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

,  
  
Plaintiff(s),  
  
v.  
  
,  
  
Defendant(s).

Case No.  
  
**INITIAL STANDING ORDER FOR  
FULL CONSENT CIVIL CASES  
ASSIGNED TO MAGISTRATE  
JUDGE MARIA A. AUDERO**

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

This action has been assigned to Magistrate Judge Maria A. Audero. Judge Audero conducts all proceedings in Courtroom 690 on the Sixth Floor of the Roybal Federal Building and United States Courthouse, 255 East Temple Street, Los Angeles, CA 90012 (“Roybal Courthouse”).

Counsel for the plaintiff must immediately serve this Order on all parties, including any new parties to the action. If this case was removed from state court, the defendant that removed the case must serve this Order on all other parties.

The responsibility for the progress of litigation in the federal courts falls upon the attorneys in the action and upon the Court. “To secure the just, speedy,

1 and inexpensive determination of every action” (Fed. R. Civ. P. 1), all counsel,  
2 including pro se litigants,<sup>1</sup> are hereby ordered to familiarize themselves with the  
3 Federal Rules of Civil Procedure (“Rule”), particularly Rules 16 and 26, the Local  
4 Civil Rules of the Central District of California (“Local Rules”),<sup>2</sup> and Judge  
5 Audero’s Requirements.<sup>3</sup> The parties also may wish to familiarize themselves with  
6 the Central District of California’s website.<sup>4</sup>

7  
8 **UNLESS THE COURT ORDERS OTHERWISE,**  
9 **THE FOLLOWING RULES APPLY.**

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22 \_\_\_\_\_  
23 <sup>1</sup> Parties appearing pro se without counsel must comply with the Federal Rules of  
Civil Procedure and the Local Rules. *See* C.D. Cal. L.R. 1-3, 83-2.2.3.

24 <sup>2</sup> The Local Rules are available on the Court’s website:  
25 <https://www.cacd.uscourts.gov/court-procedures/local-rules>.

26 <sup>3</sup> Judge Audero’s Requirements are available on her webpage on the Court’s  
27 website: <https://www.cacd.uscourts.gov/honorable-maria-audero>.

28 <sup>4</sup> The Court’s website is: <https://www.cacd.uscourts.gov>.

1     **1.     COUNSEL**

2             **a.     Civility.** All counsel who appear in this action immediately must  
3 review and comply with the Civility and Professionalism Guidelines on the Court’s  
4 website under Attorney Information. Failure to do so may result in sanctions.

5             **b.     Presence of Lead Counsel.** Only one attorney for a party may be  
6 designated as lead trial counsel. Lead trial counsel must attend all proceedings set  
7 by this Court and be prepared to address and resolve all matters within the scope of  
8 the proceeding. Lead counsel are encouraged to permit junior lawyers to fully  
9 participate in court proceedings, including to argue motions and to examine  
10 witnesses at trial. The Court is more likely to hear oral argument if any party files a  
11 notice stating that a junior lawyer will conduct at least a substantial part of the  
12 argument. Please refer to Judge Audero’s Requirements, Procedures ¶ 1:  
13 **Courtroom Opportunities for New Attorneys (Five Years or Fewer)** for further  
14 information.

15             **c.     Self-Represented Parties/Pro Se Litigants.**

16             **i.** Parties appearing in propria persona without counsel (pro se  
17 litigants) are to comply with the Local Rules—in particular, Local Rule 16  
18 (“Pretrial Conferences; Scheduling; Management”)—and the rules set by this  
19 Court. In this Order, the term “counsel” includes pro se litigants. Only individuals  
20 may represent themselves. A corporation or other entity must be represented by  
21 counsel; and if counsel seeks to withdraw, counsel must advise the entity of the dire  
22 consequences of failing to obtain substitute counsel before seeking withdrawal—  
23 i.e., a plaintiff entity’s case will be dismissed or a defendant entity will default. *See*  
24 Local Rule 83-2.3.4.

25             **ii.** With the exception of requesting informal discovery  
26 conferences, all parties, including pro se litigants, shall not initiate contact with the  
27 Court or its Chambers staff by writing letters, sending email messages, making  
28 telephone calls to Chambers, or otherwise communicating with the Court unless

1 opposing counsel is present. All matters must be called to the Court’s attention by  
2 appropriate filed application or motion pursuant to Local Rule 83-2.5. To request  
3 an informal discovery conference, parties are required to comply with Judge  
4 Audero’s Requirements, Procedures ¶ 4.

5           **iii.** The Court has a Pro Se Clinic available to assist those persons  
6 who do not have an attorney to represent them. Clinics are located in Los Angeles,  
7 Riverside, and Santa Ana. More information can be obtained on the Court’s  
8 website at <http://prose.cacd.uscourts.gov/>. The Los Angeles Clinic operates by  
9 appointment only. Pro se litigants may schedule an appointment either by calling  
10 the Clinic at (213) 385-2977 ext. 270, or by submitting an online application to  
11 request services at <http://prose.cacd.uscourts.gov/los-angeles>.

12           **d. Duty to Notify of Settlement.** Counsel must advise the Court  
13 immediately if the case or any pending matter has been resolved. Failure to provide  
14 timely notice of settlement or resolution of pending matters may result in sanctions.

15           **e. “Notice of Unavailability.”** While the Court expects that counsel will  
16 conduct themselves professionally and will not deliberately schedule any  
17 proceeding when counsel are unavailable, a “Notice of Unavailability” has no legal  
18 effect and should not be filed.

