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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PLAINTIFF,)	Case No. CASE NUMBER
)	
Plaintiff,)	STANDING ORDER
)	
v.)	
)	
DEFENDANT,)	
)	
Defendants.)	

**READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This action has been assigned to the calendar of Judge Stephen G. Larson. Both the Court and the attorneys bear responsibility for the progress of litigation in the Federal Courts. To secure the just, speedy, and inexpensive determination of every action, Fed. R. Civ. P. 1, all counsel of record and any parties proceeding pro se, are directed to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.

IT IS HEREBY ORDERED:

1. Service of the Complaint: Plaintiff shall promptly serve the Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant to Local Rule

1 5-3.1 within three days following service. Defendants also shall timely file their
2 responsive pleadings and file proofs of service within three days.

3 **2. Presence of Lead Counsel:** Unless afforded leave of Court, lead trial
4 counsel shall attend all proceedings before this Court, including all status, scheduling,
5 and settlement conferences.

6 **3. Discovery:** All discovery matters have been referred to a United States
7 Magistrate Judge (see initial designation following the case number). The words
8 “DISCOVERY MATTER” shall appear in the caption of all documents relating to
9 discovery to insure proper routing. Counsel are directed to contact the Magistrate
10 Judge Courtroom Deputy Clerk for the assigned Magistrate Judge to schedule matters
11 for hearing.

12 The decision of the Magistrate Judge shall be final, subject to modification by the
13 District Court only where it has been shown that the Magistrate Judge’s order is clearly
14 erroneous or contrary to law.

15 Any party may file and serve a motion for review and reconsideration before this
16 Court. The party seeking review must do so within ten days of service upon the party of
17 a written ruling, or within ten days of an oral ruling that the Magistrate Judge states will
18 not be followed by a written ruling. The motion must specify which portions of the text
19 are clearly erroneous or contrary to law and the claim must be supported by points and
20 authorities. A copy of the moving papers and responses shall be delivered to the
21 Magistrate Judge’s clerk for review upon the filing of the required documents.

22 Unless there is a likelihood that, upon motion by a party, the Court would order
23 that any or all discovery is premature, counsel shall begin before the Scheduling
24 Conference. At the very least, the parties shall comply fully with the letter and spirit of
25 Fed. R. Civ. P. 26(a) relating to initial disclosures and thereby produce and obtain most
26 of what would be produced in the early stages of discovery.

27 If expert witnesses are to be called at trial, the parties shall designate experts to
28 be called at trial and provide reports required by Fed. R. Civ. P. 26(a)(2)(B) not later

1 than eight weeks prior to the discovery cutoff date. Rebuttal expert witnesses shall be
2 designated and reports provided as required by Fed. R. Civ. P. 26(a)(2)(B) not later
3 than five weeks prior to the discovery cutoff date. Failure to timely comply with this
4 deadline may result in the expert being excluded at trial as a witness.

5 **4. Motions:**

6 (a) **Time for Filing and Hearing Motions:** Motions shall be filed in
7 accordance with Local Rules 6-1 and 7-2, et seq.¹ This Court hears motions on
8 Mondays, commencing at 10:00 a.m. No supplemental brief shall be filed without prior
9 leave of Court. Many motions to dismiss or to strike could be avoided if the parties
10 confer in good faith (as they are required to do under L.R. 7-3), especially for perceived
11 defects in a complaint, answer, or counterclaim which could be corrected by
12 amendment. See Chang v. Chen, 80 F.3d 1293, 1296 (9th Cir. 1996) (where a motion
13 to dismiss is granted, a district court should provide leave to amend unless it is clear
14 that the complaint could not be saved by any amendment). Moreover, a party has the
15 right to amend its complaint “once as a matter of course before being served with a
16 responsive pleading.” Fed. R. Civ. P. 15(a). A motion filed pursuant to Fed. R. Civ. P.
17 is not a responsive pleading for purposes of Rule 15(a) and therefore plaintiff might
18 have a right to amend. See Nolen v. Fitzharris, 450 F.2d 958, 958-59 (9th Cir. 1971);
19 St. Michael’s Convalescent Hospital v. California, 643 F.2d 1369, 1374 (9th Cir. 1981).
20 Even where a party has amended its Complaint once, or where a responsive pleading
21 has been served, the Federal Rules provide that leave to amend should be freely given
22 “when justice so requires.” Fed. R. Civ. P. 15(a)(2). The Ninth Circuit requires that this
23 policy favoring amendment be applied with “extreme liberality.” Morongo Band of
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25 ¹ Among other things, Local Rule 7-3 requires counsel to engage in a pre-filing
26 conference “to discuss thoroughly . . . the substance of the contemplated motion and any
27 potential resolution.” Counsel should discuss the issues sufficiently so that if a motion is
28 still necessary, the briefing may be directed to those substantive issues requiring
resolution by the Court. Counsel should resolve minor procedural or other nonsubstantive
matters during the conference.

