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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

, Plaintiff(s), v. , Defendants(s).	Case No. STANDING ORDER FOR CIVIL CASES ASSIGNED TO JUDGE STANLEY BLUMENFELD, JR. [Updated 3/1/2024]
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**READ THIS ORDER CAREFULLY BECAUSE IT CONTROLS THIS CASE
AND DIFFERS IN PART FROM THE LOCAL RULES. FAILURE TO
COMPLY MAY RESULT IN SANCTIONS.**

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. A hyperlinked table of contents appears below.

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1. **COUNSEL**

- a. **Civility.** All counsel must immediately review and comply with the Court’s Civility and Professionalism Guidelines, available at <https://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines>. Failure to do so may result in sanctions.
- b. **Presence of Lead Counsel.** Only one attorney for a party may be designated as lead counsel (and the designation must appear on the docket if a party has more than one attorney). Lead counsel must attend all proceedings set by this Court. For proceedings not set by the Court (e.g., motion hearings), lead counsel are encouraged to permit junior lawyers to fully participate in them. Only one counsel may be designated to argue a motion absent Court approval.
- c. **Self-Represented Parties (a.k.a. “Pro Se” Litigants).** Parties appearing in propria persona (pro se litigants) are required to comply with all Local Rules, including Local Rule 16 (“Pretrial Conferences; Scheduling; Management”). In this Order, the term “counsel” includes pro se

1 litigants. Only individuals may represent themselves. A corporation or
2 other entity must be represented by counsel, and if counsel seeks to
3 withdraw, counsel must advise the entity of the dire consequences of
4 failing to obtain substitute counsel before seeking withdrawal—i.e., a
5 plaintiff entity’s case will be dismissed or a defendant entity will default.
6 *See* Local Rule 83-2.3.4.

7 **d. Duty to Notify of Settlement.** Counsel must advise the Court
8 immediately if (1) the case or any pending matter has been resolved or
9 (2) a motion is pending and the parties are engaged in serious
10 negotiations that appear likely to resolve the case or the pending motion
11 (as discussed in more detail in 8(f), *infra*). Failure to provide timely
12 notice of settlement may result in sanctions.

13 **e. No “Notices of Unavailability.”** A “Notice of Unavailability” has no
14 legal effect and should not be filed.

15 **2. COMMUNICATIONS WITH CHAMBERS**

16 Counsel shall not (1) initiate contact with the courtroom deputy clerk (CRD) by
17 telephone or (2) contact the CRD about the status of a pending matter. Nor should
18 counsel contact the CRD to inquire about court procedure when the answer is readily
19 available by consulting the Local Rules and the Court’s standing orders. Any
20 appropriate inquiry directed to the CRD must be by email with a copy to all parties
21 and a list of all counsel’s email addresses and telephone numbers in the body of the
22 email.

23 **3. PLEADINGS**

24 **a. Service of the Complaint.** The plaintiff(s) shall promptly serve the
25 complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of
26 service pursuant to Fed. R. Civ. P. 4(l). Any defendant, including any
27 “Doe” or fictitiously named defendant, not served within 90 days after
28 the case is filed shall be dismissed pursuant to Fed. R. Civ. P. 4(m).

1 **b. Removed Actions.** Any answer filed in state court must be refiled in this
2 Court as a supplement to the Notice of Removal. Any pending motion in
3 state court before the case was removed must be re-noticed in accordance
4 with Local Rule 7. If a removed action contains a “form pleading” (i.e., a
5 check-the-box pleading), the party (or parties) that filed the form
6 pleading must file with this Court a pleading that complies with the
7 federal rules within 30 days of the filing of the notice of removal. *See*
8 Fed. R. Civ. P. 7, 7.1, 8, 9, 10, and 11. An amended complaint filed
9 within 30 days after removal to replace a form complaint pursuant to this
10 instruction shall be deemed an amended complaint with “the court’s
11 leave” pursuant to Rule 15(a)(2).

