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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 [PLAINTIFF’S NAME],

12 Plaintiff,

13 v.

14 [DEFENDANT’S NAME],

15 Defendant.
16
17

Case No.

**STANDING ORDER FOR
NEWLY ASSIGNED CIVIL CASES**

18 **READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE**
19 **AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

20 This case has been assigned to United States District Judge Sherilyn Peace
21 Garnett.¹ Both the Court and all counsel bear responsibility for the progress of
22 litigation in this Court. “Counsel,” as used in this Order, includes attorneys and parties
23 who have elected to appear without an attorney and are representing themselves in this
24 civil litigation (hereinafter referred to as “Pro Se Litigants”). To secure the just, speedy,
25 and inexpensive determination of every action, all counsel are ordered to comply with
26

27 ¹ Judge Garnett periodically updates this Order so make sure you are reviewing the
28 latest copy of the Order.

1 this Order, the Federal Rules of Civil Procedure, and the Local Rules of the Central
2 District of California. *See* Local Rules 1-3 and 83-2.2.3.

3 **A. GENERAL REQUIREMENTS**

4 **1. Service of Order.** Counsel for the plaintiff must immediately serve this
5 Order on all parties, including any new parties to the action. If this case was removed
6 from state court, the defendant that removed the case must serve this Order on all other
7 parties.

8 **2. Pro Se Litigants.** Only individuals may represent themselves. A
9 corporation or other entity must be represented by counsel. If counsel seeks to
10 withdraw, counsel must advise the entity of the dire consequences of failing to obtain
11 substitute counsel before seeking withdrawal—i.e., a plaintiff entity’s case will be
12 dismissed or a defendant entity will default. *See* Local Rule 83-2.3.4. The following
13 links may be helpful to Pro Se Litigants: (a) General information on how parties may
14 represent themselves in civil cases in the Central District of California can be found at
15 <https://prose.cacd.uscourts.gov/>; (b) Local Civil Rules for the Central District of
16 California can be found at <http://www.cacd.uscourts.gov/court-procedures/local-rules>;
17 (c) Federal Rules of Civil Procedure can be found at
18 <https://www.law.cornell.edu/rules/frcp>.

19 **3. Presence of Lead Trial Counsel.** Lead trial counsel shall attend all
20 proceedings set by this Court, including scheduling, settlement, and pretrial
21 conferences, as well as trials. Lead trial counsel must be prepared to address and
22 resolve all matters within the scope of the proceeding. Only one attorney for a party
23 may be designated as lead trial counsel unless otherwise permitted by the Court. If a
24 second lead trial counsel is permitted by the Court, both counsels must attend the
25 pretrial conference. To provide more experience to the next generation of practitioners,
26 the Court encourages lead trial counsel to permit junior counsel to fully participate in
27 Court proceedings, including to argue motions and to examine witnesses at trial.

1 **4. Counsel Calendar Conflicts.** If any counsel discovers a calendar conflict
2 with a scheduled appearance, counsel must inform opposing counsel and the Court’s
3 courtroom deputy (CRD) via Chambers email at SPG_chambers@cacd.uscourts.gov as
4 soon as possible and not later than three (3) days before the scheduled appearance.
5 Counsel should attempt to agree on a new date to accommodate the calendar conflict.
6 Counsel must propose a new date by Stipulation and Proposed Order. A “Notice of
7 Unavailability” has no legal effect and should not be filed. The Court expects that
8 counsel will conduct themselves professionally and will not deliberately schedule any
9 proceeding when counsel are unavailable.

10 **5. Communications with Chambers.**

11 Neither counsel nor a party shall initiate contact with the Court or its Chambers
12 staff by telephone, or by any other improper ex parte means. Counsel may contact the
13 CRD with appropriate inquiries. Contacting the CRD to inquire about the status of a
14 ruling or to continue a proceeding is not appropriate. The preferred method of
15 communication with the CRD is by email at SPG_chambers@cacd.uscourts.gov.
16 Counsel must copy all parties on any such email. To facilitate communication with the
17 CRD, counsel should list their email addresses along with their telephone numbers on
18 all papers.