1 Mission Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990)(citing DCB Programs, Ltd.
2 v. Leighton, 833 F.2d 183, 186 (9th Cir. 1987)). These principles require that counsel
3 for the plaintiff should carefully evaluate the defendant's contentions as to the
4 deficiencies in the complaint and, in many instances, the moving party should agree to
5 any amendment that would cure a curable defect.

6 In the unlikely event that motions under Fed. R. Civ. P. 12 challenging pleadings
7 are filed after the Rule 16 Scheduling Conference, the moving party shall attach a copy
8 of the challenged pleading to the Memorandum of Points and Authorities in support of
9 the motion.

10 The foregoing provisions apply as well to motions to dismiss a counterclaim,
11 answer, or affirmative defense that a plaintiff might file.

12 **(b) Length and Format of Motion Papers: Memoranda of Points**
13 **and Authorities in support of or in opposition to motions shall not exceed 25**
14 **pages. Replies shall not exceed 12 pages.** Only in rare instances and for good
15 cause shown will the Court grant an application to extend these page limitations.

16 Typeface shall comply with Local Rule 11-3.1.1. If Times Roman or another
17 proportionally spaced font is used, the size must be no less than 14-point; if Courier or
18 another monospaced font is used, the size must be no less than 12-point, and there
19 must be no fewer than 10.5 characters per inch. Footnotes shall be in typeface no less
20 than one size smaller than text size and shall be used sparingly.

21 Filings that do not conform to the Local Rules and this Order will not be
22 considered.

23 **(c) Citations to Case Law:** Citations to case law **must** identify not
24 only the case being cited, but the specific page being referenced. Certain kinds of
25 authority are considered more useful — or authoritative — than others. If more than
26 one authority is cited in support of a proposition, these supporting authorities shall be
27 listed such that the more authoritative ones appear first.

28 **(d) Citations to Statutory Sources:** Counsel are reminded that the

1 basic purpose of a legal citation is to allow the reader to locate a cited source accurately
2 and efficiently. Accordingly, statutory references should identify, with specificity, which
3 sections and subsections are being referenced. Statutory references which do not
4 indicate specifically which section and subsection are being referred to are to be
5 **avoided**. Citations to treatises, manuals, and other materials should similarly include
6 the volume and the section being referenced.

7 **(e) Citations to Other Sources:** Parties offering evidence in support
8 of, or in opposition to, a motion (notably a Rule 56 motion) must cite to specific page
9 and line numbers in depositions and paragraph numbers in affidavits. Furthermore,
10 such evidence must be authenticated properly. The Court directs the parties to become
11 familiar with Orr v. Bank of America, NT & SA, 285 F.3d 764 (9th Cir. 2002).

12 **(f) Courtesy Copies:** Counsel shall deliver a courtesy
13 copy of all opposition and reply papers in motion matters to the courtesy box outside the
14 Courtroom One, located on the second floor of the United States Courthouse, 3470
15 Twelfth Street, Riverside, California, **by no later than noon the day after e-filing**.

16 **(g) Limits on Motions**

17 **(1) Motions for Summary Judgment:** No party may file more
18 than one motion pursuant to Fed. R. Civ. P. 56, regardless of whether such motion is
19 denominated as a motion for summary judgment or summary adjudication.

20 **(2) Motions in Limine:** No party may file more than five
21 motions in limine.

22 **(h) Exhibits:** Exhibits filed in support of any pleading shall be tabbed.

23 **5. Proposed Orders:** Each party filing or opposing a motion, or seeking the
24 determination of any matter, shall serve and lodge a Proposed Order setting forth the
25 relief or action sought and a brief statement of the rationale for the decision with
26 appropriate citations.

27 **6. Ex Parte Applications:** Counsel are reminded that ex parte applications
28 are solely for extraordinary relief. See Mission Power Engineering Co. v. Continental

1 Casualty Co., 883 F. Supp. 488 (C.D. Cal. 1995). Applications which fail to conform
2 with Local Rules 7-19 and 7-19.1, **including a statement of opposing counsel's**
3 **position**, will not be considered. Any opposition must be filed not later than 24 hours
4 after service. If counsel do not intend to oppose the ex parte application, counsel must
5 inform the court clerk by telephone. The Court considers ex parte applications on the
6 papers and usually does not set these matters for hearing.

7 Counsel shall deliver a conformed courtesy copy of moving, opposition, or notice
8 of non-opposition papers to the courtesy box outside the entrance to Courtroom One.
9 The courtroom deputy clerk will notify counsel of the Court's ruling or a hearing date and
10 time, if the Court determines a hearing is necessary.