## 19

## 20 **2. COMMUNICATION WITH CHAMBERS**

21 Counsel shall not initiate contact with the Court or its Chambers staff by  
22 telephone or by any other improper ex parte means. Counsel may contact the  
23 courtroom deputy clerk (“CRD”) with appropriate inquiries. Inquiring about the  
24 status of a ruling or contacting the CRD to continue a proceeding or take it off  
25 calendar generally are not appropriate. The preferred method of communication  
26 with the CRD is by email to [MAA\\_Chambers@cacd.uscourts.gov](mailto:MAA_Chambers@cacd.uscourts.gov). ***Counsel must***  
27 ***copy all parties on any such email.*** To facilitate communication with the CRD,

28 ///

1 counsel should list their email addresses along with their telephone numbers on all  
2 papers.

3  
4 **3. PLEADINGS**

5 **a. Initial Pleading.** Counsel shall comply with Local Rule 3 when filing  
6 initial pleadings. All initiating pleadings, including third-party complaints,  
7 amended complaints, complaints in intervention, counterclaims, and cross claims,  
8 shall be filed as a separate document. None shall be combined with an answer.

9 **b. Service of the Complaint.** The plaintiff(s) shall promptly serve the  
10 complaint in accordance with Rule 4 and file the proof of service pursuant to Rule  
11 4(l). Unless otherwise ordered by the Court, any defendant, including any “Doe” or  
12 fictitiously named defendant, not served within ninety (90) days after the case is  
13 filed shall be dismissed pursuant to Rule 4(m).

14 **c. Cases Removed from State Court.**

15 **i.** All documents filed in state court, including documents  
16 appended to the complaint, answers, and motions, must be re-filed in this Court as a  
17 supplement to the notice of removal. *See* 28 U.S.C. § 1447(a)–(b). If the defendant  
18 has not yet answered or filed a motion in response to the complaint, the answer or  
19 responsive pleading filed in this Court must comply with the Federal Rules of Civil  
20 Procedure and the Local Rules. If, before the case was removed, a motion or  
21 demurrer in response to the complaint was pending in state court, it must be re-  
22 noticed in this Court in accordance with Local Rule 6-1 and Local Rule 7. Counsel  
23 shall file with their first appearance a Notice of Interested Parties in accordance  
24 with Local Rule 7.1-1.

25 **ii.** If an action is removed to this Court that contains a form  
26 pleading—i.e., a pleading in which boxes are checked—the party or parties  
27 utilizing the form pleading must file an appropriate pleading with this Court within

28 ///

1 thirty days of receipt of the Notice of Removal. The appropriate pleading referred  
2 to must comply with the requirements of Rules 7, 7.1, 8, 9, 10, and 11.

3 **d. Amended Pleadings.** Every amended pleading shall be serially  
4 numbered to differentiate the pleading from prior pleadings—e.g., First Amended  
5 Complaint, Second Amended Counterclaim, Third Amended Cross Claim, etc.  
6 Counsel shall attach as an appendix to all amended pleadings a “redline” version of  
7 the amended pleading showing all additions and deletions of material from the most  
8 recent prior pleading.

9 **e. Status of Fictitiously Named Defendants.**

10 **i.** Plaintiff must identify and serve any fictitiously named  
11 defendant(s) before the date of the Scheduling Conference held pursuant to Rule  
12 16(b).

13 **ii.** All Doe defendants remaining within sixty (60) days after the  
14 Scheduling Conference, or by another date set forth in the scheduling order, or set  
15 separately by the Court are dismissed by operation of this Order without further  
16 notice unless plaintiff requests and justifies the need for additional time in the joint  
17 report for the Scheduling Conference and this request is granted by the Court.

18 **iii.** Before moving to substitute a defendant for a Doe defendant,  
19 plaintiff must seek the consent of counsel for all defendants, including counsel for a  
20 represented Doe defendant. If denied consent, plaintiff must file a regularly noticed  
21 motion and address whether the addition of the newly named party destroys  
22 diversity jurisdiction. *See* 28 U.S.C. § 1447(c), (e).

23  
24 **4. DISCOVERY**

25 **a. Compliance with Rule 26.** Unless there is a likelihood that, upon  
26 motion by a party, the Court would order that any or all discovery is premature,  
27 counsel should begin to conduct discovery actively before the Scheduling  
28 Conference. Discovery is not stayed prior to the Scheduling Conference or after

1 dates have been set unless otherwise ordered by the Court. At the very least, the  
2 parties shall comply fully with the letter and spirit of Rule 26(a) and thereby obtain  
3 and produce most of what would be produced in the early stage of discovery,  
4 because at the Scheduling Conference the Court will impose firm deadlines to  
5 complete discovery.

6 **b. Informal Discovery Conference.** No party may file a discovery  
7 motion until it has complied with Judge Audero’s mandatory procedure regarding a  
8 pre-motion telephonic discovery conference, as set forth in Judge Audero’s  
9 Requirements, Procedures ¶ 4. Any discovery motion filed without compliance  
10 with Judge Audero’s discovery dispute resolution procedures, or leave of the Court,  
11 will be stricken.

## 12 13 **5. FILING REQUIREMENTS**

### 14 **a. Filing Documents.**

15 **i. Counsel.** Pursuant to Rule 5(d)(3), Local Rule 5-4, and General  
16 Order 10-07, counsel shall electronically file (“e-file”) all filings.

17 **ii. Pro Se Litigants.** Pro se litigants may present documents to the  
18 Clerk for filing in paper format pursuant to Local Rule 5-4.2. Pro se litigants can  
19 submit paper documents for filing by: (1) direct filing at the filing window located  
20 in the Roybal Courthouse; or (2) mail addressed to the Clerk at the Roybal Federal  
21 Building and United States Courthouse, 255 East Temple Street, Los Angeles, CA  
22 90012.