12 **c. Status of Fictitiously Named Defendants.**

- 13 i. The plaintiff should identify and serve any fictitiously named
14 defendant(s) before the date of the mandatory scheduling
15 conference (MSC) held pursuant to Fed. R. Civ. P. 16(b).
- 16 ii. All Doe defendants remaining 60 days after the MSC (or on the
17 date set forth in the scheduling order, if applicable) are dismissed
18 by operation of this Order without further notice *unless* the
19 plaintiff requests and justifies the need for additional time in the
20 joint report for the MSC and the Court grants an extension.
- 21 iii. Before moving to substitute a defendant for a Doe defendant, the
22 plaintiff must seek the consent of counsel for all defendants,
23 including counsel for a represented Doe defendant. If denied
24 consent, the plaintiff must file a regularly noticed motion. In
25 diversity cases, the plaintiff’s motion must address whether the
26 addition of the newly named party destroys diversity jurisdiction.
27 *See* 28 U.S.C. § 1447(c), (e).
28

1 **4. DISCOVERY**

2 **a. Magistrate Judge Referral.** All discovery matters are referred to the
3 assigned magistrate judge. All discovery documents must include the
4 words “DISCOVERY MATTER” in the caption to ensure proper routing.
5 Do not deliver Chambers copies of these documents to Judge
6 Blumenfeld. The decision of the magistrate judge shall be final, subject
7 to limited review requiring a showing that the decision is clearly
8 erroneous or contrary to law. Any party may file and serve a motion for
9 review within 14 days of either (i) service of a written ruling or (ii) an
10 oral ruling that expressly will not be followed by a written ruling. The
11 motion must specify which portions of the ruling are clearly erroneous or
12 contrary to law, supported by points and authorities. Counsel shall
13 deliver a conformed copy of the moving papers and responses to the
14 magistrate judge’s clerk at the time of filing.

15 **b. Discovery Protective Orders.** Proposed protective orders for discovery
16 must be submitted to the assigned magistrate judge. Such orders should
17 not purport to allow, without further order of Judge Blumenfeld, the
18 filing under seal of pleadings or documents filed in connection with a
19 dispositive motion, a class certification motion, or trial before Judge
20 Blumenfeld. The existence of a protective order does not alone justify
21 the filing of pleadings or other documents under seal, in whole or in part.

22 **c. Juvenile Records.** In cases that will require access to juvenile records,
23 the parties shall identify the necessary records and file all requests for
24 such records with the appropriate state court as early as possible—
25 generally no later than the MSC. If the parties fail to do so, the Court is
26 unlikely to grant a continuance based on delay in the process for
27 obtaining juvenile records.
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1 **5. FILING REQUIREMENTS**

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

4 **b. Documents with Declarations, Exhibits, and Other Attachments.**
5 Except for filings in support of motions for summary judgment (*see* MSJ
6 Standing Order), if a filed or lodged document has declarations, exhibits,
7 or other attachments, each attachment must be filed as a separately
8 docketed attachment to the main docket entry with a description of the
9 attachment (e.g., Dkt. 29-1 Smith Declaration, 29-2 Ex. 1 - License
10 Agreement, 29-3 Request for Judicial Notice). The Court may strike or
11 decline to consider motions, stipulations, or other documents with
12 attachments that are not filed in accordance with this Order.

13 **c. Artificial Intelligence.** Any party who uses generative artificial
14 intelligence (such as ChatGPT, Harvey, CoCounsel, or Google Bard) to
15 generate any portion of a brief, pleading, or other filing must attach to the
16 filing a separate declaration disclosing the use of artificial intelligence
17 and certifying that the filer has reviewed the source material and verified
18 that the artificially generated content is accurate and complies with the
19 filer’s Rule 11 obligations.

20 **d. Proposed Orders.** Each party filing a motion or seeking the
21 determination of any matter shall serve and lodge a proposed order
22 setting forth the relief or action sought and a brief statement of the
23 rationale for the decision with appropriate citations.

24 i. Templates. Use the “Proposed Order” or the “CMO Continuance
25 Order” template—whichever is applicable—located on [Judge](#)
26 [Blumenfeld’s webpage](#) under “Orders & Additional Documents.”
27 Failure to do so may result in the striking of the request. Proposed
28 orders should *not* contain: (1) attorney names, addresses, etc. on

1 the caption page; (2) a footer with the document name or other
2 information; or (3) a watermark or designation of the firm name.
3 Proposed orders should be formatted in the same fashion as
4 motions. *See infra* paragraph 6(c)(iii).

