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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 ,
11 Plaintiff(s),
12 v.
13 ,
14 Defendant(s).

Case No.

**STANDING ORDER FOR CIVIL
CASES ASSIGNED TO JUDGE
BIROTTE**

[REVISED DECEMBER 1, 2023¹]

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18
19 ¹ This Standing Order was revised as of December 1, 2023. Substantive revisions
20 include:

- 21 • Complaints must include a numbered list of all causes of action on the face-page.
- 22 • Appearances in-person and via Zoom video are equally welcome.
- 23 • Stipulations for routine matters.
- 24 • Notice of Supplemental Authority, Marking Evidence, Pending Dispositive
25 Motions; Motions for Default Judgment require complete proposed Orders.
- 26 • Summary Judgment / Rule 56 Motions must comply with Local Rule 56, which
27 was substantially revised as of June 1, 2023; clarification about cross-motions.
- 28 • Motions for Attorneys' Fees must be fully vetted.
- Courtesy/chambers copies no longer required; please don't send them.
- ERISA cases and bankruptcy appeals.
- Voluntary consent to Magistrate Judges.

1 **READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE AND HAS**
2 **SOME REQUIREMENTS BEYOND THOSE OF THE LOCAL RULES.**

3 This action has been assigned to Judge André Birotte Jr. Judge Birotte conducts
4 all proceedings in Courtroom 7B of the First Street Courthouse, 350 West First Street,
5 Los Angeles, CA, 90012.

6 The responsibility for the progress of litigation in the federal courts falls upon
7 the Court, the parties, and counsel. “[T]o secure the just, speedy, and inexpensive
8 determination of every action and proceeding,” Fed. R. Civ. P. 1, all counsel,
9 including pro se litigants², are hereby ordered to familiarize themselves with the
10 Federal Rules of Civil Procedure (“Rules” or “Fed. R. Civ. P.”), particularly Fed. R.
11 Civ. P. 16 and 26, the Local Rules of the Central District of California (“Local
12 Rules”), and this Court’s Order Re: Jury/Court Trial.

13 The parties should also familiarize themselves with the following:

- 14 • The Central District of California’s website: <http://www.cacd.uscourts.gov>
15 • Judge Birotte’s webpage: <http://www.cacd.uscourts.gov/honorable-andre-birotte-jr>

16 The purpose of this Standing Order and this Court’s Order Re: Civil Jury/Court
17 Trial are not to contradict the Federal Rules or the Local Rules, but instead to call
18 your attention to certain of these Rules, or to establish additional requirements that
19 this Court considers useful.³ For the benefit of counsel, litigants, the Court, and court
20 staff, the Court has endeavored to keep its additional requirements to a minimum.

21 **UNLESS THE COURT ORDERS OTHERWISE,**
22 **THE FOLLOWING RULES APPLY.**

23 **1. Service of the Complaint.** Plaintiffs must promptly serve the Complaint
24 in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant to Fed R.

25 _____
26 ² Parties appearing pro se must comply with the Federal Rules of Civil Procedure and
the Local Rules. *See* Local Rules 1-3 and 83-2.2.3.

27 ³ The Local Rules are available on the Court’s website, and Judge Birotte’s standing
28 orders are available on his webpage.

1 Civ. P. 4(l). Any Defendant, including “DOE” or fictitiously-named Defendants, not
2 served within 90 days after the case is filed must be dismissed pursuant to Fed. R. Civ.
3 P. 4(m).

4 **2. Removed Actions.** Any Answers filed in state court must be refiled in
5 this Court as a supplement to the Notice of Removal. Any pending motions must be
6 re-noticed in accordance with Local Rule 7. If a removed action contains a form
7 pleading, *i.e.*, a pleading in which boxes are checked, the party that filed the form
8 pleading must file in this Court within thirty (30) days of receipt of the Notice of
9 Removal a revised pleading that complies with Fed. R. Civ. P. 7, 7.1, 8, 9, 10 and 11.

10 **3. Complaints Must List All Causes of Action on Face-Page.** The face-
11 page of the Complaint must state the title of all of its causes of action in a numbered
12 list below the case number. If the initial Complaint lacks this list, it need not be re-
13 filed, but amended Complaints must include this list.