23 Alternatively, pro se litigants may submit documents for filing through the  
24 Court’s Electronic Document Submission System (“EDSS”) instead of mailing or  
25 bringing documents to the Clerk’s Office. EDSS is not the same as filing  
26 documents electronically in the Court’s CM/ECF System. Registration is not  
27 required to use EDSS and litigants do not need a PACER account; only internet  
28 access and an email address are required. Attorneys may not use EDSS to submit

1 documents on behalf of their clients. To access EDSS and for additional  
2 information, visit the Court’s website at <https://apps.cacd.uscourts.gov/edss>.

3 **c. Text Searchability.** All documents—including pleadings, motions,  
4 and exhibits—submitted to the Court must be text searchable (i.e., “OCR’d”).

5 **d. Documents with Declarations, Exhibits, and Other Attachments.**  
6 Except for filings in support of motions for summary judgment, if a filed or lodged  
7 document has declarations, exhibits, or other attachments, each attachment must be  
8 filed as a separately docketed attachment to the main docket entry with a  
9 description of the attachment (e.g., ECF No. 29-1 Smith Declaration, 29-2 Ex. 1 –  
10 License Agreement, 29-3 Request for Judicial Notice). Documents filed in support  
11 of motions or stipulations that are not filed in accordance with this Order may not  
12 be considered or the related filing may be stricken.

13 **e. Proposed Orders.**

14 **i.** Each party filing or opposing a motion or seeking the  
15 determination of any matter shall serve and lodge a proposed order setting forth the  
16 relief or action sought and a brief statement of the rationale for the decision with  
17 appropriate citations.

18 **ii.** The Court enforces strict compliance of Local Rule 5-4.4.2,  
19 which instructs: “After a document requiring a judge’s signature has been lodged  
20 in accordance with L.R. 5-4.4.1, . . . a Microsoft Word copy of the proposed  
21 document, along with a PDF copy of the electronically filed main document, must  
22 be emailed to the assigned judge’s generic chambers email address, either by using  
23 the ‘Proposed Orders’ link within the CM/ECF System or by sending a separate  
24 email . . . .” The Court will not consider a stipulation, ex parte application, or other  
25 request for relief until a compliant proposed order is received by email. Failure to  
26 timely comply will result in the Court striking the filing.

27 **f. Chambers Copies.** Unless otherwise notified by the Court, no  
28 chambers copies are required.



1       **6. ORDER SETTING SCHEDULING CONFERENCE**

2           Pursuant to Rules 16(b) and 26(f), the Court will issue an Order setting a  
3 Scheduling Conference. The parties must comply strictly with Rules 16 and 26,  
4 and Local Rule 26. The parties must propose a trial date that is within eighteen  
5 months of the filing of the complaint.

6  
7       **7. GENERAL MOTION REQUIREMENTS**

8           **a. “Meet and Confer” Requirements.** Local Rules 7-3 and 37-1 require  
9 counsel to conduct a pre-filing conference to discuss thoroughly the substance of  
10 the contemplated motion and any potential resolution.

11           **i. Scope.** This requirement applies in all cases, including those  
12 with pro se litigants, and extends to all issues, including discovery matters. If the  
13 parties are unable to fully resolve the dispute, they shall attempt to narrow the scope  
14 of the contested issue(s). Parties must meet and confer either by phone,  
15 videoconference, or in person. Email correspondence is insufficient; and motions  
16 not supported by a statement that counsel met by phone, videoconference, or in  
17 person will be summarily denied.

18           **ii. Compliance.** The moving party must include in the signed  
19 notice of motion a truthful representation of full compliance with Local Rule 7-3,  
20 stating that the parties “thoroughly discussed the substance and potential resolution  
21 of the filed motion [by phone/videoconference or in person].” With respect to  
22 discovery motions, the moving party must affirm compliance with the meet-and-  
23 confer requirements of Local Rule 37.

24           **iii. Sanctions.** If an opposing party refuses to participate in good  
25 faith, the moving party shall explain the refusal in detail through an under-oath  
26 declaration that accompanies the motion or other moving paper. Failure by any  
27 party to comply in good faith with the “meet-and-confer” requirement shall result in  
28 an order to show cause regarding sanctions—including, as appropriate, striking or

1 denying the motion, deeming the motion unopposed, and/or awarding monetary  
2 sanctions.

3       **b. Time for Filing and Hearing Motions.** This Court hears civil  
4 motions on Tuesdays at 10:00 a.m. If Tuesday is a court holiday, select another  
5 Tuesday. If the motion date selected is not available, the Court will strike the filing  
6 or issue a minute order continuing the date. *A party that waits until the last day to*  
7 *have a motion heard on a date that turns out to be unavailable risks having the*  
8 *motion stricken and not heard.* Opposition or reply papers due on a court holiday  
9 may be filed on the next open court day. The parties may stipulate to a different  
10 briefing schedule, so long as the schedule provides at least two (2) weeks between  
11 the filing of the reply and the hearing, and allows for a hearing within the motion  
12 cut-off. If the parties resolve the issue(s), or if a party withdraws or does not  
13 oppose a motion, the Court must be notified as soon as possible, but no later than  
14 seven (7) days before the hearing date. Failure to oppose a motion likely will result  
15 in the motion being granted after the date on which the opposition would have been  
16 due.