19 **6. Civility.** All counsel who appear in this action must immediately review
20 and comply with the Civility and Professionalism Guidelines, which can be found on
21 the Court’s website at [http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines)
22 [professionalism-guidelines](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines). The Court expects everyone in the courtroom to treat each
23 other with dignity and respect. At a minimum, the Court expects the following from
24 counsel: (1) Being punctual and prepared for all court appearance; (2) being civil and
25 respectful in all oral and written communications with the Court and other parties; (3)
26 being civil and respectful to court personnel, including the Court Room Deputy (CRD),
27 court reporters, law clerks, and marshals; (4) refraining from interrupting any person in
28 the courtroom when that person is speaking; (5) refraining from making gestures, facial

expressions, or audible comments indicating approval or disapproval of testimony or argument; and (6) being considerate of the time constraints and pressures on the Court and court staff inherent in their efforts to administer justice.

B. PLEADINGS REQUIREMENTS

1. Service of the Complaint. The Plaintiff(s) shall promptly serve the Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant to Fed R. Civ. P. 4(l). Any Defendant(s), including “DOE” or fictitiously-named Defendant(s), not served within 90 days after the case is filed shall be dismissed pursuant to Fed. R. Civ. P. 4(m) and by operation of this Order without further notice, unless plaintiff requests and justifies the need for additional time in the joint report and the Court grants an extension.

2. Removed Actions. Any Answers filed in state court must be refiled in this Court as a supplement to the Notice of Removal. Any pending motions must be re-noticed in accordance with Local Rule 7. If an action removed to this Court contains a form pleading, i.e., a pleading in which boxes are checked, the party or parties that filed the form pleading must file in this Court within thirty (30) days of receipt of the Notice of Removal a revised pleading that complies with Fed. R. Civ. P. 7, 7.1, 8, 9, 10 and 11. An amended complaint filed within 30 days after removal to replace a form complaint pursuant to this instruction shall be deemed an amended complaint with “the court’s leave” pursuant to Fed. R. Civ. P. 15(a)(2).

3. Status of Fictitiously Named Defendants.

(a). Plaintiff must identify and serve any fictitiously named or “Doe” defendant(s) before the deadline set forth in the Court’s Order Setting Scheduling Conference.

(b). Before moving to substitute a defendant for a Doe defendant, plaintiff must seek the consent of counsel for all defendants, including counsel for a represented Doe defendant. If denied consent, plaintiff must file a regularly noticed

1 motion. In diversity cases, plaintiff's motion must address whether the addition of the
2 newly named party destroys diversity jurisdiction. *See* 28 U.S.C. § 1447(c), (e).

3 **C. FILING REQUIREMENTS**

4 **1. Electronic Filing.** Pursuant to Fed. R. Civ. P. 5(d)(3), Local Rule 5-4, and
5 General Order 10-07, counsel shall electronically file ("e-file") all filings. Items that do
6 not require the Court's signature shall be e-filed in pdf format. Proposed orders shall be
7 e-filed in pdf format as an attachment to the main documents. Pro Se Litigants may
8 submit documents for filing through the Court's Electronic Document Submission
9 System (EDSS) instead of mailing or bringing documents to the Clerk's Office. Only
10 internet access and an email address are required. Documents are submitted in PDF
11 format through an online portal on the Court's website. To access EDSS and for
12 additional information, visit the Court's website at <https://apps.cacd.uscourts.gov/edss>.

13 **2. Documents with Declarations, Exhibits, and other Attachments.** If a
14 filed or lodged document has declarations, exhibits, or other attachments, each
15 attachment must be filed as a separately docketed attachment to the main docket entry
16 with a description of the attachment (e.g., Dkt. 29-1 Smith Declaration, 29-2 Ex. 1 -
17 License Agreement, 29-3 Request for Judicial Notice). The Court may strike or decline
18 to consider motions, stipulations, or other documents with attachments that are not filed
19 in accordance with this Order.

20 **3. Proposed Orders.**

21 **(a) Proposed Orders Must be Lodged and Served:** Each party filing
22 or opposing a motion or seeking the determination of any matter shall serve and lodge a
23 proposed order setting forth the relief or action sought and a brief statement of the
24 rationale for the decision with appropriate citations.