14 **4. Appearances In-Person or Via Zoom.** Counsel are equally welcome to
15 appear in person or via Zoom video for any hearings, as they prefer. There is no need
16 to give the Court notice or to make a request for either kind of appearance; please do
17 not do so. If a video appearance is not possible, Zoom Telephonic appearances are
18 permitted. Judge Birotte’s Zoom link and phone-in information are on his webpage.

19 **5. Lead Counsel Appearance Required.** The Court requires lead counsel
20 to appear for scheduling conferences and the Final Pretrial Conference.

21 **6. Junior Counsel Participation Encouraged.** To ensure that the next
22 generation of practitioners gets courtroom experience, the Court encourages lead
23 counsel to invite junior counsel to fully participate in Court proceedings, including to
24 argue motions and to examine witnesses at trial. The Court is more likely to hear oral
25 argument if any party files a notice at least 7 days before a scheduled hearing stating
26 that junior counsel will conduct the argument, or most of it.

27 **7. Electronic Filing Requirements.** Pursuant to Fed. R. Civ. P. 5(d)(3),
28 Local Rule 5-4, and General Order 10-07, counsel must electronically file all filings.

1 **8. Proposed Orders.** A party seeking any court order on any matter **must**
2 include with their filing a Proposed Order setting forth the relief or action sought and
3 a brief statement of the rationale for the decision with appropriate citations. *See* Local
4 Rules 5-4.4.1, 52-4.1. A Proposed Order template is available on Judge Birotte’s
5 webpage. Proposed Orders should substantially comply with the template’s format.
6 **Proposed Orders must be on pleading paper and should not include attorney**
7 **information on the caption page, a footer, a watermark, or any text after the lines**
8 **for the Judge’s signature on the last page.**

9 **a. Emailing Proposed Orders to Chambers:** A Microsoft Word file
10 of all proposed orders must be emailed to chambers at AB_chambers@cacd.uscourts.
11 *See* Local Rule 5-4.4.2. A pdf file is **not** acceptable. If the proposed order is based on
12 a stipulation or an ex parte application, counsel must email both the order and the
13 stipulation or ex parte application. Otherwise, accompanying documents (such as
14 motions) should *not* be emailed to chambers.

15 **9. Stipulations for Routine Matters.** The Court expects parties to work
16 cooperatively and professionally to resolve routine issues, including scheduling
17 disputes and reasonable requests for continuances. The parties should work to avoid
18 motions on such matters. Stipulations to amend pleadings are also encouraged.
19 Stipulations must be supported by good cause, including a declaration explaining the
20 grounds for the request. Any stipulation must also include a Proposed Order.
21 Stipulations are not effective unless and until this Court so orders.

22 **10. Calendar Conflicts.** If any counsel discovers a calendar conflict with a
23 scheduled appearance, counsel must inform opposing counsel and the Courtroom
24 Deputy Clerk (“CRD”) via Chambers email at AB_chambers@cacd.uscourts.gov as
25 soon as possible and not later than three days before the scheduled appearance.
26 Counsel must attempt to agree on a new date to accommodate the calendar conflict
27 and should propose a new date by Stipulation and Proposed Order.
28

1 **11. Discovery.** All discovery matters are referred to the United States
2 Magistrate Judge assigned to this case. The Magistrate Judge’s initials follow the
3 District Court Judge’s initials next to the case number. All documents relating to
4 discovery matters must include the words “DISCOVERY MATTER” in the caption to
5 ensure proper routing.

6 Counsel must follow the Magistrate Judge’s procedures for scheduling matters
7 for hearing. These procedures are stated on each Magistrate Judge’s webpage.

8 The Magistrate Judge’s decision is final, subject to modification by the District
9 Court Judge only where the Magistrate Judge’s order is clearly erroneous or contrary
10 to law. *See* 28 U.S.C. § 636(b)(1)(A). Any motion for review of a Magistrate Judge’s
11 decision must comply with Local Rule 72-2.1.