17       **c. Length and Format of Motion Papers.** Unless expressly stated  
18 otherwise or as excepted in the Local Rules, memoranda of points and authorities in  
19 support of or in opposition to motions must not exceed seven thousand (7,000)  
20 words, including headings, footnotes, and quotations but excluding the caption, the  
21 table of contents, the table of authorities, the signature block, the certification  
22 required by Local Rule 11-6.2, and any indices and exhibits. A handwritten brief or  
23 a brief prepared using a typewriter may not exceed twenty-five (25) pages,  
24 excluding the caption (if on a separate cover page), the table of contents, the table  
25 of authorities, the signature block, and any indices and exhibits. Replies must not  
26 exceed fifteen (15) pages. Only in rare instances will the Court find good cause to  
27 grant an application to extend these page limitations. Any memorandum that  
28 exceeds the page limit shall be stricken and may not be considered. Typeface and

1 spacing shall comply with Local Rule 11-3.1.1, except that the parties are required  
2 to use only fourteen (14)-point Times New Roman font. Footnotes shall be in the  
3 same font and the same size as the body of the memorandum.

4 **d. Citations to Cases.** Citations to cases must be in Bluebook  
5 format. Citations to cases must include pinpoint citations (citations to page  
6 numbers). For unreported cases, the Court prefers Lexis citations.

7 **e. Citations to Other Sources.** Statutes should be cited in  
8 accordance with the Bluebook. Statutory references should identify with specificity  
9 the sections and subsections referenced (e.g., “Jurisdiction over this cause of action  
10 is based on 47 U.S.C. § 33, which grants the district court jurisdiction over all  
11 violations of the Submarine Cable Act.”). Statutory citations that do not  
12 specifically indicate the appropriate section and subsection (e.g., “Plaintiffs allege  
13 that Defendant’s conduct violates the Federal Electronic Communication Privacy  
14 Act, 18 U.S.C. § 2511, *et seq.*”) should be avoided. Citations to treatises, manuals,  
15 and other materials should include the volume, section, and pages being referenced.

16 **f. Oral Argument.** Pursuant to Rule 78 and Local Rule 7-15, the Court  
17 may deem a matter appropriate for decision without oral argument.

18 **g. Tentative Rulings.** The Court rarely issues tentative rulings before  
19 hearings. If so, they are typically emailed to counsel one (1) court day before the  
20 hearing. If both parties notify the Courtroom Deputy Clerk that they submit on the  
21 tentative ruling, the hearing will be vacated.

## 22 23 **8. SPECIFIC MOTION REQUIREMENTS**

24 **a. Motions Pursuant to Rule 12.** Most motions to dismiss or strike can  
25 be avoided if the parties confer in good faith as required by Local Rule 7-3,  
26 especially motions for alleged defects in a complaint, answer, or counterclaim that  
27 could be corrected by amendment. In general, the Court must provide leave to  
28 amend upon granting a motion to dismiss unless it is clear the complaint is not

1 correctible. *See Chang v. Chen*, 80 F.3d 1293, 1296 (9th Cir. 1996); *see also*  
2 *Rosenberg Bros. & Co. v. Arnold*, 283 F.2d 406, 406 (9th Cir. 1960) (requiring  
3 “extreme liberality” in favor of amendments). If the Ninth Circuit’s long-standing  
4 “extreme liberality” standard applies to a meritoriously filed motion, the Court may  
5 summarily grant the motion with leave to amend. A good-faith “meet-and-confer”  
6 effort may avoid this costly and inefficient process. If the Court grants a motion to  
7 dismiss with leave to amend, the plaintiff must file an amended complaint within  
8 the time period specified by the Court. Failure to timely file an amended complaint  
9 will result in dismissal of the action or the relevant claim(s) with prejudice.

10 **b. Motions to Amend Pleadings.** A motion to amend the pleadings  
11 must state: (a) the effect of the amendment; and (b) the page, line numbers, and  
12 wording of any proposed change or addition of material. A “redlined” version of  
13 the proposed amended pleading must be filed as an attachment to the motion and  
14 emailed to Chambers (in electronic form using Word), indicating all additions and  
15 deletions to the prior version of the pleading. This “redlined” version also must be  
16 delivered to opposing counsel at least two (2) hours in advance of the Local Rule 7-  
17 3 conference; and if the plaintiff later changes the delivered version, counsel will be  
18 required to meet again about the revised pleading. In addition to the requirements  
19 of the Local Rules, all amended pleadings must be numbered serially to  
20 differentiate each amendment (i.e., “First Amended Complaint,” “Second Amended  
21 Complaint”).

22 **c. Summary Judgment Motions.**

23 **i. Limit.** No party may file more than one (1) motion pursuant to  
24 Rule 56 regardless of whether such motion is denominated a motion for summary  
25 judgment or summary adjudication, without leave of the Court. The parties shall  
26 not attempt to evade the page limitations for briefs by filing multiple motions. If a  
27 party believes this is one of the rare instances in which good cause exists for more  
28 than one (1) summary judgment motion or to increase page limits, the party shall

1 seek leave by noticed motion setting forth a detailed showing of good cause.

2 Pursuant to Rule 56(f), when appropriate, based on undisputed facts and controlling  
3 principles of law, the Court may sua sponte enter summary judgment in favor of the  
4 non-moving party.

5 **ii. Cross-Motions.** The Court will not entertain cross-motions that  
6 seek to adjudicate the same legal issues. If parties wish to cross-move for summary  
7 judgment, their counsel shall meet and confer to determine which party will move  
8 and which will oppose the single motion for summary judgment. If the parties  
9 cannot reach agreement on this issue, they shall file a joint submission to the Court  
10 with their respective proposals. Counsel should file this joint submission no later  
11 than forty-five (45) days before the last day to file the motion for summary  
12 judgment, as the Court will not extend that date on the ground that this joint  
13 submission was not necessitated.