25 **(b) Use Applicable Templates.** Use the "Proposed Order" template
26 located on the Court's website under "Orders & Additional Documents" at the bottom
27 of the webpage. (<http://www.cacd.uscourts.gov/honorable-sherilyn-peace-garnett>).
28 Failure to do so may result in the striking of the request. Proposed orders must be on

pleading paper. Proposed orders should NOT contain any of the following: (1) attorney names, addresses, etc. on the caption page; (2) a footer with the document name or other information; or (3) a watermark or designation of the firm name. Proposed orders should be formatted in the same fashion as motions. *See infra* paragraph G.4.

(c) Email Proposed Orders to Chambers. The Court enforces strict compliance with Local Rule 5-4.4.2, which instructs: “After a document requiring a judge’s signature has been lodged in accordance with L.R. 5-4.4.1 . . . , a Microsoft Word copy of the proposed document, along with a PDF copy of the electronically filed main document, shall be e-mailed to the assigned judge’s generic chambers e-mail address using the CM/ECF System,” namely, SPG_chambers@cacd.uscourts.gov. The Court will not consider a stipulation, *ex parte* application, or other request for relief until a compliant proposed order is received by email. If the proposed order is based on a stipulation or an *ex parte* application, counsel must email both the order and the stipulation or *ex parte* application. Otherwise, accompanying documents (such as motions) should not be emailed to Chambers.

4. Mandatory Chambers Copies:

(a) Motions, Pleadings, and Trial Documents. The parties must provide one (1) Mandatory Chambers Copy *only of* Motions for Summary Judgment filings. Please do not send paper copies of any other documents unless requested by the Court.

(b) Delivery Location, Timeliness, and Form. All Mandatory Chambers Copies must be delivered to Judge Garnett’s chambers copy box, which is located outside of the Clerk’s Office on the 4th floor of the courthouse. Mandatory Chambers Copies must be delivered no later than 12:00 p.m. (noon) the following business day after the document is electronically filed. “Mandatory chambers copies must be printed from CM/ECF and must include: (1) the CM/ECF-generated header (consisting of the case number, document control number, date of filing, page number, etc.) at the top of each page; and (2) the NEF [notice of electronic filing] (*see* L.R. 5-

3.2.1) as the last page of the document.” Local Rule 5-4.5 (emphasis added).

Mandatory Chambers Copies need not be bluebacked. For security reasons, do not leave chambers copies in envelopes or folders.

(c) Mandatory Chambers Copy Exhibits. All exhibits should be separated by a tab divider on the right or bottom of the document. If the evidence exceeds 50 pages, the Mandatory Chambers Copy must: (1) include a table of contents; and (2) be in a tabbed binder with each exhibit separated by a tab divider on the right or the bottom. All documents in the binder must be three-hole punched, preferably with a larger hole size (13/32”), rather than the standard hole size (9/32”), to facilitate ease of review. If the evidence exceeds 200 pages, the table of contents and evidence must be placed in a Slant D-Ring binder. Binders should be no larger than 4 inches. Binders must have both a cover sheet and a spine label that includes the case name, case number, and a description of the contents.

5. Filings Under Seal.

(a) Local Rule 79-5. Local Rule 79-5 governs applications to file under seal. Parties must comply with all sections of Local Rule 79-5. There is a “strong presumption of access to court records” in civil cases. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). For each document or other type of information a party seeks to file under seal, the party must identify and discuss the factual and/or legal justification, see (c) below, that establishes “good cause” or “compelling reasons” for the document’s protection. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006).

(b) Redacted Version and Unredacted Version. Documents that are not confidential or privileged in their entirety should not be filed under seal if the confidential portions can be redacted and filed separately with a reasonable amount of effort. The parties should file an unredacted version of the document under seal, and a redacted version for public viewing, omitting only the portions that the Court has ordered may be filed under seal.

1 **(c) Justification.** Sealing must be justified for each individual
2 confidential matter; blanket claims of confidentiality will result in the application to
3 seal being denied. Counsel is strongly encouraged to consider carefully whether sealing
4 or redaction is required for a given piece of evidence or argument. An application to
5 seal that includes clearly meritless requests to seal or redact documents may be denied
6 in its entirety. The parties must also meet and confer before filing an application to
7 seal.