12 **12. Motions - General Requirements**

13 **a. Time for Filing and Hearing Motions:** Motions must be filed in
14 accordance with Local Rules 6 and 7. Judge Birotte hears civil motions on Fridays
15 beginning at 10:00 a.m. The Friday after any Monday holiday is closed to hearings.
16 Closed motion dates are shown on Judge Birotte’s webpage. The parties must adhere
17 to the briefing schedule set forth in Local Rules 7-9 and 7-10, and the schedule herein
18 for motions under Fed. R. Civ. P. 56, so that Chambers has sufficient time to prepare.
19 If a motion is noticed for a date that is not available, the Court may strike or reset the
20 motion. Professional courtesy dictates that the parties should accommodate each
21 other’s schedules, including vacation and holiday schedules, whenever possible.

22 **b. Local Rule 7-3 Pre-Filing Meet and Confer Requirement:**

23 Local Rule 7-3 requires counsel to engage in a pre-filing conference “to discuss
24 thoroughly . . . the substance of the contemplated motion and any potential
25 resolution.” The Court strictly enforces this rule for all parties, including pro se
26 litigants. This Court also requires parties to meet and confer about *any* potentially
27 disputed matter (except those identified in Local Rules 7-3 and 16-12) before
28 presenting it to the Court, including requests to continue, applications to file under

1 seal, and other filings seeking an order. The purpose of meeting and conferring is to
2 attempt to obviate the need for a contested filing or to narrow the issues the Court
3 must resolve. Parties **must** meet and confer in a good faith attempt to fulfil this
4 purpose. A Notice of Motion **must** include a statement of compliance with Local Rule
5 7-3. The statement of compliance must be **prominent**, as the Court will not search a
6 filing for the statement. The Court may strike or outright deny a motion that lacks a
7 prominent statement of compliance with Local Rule 7-3, or if counsel fail to meet and
8 confer in good faith.

9 **c. Length and Format of Motion Papers:** Memoranda of points and
10 authorities in support of or in opposition to motions must not exceed 25 pages. Replies
11 must not exceed 15 pages. Only for good cause will the Court grant an application to
12 extend these page limits. Typeface must comply with Local Rule 11-3.1.1. Times New
13 Roman font must be at least 14 point; Courier font must be at least 12 point. Footnotes
14 must be used sparingly and must be in the same font and the same size as the body of
15 the memorandum. Citations must be in the body of a memorandum, not in the
16 footnotes.

17 **d. Citations to Cases:** Citations to cases must be in Bluebook format
18 and must include pinpoint citations (citations to page numbers). Counsel may omit
19 parallel citations. For unreported cases, the Court prefers Westlaw citations.

20 **e. Citations to Other Sources:** Statutes should be cited in
21 accordance with the Bluebook. Statutory references should identify with specificity
22 the sections and subsections referenced (e.g., “Plaintiff alleges that Defendant
23 infringed on his trademark in violation of the Lanham Act, 15 U.S.C. § 1114(a).”
24 Avoid statutory citations that do not specifically indicate the appropriate section and
25 subsection (e.g., “Plaintiff alleges that Defendant infringed on his trademark in
26 violation of the Lanham Act, 15 U.S.C. §§ 1051, *et. seq.*”). Citations to treatises,
27 manuals, and other materials should include the volume, section, and pages being
28 referenced.

1 **f. Notice of Supplemental Authority:** Parties may bring
2 supplemental authority to the Court’s attention. Any such notice should *briefly* explain
3 the significance of the supplemental authority.

4 **g. Marking Evidence:** Parties must mark evidence they file in
5 connection with *any* motion or other proceeding so that the Court can readily identify
6 the portion the party wants the Court to consider. For example, use brackets in the
7 margins of transcripts to denote the cited portions. For other examples, see section (ii)
8 Supporting Evidence in Summary Judgment, below.

9 **h. Oral Argument:** Pursuant to Fed. R. Civ. P. 78 and Local Rule 7-
10 15, the Court may deem a matter appropriate for decision without oral argument and
11 vacate the hearing. If the Court does so, it will notify the parties in advance.