14 **iii. Briefing Schedule.** Parties need not wait until the motion cut-  
15 off date to bring motions for summary judgment or partial summary judgment. The  
16 hearing on any such motion shall be set for a date in advance of the Final Pretrial  
17 Conference. This Court requires an extended briefing schedule for motions under  
18 Rule 56, as follows:

- 19 • Any Rule 56 Motion must be filed at least twelve (12) weeks before the  
20 noticed hearing date.
- 21 • Any Opposition must be filed (4) weeks after the Motion is filed.
- 22 • Any Reply must be filed two (2) weeks after the Opposition is filed.

23 The above briefing schedule is the default. The parties may stipulate to a modified  
24 schedule that is reasonable for all parties. Any briefing schedule must provide the  
25 Court at least two weeks between the reply deadline and the hearing date.

26 **iv. Requirements.** Because summary judgment motions are fact-  
27 and-evidence intensive, parties should prepare papers in a fashion that will assist  
28 the Court in absorbing the mass of material (e.g., generous use of tables of contents,

1 headings, indices, etc.). The parties must comply precisely with Local Rule 56-1,  
2 56-2, and 56-3. The Court will deem facts admitted in accordance with Local Rule  
3 56-4.

4 **(1) Statement of Undisputed Facts, Statement of Genuine**  
5 **Issues, and Response.** The separate statement of undisputed facts shall be in a two  
6 (2)-column table, as shown below. The left column sets forth narrowly-focused,  
7 undisputed facts as concisely as possible in sequentially numbered paragraphs. The  
8 right column sets forth the evidence that supports the factual statement. Where  
9 feasible, parties should use headers to group facts relevant to a particular issue, as  
10 shown below:

11 **Plaintiff's Claim for Breach of Contract is Barred by the Statute of Limitations.**

| Undisputed Fact   | Evidence                                |
|---|---|
| 1. Mike and Jane signed a contract for the sale and purchase of property. | Smith Decl. ¶ 5, Ex. 6, ECF No. 61-6.   |
| 2. Jane mailed the contract in May 2017.                                  | Smith Decl. ¶ 8, Ex. 21, ECF No. 61-21. |

17 The opposing party's statement of genuine issues also must be in a two (2)-  
18 column table and exactly track the movant's separate statement. The left column  
19 must restate the allegedly undisputed fact and its supporting evidence. The right  
20 column must (i) state that the fact is undisputed or disputed, (ii) briefly state why  
21 the opposing party disputes the fact, (iii) cite with specificity the evidence that  
22 refutes the fact, and (iv) explain how the cited evidence refutes the fact.

23 **Plaintiff's Claim for Breach of Contract is Barred by the Statute of Limitations.**

| Undisputed Fact and Evidence   | Disputed/Undisputed and Evidence   |
|--|--|
| 1. Mike and Jane signed a contract for the sale and purchase of property.<br>Smith Decl. ¶ 5, Ex. 6, ECF No. 61-6. | Disputed. Jane testified that the contract was for a lease, not a purchase.<br>Jane Dep. (Smith Decl. Ex. 4) at 29:4-16. |

|   |   |
|---|---|
| <p>2. Jane mailed the contract in May 2017. Smith Decl. ¶ 8, Ex. 21, ECF No. 61-21.</p> | <p>Disputed as to date. Jane testified she mailed the contract in June 2017. Jane Dep. at 3:4-10.</p> |
|---|---|

Do not include legal argument in this document. The opposing party may dispute all or only a portion of the statement, but if disputing only a portion, it must clearly indicate what part is being disputed. The Court will not wade through a document to determine whether a fact really is in dispute.

The opposing party may submit additional material facts that bear on the issues raised by the movant. The additional facts shall follow the format of the moving party’s separate statement and shall continue in sequentially numbered paragraphs.

The moving party’s response to the statement of genuine issues must include every fact included in the opposing party’s statement of genuine issues, and for facts disputed by the opposing party, the moving party’s response to rebut the existence of a genuine dispute. The moving party’s response to the statement of genuine issues must exactly track the opposing party’s statement of genuine issues.

**Plaintiff’s Claim for Breach of Contract is Barred by the Statute of Limitations.**

| Undisputed Fact and Evidence   | Disputed/Undisputed and Evidence   |
|--|--|
| <p>1. Mike and Jane signed a contract for the sale and purchase of property. Smith Decl. ¶ 5, Ex. 6, ECF No. 61-6.</p> | <p>Disputed. Jane testified that the contract was for a lease, not a purchase. Jane Dep. (Smith Decl. Ex. 4) at 29:4-16.</p> |

**1. Moving Party’s Response**

In the section of the deposition cited by Opposing Party, Opposing Party merely states that she believed the contract was for a lease, but later in the deposition, Opposing Party admitted that was she was incorrect about this belief and understood the contract to be for the sale and purchase of property. *See* Jane Dep. at 29:4-64.

1                   **(2) Supporting Evidence.** No party shall submit evidence  
2 other than the specific items of evidence or testimony necessary to support or  
3 controvert a proposed statement of undisputed fact. For example, entire deposition  
4 transcripts, entire sets of interrogatory responses, and documents that do not  
5 specifically support or controvert material in the separate statement shall not be  
6 filed. The Court will not consider such material.

7           Evidence must be submitted either by stipulation or as exhibits to  
8 declarations sufficient to authenticate the proffered evidence, and must not be  
9 attached to the memorandum. The Court will accept counsel’s authentication of  
10 deposition transcripts and written discovery responses. Documentary evidence for  
11 which there is no stipulation regarding authenticity must be accompanied by  
12 testimony, either by declaration or deposition transcript, of a witness who can  
13 establish authenticity.

