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

[PLAINTIFF],

Plaintiff,

v.

[DEFENDANT],

Defendant(s).

Case No. CV 00-00000 JLS (XXX)

SELF-REPRESENTATION ORDER

One or more of the parties to this action has elected to appear *pro se* (i.e., without a lawyer). Persons appearing before the Court are not required to retain the services of a lawyer or obtain the advice of counsel. Individual litigants may represent themselves *pro se*, but corporations and associations must be represented by counsel. *See Church of the New Testament v. United States*, 783 F.2d 771, 773 (9th Cir. 1986) (unincorporated association); *In Re Highley*, 459 F.2d 554, 555 (9th Cir. 1972) (corporations). In addition, non-attorney litigants may not represent other individual litigants or trusts for which they serve as trustee. *See Johns v. County of San Diego*, 114 F.3d 874, 876-77 (9th Cir. 1997) (minor children); *C.E. Pope Equity*

1 *Trust v. United States*, 818 F.2d 696, 697-98 (9th Cir. 1987) (trust); *McShane v.*
2 *United States*, 366 F.2d 286, 288 (9th Cir. 1996) (other litigants). A partner may not
3 represent his or her own interest in a partnership *pro se*, and a sole shareholder may
4 not represent a corporation. See *In Re Am. West Airlines*, 40 F.3d 1058, 1059 (9th Cir.
5 1994) (per curiam) (partner); *United States v. High Country Broad Co., Inc.*, 3 F.3d
6 1244, 1245 (9th Cir. 1993) (per curiam) (shareholder).

7 Proceeding *pro se* has significant risks, and this Court wishes to make some of
8 those risks known at the outset of this proceeding:

- 9 • Generally speaking, non-attorney litigants are less like to be victorious than
10 those assisted by counsel.
- 11 • The opposing party may have a lawyer, and that lawyer's duty is to achieve
12 victory for his or her client. He or she will take every step legally
13 permissible to that end.
- 14 • The Court is a neutral adjudicator of the law. The role of the judge is to
15 resolve disputes arising between the parties in accordance with the law. As
16 such, the judge cannot assist you, cannot answer your legal questions, and
17 cannot take sides in the dispute, nor can any members of the judge's staff.
- 18 • You will be proceeding alone in a complex area where experience and
19 professional training are greatly desired.

20 Simply stated, when you elect to proceed *pro se*, you are on your own and
21 become personally responsible for litigating your action in accordance with the rules.
22 Practice in the federal courts is governed by the Federal Rules of Civil Procedure.
23 You **must** become familiar with these rules. You will be held to the same standards
24 as a lawyer as far as complying with the Court procedures and the rules and
25 regulations of the court system.

26 Because litigating an action in federal court often requires a great deal of time,
27 preparation, knowledge, and skill, this Court highly recommends against proceeding
28 without the assistance of counsel. Some attorneys will represent clients on a

1 contingency fee basis, where the fees associated with representation are subtracted
2 from a judgment in favor of the client.¹ However, should you wish to continue
3 without counsel—fully understanding the risks—you are hereby ordered to carefully
4 review the remainder of this Order, as it contains instructions for proceeding in this
5 Court which **must** be followed.

6 This Order, while not comprehensive—and not a substitute for fully
7 familiarizing yourself with the Federal Rules of Civil Procedure, the Federal Rules of
8 Evidence, the Local Rules for the United States District Court for the Central District
9 of California, the Orders of this Court, including the Court’s Procedures and
10 Schedules, Order Setting Scheduling Conference, and Order Re Jury Trial and Order
11 Re Court Trial, as well as federal and state case law applicable to this action—is
12 intended to bring certain aspects of law and motion practice to your attention at an
13 early stage in the litigation to remedy problems commonly associated with *pro se*
14 pleadings.²

15 **Communications with Chambers:** Pursuant to Local Rule 83-2.5, parties
16 **shall refrain** from writing letters to the judge, making telephone calls to chambers, or
17 otherwise communicating with the judge unless opposing counsel is present. You
18 may contact the Courtroom Deputy Clerk (“the Clerk”) by emailing
19 JLS_Chambers@cacd.uscourts.gov, with appropriate inquiries. The ability to contact
20 the Clerk cannot serve as a substitute for your review of all relevant procedures of the
21 Court. The Clerk is **not** an attorney and will not provide you with any legal advice.
22 The Clerk cannot waive any of the requirements of this or any other order of the
23 Court. Should you wish to bring any matter to the attention of the Court, you **must** do
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26 ¹ The Los Angeles County Bar Association Lawyer Referral and Information Service may be
27 able to refer you to a lawyer who may or may not be willing to take your case on a contingency
28 basis.