12 **i. Pending Dispositive Motions:** The Court may continue or take a
13 dispositive motion under submission such that the motion is not resolved before the
14 Scheduling Order requires the parties to begin trial preparation. If a ruling on the
15 dispositive motion would impact the parties’ trial preparation, to preserve the parties’
16 resources, the Court encourages the parties to meet and confer and file a Stipulation
17 and Proposed Order to continue the trial-related dates.

18 **13. Specific Motion Requirements**

19 **a. Motions Pursuant to Rule 12:** Motions to dismiss or to strike a
20 pleading, claim, or defense can often be avoided if the parties meet and confer in good
21 faith as required by Local Rule 7-3, especially for perceived defects that could be
22 corrected by amendment. *See Chang v. Chen*, 80 F.3d 1293, 1296 (9th Cir. 1996)
23 (where a motion to dismiss is granted, a district court should provide leave to amend
24 unless it is clear that the complaint could not be saved by any amendment). Moreover,
25 a party may “amend its pleading once as a matter of course” within twenty-one (21)
26 days of serving it, or “if the pleading is one to which a responsive pleading is required,
27 21 days after service of a responsive pleading or 21 days after service of a motion
28 under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1). Even if the

1 time for amending a complaint as a matter of course has run, or if a complaint has
2 already been amended, “[t]he court should freely give leave when justice so requires.”
3 Fed. R. Civ. P. 15(a)(12). This policy favoring amendment should be applied with
4 “extreme liberality.” *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079
5 (9th Cir. 1990).

6 These principles require the nonmoving party to evaluate the moving party’s
7 contentions as to the deficiencies in the pleading to determine if an amendment would
8 cure the asserted defect. The moving party in turn should agree to any amendment that
9 would cure the defect.

10 **b. Motions to Amend:** All motions to amend pleadings must comply
11 with Local Rule 15-1, and must: (1) state the effect of the proposed amendment; (2) be
12 serially numbered to differentiate the amendment from previous amendments; (3) state
13 the page and line number(s) and wording of any proposed change or addition of
14 material; and (4) include as an attachment a redlined version of the Proposed amended
15 pleading indicating all additions and deletions of material.

16 **c. Motions for Default Judgment Under Rule 55(b):** Motions for
17 default judgment under Fed. R. Civ. P. 55(b) must be supported by evidence and must
18 be accompanied by a full proposed Order addressing the procedural requirements of
19 Local Rule 55-1 and the factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471-72
20 (9th Cir. 1986). Motions omitting any of these will be denied.

21 **d. Summary Judgment / Rule 56 Motions:** No party may, without
22 leave of Court, file more than one motion under Fed. R. Civ. P. 56, regardless of
23 whether such motion is denominated a motion for summary judgment or for summary
24 adjudication. If a party believes there is good cause to file more than one summary
25 judgment motion, the party must seek leave to do so by a noticed motion.

26 Parties wishing to cross-move for summary judgment should not file two
27 separate motions (6 briefs plus fact statements). This is to avoid overburdening the
28 Court with two sets of probably overlapping but conflicting briefs, fact statements,

1 and evidence. Rather, the parties should consider whether the issues can be adequately
2 addressed in 3 briefs, and determine who should be the moving party. If a 3-brief
3 approach is not sufficient, the parties should instead file 4 briefs consisting of (1) a
4 motion (25-page memorandum), (2) an opposition and cross-motion (30-40 page
5 memorandum), (3) a reply and opposition (25-30 page memorandum), and (4) a reply
6 (15 page memorandum). Counsel must meet and confer to determine which party will
7 file the initial motion and which will file the opposition/cross-motion. Parties should
8 stipulate to an extended briefing schedule and extended page limits (possible limits set
9 forth above). The Court expects the parties to cooperate and agree on an appropriate
10 briefing schedule, but they may seek Court intervention if necessary. The Court may
11 sua sponte enter summary judgment as provided in Fed. R. Civ. P. 56(f).