8 **D. CONSENT TO MAGISTRATE FOR ENTIRE CIVIL CASE**

9 The parties may consent to have a Magistrate Judge preside over the entire civil
10 case, including trial, rather than just discovery. One benefit to giving such consent is
11 that the parties almost always will be able to proceed to trial sooner than on a District
12 Court Judge's calendar. Additionally, the parties are free to select from among all
13 Magistrate Judges available for this purpose, not just the Magistrate Judge assigned to
14 the parties' case. The Magistrate Judges have experience and expertise in a variety of
15 areas, including patent and trademark litigation. If the parties agree to consent to
16 proceed before a Magistrate Judge, the parties should consult the Central District
17 website for the list of available Magistrate Judges and should submit the appropriate
18 consent form.

19 **E. DISCOVERY**

20 **1. Magistrate Judge Referral for All Discovery Matters.** All discovery
21 matters are referred to the assigned United States Magistrate Judge. The Magistrate
22 Judge's initials follow the Judge's initials next to the case number. All documents
23 relating to discovery matters must include the words "DISCOVERY MATTER" in the
24 caption to ensure proper routing. Counsel should not deliver chambers copies of
25 discovery matters. Counsel must follow the Magistrate Judge's procedures for
26 scheduling matters for hearing. These procedures are stated on each Magistrate Judge's
27 webpage.
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1 **2. Limited District Court Review of Discovery Matters.** The decision of
2 the Magistrate Judge on all discovery matters shall be final, subject to limited review
3 requiring a showing that the decision is clearly erroneous or contrary to law. *See* 28
4 U.S.C. § 636(b)(1)(A). Any motion for review of a Magistrate Judge's decision must
5 be noticed before the District Court Judge within fourteen (14) days of service of the
6 Magistrate Judge's written ruling, or within fourteen (14) days of an oral ruling that the
7 Magistrate Judge states will not be followed by a written ruling. The motion must
8 specify which portions of the ruling are clearly erroneous or contrary to law, and the
9 claim must be supported by points and authorities. Counsel shall provide the
10 Magistrate Judge chambers copies of the moving papers and responses.

11 **3. Timing of Discovery.** Unless there is a likelihood that, upon motion by a
12 party, the court would order that discovery be stayed, the parties should begin to
13 propound discovery before the Scheduling Conference. The parties must comply fully
14 with the letter and spirit of Fed. R. Civ. P. 26(a) and produce discovery promptly. At the
15 Scheduling Conference, the court will impose firm deadlines governing the completion
16 of discovery.

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

23 **F. SCHEDULING CONFERENCE**

24 Pursuant to Fed. R. Civ. P.16(b), the Court will issue an Order Setting Scheduling
25 Conference. The parties are required to strictly comply with Fed. R. Civ. P. 16 and 26,
26 as well as this Court's Orders.

1 **G. MOTIONS – GENERAL REQUIREMENTS APPLICABLE TO ALL**
2 **MOTIONS**

3 **1. Local Rule 7-3 Pre-Filing Meet and Confer Requirement.**

4 (a) **Scope.** The Court strictly enforces Local Rule 7-3, which requires
5 counsel to engage in a prefiling conference “to discuss thoroughly . . . the substance of
6 the contemplated motion and any potential resolution.” This requirement applies in all
7 cases, including those with *Pro Se* Litigants. This Court requires parties through
8 Counsel to meet and confer about any potentially disputed matter (except those
9 identified in Local Rules 7-3 and 16-12) before presenting it to the Court, including
10 requests to continue any matter, applications to file under seal, and other filings seeking
11 a court order. The purpose of meeting and conferring is to attempt to obviate the need
12 for a motion and thus avoid unnecessary Court intervention. If the parties are unable to
13 fully resolve the dispute, they shall attempt to narrow the scope of contested issues.
14 Counsel must meet and confer in good faith.

15 (b) **Method.** Parties must meet and confer either by videoconference or
16 in person. Email correspondence is insufficient.

17 (c) **Compliance Statement Required.** The moving party must include
18 in the signed notice of motion a truthful representation of full compliance with Local
19 Rule 7-3, stating that the parties “thoroughly discussed the substance and potential
20 resolution of the filed motion [by videoconference or in person].”