² The Local Rules for the United States District Court for the Central District of California
are available on the District Court’s website: <http://www.cacd.uscourts.gov/court-procedures/local-rules>.

1 so in writing, and file and serve it on the opposing party.

2 **Jurisdiction:** The Federal Rules of Civil Procedure require that “[a] pleading
3 which sets forth a claim for relief . . . shall contain (1) a short and plain statement of
4 the grounds upon which the court’s jurisdiction depends.” Fed. R. Civ. P. 8(a). This
5 District’s Local Rules further provide that “[t]he statutory or other basis for the
6 exercise of jurisdiction by this Court shall be plainly stated in . . . any document
7 invoking this Court’s jurisdiction.” Local Rule 8-1.

8 **This is extremely important.** Unlike state courts, federal courts are not courts
9 of general jurisdiction, and can preside over only those matters authorized by the
10 Constitution and Congress. *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534,
11 541 (1986). In other words, the party filing the action must **prove** to the Court that
12 jurisdiction over the action exists **before** the Court can reach the merits of the
13 Complaint. *See Smith v. McCullough*, 270 U.S. 456, 459 (1926) (A “plaintiff, suing in
14 federal court, must show in his pleading, affirmatively and distinctly, the existence of
15 whatever is essential to federal jurisdiction.”).

16 Federal jurisdiction may be alleged either pursuant to 28 U.S.C. § 1331 for
17 actions “arising under the Constitution, laws, or treaties of the United States,”
18 otherwise known as “federal question” jurisdiction, or pursuant to 28 U.S.C.
19 § 1332(a)(1) for actions “between citizens of different States,” otherwise known as
20 “diversity” jurisdiction.³

21 To invoke the Court’s federal question jurisdiction, the complaint must identify
22 which right(s) the plaintiff(s) claim have been violated, and which law, statute, or
23 constitutional provision provides that right. *See Keniston v. Roberts*, 717 F.2d 1295,
24 1298 (9th Cir. 1983).

25 Diversity jurisdiction has **two** requirements. First, diversity jurisdiction
26 requires complete diversity of citizenship, that is, all plaintiffs must have a different
27

28 ³ Diversity jurisdiction also exists in the less common circumstances involving parties who
are subjects of a foreign state. 28 U.S.C. § 1332(a)(2)-(4)

1 citizenship from all defendants. *See Owen Equipment and Erection Co. v. Kroger*,
2 437 U.S. 365, 373 (1978). Residence and citizenship are distinct concepts, with
3 significantly different jurisdictional ramifications: “[i]n order to be a citizen of a State
4 within the meaning of the diversity statute, a natural person must both be a citizen of
5 the United States *and* be domiciled within the State.” *Newman-Green, Inc. v. Alfonzo-*
6 *Larrain*, 490 U.S. 826, 828 (1989). “A person’s domicile is her permanent home,
7 where she resides with the intention to remain or to which she intends to return. A
8 person residing in a given state is not necessarily domiciled there, and thus is not
9 necessarily a citizen of that state.” *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857
10 (9th Cir. 2001) (citations omitted). Corporations are citizens of both their state of
11 incorporation and the state in which they have their principal place of business. *See*
12 28 U.S.C. § 1332(c)(1); *see also New Alaska Dev. Corp. v. Guetschow*, 869 F.2d
13 1298, 1300-01 (9th Cir. 1989). Unincorporated associations are citizens of the states
14 of each member. *See Fifty Associates v. Prudential Ins. Co. of Am.*, 446 F.2d 1187,
15 1190 (9th Cir. 1970). Second, when jurisdiction is based on diversity of citizenship,
16 district courts do not have original jurisdiction unless a party alleges an amount in
17 controversy exceeding \$75,000. *See* 28 U.S.C. § 1332(a).

18 Finally, you should understand that it is **insufficient** for a party to merely claim
19 that jurisdiction exists. Sufficient **facts** must be alleged to allow the Court to assess
20 whether it has jurisdiction over the action.

