UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

XXX, Plaintiff(s), v. XXX, Defendant(s).	Case No. CV FMO (___x) **INITIAL STANDING ORDER**

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

The term "Counsel," as used in this Order, includes parties appearing pro se.

In an effort to comply with Fed. R. Civ. P. 1's mandate "to secure the just, speedy, and inexpensive determination of every action[,]" the court **orders** as follows.

I. SERVICE.

A. This Order: **Counsel for plaintiff(s) shall serve this Order immediately on all parties and/or their counsel, including any new parties to the action.** If this case was removed from state court, defendant(s) who removed the case shall serve this Order on all other parties.

B. The Complaint: Plaintiff shall promptly serve the complaint in accordance with Fed. R. Civ. P. 4 and 5 and file the proofs of service pursuant to Local Rule 5-3.1.2. Any

defendant not timely served under Fed. R. Civ. P. 4(m) shall be dismissed from the action without prejudice.

II. CONSENT TO A MAGISTRATE JUDGE.

Under 28 U.S.C. § 636, the parties may consent to have a magistrate judge preside over all proceedings, including trial. The magistrate judges who accept those designations are identified on the Central District's website, which also contains the consent form. **If the parties indicate in their Rule 26(f) report that they wish to consent to a magistrate judge, they should, if possible, indicate to which judge the parties will consent.**

III. DISCOVERY.

A. Generally.

Discovery is governed by the Federal Rules of Civil Procedure and the applicable Local Rules. Whenever possible, the court expects counsel to resolve discovery disputes among themselves in a courteous, reasonable and professional manner. The court expects that counsel will adhere strictly to the Civility and Professionalism Guidelines (available on the Central District's website under Information for Attorneys > Attorney Admissions).

The court allows discovery to commence as soon as the first answer or motion to dismiss is filed. The parties should note that, unless otherwise ordered, **discovery shall not be stayed** while any motion is pending, including any motion to dismiss, motion for protective order or motion to stay. **The parties are directed to conduct any necessary discovery as soon as possible, as the court is not inclined to grant any extensions of the discovery or other case-related deadlines**.

B. Discovery Matters Referred to Magistrate Judge.

Unless otherwise ordered, all discovery matters have been referred to the assigned magistrate judge, who will hear all discovery disputes. The magistrate judge's initials follow the district judge's initials next to the case number. All discovery-related documents must include the words "DISCOVERY MATTER" in the caption to ensure proper routing. Counsel are directed to review the magistrate judge's Procedures and Schedules on the Central District's website to schedule discovery matters for hearing.

C. Review of Magistrate Judge's Decision.

The court will not reverse any order of the magistrate judge unless it has been shown that the magistrate judge's order is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A). Any party may file and serve a motion for review of the magistrate judge's decision within fourteen (14) days of service of a written ruling or an oral ruling that the magistrate judge states will not be followed by a written ruling. The motion must be accompanied by a memorandum of points and authorities and specify which portions of the ruling are clearly erroneous or contrary to law.

Counsel are advised that a motion for review that contains declarations or arguments that were not presented to the magistrate judge in the first instance will normally not be considered. See 14 Moore's Federal Practice § 72.11[1][a] (3d ed. 2025) ("A party's failure to present timely arguments, case law, or evidentiary materials to a magistrate judge prior to the magistrate's ruling, thereby depriving the magistrate of the opportunity to rectify any alleged errors, waives that party's right to present those arguments or materials to the district court on appeal from the magistrate's nondispositive order."); Seven For All Mankind, LLC v. GenX Clothing, Inc., 2006 WL 5720346, *3 (C.D. Cal. 2006) ("The district judge will normally not consider arguments, case law, or evidentiary material which could have been, but was not, presented to the magistrate judge in the first instance.").

IV. MOTIONS.

A. General Requirements.

1. **Time for Filing and Hearing Motions.**

Motions shall be filed in accordance with Local Rule 7. The court hears motions on **Thursdays**, beginning at **10:00 a.m.** unless otherwise ordered by the court. If a Thursday is a national holiday, motions will be heard on the next Thursday. It is not necessary to clear a hearing date with the court's courtroom deputy clerk ("CRD") before filing a motion. If the motion date selected is not available, counsel should notice the motion for the next available date. Unless otherwise ordered, any motion that is noticed more than 35 days beyond the date the motion is filed may be stricken or advanced to an earlier motion date.

If the motion is advanced to an earlier motion date, counsel shall comply with the briefing schedule dictated by the new hearing date. See Local Rules 7-9 & 7-10.

2. **Compliance with Local Rule 7-3.**

Local Rule 7-3 requires counsel "contemplating the filing of any motion . . . [to] first contact opposing counsel to discuss thoroughly . . . the substance of the contemplated motion and any potential resolution. The conference must take place in person, by telephone, or via video conference at least 7 days prior to the filing of the motion." Letters and e-mail are insufficient to satisfy the prefiling conference requirements of Local Rule 7-3. If the parties are unable to reach a resolution, "counsel for the moving party must include a declaration, under penalty of perjury, the set forth at a minimum the date(s) the conference took place and the position of each party with respect to each disputed issue that will be the subject of the motion."

