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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

)	Case No.
)	
Plaintiff(s),)	
v.)	<u>ORDER SETTING SCHEDULING CONFERENCE FOR</u>
)	
)	
Defendant(s).)	_____
)	at 8:30 a.m., Courtroom 9-D
)	
)	<u>READ IMMEDIATELY</u>
)	
)	
)	
)	

This action has been assigned to the calendar of Judge David O. Carter. The responsibility for the progress of litigation in the federal courts falls not only upon the attorneys in the action, but upon the Court as well. Accordingly, the Court issues this Order.

In order “to secure the just, speedy, and inexpensive determination of every action,” Fed. R. Civ. P. 1, all counsel shall familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.* All civil actions or proceedings will be pretried according to Federal Rules of Civil Procedure 16 and 26 and applicable Local Rules.

1 RULE 26(f) CONFERENCE OF PARTIES

2 Counsel shall confer pursuant to Federal Rule of Civil Procedure 26(f). This conference shall occur
3 at least twenty-one (21) days before the Scheduling Conference set by the Court.
4

5 RULE 26(f) REPORT

6 Within fourteen (14) days of the parties' Rule 26(f) conference and in no event later than seven (7)
7 days before the Scheduling Conference set by the Court, the parties shall file their Rule 26(f) report with the
8 Court. The report shall contain the following:

- 9 (1) a short factual summary of the case and of claims and defenses;
- 10 (2) a short synopsis of the principal issues in the case;
- 11 (3) a statement of whether parties are likely to be added and whether the pleadings are likely to
12 be amended (counsel should note that the Court sets a deadline of ninety (90) days after the
13 date the Scheduling Order is issued for the joinder of parties and the amendment of
14 pleadings; any motions to join parties or for leave to amend must be filed within sixty (60)
15 days of the day the Scheduling Order is issued to allow them to be determined prior to the
16 90-day deadline);
- 17 (4) a statement as to issues which any party believes may be determined by motion and a listing
18 of then-contemplated law and motion matters;
- 19 (5) a statement of what settlement discussions have occurred and what settlement procedure is
20 recommended, pursuant to Local Rules 16-14 through 16-14.9 (specifically excluding any
21 statement of the terms discussed and specifically including, if mediation is chosen, the
22 particular mediator who has been chosen);
- 23 (6) a discovery plan, which should set forth discovery phases, the order of discovery, and any
24 limitations on discovery;
- 25 (7) whether trial will be by jury or to the Court and an estimated length of trial;
- 26 (8) any other issues affecting the status or management of the case; and
- 27 (9) four **proposed, specific dates** as follows:
 - 28 (a) a discovery cut-off date;

- 1 (b) a final motion cut-off date, **which should be a Monday and will be the last day on**
2 **which motions will be heard** (counsel should note that motions will need to be filed
3 several weeks in advance of this date as required by Local Rule 6; ordinarily the
4 motion cut-off should be approximately forty-five (45) days after the discovery cut-
5 off);
- 6 (c) a date for the Pretrial Conference, **which should be a Monday**; and
- 7 (d) a date for trial, **which should be a Tuesday**.

8 A report that does not comply with Rule 26(f) and this Order may subject the party or parties responsible
9 to sanctions under Local Rule 83-7. Counsel for all parties participating in the conference of parties should
10 sign the report.

11 SCHEDULING CONFERENCE AND SCHEDULING ORDER

12 As indicated in this Order, this case has been placed on the Court's calendar for a Scheduling
13 Conference pursuant to Federal Rule of Civil Procedure 26(f) in this Court at 8:30 a.m. The parties shall
14 be represented at the Scheduling Conference by the counsel expected to be in charge of conducting the trial
15 on behalf of the parties. A continuance of the Scheduling Conference will be granted only for good cause
16 and will not be granted if a continuance would result in the Scheduling Conference being set after the time
17 limit for the Court to issue a Scheduling Order under Federal Rule of Civil Procedure 16(b).

18 The Court usually issues Scheduling Orders pursuant to Rule 16(b) at or after the Scheduling
19 Conference.
20

21 SETTLEMENT PROCEDURES

22 A settlement procedure appropriate to the particular case will be used in every civil action. *See* Local
23 Rule 16-14.4. In their Rule 26(f) report, counsel are to recommend a specific settlement procedure provided
24 for in Local Rule 16-14.4. Available alternatives include:
25

- 26 (1) a settlement conference before the magistrate judge assigned to this case;
- 27 (2) appearance before a retired judicial officer or other private or non-profit dispute resolution
28 body for settlement or mediation proceedings (if chosen, the particular mediator selected

1 should be indicated);

2 (3) appearance before an attorney selected from the Attorney Settlement Officer Panel;

3 (4) appearance before a district judge or magistrate judge assigned to the Civil Settlement Panel;

4 or

5 (5) such other settlement mechanism proposed by the parties and approved by the Court.

6 The report to the Court concerning settlement procedures should be preceded by a thorough and frank
7 discussion among the attorneys for the parties.

8
9 MOTION MATTERS

10 In motion matters, counsel should note the timing and service requirements of Local Rules 6 and 7
11 and its subparts including:

12 (1) Rule 6-1 (twenty-one (21) days notice for all motions unless served by mail, in which case
13 twenty-four (24) days is required) (notice of motion and moving papers to be filed twenty (20)
14 days before the hearing date);

15 (2) Rule 7-9 (responses to all motions fourteen (14) calendar days before the hearing date); and

16 (3) Rule 7-10 (reply, if any, to all responses seven (7) calendar days before the hearing date).

17 Counsel must comply with the timing requirements of the Local Rules so that chambers can properly prepare
18 for motion matters.

19
20 COURT APPEARANCES

21 Parties shall be represented at *all* court appearances by the counsel expected to be in charge of
22 conducting trial on behalf of the parties.

23 Under no circumstances should counsel, or a party if the party is appearing *pro se*, fail to appear at a
24 court appearance unless the appearance has been waived by prior order of the Court. Even if a settlement has
25 been reached, counsel for all parties, or the party if appearing *pro se*, must appear at court appearances until
26 a stipulation of dismissal signed by all parties has been lodged with the Court.

1 OTHER

2 Counsel are encouraged to file all papers directly in the Southern Division in Santa Ana. The Court
3 does not accept courtesy copies delivered to chambers, unless ordered by the Court.

4 All appropriate inquiries should be directed to Kristee Hopkins, Deputy Court Clerk, at
5 (714) 338-4543. Counsel should not attempt to contact chambers directly. Counsel should list their facsimile
6 transmission numbers on their papers in order to facilitate communication by the Deputy Court Clerk.

7 Plaintiff shall serve a copy of this Order on any as-yet unserved Defendants when Plaintiff serves the
8 Complaint on them.

9
10 IT IS SO ORDERED.

11 DATE: _____

12 _____
13 DAVID O. CARTER
14 United States District Judge

15
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20 _____
21 * Copies of the Local Rules may be found on the internet at <www.cacd.uscourts.gov>. Copies
22 of the Local Rules may also be purchased from:

23 Los Angeles Daily Journal
24 915 E. 1st Street
25 Los Angeles, CA 90012

26 West Publishing Company
27 50 W. Kellogg Blvd.
28 St. Paul, MN 55164-9979

29 Metropolitan News
30 210 South Spring Street
31 Los Angeles, CA 90012