21 (d) **Non-Compliance.** If an opposing party refuses to participate in
22 good faith, the moving party shall explain the refusal in detail. Failure by any party to
23 comply in good faith with the “meet and confer” requirement may result in an order to
24 show cause re: sanctions—including, as appropriate, striking or denying the motion,
25 deeming the motion unopposed, and/or awarding monetary sanctions.

26 **2. Scheduling Motions Hearings:** Motions must be filed in accordance with
27 Local Rules 6 and 7. Judge Garnett hears civil motions on Wednesdays beginning at
28 1:30 p.m. It is not necessary to clear a hearing date with the CRD before filing a

1 motion. Immediately before filing the motion, parties must check the closed motion
2 dates column located on the right side of Judge Garnett's Procedures and Schedules
3 Page on the Court's website to make sure the hearing date has not been closed. The
4 closed date column is typically updated on a weekly and sometimes daily basis. If a
5 motion is noticed for a date that is not available, the Court may strike or reset the
6 motion.

7 **3. Briefing Schedule.** To allow Chambers enough time to prepare, the parties
8 must adhere to the briefing schedule set forth in Local Rule 7-9 and 7-10 for all
9 motions, except Rule 56 motions. For Rule 56 motions, the parties should review and
10 comply with Judge Garnett's Standing Order for Motions for Summary Judgment.
11 When scheduling motion hearing dates, professional courtesy dictates that the parties
12 should accommodate each other's schedules, including vacation and holiday schedules,
13 whenever possible.

14 **4. Length and Format of Motion Papers.** Memoranda of points and
15 authorities in support of or in opposition to motions shall not exceed twenty-five (25)
16 pages. Replies shall not exceed fifteen (15) pages. Only rarely and for good cause
17 shown will the Court grant an application to extend these page limitations. Pursuant to
18 Local Rule 11-3.1.1, either a proportionally spaced or monospaced face may be used.
19 Typeface shall comply with Local Rule 11-3.1.1. Times New Roman font must be no
20 less than 14 point; Courier font must be no less than 12 point. Footnotes shall be in the
21 same font and the same size as the body of the memorandum. Counsel shall adhere to
22 Local Rule 5-4.3 with respect to the conversion of all documents to .pdf format so that
23 when a document is electronically filed, it is in proper size and is .pdf searchable.
24 Further, all documents shall be filed in a format so that text can be selected, copied, and
25 pasted directly from the document. See Local Rule 5-4.3.1.

26 **5. Citations to Authority.** Statutes should be cited in accordance with the
27 Bluebook. Citations that support a statement in the main text must be included in the
28 main text, not in footnotes.

1 **(a) Case citations.** Case citations must identify both the case cited and
2 the specific page referenced. Parties should not use string cites without a good reason.
3 When using string cites, a party should include a parenthetical explanation for each
4 cited case. When citing to legal databases (which is not encouraged), cite to Westlaw
5 whenever possible.

6 **(b) Statutory references.** Statutory references should identify with
7 specificity the sections and subsections referenced. Citations should be to the relevant
8 official statutory code (e.g., the U.S. Code) and should not merely reference the popular
9 name of an act.

10 **(c) Citations to Other Sources.** Citations to treatises, manuals, and
11 other materials should include the volume, section, and relevant pages. Attach copies if
12 these materials are not accessible on Westlaw, especially for historical materials (e.g.,
13 older legislative history).

14 **H. MOTIONS - SPECIFIC REQUIREMENTS**

15 **1. Motions Pursuant to Federal Rule of Civil Procedure 12:** Many
16 motions to dismiss or strike can be avoided if the parties confer in good faith as
17 required by Local Rule 7-3, especially for perceived defects in a complaint, answer, or
18 counterclaim that can be corrected by amendment. *See Polich v. Burlington N., Inc.*,
19 942 F.2d 1467, 1472 (9th Cir. 1991) (noting that where a motion to dismiss is granted, a
20 district court should grant leave to amend unless it is clear the complaint cannot be
21 saved by amendment). Moreover, a party has the right to amend the complaint “once as
22 a matter of course no later than (A) 21 days after serving it, or (B) if the pleading is one
23 to which a responsive pleading is required, 21 days after service of a responsive
24 pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is
25 earlier.” Fed. R. Civ. P. 15(a). Further, the Federal Rules of Civil Procedure provide
26 that leave to amend should be “freely given when justice so requires.” Fed. R. Civ. P.
27 15(a). Indeed, the Ninth Circuit requires that this policy favoring amendment be
28 applied with “extreme liberality.” *Morongo Band of Mission Indians v. Rose*, 893 F.2d