11 **7. Applications or Stipulations to Extend the Time to File any Required**
12 **Document or to Continue any Pretrial or Trial Date:** No stipulations extending
13 scheduling requirements or modifying applicable rules are effective until and unless the
14 Court approves them. Both applications and stipulations must be electronically filed in
15 advance of the date due and set forth:

16 (a) the existing due date or hearing date as well as the discovery cutoff
17 date, the last date for hearing motions, the pre-trial conference date and the trial date;

18 (b) specific, concrete reasons supporting good cause for granting the
19 extension; and

20 (c) whether there have been prior requests for extensions, and
21 whether these were granted or denied by the Court.

22 **8. TROs and Injunctions:** Parties seeking emergency or provisional relief
23 shall comply with Fed. R. Civ. P. 65 and Local Rule 65-1. The Court will not rule on any
24 application for such relief for at least 24 hours after the party subject to the requested
25 order has been served; such party may file opposing or responding papers in the
26 interim.² The parties shall submit a courtesy copy, conformed to reflect that it has been

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28 ² Local Rule 7-19.2 - Waiver of Notice. If the Judge to whom the application is
made finds that the interest of justice requires that the ex parte application be heard

1 electronically filed, of all papers relating to TROs and injunctions. The courtesy copy
2 shall be placed in the courtesy box outside the entrance to Courtroom One. All such
3 papers shall be submitted "loose," i.e., not inside envelopes.

4 **9. Cases Removed From State Court:** All documents filed in state court,
5 including documents appended to the complaint, answers, and motions, must be refiled
6 in this Court as a supplement to the Notice of Removal, if not already included. See 28
7 U.S.C. § 1447(a)-(b). If defendant has not yet responded, the answer or responsive
8 pleading filed in this Court must comply with the Federal Rules of Civil Procedure and
9 the Local Rules of the Central District. If a motion was pending in state court before the
10 case was removed, it must be re-noticed in accordance with Local Rule 6-1.

11 **10. ERISA Cases:**

12 The following procedure will apply in cases in which a plaintiff seeks benefits
13 under an ERISA plan:

14 (a) Because discovery is disfavored in such cases, the parties may
15 request discovery only where it is necessary to determine the appropriate standard of
16 review and the proper scope of the administrative record. See Kearney v. Standard Ins.
17 Co., 175 F.3d 1084, 1090-91 (9th Cir. 1999). The Court will set a discovery cut-off date.
18 Any disputes concerning discovery that the parties are unable to resolve through the
19 meet and confer process shall be submitted to the assigned Magistrate Judge. The
20 parties are advised to carefully follow all of the requirements of L.R. 37-1, et. seq.

21 (b) Absent an agreed-upon statement of facts, the Court will not hear
22 motions for summary judgment; instead, the Court will consider a joint motion to
23 determine the proper standard of review. In accordance with the schedule established
24 by the Court, the parties shall file simultaneous briefs in support of their respective
25 positions on the appropriate standard of review. The parties shall also file simultaneous

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27 without notice (which in the instance of a TRO means that the requisite showing under
28 Fed. R. Civ. P. 65(b) has been made) the Judge may waive the notice requirement of L.R.
7-19.1.

1 opposing briefs.

2 (c) Prior to filing a motion to determine the proper standard of review,
3 the parties shall participate in a settlement conference pursuant to L.R. 16-14.

4 (d) Within thirty days after the entry of the Court's order (or the parties'
5 stipulation) re standard of review, the parties shall participate in a second settlement
6 conference pursuant to L.R. 16-14.

7 (e) Absent a settlement, the Court will conduct an administrative review
8 on the parties' trial briefs. The Court will not conduct a trial or hear oral argument
9 unless the Court, after receiving and reviewing the parties' trial briefs, decides that such
10 argument would be helpful to the Court. The parties shall file simultaneous opening
11 briefs and opposing briefs per the schedule established by the Court. The matter will be
12 taken under submission and the Court will issue an Order Re Administrative Review.

13 With the opening briefs, the parties shall jointly lodge with the Court two copies of
14 the administrative record. The original copy must be formatted in compliance with the
15 Court's Local Rules; the chambers copy must include a table of contents, must be
16 tabbed, and must be placed in a three-ring binder.

17 (f) In addition to any applicable items set forth in the Court's Order
18 setting the Rule 26(f) conference, the parties' Rule 26(f) Report shall set forth a
19 statement of whether the parties anticipate that the Court will be required to determine
20 the appropriate standard of review.

21 (g) The Court will set a briefing schedule for and a cut-off date for
22 hearing of motions regarding standard of review and the scope of the administrative
23 record.

