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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff,) Case No. Case Number
	Plaintiff,) STANDING ORDER
v.)
Defendant,)
	Defendants.)
_____)

This case has been assigned to the calendar of Judge Valerie Baker Fairbank. Read this order carefully. It controls this case and adds to the Local Rules in some respects. IT IS SO ORDERED:

1. **SERVICE.**

____ Counsel for Plaintiff shall immediately serve this order on all parties. If this case was removed from state court, the defendant who removed the case shall immediately serve this order on all other parties.

2. **GENERAL MATTERS.**

a. **Compliance with FRCP, Local Rules, and Standing Orders.** At all stages of the proceedings, the parties and counsel are expected to comply with the Federal Rules of Civil Procedure ("FRCP"), Local Rules and this Court's orders. Counsel are referred to the Court's website for further information regarding procedures. See www.cacd.uscourts.gov > Judges' Procedures and Schedules > Hon.

1 Valerie Baker Fairbank. Counsel are further advised to review and adhere to the
2 Central District's Civility and Professionalism Guidelines.

3 b. **Communications with Chambers.** Counsel shall not attempt to contact
4 the Court or chambers staff unless responding to an inquiry they initiated. Counsel
5 may contact the courtroom deputy clerk with appropriate inquiries (213-894-0066).
6 To facilitate communication with the courtroom deputy clerk, counsel should list
7 their e-mail addresses, facsimile number, and telephone number on all papers. See
8 L.R. 11-3.8.

9 c. **Mandatory Chambers Copies.** Conformed mandatory chambers copies
10 of all papers filed with the Court, including those filed electronically, shall be
11 delivered on the next day of filing, by 12 noon, to the drop box outside the
12 Chambers of Judge Valerie Baker Fairbank. The Judge's Chambers are located at the
13 end of the hallway, past the courtroom.

14 d. **Presence of Responsible Counsel.** The attorney attending any
15 proceeding before this Court must be an attorney who is thoroughly knowledgeable
16 about the case, responsible for the conduct of the litigation, and who has authority to
17 enter into stipulations and to make admissions.

18 e. **Telephonic Appearances.** The Court believes it is productive for
19 counsel to appear personally at motion hearings and scheduling conferences. An
20 attorney requesting a telephonic appearance should file and serve a written notice of
21 telephonic appearance at the earliest possible date, but no later than five days prior to
22 the scheduled hearing or conference, absent an emergency.

23 3. **PARTIES' 26(f) PLANNING MEETING.**

24 Counsel shall adhere to FRCP 26. No later than 14 days before the date of the
25 scheduling conference, counsel for all appearing parties and/or all unrepresented
26 appearing parties shall file a joint "Report of the Parties Planning Meeting." This
27 report shall address the subjects in Rule 26(f)(1) – (4) and the following:

28 a. **Jurisdiction.** The basis for subject matter jurisdiction.

1 b. **Claims and Defenses.** The report shall include a concise statement of
2 the factual and legal basis of the claims and defenses.

3 c. **Magistrate Judge.** The report shall address the prospects of the parties
4 consenting to the designation of a Magistrate Judge to conduct all proceedings and
5 final disposition. See 28 U.S.C. § 636; General Order 194-G. A list of Magistrate
6 Judges available for consent cases is attached.

7 d. **Discovery Cut-Off.** The report shall propose a date by which all
8 discovery shall be completed. If the parties anticipate calling expert witnesses, they
9 shall propose a schedule for the completion of discovery directed at expert witnesses.

10 e. **Trial Matters.** The report shall propose dates for the Final Pre-Trial
11 Conference and Trial; a realistic estimate of the number of court dates required to
12 present each side's case-in-chief; and whether trial is to be by jury or the Court.

13 f. **Anticipated Problems.** The report shall address major procedural or
14 evidentiary problems, if any.

15 g. **Settlement.** The report shall address prospects of settlement and
16 propose a date and procedure for compliance with Local Rule 16-15.

17 4. **DISCOVERY.**

18 a. **Compliance with Rule 26(a).** Unless it is likely that the Court would,
19 on motion of a party, order that any or all discovery is premature, counsel should
20 begin to conduct discovery before the scheduling conference. The parties shall
21 comply fully with the letter and spirit of Rule 26(a).

22 b. **Discovery Motions.** All discovery disputes have been referred to the
23 assigned magistrate judge. All discovery documents must include the words
24 "DISCOVERY MATTER" in the caption to ensure proper routing. Counsel should
25 contact the magistrate judge's courtroom deputy clerk to schedule hearings. Counsel
26 should not deliver courtesy copies of discovery-related documents to this Court.

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1 **5. EX PARTE APPLICATIONS.**

2 Ex parte applications are solely for extraordinary relief and are rarely justified.
3 See Mission Power Engineering Co. v. Continental Casualty Co., 883 F. Supp. 488
4 (C.D. Cal. 1995). Applications must be filed in the Clerk's office. Ex parte
5 applications are normally considered on the papers. Applications that fail to
6 conform to Local Rules 7-19 and 7-19.1, including a statement of opposing counsel's
7 position, will not be considered except on a specific showing of good cause.

8 In addition to the requirements of Local Rules 7-19 and 7-19.1, the moving
9 party shall, following service of the ex parte papers by facsimile transmission or
10 personal service, notify the opposition that opposing papers must be filed no later
11 than twenty four hours (1 court day) following service, except in cases where the
12 opposing party has not previously appeared (i.e. responded to the Complaint). In
13 those cases where the opposing party has not previously appeared, the moving party
14 shall, following service of the ex parte papers by facsimile or personal service, notify
15 the opposition that opposing papers must be filed no later than forty eight hours (2
16 court days) following service.

