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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 JANE DOE, an individual,) No. CV 16-01234-GHK(Ex)
12)
13 Plaintiff[s],)
14 vs.) ORDER RE: CASE MANAGEMENT
15) (REVISED AS OF FEBRUARY 2016)
16 JOHN DOE ENTERPRISES, INC.,)
17 et al.,) READ IMMEDIATELY
18 Defendant[s].)
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29 This case has been assigned to the calendar of Judge George H. King. The court
30 fully adheres to Rule 1 of the Federal Rules of Civil Procedure, which, as amended as of
31 December 1, 2015, requires that the Rules be “construed, administered, and employed by
32 the court and the parties to secure the just, speedy, and inexpensive determination of
33 every action and proceeding.”

34 Counsel shall also be guided by the following special requirements, some of
35 which are more specific than those set out in the Local Rules:

36 1. SERVICE: Plaintiff shall **promptly** serve the Complaint in accordance
37 with Federal Rule of Civil Procedure 4(m), as amended as of December 1, 2015, and file
38 proofs of service pursuant to Local Rule 5-3.

1 2. ATTENDANCE AT PROCEEDINGS: The attorney attending any
2 proceeding before this court **must** be the attorney who is primarily responsible for the
3 conduct of the case.

4 3. **MANDATORY CHAMBERS COPIES: A copy of all papers filed with**
5 **the court SHALL be delivered to chambers at Room 660, Roybal Federal Building**
6 **and Courthouse, no later than 12:00 noon on the first business day following filing.**
7 **ALL Chambers copies SHALL comply fully with the document formatting**
8 **requirements of Local Rule 11-3. The filing party and its counsel MAY BE**
9 **SUBJECT TO SANCTIONS for failure to deliver a Mandatory Chambers copy in**
10 **full compliance with this Order and Local Rule 11-3.**

11 4. FILING OF MOTIONS:

12 a. Motions shall be filed and set for hearing in accordance with
13 Local Rules 6-1 through 7-20. Motions shall be set on Mondays at 9:30
14 a.m., unless otherwise ordered by the Court. If a Monday is a court holiday,
15 no motions shall be set on the succeeding Tuesday. Any motions noticed
16 for a holiday shall automatically be continued to the next motion calendar
17 date.

18 b. Counsel should take note that Local Rule 11-6 limits all
19 memoranda of points and authorities to “25 pages in length, excluding
20 indices and exhibits, unless permitted by order of the judge.” The Court is
21 of the view that the 25-page limitation is more than adequate for counsel to
22 set forth relevant points and authorities, especially if the memorandum is
23 carefully written and edited to ensure a concise and focused presentation.
24 Accordingly, routine requests to exceed the page limitation will be denied.
25 Leave to exceed the page limitation will be granted only in extraordinary
26 circumstances and only upon a showing of specific facts in support of an
27 application to exceed the page limitation.

1 c. Generally, the court will rule on motions on the papers
2 submitted, and without oral argument. Accordingly, counsel are advised to
3 place all authorities and arguments in their moving or opposing papers.
4 Counsel are reminded that a reply shall be limited to argument and/or
5 authorities responsive to the opposition papers. Any improper introduction
6 of new matter in the reply will be ignored by the court.

7 5. MOTIONS TO DISMISS:

8 a. Unless clearly justified under the circumstances of the case,
9 “motions to dismiss or in the alternative for summary adjudication” are
10 discouraged. These composite motions tend to blur the legitimate
11 distinctions between the two motions, which have different purposes.
12 Frequently, the composite motions introduce evidence that is extrinsic to
13 the pleadings. On the one hand, such evidence is improper for
14 consideration on a Fed. R. Civ. P. 12(b)(6) motion, while on the other hand,
15 treatment of the motion as one under Rule 56 frequently results in
16 reasonable invocation of Rule 56(d) by the non-moving party.

17 b. Moreover, Rule 12(b)(6) motions are discouraged unless such
18 motions will likely result in dismissal, without leave to amend, of all or at
19 least some of the claims under applicable law.

20 6. DISPOSITIVE MOTIONS: No party shall file a motion pursuant to
21 Rule 56 until a dispositive motion deadline has been set. Moreover, no party may file
22 more than one motion pursuant to Rule 56, regardless of whether such motion is
23 denominated as a motion for summary judgment or summary adjudication, without leave
24 of Court.

25 7. LOCAL RULE 7-3: Local Rule 7-3 requires counsel to engage in a pre-
26 filing conference “to discuss thoroughly, *preferably in person*, the substance of the
27 contemplated motion and any potential resolution.” L.R. 7-3 (emphasis added). The
28 Court takes this rule seriously, and counsel **shall** discharge their obligations under Local

1 Rule 7-3 in good faith. The purposes of a 7-3 conference are twofold: first, it facilitates
2 possible informal resolution of an issue without court intervention; second, it enables the
3 parties to brief the remaining disputes in a thoughtful, concise, and useful manner. Even
4 if a motion is still necessary after a good faith pre-filing conference, counsel should have
5 sufficiently discussed the issues so that the briefing will be directed to those substantive
6 issues which require resolution by the court. Minor procedural or other non-substantive
7 matters should be resolved by counsel during the course of the conference.

8 a. All 7-3 conferences **shall** take place via a communication
9 method that, at a minimum, allows all parties to be in realtime
10 communication (letters and e-mail, for example, do not constitute a proper
11 7-3 conference).