The court takes this rule seriously; counsel shall discharge their obligations under Local Rule 7-3 in good faith. The purpose of the Local Rule 7-3 prefiling conference is twofold: first, it facilitates possible informal resolution of an issue without court intervention; second, it enables the parties to brief the remaining disputes in a thoughtful, concise and useful manner. Counsel should have sufficiently discussed the issues so that the briefing will be directed to those substantive issues that require resolution by the court. Minor procedural or other non-substantive matters should be resolved by counsel during the course of the conference.

a. Unless otherwise ordered or when a pro se party is incarcerated, the parties, including those appearing pro se, are required to meet and confer in compliance with Local Rule 7-3.

b. Notwithstanding the exception for preliminary injunction motions in Local Rule 7-3, counsel contemplating a preliminary injunction motion are required to meet and confer, in substantive compliance with Local Rule 7-3, at least five (5) days prior to the filing of such a motion.

3. **Length and Format of Motion Papers.**

Local Rule 11-6.1 limits all memoranda of points and authorities to "7,000 words, including headings, footnotes, and quotations but excluding the caption, the table of contents, the table of authorities, the signature block, the certification required by L.R. 11-6.2, and any indices and exhibits." An application for leave to exceed the word limitation will be granted only in extraordinary circumstances; the requesting party must provide specific facts supporting their request. **Any supplemental briefs filed without prior leave of court will be stricken.**

If documentary evidence in support of or in opposition to a motion exceeds 50 pages, the evidence must be separately bound and tabbed and include an index. If such evidence exceeds **300 pages**, the documents shall be placed in a **three-ring binder**, with an index and with each item of evidence separated by a tab divider on the right side. In addition, counsel shall provide a flash drive of the documents in a single, OCR-scanned, .pdf file with each item of evidence separated by labeled bookmarks. Counsel shall ensure that all documents are legible.

4. **Citations to Case Law and Other Sources.**

Citations to case law must identify not only the case cited but the specific page referenced. Statutory references should identify with specificity the sections and subsections referenced. Citations to treatises, manuals and other materials should include the volume, section, and pages being referenced.

5. **Artificial Intelligence**.

If any party or attorney uses an artificial intelligence tool in the preparation of any filing, the submission of that document signifies that the individual responsible for the filing has certified that she/he reviewed all source material and verified the accuracy of any AI content. See Fed. R. Civ. P. 11.

6. **Citations to the Record.**

Counsel should cite to docket numbers (and sub-numbers) when citing to the record.

7. **Proposed Orders.**

Each party filing or opposing a motion or seeking the determination of any matter shall serve and lodge – at the time the moving or opposition papers are filed – a proposed order setting forth the relief or action sought and a brief statement of the rationale for the decision with appropriate citations. In addition, a copy of the proposed order in WordPerfect or Word format shall be e-mailed to chambers at fmo_chambers@cacd.uscourts.gov on the day the document is e-filed.

8. **Oral Argument**.

If the court deems a matter appropriate for decision without oral argument, the court will notify the parties in advance. See Local Rule 7-15. The court strongly encourages parties to permit less experienced lawyers to actively participate in the proceedings by presenting argument at motion hearings or examining witnesses at trial. The court is amenable to permitting multiple lawyers to argue for one party if this creates an opportunity for junior attorneys to participate. Counsel shall provide the CRD with the names of the less experienced attorneys that will be arguing motions or examining witnesses at least ten (10) calendar days before the court proceeding.

B. Specific Motions.

1. **Motions Pursuant to Fed. R. Civ. P. 12**.

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

b. Motions to dismiss or to strike are discouraged unless counsel have a good faith belief that such motions will likely result in dismissal, without leave to amend, of all or at least some of the claims or counterclaims under applicable law.

Many motions to dismiss or to strike can be avoided if the parties confer in good faith (as required by Local Rule 7-3), especially for perceived defects in a complaint, answer or counterclaim that could be corrected by amendment. See Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003) (holding that where a motion to dismiss is granted, a district court should provide leave to amend unless it is clear that the complaint could not be saved by any amendment). Moreover, a party has the right to amend the complaint "once as a matter of course[.]" Fed. R. Civ. P. 15(a)(1). Even after a complaint has been amended or a responsive pleading has been served, "[t]he court should freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). The Ninth Circuit requires that this policy favoring amendment be applied with "extreme liberality." Owens v. Kaiser Found. Health Plan, Inc., 244 F.3d 708, 712 (9th Cir. 2001).

These principles require that plaintiff's counsel carefully evaluate defendant's contentions as to the deficiencies in the complaint. In most instances, the moving party should agree to any amendment that would cure the defect.

2. **Motions to Amend.**

In addition to complying with Local Rule 15-1, all motions to amend pleadings shall: (1) state the effect of the amendment; and (2) identify the page and line number(s) and wording of any proposed change or addition of material. The proposed amended pleading shall be sequentially named to differentiate it from previously amended pleadings (e.g., First Amended Complaint, Second Amended Complaint, etc.).