21 **Service:** Service is the formal delivery of a legal pleading. The Federal Rules
22 of Civil Procedure have different requirements for service to be effective depending
23 on the type of entity to be served: service on an individual within the United States is
24 governed by Federal Rule of Civil Procedure 4(e); corporations and associations must
25 be served in conformity with Federal Rule of Civil Procedure 4(h); the United States
26 and its agencies must be served pursuant to Federal Rule of Civil Procedure 4(i); and
27 state and local governmental units require service under Federal Rule of Civil
28 Procedure 4(j).

1 Time limits for service of the complaint are set forth in Federal Rule of Civil
2 Procedure 4(m). It is important to promptly and properly serve the opposing party,
3 especially with the summons and complaint when initiating an action, because **failure**
4 **to serve within the time limits specified by the Federal Rules will result in the**
5 **dismissal of your action for lack of prosecution.** You **must** always inform the
6 Court whenever you serve a filing on an opposing party; this is done by filing a proof
7 of service. *See* Fed. R. Civ. P. 4(l).

8 **Discovery:** Discovery is the mechanism by which the parties to an action
9 collect evidence relating to the case from one another. Certain information is
10 expected to be provided to the other side without a request. *See* Fed. R. Civ. P. 26(a).
11 If the other side seeks to obtain discovery from you, you must cooperate and provide
12 the information sought on “any matter, not privileged, that is relevant to the claim or
13 defense of any party and proportional to the needs of the case.” Fed. R. Civ. P.
14 26(b)(1). The principal forms of discovery envisioned by the Federal Rules are the
15 production and inspection of documents, requests for admission, depositions, and
16 interrogatories. *See* Fed. R. Civ. P. 27 through 36. Discovery disputes are resolved
17 by the magistrate judge assigned to the action. *See generally* Local Rule 37.
18 Discovery should begin early in the litigation and may commence prior to the
19 Scheduling Conference.

20 **Motions:** Motions are requests to the Court to make a specified ruling or order.
21 The opposing party may file a motion to dismiss your action, pursuant to Federal Rule
22 of Civil Procedure 12, or a motion for summary judgment pursuant to Federal Rule of
23 Civil Procedure 56. If the opposing party files and serves a motion on you, you **must**
24 **oppose it if you disagree with the requested relief. **Failure to oppose an otherwise****
25 ****properly supported motion may result in the Court granting that motion.**** *See*
26 **Local Rule 7-12. **Depending on the motion, this may result in the dismissal of****
27 ****your case.****

1 To oppose a motion, you **must** present the Court with a statement explaining
2 the basis of your opposition and the legal authority supporting your contentions. You
3 **must** also file any evidence upon which you intend to base your opposition to a
4 motion for summary judgment. Pursuant to Local Rule 7-9, your opposition is due
5 **not later** than twenty-one (21) days before the date designated for hearing of the
6 motion. If you need additional time to oppose the motion, you **must** file and serve an
7 *ex parte* application requesting an extension of time **prior** to the date on which your
8 opposition is due. You must demonstrate that the additional time you seek is
9 warranted and that the requested extension is not a crisis of your creation, thus
10 precluding you from seeking *ex parte* relief. *See Mission Power Eng'g Co. v.*
11 *Continental Cas Co.*, 883 F. Supp. 488, 492-93 (C.D. Cal. 1995).

12 **Motion to Dismiss:** A motion brought pursuant to Federal Rule of Civil
13 Procedure 12(b)(6) for failure to state a claim tests the legal sufficiency of the claims
14 asserted in the complaint. A dismissal under Rule 12(b)(6) is proper only where there
15 is either a “lack of a cognizable legal theory,” or “the absence of sufficient facts
16 alleged under a cognizable legal theory.” *Balistreri v. Pacifica Police Dept.*, 901 F.2d
17 696, 699 (9th Cir. 1990). The Court will grant the motion only if it appears that the
18 plaintiff can prove no set of facts that would entitle him to relief. *See Conley v.*
19 *Gibson*, 355 U.S. 41, 45-46 (1957). When evaluating a Rule 12(b)(6) motion, the
20 Court must accept all material allegations in the complaint as true and construe them
21 in the light most favorable to the non-moving party. *See Barron v. Reich*, 13 F.3d
22 1370, 1374 (9th Cir. 1994). However, the Court is not bound to assume the truth of
23 legal conclusions merely because they are stated in the form of factual allegations.
24 *See Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981). Dismissal is
25 proper if a complaint is vague, conclusory, and fails to set forth any material facts in
26 support of the allegations. *See North Start Int'l v. Arizona Corp. Comm'n*, 720 F.2d
27 578, 583 (9th Cir. 1983).