5 ii. Email. The Court requires strict compliance with Local Rule 5-
6 4.4.2, which states that “a Microsoft Word copy of the proposed
7 document, along with a PDF copy of the electronically filed main
8 document, shall be e-mailed to the assigned judge’s generic
9 chambers e-mail address.” The Court will not consider a
10 stipulation, ex parte application, or other request for relief until a
11 compliant proposed order is received by email. A filing may be
12 stricken for failure to timely comply.

13 e. **Chambers Copies**. Chambers Copies (paper copies that are sent to
14 Chambers upon electronic filing of the document) are required for the
15 following documents only: (1) motion papers (motions, oppositions,
16 replies, and related documents¹), including motions in limine; (2) ex
17 parte applications for temporary restraining orders; and (3) pretrial
18 documents (memoranda of fact and law, witness and exhibit lists, pretrial
19 conference statement, jury instructions, verdict forms, etc.). Chambers
20 Copies must comply with the rules below.

21 i. Timeliness and location. Deliver Chambers Copies promptly to
22 Judge Blumenfeld’s mailbox outside the Clerk’s Office on the 4th
23 Floor of the First Street Courthouse. Applicable documents will
24 not be considered until Chambers Copies are submitted. Delay in
25 submitting such copies will delay consideration of the submission.

26 ii. Format. Chambers Copies, which do not need to be submitted
27 with blue backing, should be copies of the filed document—i.e.,

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¹ A motion to dismiss should include a copy of the challenged pleading.

1 they should have the docket information on the top of each page.
2 Filings that include highlighting, color photographs, “redlining,” or
3 the like should be printed in color. Short filings should be fastened
4 by a staple or binder clip in the top left corner. Larger filings
5 should be delivered in a three-ring binder. Binders should be no
6 larger than 4 inches. Binders must have both a cover sheet and a
7 spine label that includes the case name, case number, and a
8 description of the contents.

9 iii. Exhibits. Separate all exhibits by a tab divider on the right or
10 bottom of the document. If the evidence exceeds 50 pages, the
11 Chambers Copy must: (1) include a table of contents; and (2) be in
12 a tabbed three-ring binder with each exhibit separated by a tab
13 divider on the right or the bottom. If the evidence exceeds 200
14 pages, the table of contents and evidence must be placed in a Slant
15 D-Ring binder.

16 f. **Notices of Deficiency**. When a filing fails to comply with court rules,
17 the Clerk’s Office may issue a notice of deficiency, which typically states
18 that no action is required unless the Court directs otherwise. The parties
19 should not treat the deficient filing as having been stricken unless the
20 Court separately orders it stricken. A deficiency notice by itself does not
21 relieve any party of its obligations with respect to a filing (e.g., timely
22 filing an opposition or appearing at a noticed hearing).

23 **6. GENERAL MOTION REQUIREMENTS**

24 a. **“Meet and Confer” Requirement**. Local Rule 7-3 requires counsel to
25 conduct a prefiling conference “to discuss thoroughly . . . the substance
26 of the contemplated motion and any potential resolution.”

27 i. Scope. This requirement applies in all cases, including those with
28 pro se litigants, and extends to all issues. If the parties are unable

1 to fully resolve the dispute, they shall attempt to narrow the scope
2 of the contested issues. Parties must meet and confer in person or
3 by videoconference; email correspondence is insufficient. A
4 motion not supported by the certification below may be stricken or
5 summarily denied.

6 ii. Certification. The moving party *shall* include a signed certification
7 attached to the end of the filed motion as follows:

8 *“I certify that the parties met in person or by videoconference,
9 thoroughly discussed each and every issue raised in the
10 motion, and attempted in good faith to resolve the motion in
11 whole or in part.”*

12 If a nonmoving party refuses to participate in good faith, the
13 moving party shall explain the refusal in detail.

14 iii. Sanctions. Failure by any party to comply in good faith with the
15 “meet and confer” requirement shall result in an order to show
16 cause re sanctions—including, as appropriate, striking or denying
17 the motion, deeming the motion unopposed, and/or awarding
18 monetary sanctions.

19 **b. Time for Filing and Hearing Motions.** This Court hears civil motions
20 on Fridays at 8:30 a.m.

21 i. Holidays. If Friday is a court holiday, select another Friday.
22 Opposition or reply papers due on a Friday holiday may be filed
23 the following Monday.