14                   **(3) Objections to Evidence.** Evidentiary objections to a  
15 declaration submitted in connection with a motion or other matter shall be made in  
16 writing and served and e-filed at the same time as, but separately from, the  
17 opposition or reply papers. If a party disputes a fact based in whole or in part on an  
18 evidentiary objection, the ground of the objection should be succinctly stated in a  
19 separate statement of evidentiary objections in a three-column format:

20                           **(a)** The left column should include the relevant  
21 portions of any declaration or deposition, which shall include the highlighted,  
22 underlined, and/or bracketed portions that are being objected to (including page and  
23 line number, if applicable). Each objection shall be numbered and located within  
24 the copy of the declaration.

25                           **(b)** The middle column should set forth a concise  
26 objection (e.g., hearsay, lacks foundation, etc.) with a citation to the Federal Rules  
27 of Evidence or, where applicable, a case citation.

28 ///



1 (c) The right column should provide space for the  
2 Court's entry of its ruling on the objection.

3 A proposed order shall be filed and attached to the evidentiary objections as a  
4 separate document consistent with Local Rule 52-4.1 and either uploaded through  
5 the CM/ECF System or emailed directly to the Court's Chambers' email at:  
6 [MAA Chambers@cacd.uscourts.gov](mailto:MAA_Chambers@cacd.uscourts.gov). See Exhibit A. Counsel shall adhere to  
7 this format for any evidentiary objections that are submitted to the Court for  
8 consideration.

9 **d. Motions for Class Certification.** Notwithstanding Local Rule 23-3,  
10 the deadline for the filing of a motion for class certification will be set pursuant to  
11 the parties' stipulation during the Scheduling Conference or in a Scheduling Order.  
12 No request for relief from Local Rule 23-3 is necessary.

13 **e. Motions for Preliminary and Final Approval of Class Action**  
14 **Settlement.** Parties submitting a motion for preliminary or final approval of a class  
15 settlement shall include a spreadsheet supporting any proposed award of attorneys'  
16 fees. The spreadsheet shall include an estimate of any future attorneys' fees for  
17 which compensation will be sought, the normal hourly rate of all counsel for whom  
18 entries appear on the spreadsheet, the support for such hourly rate(s), and an  
19 explanation of the basis of any service enhancement award for lead plaintiff(s),  
20 including the hours worked and activities performed by such lead plaintiff(s). An  
21 editable, electronic courtesy copy shall be prepared in Microsoft Excel and emailed  
22 to the Court's Chambers' email at [MAA Chambers@cacd.uscourts.gov](mailto:MAA_Chambers@cacd.uscourts.gov),  
23 formatted for use with Microsoft Excel.

24 **f. Discovery Motions**

25 Discovery motions shall comply strictly with Rule 37 and Local Rule 37.

26 **g. Motions for Attorneys' Fees**

27 Motions for attorneys' fees—other than motions for attorneys' fees brought  
28 pursuant to Federal Rule of Civil Procedure 37—shall be e-filed and set for hearing

1 according to Local Rule 6-1 and this Order. Any motion or request for attorneys'  
2 fees—except for requests for attorneys' fees pursuant to Federal Rule of Civil  
3 Procedure 37—shall attach two (2) summaries, in table form, of the hours worked  
4 by and billing rate of each attorney with title (i.e., partner, counsel, associate, etc.).

5 The first table shall include a summary of the hours worked by each attorney,  
6 organized by task (i.e., discovery, motion to dismiss, motion for summary  
7 judgment). If the hourly rate charged by any individual attorney changed while the  
8 action was ongoing, the party shall provide separate calculations for the total  
9 number of hours the attorney spent in connection with each task at each hourly rate.

10 The second table shall include a summary of the hours worked by each  
11 attorney, organized by attorney. This table shall list all the tasks on which the  
12 attorney worked, the hours worked on each task, and the hourly rate of each  
13 attorney.

14 All tables shall be attached to the motion and electronically filed. The  
15 courtesy copy of the table shall be emailed to the Court's Chambers email address  
16 at [MAA\\_\\_Chambers@cacd.uscourts.gov](mailto:MAA__Chambers@cacd.uscourts.gov), and shall be prepared in Microsoft Excel  
17 and have all restrictions removed so the spreadsheet can be edited. *See* Exhibit B.

18 Motions for attorneys' fees brought pursuant to Federal Rule of Civil  
19 Procedure 37 shall provide detail of the individual tasks performed for which  
20 reimbursement is sought and the hourly rate requested for same, and shall establish  
21 the reasonableness of both the number of hours and the hourly rate, including  
22 evidence of the prevailing rate. These records may be redacted to prevent  
23 disclosure of privileged matter. However, as to such redacted records, counsel shall  
24 submit a declaration describing the nature of the service with sufficient detail to  
25 allow opposing counsel to determine if the item is objectionable.

26 As to all attorneys' fees motions, all information provided by moving counsel  
27 shall be treated as confidential by opposing counsel. The information shall be used  
28 solely for purposes of the fee litigation, and shall be disclosed to other persons, if at

1 all, only in court filings or hearings related to the fee litigation. If opposing counsel  
2 proposes to disclose any of the information in a court filing or hearing, opposing  
3 counsel shall provide moving counsel with prior written notice and a reasonable  
4 opportunity to request an appropriate protective order.