12 Parties need not wait until the motion cutoff to bring motions for summary
13 judgment or partial summary judgment.

14 **This Court requires an extended briefing schedule for motions under Fed.**
15 **R. Civ. P. 56, as follows:**

- 16 • **Any Motion Under Fed. R. Civ. P. 56:** must be **filed at least 5 weeks**
17 **before the noticed hearing date.**
- 18 • **Opposition:** must be **filed 3 weeks before hearing date** (2 weeks after the
19 motion is filed).
- 20 • **Reply:** must be **filed 2 weeks before hearing date** (1 week after the
21 opposition is filed).

22 The above briefing schedule is the default minimum. The parties may stipulate
23 to an extended schedule. Any briefing schedule must provide at least two weeks
24 between the reply deadline and the hearing date.

25 Because summary judgment motions are fact and evidence intensive, parties
26 should prepare papers in a user-friendly fashion that will aid the Court's review of the
27 material (e.g., PDFs of exhibits bookmarked, tables of contents, headings, indices,
28 etc.). The Court will deem facts admitted in accordance with Local Rule 56-4.

1 i. **Statement of Uncontroverted Facts, and Statement of**
2 **Genuine Disputes, and Response to Statement of**
3 **Genuine Issues**

4 **Local Rule 56 was substantially revised on June 1, 2023. The Court urges**
5 **counsel to review it.** A party moving under Fed. R. Civ. P. 56 must include with the
6 motion a Statement of Uncontroverted Facts, the opposing party must file a Statement
7 of Genuine Disputes, and the moving party must file a Response to Statement of
8 Genuine Disputes. The parties **MUST** file these documents, and the documents
9 **MUST** comply with the format set forth in Local Rule 56. The Court may disregard
10 non-compliant filings.

11 The opposing party may submit additional material facts that bear on the issues
12 raised by the movant. The additional facts, and the moving parties' response, must
13 follow the format set forth in Local Rule 56, and must continue in sequentially
14 numbered paragraphs.

15 The opposing party may dispute all or only a portion of a factual statement. No
16 party should purport to dispute immaterial portions of factual statements.

17 The Court may disregard purported disputes that are not clearly stated or that
18 otherwise violate the Local Rules or this Order.

19 The parties' memoranda should generally cite the Statements, and not the
20 underlying evidence.

21 Do not include legal argument in any of these Statements. For how to handle
22 evidentiary objections, see below.

23 ii. **Supporting Evidence**

24 A party must file only the specific evidence necessary to support or controvert a
25 proposed undisputed fact. Counsel **must** use brackets to mark the relevant portions of
26 transcripts. The Court will disregard unmarked transcripts. Counsel must also mark
27 the relevant portions of other documentary evidence (e.g., a lengthy contract) when
28 the relevant portion is not obvious. Use common sense when deciding whether it's

1 necessary to mark an exhibit. Entire deposition transcripts, entire sets of interrogatory
2 responses, and documents that do not specifically support or controvert material in the
3 separate statement must not be filed. The Court will disregard such material.

4 Evidence must be filed either by stipulation or as exhibits to declarations
5 sufficient to authenticate the proffered evidence, and must not be attached to the
6 memorandum. The Court will accept counsel's authentication of deposition
7 transcripts, written discovery responses, and documents received in discovery if the
8 fact that the document was in the opponent's possession is of independent
9 significance.

10 **iii. Objections to Evidence**

11 If a party disputes a fact based on an evidentiary objection *that cannot be*
12 *overcome*, the *ground* of the objection should be stated in the Statement but not
13 *argued* in that document. The ground must be *argued* in a separate document.

14 Do not submit blanket or boilerplate objections to an opponent's evidence.
15 They will be disregarded. Likewise, avoid evidentiary objections that an opponent can
16 overcome at trial.

17 **d. Motions for Attorneys' Fees:** Before filing a motion for
18 attorneys' fees, counsel must meet and confer thoroughly pursuant to Local Rule 7-3
19 to attempt in good faith to agree on the reasonable amount of fees to be awarded. The
20 party seeking fees should support their request by disclosing their billing records
21 during the meet and confer process and should not withhold them until a motion is
22 filed. The opposing party should not make unreasonable objections. The parties must
23 discuss each and every entry to which there is an objection and attempt to resolve the
24 objection. The Court reminds the parties that a contested request for attorneys' fees
25 "should not result in a second major litigation." *Hensley v. Eckerhart*, 461 U.S. 424,
26 437 (1983). If the Court concludes that any fee motion is insufficiently vetted by the
27 parties, the Court may strike the motion and impose certain additional requirements on
28 both parties before the motion may be refiled.