24 ii. Closed Dates. Hearing dates are closed at least four weeks in
25 advance, and closed hearing dates are noted on [Judge](#)
26 [Blumenfeld’s webpage](#). A motion filed on a closed hearing date
27 will be stricken or continued at the Court’s discretion. *A party that*
28 *waits too long and files a motion to be heard on a date that turns*

1 *out to be unavailable risks having the motion stricken and not*
2 *considered at all.*

3 iii. Non-Opposition. Failure to timely oppose a motion will likely
4 result in the motion being granted after the opposition would have
5 been due. *See* Local Rule 7-12 (failure to timely file “may be
6 deemed consent to the granting . . . of the motion”).

7 iv. Withdrawn. If the parties resolve the issue(s) presented in a
8 motion, by settlement or otherwise, the Court must be notified
9 immediately to avoid unnecessary judicial work.

10 **c. Length, Footnotes, and Format of Motion Papers**

11 i. Length. Unless stated otherwise, no supporting or opposing
12 memorandum shall exceed 7,000 words (or 25 pages, double
13 spaced, if handwritten), and no reply memorandum shall exceed
14 4,000 words (or 15 pages, double spaced, if handwritten)—
15 excluding only indices and exhibits. Counsel shall certify
16 compliance with the word count pursuant to Local Rule 11-6.2.
17 Good cause to extend these limitations will rarely be found. A
18 memorandum that exceeds the allowable length may be stricken.

19 ii. Footnotes. Use no more than eight footnotes in any supporting or
20 opposing brief, and no more than five footnotes in any reply.
21 Citations that support a statement in the main text must be included
22 in the main text, not in footnotes.

23 iv. Format. Typeface and spacing shall comply with Local Rule 11-
24 3.1.1, except that the parties are required to use only 14-point
25 Times New Roman font. Footnotes shall be in the same font and
26 the same size as the body of the memorandum and separated by
27 12-point spacing.
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1 v. Reply Briefs. The purpose of a reply brief is to respond succinctly
2 to the arguments in the opposition. A reply brief should not repeat
3 the background or legal standard contained in the motion and
4 should not repeat arguments except to the extent necessary to
5 respond to the opposition.

6 **d. Citations to Authority.** Any argument or statement of law not
7 supported by legal authority may be deemed *waived or forfeited* to the
8 extent allowed by law. The parties should comply with Bluebook
9 formatting and the citation requirements below.

10 i. Pin Cites. Case citations must identify both the case cited and the
11 specific page referenced.

12 ii. String Cites. Parties should not use string cites without a good
13 reason. When using string cites, a party should include a
14 parenthetical explanation for each cited case.

15 iii. Legal Databases. When citing to unpublished materials in legal
16 databases, cite to Westlaw (*not* Lexis) whenever possible.
17 However, parties that do not have access to Westlaw will not be
18 penalized for citing to other sources.

19 iv. U.S. Statutes. Statutory references should identify with specificity
20 the sections and subsections referenced. Citations should be to the
21 relevant official statutory code (e.g., the U.S. Code) and should not
22 merely reference the popular name of an act.

23 v. Treatises, Manuals, and the Like. Citations to treatises, manuals,
24 and other materials should include the volume, section, and
25 relevant pages. Attach copies if these materials are not accessible
26 on Westlaw, especially for historical materials (e.g., older
27 legislative history).
28