1 1074, 1079 (9th Cir. 1990). Consequently, parties should carefully consider and weigh
2 an opponent's contentions as to the deficiencies in a pleading to determine if an
3 amendment would cure the defects. The moving party, in turn, should agree to any
4 amendment that would cure the defect.

5 **2. Motions to Amend:** In addition to the requirements of Local Rule 15-1, all
6 motions to amend pleadings shall: (1) state the effect of the amendment; (2) be serially
7 numbered to differentiate the amendment from previous amendments; and (3) state the
8 page and line number(s) and wording of any proposed change or addition of material.
9 Counsel shall electronically file a "Notice of Lodging" attaching the proposed amended
10 pleading as a document separate from the motion, as well as a "redlined" version of the
11 proposed amended pleading identifying all additions and deletions of material as an
12 appendix to the moving papers.

13 **3. Motions and Stipulations to Continue.** Continuances are granted only on
14 a showing of good cause. Requests for continuances must be made sufficiently in
15 advance of the date to be continued and by motion or stipulation, along with a proposed
16 order. Motions and stipulations must be accompanied by a detailed declaration setting
17 forth the specific reasons for the requested continuance. The declaration also should
18 state whether there have been any previous requests for continuances; whether these
19 requests were granted or denied by the Court; what efforts were made to meet the
20 existing deadline; and what, if any, prejudice would result if the request is denied.
21 Stipulations extending dates set by this Court are not effective unless approved by the
22 Court. Continuances will not be granted routinely.

23 **4. Motions *In Limine*:** Motions *in limine* shall be noticed for hearing not
24 later than four (4) weeks before the Final Pretrial Conference date. Unless leave of
25 Court is granted, each party is limited to five motions *in limine*.

26 **5. *Daubert* Motions:** *Daubert* motions shall be noticed for hearing not later
27 than eight (8) weeks before the Final Pretrial Conference date.
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1 **6. Motions for Class Certification:** If this action is a putative class action,
2 the parties are to act diligently and begin discovery immediately, so that the motion for
3 class certification can be filed expeditiously. This Court requires an extended briefing
4 schedule for motions for class certification. Parties are advised to refer to the Court's
5 Scheduling Order for additional guidance as to filing and timing of motions for class
6 certification.

7 **7. Motions Pursuant to Federal Rule of Civil Procedure 56 (Summary**
8 **Judgment/Summary Adjudication Motions):**

9 For the requirements specific to Rule 56 motions, the parties shall refer to the
10 Court's Standing Order for Motions for Summary Judgment located on the Court's
11 website. (<http://www.cacd.uscourts.gov/honorable-sherilyn-peace-garnett>). The parties
12 are expected to comply with all the Court's requirements.