1 **14. Proposed Protective Orders and Filings Under Seal.** Proposed
2 protective orders pertaining to discovery must be submitted to the assigned Magistrate
3 Judge. Protective orders must not purport to allow any matters to be filed under seal in
4 connection with dispositive motions (including a class certification motion) or trial
5 without further Court order. The existence of a protective order does not alone
6 authorize the filing of pleadings or other documents under seal, in whole or in part.

7 **15. Filings Under Seal.** Local Rule 79-5 governs applications to file under
8 seal. Parties must comply with all sections of Local Rule 79-5. The parties must also
9 meet and confer before filing an application to seal.

10 Parties must make every effort to limit the number and volume of under seal
11 filings. There is a strong presumption of access in civil cases. *Foltz v. State Farm Mut.*
12 *Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). For each document or other type
13 of information a party seeks to file under seal, the party must identify and discuss the
14 factual and/or legal justification that establishes “good cause” or “compelling reasons”
15 for the matter should be protected. *Kamakana v. City and County of Honolulu*, 447
16 F.3d 1172, 1179-80 (9th Cir. 2006).

17 Documents that are not confidential or privileged in their entirety should not be
18 filed under seal in their entirety if the confidential portions can be redacted with a
19 reasonable amount of effort. The parties should file a complete version of such
20 documents under seal, and a redacted version for public viewing, redacting only the
21 portions that the Court has ordered may be filed under seal.

22 Sealing must be justified for *each individual item*; an application making
23 blanket claims of confidentiality will be denied. Counsel is strongly encouraged to
24 consider carefully whether sealing or redaction is required for a given piece of
25 evidence or argument. The parties must minimize the materials they seek to file under
26 seal. An application to seal that includes clearly meritless requests to seal or redact
27 documents may be denied in its entirety. The Court will not expend its limited
28 resources on overbroad requests to seal.

1 **16. Chambers/Courtesy Copies NOT REQUIRED.** Please **DO NOT**
2 provide chambers/courtesy copies. The Court no longer uses them. They will be
3 discarded. In the rare instance in which the Court would like chambers copies for a
4 particular situation, the Court will issue an order requesting them. In the absence of
5 such an order DO NOT provide chambers copies of anything. *Lodged* items should be
6 placed in Judge Birotte's box outside of the Clerk's Office on the 4th Floor of the
7 First Street Courthouse.

8 **17. Ex Parte Applications.** The Court considers ex parte applications
9 on the papers and does not usually set these matters for hearing. If a hearing is
10 necessary, the parties will be notified. Ex parte applications are solely for
11 extraordinary relief and should be used with discretion. *See Mission Power*
12 *Engineering Co. v. Continental Casualty Co.*, 883 F. Supp. 488 (C.D. Cal. 1995).
13 Sanctions may be imposed for misuse of ex parte applications.

14 Any party filing an ex parte application must comply with Local Rule 7-19. The
15 moving party must also serve the nonmoving party by email, fax, or personal service,
16 and notify that party that opposing papers must be filed no later than 24 hours (one
17 court day) following such service. If that party does not intend to oppose an ex parte
18 application, they must inform the CRD at (213) 894-2833.

19 **18. Injunctions and Restraining Orders.** Parties seeking preliminary or
20 emergency injunctive relief must comply with Fed. R. Civ. P. 65 and Local Rule 65.
21 Applications for a Temporary Restraining Order ("TRO") are also governed by Local
22 Rule 7-19, which applies to ex parte applications. Thus, oppositions to Applications
23 for a TRO must be filed within 24 hours following service of the Application. The
24 Court will not rule on any Application for a TRO for at least twenty-four hours after
25 the party subject to the requested order has been served, unless notice is excused as
26 per Fed. R. Civ. P. 65(b), or unless the interests of justice so require.