1 **7. SPECIFIC MOTION REQUIREMENTS**

- 2 **a. Motions Pursuant to Rule 12.** Most motions to dismiss or strike,
3 especially motions raising alleged defects in a complaint, answer, or
4 counterclaim that could be corrected by amendment, can be avoided if
5 the parties confer in good faith as required by Local Rule 7-3. In general,
6 the Court will provide leave to amend upon granting a motion to dismiss
7 unless it is clear the complaint is not correctible. *See Rosenberg Bros. &*
8 *Co. v. Arnold*, 283 F.2d 406, 406 (9th Cir. 1960) (requiring “extreme
9 liberality” in favor of amendments). If the Ninth Circuit’s “extreme
10 liberality” standard applies to a meritoriously filed motion, the Court may
11 summarily grant the motion with leave to amend. A good-faith “meet
12 and confer” may avoid this costly and inefficient process. If the Court
13 grants a motion to dismiss with leave to amend, the plaintiff must file an
14 amended complaint within the period specified by the Court. Failure to
15 timely file an amended complaint will result in dismissal with prejudice.
- 16 **b. Motions to Amend Pleadings.** A motion to amend the pleadings must
17 describe and state the effect of the proposed amendment and be
18 accompanied by a “redlined” version of the proposed amended pleading
19 indicating all additions and deletions to the prior version of the pleading.
20 The redlined version must be delivered to Chambers (in paper form) and
21 to Chambers email (in electronic form using Word). Before the motion is
22 filed, the redlined version also must be delivered to opposing counsel at
23 least two hours in advance of the Local Rule 7-3 conference; and if the
24 plaintiff later changes the delivered version, counsel will be required to
25 meet again about the revised pleading. In addition to the requirements of
26 the Local Rules, all amended pleadings must be serially numbered to
27 differentiate each amendment (i.e., “First Amended Complaint,” “Second
28 Amended Complaint”).

1 **c. Motions for Summary Judgment.** Please refer to Judge Blumenfeld’s
2 Standing Order re Motions for Summary Judgment found at
3 <https://www.cacd.uscourts.gov/honorable-stanley-blumenfeld-jr>.

4 **d. PLRA Exhaustion Motions.** The issue of exhaustion under the Prison
5 Litigation Reform Act (PLRA) must be raised at the beginning of the
6 litigation. *Albino v. Baca*, 747 F.3d 1162, 1170 (9th Cir. 2014). A party
7 seeking to obtain a judicial determination of any material fact dispute
8 precluding summary judgment on the exhaustion issue must file before
9 this Court a request for a hearing *within 14 days of the filing of the order*
10 *denying summary judgment*. The failure to file a timely request may be
11 construed as a waiver or forfeiture of the exhaustion issue.

12 **e. Motions for Default Judgment.** Unless the Court orders otherwise,
13 motions for default judgment shall be filed within 14 days after the later
14 of (1) entry of default against the last remaining defendant or
15 (2) resolution of all claims against all defendants who have not defaulted.
16 The motion must include a showing of both subject-matter and personal
17 jurisdiction. *See In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999). A
18 plaintiff who moves for default judgment and wishes to seek attorney’s
19 fees and costs must include in the motion a properly supported request
20 for attorney’s fees and costs together with the motion for default
21 judgment. Failure to do so will result in the striking of any subsequent
22 motion for attorney’s fees and costs absent a showing of good cause. The
23 Court may vacate the hearing on a motion for default judgment if no
24 opposition is timely filed, and the notice of motion should so state.
25 Unless the Court orders otherwise, the movant must appear at the motion
26 hearing prepared to argue the motion and respond to any tentative
27 opinion even in the absence of an opposition.
28

1 **f. Motions for Attorney’s Fees.** A motion for attorney’s fees must be
2 supported by documentation of the billed hours for which the movant
3 seeks to recover fees. For any motion requesting more than \$50,000 in
4 fees, the movant shall additionally provide by email to the CRD an Excel
5 spreadsheet documenting the hours for which the movant seeks recovery,
6 using the format in the following example:

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Date	Name	Position	Task	Category	Hours	Rate	Amount
3/2/23	John Smith	Associate	Researched choice of law for motion to dismiss	MTD	0.7	\$300	\$210.00
3/5/23	Jane Doe	Partner	Spoke with client about medical history	CC	0.2	\$500	\$100.00
3/5/23	Jerry Roe	Paralegal	Assembled case folder	ADM	0.1	\$150	\$15.00

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13 If the parties use abbreviations in the category column (as in the example
14 provided), they shall include a legend identifying the meaning of each
15 abbreviation.

16 **g. Applications to Seal.** If the Court has previously granted leave to seal a
17 particular exhibit, the parties need not file a new application to file that
18 exhibit under seal in connection with a new filing. The parties may
19 simply file the exhibit under seal together with a statement that the Court
20 has already permitted sealing of the exhibit, with a citation to the relevant
21 order.