12 b. Notwithstanding Local Rule 16-12(c), the parties in cases in
13 which the plaintiff is appearing *pro se* are **required** to meet and confer in
14 compliance with Local Rule 7-3 unless the *pro se* plaintiff is incarcerated.

15 c. Notwithstanding the exception for preliminary injunction
16 motions in Local Rule 7-3, counsel contemplating a preliminary injunction
17 motion are **required** to meet and confer, in substantive compliance with
18 Local Rule 7-3, at least five days prior to the filing of such a motion.

19 8. **DISCOVERY: ALL DISCOVERY MATTERS ARE REFERRED TO**
20 **THE ASSIGNED UNITED STATES MAGISTRATE JUDGE** (see initials in
21 parentheses following the case number). Discovery disputes of a significant nature
22 should be brought promptly before the Magistrate Judge. The court does not look
23 favorably upon delay resulting from unresolved discovery disputes. Counsel are
24 directed to contact the clerk for the assigned Magistrate Judge to schedule matters for
25 hearing. The words “DISCOVERY MATTER” shall appear in the caption of all
26 documents relating to discovery to ensure proper routing.

1 The decision of the Magistrate Judge shall be final and binding, subject to
2 modification by the District Judge only where it has been shown that the Magistrate
3 Judge's order is clearly erroneous, contrary to law, or an abuse of discretion.

4 9. *EX PARTE* APPLICATIONS: *Ex parte* applications are considered on the
5 papers and are not normally set for hearing. Counsel are advised to file and serve their
6 *ex parte* applications as soon as they realize that extraordinary relief is necessary. This
7 court entertains *ex parte* applications only in extraordinary circumstances; sanctions may
8 be imposed for misuse of the *ex parte* process. *McVay v. FedEx Ground*, No. EDCV 03-
9 00817 VAP (SGLx), 2003 WL 22769080, at *2 (C.D. Cal. July 21, 2003); *see also In re*
10 *Intermagnetics Am., Inc.*, 101 B.R. 191 (C.D. Cal. 1989). The requesting party shall
11 serve the motion by personal delivery, fax, or other electronic means, at or before the
12 time the application is filed, and notify the responding party that opposing papers must
13 be filed within 24 hours of such service. Moreover, at the time of the application, the
14 applicant shall comply with Local Rule 7-19.1, which, *inter alia*, requires the applicant
15 to advise the court in writing of the efforts to contact opposing counsel and of that
16 counsel's intention to oppose the application. The moving party's memorandum and
17 declaration in support of an *ex parte* application shall affirmatively show compliance
18 with Local Rules 7-19 through 7-19.2 and this Order, failing which the application will
19 be denied. *See Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 492
20 (C.D. Cal. 1995).

21 10. CLASS ACTIONS: Notwithstanding Local Rule 23-3, the deadline for the
22 filing of a motion for class certification will be set during the Scheduling Conference
23 and/or in a Scheduling Order. No request for relief from Local Rule 23-3 is necessary.

24 11. CONTINUANCES: Continuances are granted only upon a showing of
25 good cause. Counsel requesting a continuance **MUST** submit a **DETAILED** declaration
26 setting forth the reasons therefor. Any continuances requested but not accompanied by
27 said declaration will be rejected. The court sets **FIRM** trial dates and will not change
28 them without a showing of good cause. "**FIRM** trial dates" are defined as dates on

1 which counsel must be ready to proceed; however, the court may trail the action on 48
2 hours call when necessary (*e.g.*, in the event that a criminal case, an older civil case, or a
3 case otherwise entitled to precedence by law, proceeds to trial on said date, or the court
4 is otherwise occupied with other matters).

5 12. STIPULATIONS: **NO** stipulation is effective unless approved by the
6 court. A stipulation must be accompanied by a declaration explaining the specific
7 reasons for the stipulation. Any stipulation not in compliance with this Order or the
8 Local Rules of the Central District will be rejected. Stipulations shall be submitted well
9 in advance of the relief requested.

10 13. NOTICE OF REMOVAL: All documents filed in state court, including
11 answers and documents appended to a complaint, **MUST** be re-filed in this court as a
12 supplement or exhibit to the Notice of Removal. If an answer has not as yet been filed,
13 said answer or responsive pleading shall be filed in accordance with the Federal Rules of
14 Civil Procedure and the Local Rules. *See, e.g.*, Fed. R. Civ. P. 81(c). Any pending
15 motions must be re-noticed in accordance with the Local Rules and this Order.

16 14. BANKRUPTCY APPEALS: Counsel shall comply with the Order re:
17 Procedure to Be Followed in Appeal from Bankruptcy Court issued at the time the
18 appeal is filed in the District Court. The matter is considered submitted upon the filing
19 of the appellant's reply brief. No oral argument is held unless otherwise ordered by the
20 court.

21 15. ACTIONS TRANSFERRED FROM ANOTHER DISTRICT: All
22 documents filed in the transferor court **MUST** be re-filed with this Court, within twenty
23 days of transfer, by the party that sought transfer. Such filing **SHALL** be submitted as a
24 "Notice of Filing," with a compilation of all documents, individually tabbed, attached as
25 an appendix. The notice shall bear a title page containing the information required by
26 Local Rule 11-3.8 and shall otherwise conform with all other relevant Local Rules. The
27 notice shall also contain a table of contents.