1 **Motion for Summary Judgment:** Summary judgment may be granted when
2 there are no material facts in dispute between the parties, making a trial unnecessary.
3 To resist summary judgment under Federal Rule of Civil Procedure 56, you **must**
4 submit affidavits or other documentary evidence, such as depositions and answers to
5 interrogatories, which set forth specific facts showing there is a genuine issue for trial.
6 *See Klingele v. Eikenberry*, 849 F.2d 409, 411-12 (9th Cir. 1988). Failure to do so
7 may result in the entry of summary judgment against you. You should also note that
8 Rule 56(c)(4) requires that affidavits or declarations shall be made on personal
9 knowledge, set forth facts that are admissible as evidence, and show affirmatively that
10 the affiant is competent to testify to the matters stated therein. **Should you fail to**
11 **contradict the moving party with counter-affidavits, declarations or other**
12 **evidence, the moving party’s evidence may be taken as the truth, and final**
13 **judgment may be entered against you without a trial, thus ending your case.** *See*
14 *Rand v. Rowland*, 154 F.3d 952, 960-61 (9th Cir. 1998).

15 To effectively address a summary judgment motion, you should be aware of,
16 and familiar with, the following United States Supreme Court cases on summary
17 judgment: *Celotex v. Catrett*, 477 U.S. 317 (1986); *Anderson v. Liberty Lobby, Inc.*,
18 477 U.S. 242 (1986); *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574
19 (1986).

20 **PRO SE CLINIC:** The Court may not provide advice to any party, including
21 *pro se* litigants. However, this District does have a “Pro Se Clinic” that can provide
22 information and assistance about many aspects of civil litigation in this Court. Public
23 Counsel’s Federal Pro Se Clinic provides free legal assistance to people representing
24 themselves in the United States District Court for the Central District of California.
25 The Pro Se Clinic is located at the Roybal Federal Building and Courthouse, 255 East
26 Temple Street, Los Angeles, California 90012.

27 The Los Angeles Clinic operates by appointment only. You may schedule an
28 appointment either by calling the Clinic or by using an internet portal. You can call

1 the clinic at (213) 385-2977, ext. 270, or you can submit an internet request at the
2 following site: <http://prose.cacd.uscourts.gov/los-angeles>.

3 Clinic staff can respond to many questions with a telephonic appointment or
4 through your email account. It may be more convenient to email your questions or
5 schedule a telephonic appointment. Staff can also schedule you for an in-person
6 appointment at their location in the Roybal Federal Building and Courthouse.

7 The Court has information of importance to pro se litigants at the “People
8 Without Lawyers” link, <http://prose.cacd.uscourts.gov/>.

9 **ELECTRONIC DOCUMENT SUBMISSION SYSTEM (EDSS)**: The
10 Clerk’s Office has created the Electronic Document Submission System (EDSS)
11 which will allow pro se litigants to submit documents for filing through an online
12 portal, in lieu of submission by U.S. mail or in-person at Civil Intake. EDSS is a
13 document delivery system; documents submitted through EDSS are **not** automatically
14 uploaded on CM/ECF. Pro se litigants may submit documents in PDF format for
15 review and filing by the Clerk’s Office. For more information and to access EDSS, go
16 to <https://apps.cacd.uscourts.gov/edss>.

17 Pro se litigants may also apply to the Court for permission to electronically file.
18 Form CV-005 is available at [http://www.cacd.uscourts.gov/forms/application-](http://www.cacd.uscourts.gov/forms/application-permission-electronic-filing)
19 [permission-electronic-filing](http://www.cacd.uscourts.gov/forms/application-permission-electronic-filing).

20 The Court’s website home page is <http://www.cacd.uscourts.gov>.

21 **IT IS SO ORDERED:**

22 Dated: [DATE]

23 _____
24 HON. JOSEPHINE L. STATON
25 United States District Judge

26 REVISED: October 25, 2022