22 **8. MOTION HEARINGS**

23 **a. Remote Appearances.** Remote appearances are not permitted absent
24 good cause shown in a declaration concurrently filed with the moving
25 papers or the opposition. Absent a concurrent filing, a party requesting to
26 appear remotely must submit a declaration establishing that the party is
27 unable to appear in person due to an unanticipated and unavoidable
28 emergency and that the party made the request promptly upon learning of

1 the emergency. Instructions for remote appearance can be found on
2 Judge Blumenfeld’s webpage. Counsel appearing remotely are
3 responsible for ensuring that their equipment and the internet connection
4 in the location from which they will be participating are reliable and
5 adequate for uninterrupted video participation.

- 6 **b. Submission without Argument.** The Court may take a motion off
7 calendar if it concludes the decision will not benefit from oral argument.
- 8 **c. Time.** If oral argument is permitted, the parties will have a total of 20
9 minutes, divided equally between the sides, unless the Court states
10 otherwise. If the Court believes that the matter warrants less or more
11 time, it will advise counsel at the hearing.
- 12 **d. Tentatives.** The Court often issues written tentative rulings and makes
13 them available on Judge Blumenfeld’s webpage the afternoon before the
14 hearing by 6:00 p.m. The purpose of the tentative ruling is to focus the
15 discussion at the hearing. No party shall file any written response to the
16 tentative ruling without leave of court. A tentative ruling does not
17 represent the final decision of the Court, and the parties are *strictly*
18 *prohibited* from filing it as an exhibit or otherwise in any case.
- 19 **e. Oral Argument.** If a tentative has issued, the parties should be prepared
20 to explain why the analysis is correct or incorrect. Also, the Court often
21 tests its reasoning by asking questions and expects counsel to respond
22 directly and candidly.
- 23 **f. Settlement.** Counsel *must* notify the Court at least two weeks before the
24 scheduled hearing if the parties are conducting settlement discussions
25 that may render the motion moot and *must* notify the Court immediately
26 if a settlement is reached. A belated settlement notice wastes scarce
27 judicial resources and will subject the offending parties to sanctions—
28 and it may also result in the release of the tentative ruling.

1 **9. EX PARTE APPLICATIONS**

2 A party seeking ex parte relief, including a temporary restraining order, must
3 comply fully with Local Rule 7-19.

4 **a. Notice.** The applicant must (1) notify the other party (or parties) that
5 opposing papers are to be filed no later than 48 hours following service
6 or by 3:00 p.m. on the first court day after the service, whichever is later,
7 and (2) advise the Court in a declaration whether any party opposes the
8 application. If an opposing party did not disclose its position to the
9 applicant before the application is filed, the opposing party should advise
10 the CRD by email as soon as possible whether it intends to oppose the
11 application.

12 **b. Submission.** The application will not be considered until a Chambers
13 Copy has been provided. Once the application is submitted for decision,
14 the Court will rule on the papers unless it elects to set a hearing. Do not
15 contact Chambers about the status.

16 **c. No Tolling of Obligation.** An application or stipulation does not serve
17 to toll, or relieve a party of, an underlying obligation (e.g., a soon-to-
18 expire deadline). Parties should not assume that an unopposed ex parte
19 application or stipulation will be granted; and a last-minute application or
20 stipulation that is denied may result in a party's defaulting on the
21 underlying obligation.

22 **10. CONTINUANCES**

23 The Court grants continuances of pretrial and trial deadlines only on a timely
24 showing of good cause. The Court applies the same standard of good cause to all
25 extension requests—whether opposed, unopposed, or jointly requested.

26 **a. Good Cause.** Good cause requires a specific, detailed, and non-
27 conclusory showing of diligence from the outset of the case, describing:
28 (1) all relevant work previously done (including when each item was

1 completed), (2) all relevant work that remains to be done, (3) why the
2 remaining work could not previously have been done (including efforts
3 made to complete each remaining item), and (4) why the amount of time
4 requested is needed to complete the remaining work.

5 **b. Diligence.** The Case Management Order (CMO) that the parties will
6 receive following the MSC contains an attachment with information that
7 must be submitted in table form in showing diligence. Diligence
8 generally will *not* be found when a party opts for strategic staging of
9 discovery (or other tasks) or in-person depositions that prevent
10 completion within the existing deadline. Moreover, a desire to engage in
11 settlement discussions does not constitute good cause to extend existing
12 deadlines. The parties are strongly encouraged to agree to exchange
13 initial disclosures promptly and to actively commence discovery before
14 the MSC.