27 **19. ERISA Cases.** Absent an agreed upon statement of facts, the court will
28 not hear motions for summary judgment, but will hear motions to determine the

1 standard of review and the scope of the administrative record. *See Kearney v.*
2 *Standard Ins. Co.*, 175 F.3d 1084 (9th Cir. 1999). There will be a court trial (usually
3 confined to briefing and possible oral argument) on the administrative record.

4 **20. Bankruptcy Appeals.** Counsel must comply with the Notice Regarding
5 Appeal from Bankruptcy Court issued at the time the appeal is filed in the District
6 Court. The matter is considered submitted upon the filing of the appellant's reply
7 brief. No oral argument is held unless the Court orders otherwise.

8 **21. Voluntary Consent to Magistrate Judges.** The parties may consent to
9 have a United States Magistrate Judge preside over the entire case, including trial. *See*
10 28 U.S.C. § 636(c), Fed. R. Civ. P. 73. The parties may select any magistrate judge
11 available for this purpose, not just the magistrate judge assigned to this case. (Please
12 consult the court's website for the list of magistrate judges available for consent
13 cases.)

14 **22. Communications with Chambers.** Counsel *must not* attempt to contact
15 the Court or Chambers staff by email, telephone, or by any other ex parte means.
16 Counsel *may*, for appropriate matters only, contact the CRD via Chambers email at
17 AB_chambers@cacd.uscourts.gov or by telephone at (213)-894-2833. Counsel must
18 not contact the CRD regarding the status of any matter before the Court. Counsel must
19 include on all papers their email address, telephone number, and fax number to
20 facilitate communication with the CRD.

21 **23. Order Setting Scheduling Conference.** Pursuant to Fed. R. Civ. P.
22 16(b) and 26(f), the Court will issue an Order setting a Scheduling Conference. The
23 parties must strictly comply with the Order, Fed. R. Civ. P. 16 and 26, and Local Rule
24 26. The Court suggest that parties propose a trial date about 18 months after the filing
25 of the complaint, but a longer timeframe may be appropriate for some cases.

26 **24. Settlement Conference / Alternative Dispute Resolution (ADR).** As
27 stated in Local Rule 16-15, the parties in every case must participate in a Settlement
28 Conference or Alternative Dispute Resolution ("ADR") procedure. **The Court will**

1 **not hold a final pretrial conference or convene any trial unless and until all**
2 **parties, including the principals of all corporate parties, have completed ADR.**

3 This Court participates in the Court-Directed ADR Program whereby the Court
4 refers the parties to a magistrate judge, the Court Mediation Panel, or to private
5 mediation. *See* General Order 11-10, §5.1. If a Notice to Parties of Court-Directed
6 ADR Program (ADR-08) has been filed in this case, counsel must furnish and discuss
7 it with their clients in preparation for the Fed. R. Civ. P. 26(f) conference. In their
8 Joint Rule 26(f) Report, counsel should indicate their preferred ADR procedure. The
9 Court will refer the case to a procedure at the initial scheduling conference. More
10 information about the Court's ADR Program, the Mediation Panel, and mediator
11 profiles is available on the Court's website.

12 **25. Standing Orders and Templates Available on the Court's Webpage.**

13 The Court's Standing Order, Order Setting Scheduling Conference, Schedule of
14 Pretrial and Trial Dates Worksheet, Order Re: Jury/Court Trial, and templates for
15 Proposed Orders and the Proposed Final Pretrial Conference Order and certain trial
16 filings are available on Judge Birotte's webpage. If the Court has provided a template
17 for any filing, the parties must follow it.

18 **26. Notice of this Order.** Counsel for plaintiff (or plaintiff, if appearing pro
19 se) must immediately serve this Order on all parties, including any new parties to the
20 action. If this case was removed to this Court from state court, the removing
21 defendant(s) must serve this Order on all other parties.

22 **IT IS SO ORDERED.**

23
24 DATED:

25 _____
26 HONORABLE ANDRÉ BIROTTE JR.
27 UNITED STATES DISTRICT COURT JUDGE
28