5 In addition, as to all attorneys' fees motions, before filing such a motion,  
6 counsel must meet and confer in person or by videoconference pursuant to Local  
7 Rule 7-3 or 37-1 (as applicable) to attempt in good faith to agree on the reasonable  
8 amount of fees to be awarded (if the Court decides to award fees), keeping in mind  
9 that a contested request for attorneys' fees "should not result in a second major  
10 litigation." *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983) ("Ideally, of course,  
11 litigants will settle the amount of a fee. Where settlement is not possible, the fee  
12 applicant bears the burden of establishing entitlement to an award and documenting  
13 the appropriate hours expended and hourly rates.")

14 **h. Filings Under Seal.**

15 **i.** Counsel shall comply with Local Rule 79-5. All applications to  
16 file under seal must provide the reason(s) why the parties' interest in maintaining  
17 the confidentiality of the document(s) outweighs the public's right of access to  
18 materials submitted in connection with a judicial proceeding. Counsel are ordered  
19 to meet and confer in person or by telephone at least seven (7) calendar days prior  
20 to the filing of an application in which the basis for the requested sealing is stated to  
21 determine if they can agree on the proposed under seal filing. Not later than two (2)  
22 calendar days after the meet-and-confer process has concluded, the non-proposing  
23 party shall confirm whether it agrees to having such information designated as  
24 confidential or whether it opposes an under seal filing. Any application for under  
25 seal filing, whether or not opposed, shall contain the dates and method by which the  
26 parties met and conferred. If such information is not provided, the application will  
27 be denied without prejudice to an amended application being filed that complies  
28 with the foregoing terms.

1                    **ii. E-filing Applications for Leave to File Under Seal**

2                    **(1)** The application for leave to file under seal shall be filed  
3 on the public docket and shall attach a proposed order pursuant to Local Rule 5-  
4 4.4.1 and Local Rule 5-4.4.2. Any declaration that supports the application also  
5 shall be attached to the application unless it contains confidential information. The  
6 declaration shall be filed under seal as its own docket entry if it contains  
7 confidential information.

8                    **(2)** The unredacted version of any document(s) shall be filed  
9 under seal. It may be attached to the declaration that supports the application, if the  
10 declaration is sealed and is filed as its own docket entry. Otherwise, it shall be filed  
11 as its own docket entry. The title shall include “Unredacted” or “Sealed” as the  
12 first word of the title of the document. Any sealed document must mark the  
13 information that is confidential or privileged clearly via highlighting in color and/or  
14 using brackets.

15                    **(3)** The Court will review the submitted documents and make  
16 a determination as to whether the document(s) can be sealed and filed on the  
17 docket. If the application is granted, counsel shall file:

18                    **(a)** The unredacted version of the entire document as  
19 its own docket entry. The title shall include “Unredacted” or “Sealed” as the first  
20 word of the title of the document. Any information that has been redacted or  
21 omitted from the public filing must be clearly marked via highlighting in color  
22 and/or using brackets.

23                    **(b)** The redacted version of the entire document as its  
24 own docket entry. Unless otherwise stated in the order granting the application, a  
25 redacted version is required of all sealed documents. The title shall include  
26 “Redacted” as the first word of the title of the document. Any information that is  
27 confidential or privileged must be blacked out or a page shall be inserted with the  
28 title of the document that indicates that the entire document is sealed.

1 (c) Closely related materials filed at the same time  
2 where some are proposed to be filed under seal and others will not be sealed shall  
3 be considered as a single document and filed as a single docket entry containing  
4 multiple attachments. For example, if certain exhibits to a declaration are to be  
5 filed under seal, even if other exhibits or the declaration are not, the entire  
6 document for which permission to seal should be sought is the declaration and all  
7 exhibits. The docket shall therefore include:

8 (i) One unredacted/sealed docket entry with the  
9 documents to include the declaration with all exhibits, including sealed exhibits, e-  
10 filed as an attachment to the declaration;

11 (ii) a separate redacted docket entry with the  
12 documents to include the declaration with all exhibits, including redacted exhibits,  
13 e-filed as an attachment to the declaration.

14  
15 **9. EX PARTE APPLICATIONS**

16 A party seeking ex parte relief, including a temporary restraining order, must  
17 comply with Local Rule 7-19. The applicant must notify the other party (or parties)  
18 that opposing papers are to be filed no later than two (2) court days following  
19 service. The Court generally will not rule on an ex parte application for at least two  
20 (2) court days after the party subject to the requested order has been served unless  
21 service is excused. Opposing counsel should advise the CRD as soon as possible  
22 whether their client intends to oppose the ex parte application. The Court considers  
23 ex parte applications on the papers and usually does not set these matters for  
24 hearing. A last-minute application or stipulation that is denied will not serve to  
25 relieve a party of an underlying obligation (e.g., a soon-to-expire deadline).  
26 Sanctions may be imposed for misuse of ex parte applications.

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1     **10. INJUNCTIONS AND RESTRAINING ORDERS**

2             Parties seeking preliminary or emergency injunctive relief must comply with  
3 Rule 65 and Local Rule 65. Applications for a Temporary Restraining Order  
4 (“TRO”) are also governed by Local Rule 7-19, which applies to ex parte  
5 applications. Thus, oppositions to Applications for a TRO must be filed within  
6 forty-eight (48) hours following service of the Application. The Court will not rule  
7 on any Application for a TRO for at least forty-eight (48) hours after the party  
8 subject to the requested order has been served, unless notice is excused as per Rule  
9 65(b), or unless the interests of justice so require.

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11     **11. CONTINUANCES**

12             **a. Good Cause.** The Court grants continuances of pretrial and trial  
13 deadlines only on a timely showing of good cause. The Court applies the same  
14 standard of good cause to all extension requests—whether opposed or jointly  
15 requested. Good cause requires a specific, detailed, and non-conclusory showing of  
16 diligence from the outset of the case, describing: (1) all relevant work previously  
17 done (including when each item was completed); (2) all relevant work that remains  
18 to be done; (3) why the remaining work could not previously have been done  
19 (including efforts made to complete each remaining item); and (4) why the amount  
20 of time requested is needed to complete the remaining work.