13 **8. Motions for Attorneys' Fees:** Motions for attorneys' fees shall be
14 electronically filed and set for hearing according to Local Rule 6-1 and this Order. Any
15 motion or request for attorneys' fees shall attach two summaries, in table form, of the
16 hours worked by and billing rate of each attorney with title (e.g., partner, counsel,
17 associate, etc.). The first table shall include a summary of the hours worked by each
18 attorney, organized by task (e.g., discovery, motion to dismiss, motion for summary
19 judgment). The second table shall include a summary of the hours worked by each
20 attorney, organized by attorney. Both tables shall list all the tasks on which the attorney
21 worked, the hours worked on each task, and the hourly rate of each attorney. If the
22 hourly rate charged by any individual attorney changed while the action was ongoing,
23 the party shall provide separate calculations for the total number of hours the attorney
24 spent in connection with each task at each hourly rate. All tables shall be attached to
25 the motion and electronically filed. The courtesy copies of the tables shall be prepared
26 in Excel, have all restrictions removed so the spreadsheets can be edited, and be
27 emailed to the Court's chambers email address at SPG_Chambers@cacd.uscourts.gov.
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1 **9. Motions to Reconsider.** Motions for reconsideration must meet the
2 requirements for reconsideration set forth in the Federal Rules of Civil Procedure and/or
3 Local Rules. A motion for reconsideration will “not be granted, absent highly unusual
4 circumstances, unless the district court is presented with newly discovered evidence,
5 committed clear error, or if there is an intervening change in the controlling law.” *See*
6 *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th
7 Cir. 2009) (quoting *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.
8 1999)); *see also* C.D. Cal. Civ. L.R. 7–18 (listing other requirements). Motions for
9 reconsideration should not be filed to rehash arguments or “raise arguments or present
10 evidence for the first time when they could reasonably have been raised earlier in the
11 litigation.” *Id.* (quoting *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th
12 Cir. 2000)). Filing motions for reconsideration that do not adhere to the above
13 requirements may result in sanctions being imposed.

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

21 **I. HEARINGS**

22 **1. Submission Without Oral Argument.** Pursuant to Fed. R. Civ. P. 78 and
23 Local Rule 7-15, the Court may deem a matter appropriate for decision without oral
24 argument. If the Court does so, it will notify the parties before the hearing.

25 **2. Oral Argument Time Limits.** If oral argument is permitted, the parties
26 will have ten (10) minutes each for oral argument, unless the Court states otherwise. If
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1 the Court believes that the matter warrants less or more time, it will advise counsel at
2 the hearing.

3 **3. Remote Appearances.** Remote appearances are disfavored absent good
4 cause shown in a filed declaration.

5 **4. Telephonic Hearings.** The Court seldom permits telephonic appearances.
6 The Court strongly prefers counsel to appear in person for motion hearings and pretrial
7 and settlement conferences. If exceptional circumstances exist, counsel may file an
8 application to appear telephonically detailing such circumstance.

9 **5. Settlement.** Counsel must notify the Court at least two weeks before the
10 scheduled hearing if the parties are conducting settlement discussions that may render
11 the **motion moot and must notify the Court immediately if a settlement is reached.**
12 **A belated notice of settlement wastes scarce judicial resources.**

13 **J. EX PARTE APPLICATIONS (INCLUDING TEMPORARY**
14 **RESTRAINING ORDERS AND APPLICATIONS FOR INJUNCTIVE**
15 **RELIEF).**

16 **1. Ex Parte Applications Generally:** Applications seeking relief on an *ex*
17 *parte* basis—either requesting not to give proper notice to an opposing party and/or
18 requesting an expedited briefing schedule—are highly disfavored. This is especially
19 true when the *ex parte* relief is sought due to (1) the applicant’s lack of diligence; (2) a
20 crisis of the applicant’s own making; (3) an applicant’s unwillingness to work through
21 issues with the opposing party; or (4) an applicant’s last minute or half-hearted attempt
22 to meet and confer. Even when the opposing party is given the opportunity to respond,
23 such *ex parte* motions “are inherently unfair,” “pose a threat to the administration of
24 justice,” “debilitate the adversary system,” and force both the opposing counsel and the
25 Court “to drop all other work to respond on short notice.” *Mission Power Engineering*
26 *Co. v. Continental Casualty Co.*, 883 F. Supp. 488, 490 (C.D. Cal. 1995). As such, *ex*
27 *parte* applications are strongly discouraged, and frivolous *ex parte* motions may result
28 in sanctions being imposed on the moving party.

1 If, on the rare occasion and with a party's demonstration of due diligence during
2 the entire period leading up to the deadline, compliance with a Court deadline is not
3 possible, a party may file an *ex parte* application and propose a hearing date. The
4 moving party must support the application *with facts* showing that its "cause will be
5 irreparably prejudiced if the underlying motion is heard according to regular noticed
6 motion procedures" and "that the moving party is without fault in creating the crisis that
7 requires *ex parte* relief, or that the crisis occurred as a result of excusable neglect." *Id.*
8 at 492. Merely reciting these requirements is not sufficient. Further, the moving party
9 should not assume that an unopposed *ex parte* application will be granted; and a last-
10 minute application (or stipulation) that is denied will not serve to relieve a party of an
11 underlying obligation (e.g., a soon-to-expire deadline).