15 **c. Proposed Order.** The parties must complete and submit the CMO
16 Extension template on the [Judge Blumenfeld's webpage](#) under "Orders &
17 Additional Documents." Please follow the highlighted directions at the
18 end of the document. File the Proposed Order and submit an electronic
19 Word copy to Judge Blumenfeld's Chambers email
20 (SB_Chambers@cad.uscourts.gov). Failure to use and properly submit
21 the CMO Extension template will result in the striking or summary denial
22 of the request.

23 **d. Denied with Prejudice.** Denial of an extension request, including
24 summary denial, is *with prejudice*. The parties should therefore present
25 all available information showing that the outstanding discovery or other
26 litigation tasks cannot be completed within the existing deadlines despite
27 all reasonable diligence from the outset of the case. A party is *not*
28

1 permitted to resubmit a denied extension request with information that
2 was either previously submitted or previously available.

3 * * *

4 *Failure to comply with the procedural requirements* above—including the use
5 and proper completion of the table in the MSC Order attachment and the CMO
6 Extension template—may result in the extension request being stricken or
7 summarily denied. An improper resubmission of a denied extension request
8 may result in sanctions.

9 **11. CLASS ACTIONS**

10 The parties in a putative class action are to act diligently and begin discovery
11 immediately, so that the motion for class certification can be filed expeditiously. A
12 motion for class certification must be filed no later than 120 days from the date
13 initially set for the scheduling conference unless the Court orders otherwise.

14 **12. ERISA CASES (BENEFIT CLAIMS)**

15 The parties may receive an MSC Order as a matter of course. Because the
16 ordinary pretrial and trial schedule does not apply to these ERISA cases, the parties
17 need only submit a joint status report identifying any special issues that should be
18 considered. The parties should proceed with the preparation of the administrative
19 record and briefing without delay upon service of the complaint. If necessary, the
20 Court will hear motions to determine the standard of review, whether discovery will
21 be permitted, and the scope of the administrative record. Counsel are discouraged
22 from filing motions for summary judgment or partial summary judgment for a merits
23 determination. *See Kearney v. Standard Insurance Co.*, 175 F.3d 1084, 1095 (9th Cir.
24 1999) (en banc) (noting the difference in procedures between Rule 56 and Rule 52).
25 A court trial, ordinarily limited to oral argument on the administrative record, will be
26 scheduled within six months from the filing of the original complaint, unless good
27 cause for additional time is shown in the status report. If the Court concludes that the
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1 decision would not benefit from oral argument, the matter may be submitted for
2 decision on the papers.

3 **13. BANKRUPTCY APPEALS**

4 Counsel must comply with the Notice Regarding Appeal from Bankruptcy
5 Court issued at the time the appeal is filed in the district court. The matter is deemed
6 under submission on the filing of the appellant's reply brief. The Court considers
7 bankruptcy appeals on the papers and usually does not set these matters for hearing.

8 **14. CONSENT TO MAGISTRATE JUDGE**

9 The parties may consent to have a magistrate judge preside over the entire case,
10 including trial. The parties may choose any magistrate judge on the Voluntary
11 Consent List found on the [Central District website](#). If the parties consent, they should
12 contact the courtroom deputy of the selected magistrate judge to confirm his or her
13 availability and, upon confirmation, promptly file a "Notice of Lodging of Consent"
14 along with [Form CV-11D](#) (*Statement of Consent to Proceed Before a United States*
15 *Magistrate Judge*) attached thereto.

16 **15. SANCTIONS FOR FAILURE TO COMPLY**

17 If, without satisfactory explanation, counsel fail to file the required Joint Rule
18 26(f) report or the required pretrial documents, fail to appear at any scheduled
19 proceeding, or otherwise fail to comply with judicial orders or rules, the Court shall
20 take any action it deems appropriate, including: (i) dismissal of the case for failure to
21 prosecute, if the failure occurs on the part of the plaintiff; (ii) striking the answer
22 resulting in default if such failure occurs on the part of the defendant; (iii) imposing
23 monetary sanctions against the offending party and counsel, and/or (iv) where
24 applicable, revoking the pro hac vice status of attorneys so admitted.

25
26 Date:

27 _____
28 Stanley Blumenfeld, Jr.
United States District Judge