21             **b. Diligence.** Diligence generally will not be found when a party opts for  
22 strategic staging of discovery (or other tasks) that prevent completion within the  
23 existing deadline. Moreover, a desire to engage in settlement discussions generally  
24 does not constitute good cause. The parties are strongly encouraged to agree to  
25 exchange initial disclosures promptly and to actively commence discovery before  
26 the Scheduling Conference.

27             **c. Denied with Prejudice.** Denial of an extension request, including  
28 summary denial, is with prejudice. The parties should therefore present all

1 available information showing that the outstanding discovery or other litigation  
2 tasks cannot be completed within the existing deadlines despite all reasonable  
3 diligence from the outset of the case. A party is not permitted to resubmit a denied  
4 extension request with information that was either previously submitted or  
5 previously available.

6 **d. Failure to Comply.** Failure to comply with the procedural  
7 requirements above will result in the extension request being stricken or summarily  
8 denied. An improper resubmission of a denied extension request may result in  
9 sanctions.

10  
11 **12. SETTLEMENT CONFERENCE/ALTERNATIVE DISPUTE RESOLUTION (ADR)**

12 As stated in Local Rule 16-15, the parties in every case must participate in a  
13 Settlement Conference or Alternative Dispute Resolution (“ADR”) procedure. **The**  
14 **Court will not hold a final pretrial conference or convene any trial unless and**  
15 **until all parties, including the principals of all corporate parties, have**  
16 **completed ADR.**

17 In their Joint Rule 26(f) Report, counsel should indicate their preferred ADR  
18 procedure as among the following:

19 Procedure No. 1: Before a Magistrate Judge in the Central District of  
20 California, to be selected based upon availability;

21 Procedure No. 2: Before a neutral selected from the Central District of  
22 California’s ADR Panel; or

23 Procedure No. 3: Before a private mediator.

24 The Court will refer the case to a procedure at the initial scheduling  
25 conference. More information about the Court’s ADR Panel and mediator profiles  
26 is available on the Court’s website.

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**13. STANDING ORDERS AND TEMPLATES**

Certain forms and templates are available on Judge Audero’s webpage. If the Court has provided a template for any filing, the parties must follow it.

**IT IS SO ORDERED.**

DATED:

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MARIA A. AUDERO  
UNITED STATES MAGISTRATE JUDGE



**EXHIBIT A: FORMAT FOR EVIDENTIARY OBJECTIONS**

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| Declaration/Testimony of _____  | Objections   | Ruling   |
|---|--|--|
| <p><b>Example 1: Entire Declaration of John Smith</b></p> <p>Start of Deposition .....</p> <p>[1. Language subject to objection]</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>[2. Language subject to objection]</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>[3. Language subject to objection]</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>End if Declaration</p> | <p>1. <i>E.g.</i>, Hearsay, cite.</p> <p>2. <i>E.g.</i>, Lacks foundation, cite.</p> <p>3. <i>E.g.</i>, Hearsay, cite.</p> | <p>1. Sustained/<br/>Overruled</p> <p>2. Sustained/<br/>Overruled</p> <p>3. Sustained/<br/>Overruled</p> |

**EXHIBIT B: FORMAT FOR ATTORNEYS' FEES SUMMARY CHARTS**

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| <b>Table 1</b>                      |             |  |                   |
|-------------------------------------|-------------|--|-------------------|
| Task 1: Motion to Dismiss           |             |  |                   |
| <b>Attorney</b>                     | <b>Rate</b> | <b>Hours</b>                                 | <b>Fee</b>        |
| Attorney 1<br>(position)            | \$XXX/hour  | Total hours spent by<br>Attorney 1 on Task 1 | \$XXX             |
| Attorney 2<br>(position)            | \$XXX/hour  | Total hours spent by<br>Attorney 2 on Task 1 | \$XXX             |
| <b>Fee Request for Task 1</b>       |             | <b>Task 1 Sum</b>                            | <b>Task 1 Sum</b> |
| Task 2: Motion for Summary Judgment |             |  |                   |
| Attorney 1<br>(position)            | \$XXX/hour  | Total hours spent by<br>Attorney 1 on Task 2 | \$XXX             |
| Attorney 2<br>(position)            | \$XXX/hour  | Total hours spent by<br>Attorney 2 on Task 2 | \$XXX             |
| <b>Fee Request for Task 2</b>       |             | <b>Task 2 Sum</b>                            | <b>Task 2 Sum</b> |

| <b>Table 2</b>           |             |                      |  |                              |
|--------------------------|-------------|----------------------|--|------------------------------|
| <b>Attorney</b>          | <b>Rate</b> | <b>HOURS BY TASK</b> |  | <b>TOTALS</b>                |
| Attorney 1<br>(position) | \$XXX/hour  | Task 1               | Total Hours<br>Spent by<br>Attorney 1 on<br>Task 1 | <b>Hours:<br/>Amount: \$</b> |
|                          |             | Task 2               |  |                              |
|                          |             | Task 3               |  |                              |
|                          |             | Task 4               |  |                              |
|                          |             | Task 5               |  |                              |
| Attorney 2<br>(position) | \$XXX/hour  | Task 1               | Total Hours<br>Spent by<br>Attorney 2 on<br>Task 1 | <b>Hours:<br/>Amount: \$</b> |
| <b><u>Total</u></b>      |             |                      |  | <b>Hours:<br/>Amount: \$</b> |