12 **2. *Ex Parte* Applications for TROs:** An *ex parte* application for a temporary
13 restraining order or preliminary injunction under Fed. R. Civ. P. 65, seeks an
14 "extraordinary remedy that may only be awarded upon a clear showing that the plaintiff
15 is entitled to such relief." *Winter v. NRDC, Inc.*, 555 U.S. 7, 22 (2008) (citation
16 omitted). Such applications must comply with Local Rule 7-19 (and Local Rule 65 for
17 temporary restraining orders and preliminary injunctions). The moving party must
18 serve the opposing party by email, fax, or personal service, and notify that party that
19 opposing papers must be filed not later than forty-eight (48) hours following service or
20 by 3:00 p.m. on the first court day after the service, whichever is later, or certify
21 pursuant to Rule 65 and Local Rule 65-1 the efforts made to give notice and reasons
22 why it should not be required under the circumstances. The opposing party should
23 advise the CRD as soon as possible whether it intends to oppose the *ex parte*
24 application. For TROs, the parties must provide Mandatory Chambers Copies of TRO-
25 related documents on the same day they are filed. The application will not be
26 considered until a Mandatory Chambers Copy has been provided. Unless the
27 application presents a true emergency, the Court generally will not rule on the
28

1 application for relief for at least forty-eight (48) hours (or two court days) after the party
2 subject to the requested order has been served.

3 **K. OTHER MATTERS**

4 **1. Class Actions**

5 If this action is a putative class action, the parties are to act diligently and begin
6 discovery immediately so that the motion for class certification can be filed
7 expeditiously. A motion for class certification must be filed not later than 120 days
8 from the date initially set for the scheduling conference, unless the Court orders
9 otherwise.

10 **2. ERISA Cases (Benefits Claims)**

11 The Court will hear motions to determine the standard of review, whether
12 discovery will be permitted, and the scope of the administrative record. Counsel are
13 discouraged from filing motions for summary judgment or partial summary judgment
14 on any other issue. If they choose to do so, they must distinguish *Kearney v. Standard*
15 *Insurance Co.*, 175 F.3d 1084, 1093-95 (9th Cir. 1999) (en banc) in the moving papers
16 and explain why summary judgment is not precluded. The parties may receive a
17 scheduling conference order as a matter of course. Because the ordinary pretrial and
18 trial schedule does not apply to these ERISA cases, the parties need only submit a joint
19 status report identifying any special issues that should be considered. The parties
20 should proceed with the preparation of the administrative record and briefing without
21 delay upon service of the complaint. A court trial, ordinarily limited to oral argument
22 on the administrative record, will be scheduled within six (6) months from the filing of
23 the original complaint, unless good cause for additional time is shown in the status
24 report. If the Court concludes that the decision would not benefit from oral argument,
25 the matter may be submitted for decision on the papers.

26 **3. Bankruptcy Appeals.** Counsel must comply with the Notice Regarding
27 Appeal from Bankruptcy Court issued at the time the appeal is filed in the district court.
28 The matter is deemed under submission on the filing of the appellant's reply brief. The

1 Court considers bankruptcy appeals on the papers and usually does not set these matters
2 for hearing.

3 **L. CONSEQUENCES FOR NONCOMPLIANCE WITH THIS ORDER.**

4 If, without satisfactory explanation, counsel fail to file the required Joint Rule
5 26(f) Report or the required pretrial documents, fail to appear at any scheduled
6 proceeding, or otherwise fail to comply with the Court's Orders or rules, the Court shall
7 take any action it deems appropriate, including: (1) dismissal of the case for failure to
8 prosecute, if the failure occurs on the part of the plaintiff; (2) striking the answer
9 resulting in default if such failure occurs on the part of the defendant; and/or (3)
10 imposing monetary sanctions against the offending party and counsel.

11 **IT IS SO ORDERED.**

12
13 DATED:

14 HON. SHERILYN PEACE GARNETT
15 UNITED STATES DISTRICT JUDGE
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