In addition to Local Rule 15-1's requirement of electronic lodging of the proposed amended pleading as a document separate from the motion, counsel shall attach as an appendix to the moving papers a "redlined" version of the proposed amended pleading, indicating all additions and deletions of material.

3. **Dispositive Motions**.

Each side is allowed one motion for summary judgment pursuant to Fed. R. Civ. P. 56, regardless of whether such motion is denominated as a motion for summary judgment. To the extent it is appropriate based on undisputed facts and controlling principles of law, the court may sua sponte enter summary judgment for the nonmoving party.

Counsel should not wait until the motion cutoff to file their motion for summary judgment or partial summary judgment. **All potentially dispositive motions shall comply with the requirements set forth in the Court's Order Re: Summary Judgment Motions, which will be issued at the time the court issues its Case Management and Scheduling Order.**

V. EX PARTE APPLICATIONS.

Ex parte applications are considered on the papers and are not normally set for hearing. Counsel are advised to file and serve their ex parte applications as soon as they realize that extraordinary relief is necessary. The court entertains ex parte applications only in extraordinary circumstances; sanctions may be imposed for misuse of the ex parte process. See Chapman v. Horace Mann Property & Casualty Ins. Co., 2025 WL 1421293, *1 (C.D. Cal. 2025) ("An ex parte application is a means of obtaining extraordinary relief and is appropriate only in rare circumstances.") (internal quotation marks omitted); Do v. Saudi Arabian Airlines Corp., 2025 WL 873012, *1 (C.D. Cal. 2025) ("The Court's standing requirements . . . provide that sanctions may be imposed for misuse of ex parte applications.") (emphasis omitted).

Ex parte applications that fail to conform to Local Rules 7-19 and 7-19.1, **including a statement of opposing counsel's position**, will not be considered except on a specific showing of good cause under Fed. R. Civ. P. 65(b). The moving party shall electronically serve the opposing party, if possible. A party is considered served once the ex parte application has been e-filed (all parties set up for electronic service are sent a notification of ECF filing each time a document is e-filed with a link to the document for one free view). For those parties set up for service by fax or mail, the ex parte application must be served by fax or personal service.

Following service of the ex parte papers, the moving party shall notify the opposing party that its opposition papers must be filed no later than twenty-four (24) hours (or one court day) following service, except in cases where the opposing party has not previously appeared. Where the opposing party has not previously appeared, the moving party shall, following service of the ex parte papers, notify the opposing party that its opposition papers must be filed no later than forty-eight (48) hours following service. If a party does not intend to oppose an ex parte application, the party must inform the CRD via email as soon as possible. **Unless otherwise ordered, reply briefs are not allowed and will be stricken**.

On the day the documents are e-filed, a conformed copy of the moving, opposition or notice of non-opposition papers must be hand-delivered to the Clerk's Office on the 4th Floor of the First Street Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

VI. MANDATORY CHAMBERS COPIES.

A copy of all papers filed with the court shall be delivered to the Clerk's Office on the 4th Floor of the First Street Courthouse, **no later than 12:00 noon the following business day.** All chambers copies shall comply fully with the document formatting requirements of Local Rule 11-3 and the "backing" requirements of Local Rule 11-4.1.1. Counsel may be subject to sanctions for failure to deliver a mandatory chambers copy in full compliance with this Order and Local Rules 11-3 and 11-4.1.1.

VII. CONTINUANCES OR EXTENSIONS OF TIME.

Counsel must submit any request for a continuance or extension of time **no later than five (5) court days prior to the expiration of the scheduled date.** Requests for continuances will not be granted routinely. A stipulation to continue the date of any matter must be supported by a detailed declaration that demonstrates good cause justifying the requested date change. The stipulation must also indicate whether there have been any previous requests for continuances and whether those requests were granted or denied by the court. Counsel requesting a continuance must file a stipulation containing a detailed explanation of the grounds for the requested continuance as well as lodge a proposed order.

If it is necessary to file an ex parte application seeking an extension of a deadline, the application must be accompanied by a declaration setting forth the reasons for the requested extension of time. The declaration must also indicate whether there have been any previous requests for continuances and whether those requests were granted or denied by the court.

VIII. CASES REMOVED FROM STATE COURT.

All documents filed in state court, including documents appended to the complaint, answers and motions, must be re-filed in this court as a supplement to the notice of removal. See 28 U.S.C. § 1447(a)-(b). If defendant has not yet answered or filed a motion in response to the complaint, the answer or responsive pleading filed in this court must comply with the Federal Rules of Civil Procedure and the Local Rules. Irrespective of whether defendant filed a motion or demurrer in response to the complaint in state court, defendant must file an answer or responsive pleading in this court that complies with the Federal Rules of Civil Procedure and the Local Rules. **Counsel shall file with their first appearance a Notice of Interested Parties in accordance with Local Rule 7.1-1**.

If the removed action contains a form pleading (i.e., a pleading in which boxes are checked), the party or parties using the form pleading must file an appropriate pleading with this court within twenty-one (21) days of receipt of the notice of removal. The appropriate pleading must comply with the requirements of Fed. R. Civ. P. 7, 7.1, 8, 9, 10 and 11.

Dated: July 2025.

/s/
Fernando M. Olguin
United States District Judge