24 **11. Status of Fictitiously Named Defendants:** This Court intends to adhere
25 to the following procedures where a matter is removed to this Court on diversity grounds
26 with fictitiously named defendants referred to in the complaint (see 28 U.S.C. §§
27 1441(a) and 1447):

28 (a) Plaintiff is normally expected to ascertain the identity of and serve

1 any fictitiously named defendants within 120 days of the removal of the action to this
2 Court.

3 (b) If plaintiff believes (by reason of the necessity for discovery or
4 otherwise) that fictitiously named defendants cannot be fully identified within the 120-
5 day period, an ex parte application requesting permission to extend that period to
6 effectuate service may be electronically filed with this Court. Such application shall
7 state the reasons therefor, and may be granted upon a showing of good cause. The ex
8 parte application shall be served upon all appearing parties, and shall state that
9 appearing parties may comment within seven (7) days of the filing of the ex parte
10 application.

11 (c) If plaintiff desires to substitute a named defendant for one of the
12 fictitiously named parties, plaintiff first shall seek to obtain consent from counsel for the
13 previously-identified defendants (and counsel for the fictitiously named party, if that
14 party has separate counsel). If consent is withheld or denied, plaintiff may apply ex
15 parte requesting such amendment, with notice to all appearing parties. Each party shall
16 have seven calendar days to respond. The ex parte application and any response
17 should comment not only on the substitution of the named party for a fictitiously named
18 defendant, but on the question of whether the matter should thereafter be remanded to
19 the Superior Court if diversity of citizenship is destroyed by the addition of the new
20 substituted party. See 28 U.S.C. § 1447(e).

21 **12. Communications with Chambers:** Counsel shall not attempt to contact
22 the Court or its chambers staff by telephone or by any other ex parte means, although
23 counsel may contact the Court's courtroom deputy clerk, James Holmes, at (951) 328-
24 4464, with appropriate inquiries. To facilitate communication with the courtroom deputy,
25 counsel should list their facsimile transmission numbers along with their telephone
26 numbers on all papers.

1 **13. Internet Site:** Counsel are encouraged to review the Central District's
2 Website for additional information.³ The address is "http://www.cacd.uscourts.gov."

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4 IT IS SO ORDERED.

5 Dated:

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7 STEPHEN G. LARSON
8 UNITED STATES DISTRICT JUDGE

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21 ³ Copies of the Local Rules are available on our website at
22 "http: //www.cacd.uscourts.gov" or they may be purchased from one of the following:

23 Los Angeles Daily Journal
24 915 East 1st Street
25 Los Angeles, California 90012

26 West Publishing Company
27 610 Opperman Drive
28 Post Office Box 64526
 St. Paul, Minnesota 55164-0526

 Metropolitan News
 210 South Spring Street
 Los Angeles, California 90012

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2 **Judge Larson's E-Filing Memorandum Attachment**

3 Counsel shall e-file all civil and criminal filings for Judge Larson pursuant to General
4 Order 08-02, filed on March, 2008 (**superseding** General Order No. 07-08). Although
the procedure is set forth in great detail in General Order 08-02, generally, the
procedure consists of the following three steps:

- 5 Step 1: All *non-signature* items shall be e-filed in **.pdf format**.
6 All *proposed signature items* shall be e-filed as a **separate**
document in **.pdf format**.
- 7 Step 2: In addition to being e-filed, all proposed *signature* items shall be e-
8 mailed to the chambers electronic mailbox in **Microsoft Word** or
WordPerfect format. WordPerfect format is preferred. The
9 chambers e-mail address is **sgl_chambers@cacd.uscourts.gov**
- 10 Step 3: A paper copy of all e-filed documents shall be delivered to
11 chambers no later than noon the day after e-filing. All copies
delivered to chambers shall have the Notice of E-filing attached
12 thereto. For ease of use, declarations, notices, appendices, and
similar documents that have multiple exhibits attached thereto shall
13 separate the exhibits with numbered or lettered tabs.

14 **UNDER SEAL FILINGS**

15 Documents to be filed under seal may not be e-filed and are subject to different
procedures. To file documents under seal, the following steps must be taken:

- 16 Step 1: Manually file an ex parte application to file the documents under
17 seal and concurrently lodge an original and one copy of the
documents to be filed under seal.
- 18 Step 2: E-file a Notice of Manual Filing.
- 19 Step 3: E-mail a .pdf copy of that ex parte application to the chambers e-
20 mail address together with a WordPerfect or Microsoft Word
version of the proposed order for the Court's consideration.
WordPerfect format is preferred.

21 **DO NOT OMIT ANY OF THE ABOVE STEPS.**

22 For any additional questions, please refer to the General Order or call the
23 Helpline @ 213-894-0242.

24 (Revision date March 25, 2008)

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