17 **6. CASES REMOVED FROM STATE COURT.**

18 All documents filed in state court, including documents appended to the
19 complaint, answers and motions, must be refiled in this Court as a supplement to the
20 notice of removal, if not already included. See 28 U.S.C. § 1447(a) and (b). If,
21 before the case was removed, a motion was pending in state court, it must be
22 re-noticed in accordance with Local Rule 7. If an action removed to this Court
23 contains a form pleading, i.e. a pleading in which boxes are checked, the party or
24 parties that filed the form pleading must file an appropriate pleading with this Court
25 within 30 days of receipt of the notice of removal.

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1 **7. PATENT CASES.**

2 _____ With minor modifications, the Court follows the Northern District of
3 California Patent Local Rules (version effective 3/1/2008) in all patent cases.
4 Counsel are referred to the Court's website for more information and a modified copy
5 of the Rules. See www.cacd.uscourts.gov > Judges' Procedures and Schedules >
6 Hon. Valerie Baker Fairbank.

7 **8. FICTITIOUSLY NAMED DEFENDANTS.**

8 This Court adheres to the following procedures when a matter is removed to
9 this Court on diversity grounds with fictitiously named defendants referred to in the
10 complaint. See 28 U.S.C. §§ 1441(a) and 1447.

11 a. **Identification Prior to Scheduling Conference.** Plaintiff shall
12 ascertain the identity of and serve any fictitiously named defendants before the
13 scheduling conference. Generally, the Court will dismiss Doe defendants on the date
14 of the scheduling conference.

15 b. **Identification Within 120 Days.** If plaintiff believes that fictitiously
16 named defendants cannot be fully identified within the 120 day period, a motion
17 requesting permission to extend the period to effectuate service may be filed with the
18 Court. Plaintiff shall seek the consent of counsel for all defendants and the
19 fictitiously named party to the substitution of a named defendant for one of the
20 fictitiously named defendants. If consent is withheld or denied, plaintiff may move
21 to file an amended complaint.

22 **9. GENERAL MOTION REQUIREMENTS.**

23 a. **Time for Hearing Motions.** Motions shall be filed in accordance with
24 Local Rule 7. Motion dates need not be reserved in advance. This Court hears
25 motions on Mondays at 1:30 p.m.

26 b. **Pre-filing Requirement.** Counsel must comply with Local Rule 7-3,
27 which requires counsel to engage in a pre-filing conference "to discuss thoroughly ...
28 the substance of the contemplated motion and any potential resolution."

1 c. **Length and Format of Motion Papers.** Memoranda of points and
2 authorities in support of or in opposition to motions shall not exceed 25 pages.
3 Replies shall not exceed 12 pages. Only in rare instances and for good cause will the
4 Court grant an application to extend these page limitations. If documentary evidence
5 in support of or in opposition to a motion exceeds 50 pages, the Court's mandatory
6 chambers copy of all evidence shall be placed in a binder, including a Table of
7 Contents, with each item of evidence separated by a tab divider. Typeface shall
8 comply with Local Rule 11-3.1.1. Footnotes shall be in typeface no less than one
9 size smaller than text size.

10 d. **Calendar Conflicts.** Counsel are to inform opposing counsel and the
11 courtroom deputy clerk as soon as a potential calendar conflict is discovered.
12 Counsel should attempt to agree on a proposed date to accommodate the calendar
13 conflict and the schedules of the counsel and the Court.

14 e. **Requests to Take Matters Off-Calendar.** Requests to continue a
15 motion or to take it off-calendar must be communicated to the courtroom deputy
16 clerk as soon as possible. For example, if a case settles, the courtroom deputy clerk
17 should be notified immediately so as to avoid the waste of judicial time and
18 resources.

19 **10. SPECIFIC MOTION REQUIREMENTS.**

20 a. **Motions Pursuant to Rule 12.** Many motions to dismiss or to strike
21 can be avoided if the parties confer in good faith, especially for perceived defects in
22 a complaint, answer or counterclaim that could be corrected by amendment.
23 Moreover, a party has the right to amend the complaint "once as a matter of course at
24 any time before a responsive pleading is served." FRCP 15(a). A Rule 12(b)(6)
25 motion is not a responsive pleading and therefore plaintiff might have a right to
26 amend. See St. Michael's Convalescent Hospital v. California, 643 F.2d 1369, 1374
27 (9th Cir. 1981). Even after a complaint has been amended or a responsive pleading
28 has been served, the Federal Rules provide that leave to amend should be "[f]reely

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UNITED STATES MAGISTRATE JUDGES
CURRENTLY AVAILABLE FOR CIVIL CONSENT CASES

The following Magistrate Judges are currently available for consent cases, pursuant to 28 U.S.C. § 636 (c) and Local Rule 73. To confirm a particular Magistrate Judge's ability to schedule the trial in the time frame desired by the parties and/or willingness to accommodate any other special requests of the parties, please contact that Magistrate Judge's courtroom deputy prior to filing/lodging the consent form.

Magistrate Judge	Courtroom Deputy / Telephone Number
Robert N. Block	Trina DeBose / 714-338-4754
Marc L. Goldman	Terri Steele / 714-338-4755
Jeffrey W. Johnson	Amalia Chevalier / 213-894-5369
Victor B. Kenton	Roxanne Horan / 213-894-1831
Jennifer T. Lum	Debra Plato / 213-894-0216
Frederick F. Mumm	James R. Munoz / 213-894-3046
Arthur Nakazato	Melissa Cash / 714-338-4756
Fernando M. Olguin	Vanessa Del Rio / 213-894-0215
Suzanne H. Segal	Denise Lazo / 213-894-0958
Patrick J. Walsh	Isabel Martinez / 213-894-8958