the list of Magistrate Judges.)

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4 **3. MOTIONS**

5 In motion matters, counsel should note the timing and service requirements of Local
6 Rules 6 and 7 including:

- 7
- 8 a. Local Rule 6-1: If mailed, Notice of Motion shall be served not later than
9 twenty-four (24) calendar days before the Motion Day
10 designated in the notice. If served personally, the Notice of
11 Motion shall be served not later than twenty-one (21) days
12 before the Motion Day designated in the notice.
- 13 b. Local Rule 7-3: Pre-Filing Conference of Counsel. Counsel should be
14 familiar with this rule, which requires a pre-filing meeting to
15 discuss the substance and potential resolution of non-
16 discovery motions. Note that counsel for the moving party
17 must notify the Court in any notice of motion that the
18 meeting took place.
- 19 c. Local Rule 7: Note the requirements included in L.R. 7-4. The
20 Notice of Motion shall include a concise statement of
21 the relief or court action the movant seeks.
- 22 d. Local Rule 7-9: Opposing papers shall be served upon other parties and filed
23 no later than fourteen (14) days before the hearing date;
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1 e. Local Rule 7-10: Reply papers, if any, shall be served and filed not later than
2 the seventh calendar date (not excluding Saturdays,
3 Sundays, and holidays) before the motion hearing date; and

4 f. **Mandatory Chambers**

5 **Paper Copies: Counsel shall deliver 2 sets of mandatory chambers**
6 **paper copies of all motions, oppositions, and replies**
7 **directly to the courtesy box outside the chambers**
8 **door by 12:00 p.m. (noon) of the court day following**
9 **efiling of all documents.**

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

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13 **4. DISCOVERY**

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

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19 **5. EX PARTE APPLICATIONS**

20 Ex parte applications are considered on the papers and are not usually set for hearing.
21 Ex parte applications are to be reserved solely for extraordinary relief. [This court may impose
22 sanctions for misuse of ex parte applications. See Local Rule 7-19 and In re Intermagnetics
23 America, Inc., 101 B.R. 191 (Bankr. C.D. Cal. 1989).] Counsel are ordered to read and comply
24 with the requirements of Mission Power Eng., Co. v. Continental. Cas. Co., 883 F. Supp. 488
25 (C.D. Cal. 1995) before filing an ex parte application with this court.

26
27 **Counsel must comply with Local Rule 7-19 and 7-19.1. Applications which**
28 **fail to conform with these rules, including a statement of opposing counsel's**

1 **position, will not be considered. The moving party shall serve the opposing party**
2 **by facsimile transmission. Opposing papers must be filed not later than twenty-**
3 **four hours following such facsimile service. Counsel must inform the Courtroom**
4 **Deputy Clerk, Daphne Alex, (213) 894-3759, if the ex parte application will not be**
5 **opposed. Counsel must deliver a mandatory chambers paper copy of the ex parte**
6 **application and opposing papers to chambers.**

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8 **6. SETTLEMENT PROCEDURE**

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

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

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

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20 **8. MANDATORY CHAMBERS PAPER COPIES**

21 **Counsel should provide 2 sets of mandatory chambers paper copies of all**
22 **motions, oppositions, and replies in motion matters directly to the courtesy box**
23 **outside the chambers door by 12:00p.m. (noon) of the court day following the**
24 **efiling of any document. For security reasons, paper copies of filings should be**
25 **removed from envelopes or folders before being place in the chambers drop-box.**
26 **Counsel shall familiarize themselves with the Central District General Order 08-**
27 **02 & 08-11.**

1 **9. 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," under
4 "Judge's Procedures & Schedules." Copies of the Local Rules and General Orders are available
5 on the website.¹

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7 IT IS SO ORDERED.

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9 Dated:

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AUDREY B. COLLINS
Chief United States District Judge

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¹ Local Rules may be purchased from the following:

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28 Los Angeles Daily Journal
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