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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PLAINTIFF'S NAME,
Plaintiff/s,
v.
DEFENDANT'S NAME,
Defendant/s.

Case No.

CIVIL STANDING ORDER

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

3 Plaintiff’s counsel must serve this Order immediately on all parties and/or their
4 attorney(s), including any new parties to the action. If this action came to the Court
5 through noticed removal, Defendant’s counsel must immediately serve this Order on
6 all other parties.

7 Both the Court and all counsel bear responsibility for the progress of litigation
8 in this Court. **The term “Counsel,” as used in this Order, includes parties**
9 **appearing pro se.**¹ To secure the just, speedy, and inexpensive determination of
10 every action, all counsel are **ORDERED** to familiarize themselves with the Federal
11 Rules of Civil Procedure and the Local Rules of the Central District of California.
12 Fed. R. Civ. P. 1.

13 Unless the Court orders otherwise, the following rules apply.

14 **I. GENERAL**

15 **A. Service of the Complaint**

16 The plaintiff must promptly serve the complaint in accordance with Federal
17 Rule of Civil Procedure 4 and must comply with Local Rule 5-3 with respect to all
18 proofs of service.

19 **B. Removed Actions**

20 Any answers filed in state court must be e-filed in this Court, either as an
21 exhibit to the Notice of Removal or as a separate filing. Any pending motions must
22 be re-noticed in accordance with Local Rule 6-1.

23 **C. Assignment to a Magistrate Judge**

24 Under 28 U.S.C. § 636, the parties may consent to have a Magistrate Judge
25

26
27 ¹ This Court does not exempt parties appearing pro se—that is, parties who are not
28 represented by an attorney—from compliance with the Federal Rules of Civil
Procedure or the Local Rules. *See* C.D. Cal. R. 1-3 and 83-2.2.3.

1 preside over the entire case, including trial, rather than just discovery. One benefit to
2 giving such consent is that the parties almost always will be able to proceed to trial
3 sooner than on a District Judge’s calendar. Additionally, the parties are free to select
4 from among all Magistrate Judges available for this purpose and are not limited to the
5 Magistrate Judge assigned to this case. The Magistrate Judges all have experience
6 and expertise in a variety of areas, including patent and trademark litigation. If the
7 parties agree to consent to proceed before a Magistrate Judge, the parties should
8 consult the Central District’s website for the list of available Magistrate Judges and
9 should submit the appropriate consent form.²

10 **D. Telephonic and Video Appearances.**

11 The Court does not conduct telephonic hearings. By default, **all hearings, with**
12 **the exception of hearings on motions in limine, Final Pretrial Conferences, and**
13 **trials, must proceed remotely by video appearance on Zoom,** unless a request is
14 made by the parties to appear in person and this request is granted by the Court.
15 Requests for an in-person appearance must be filed one (1) week before the hearing
16 and must indicate that counsel has met and conferred with opposing counsel
17 consistent with Local Rule 7-3. **Hearings on motions in limine, Final Pretrial**
18 **Conferences, and trials must be heard in person.**

19 **II. FILINGS**

20 **A. Electronic Filings and Proposed Orders**

21 Counsel must file all civil filings pursuant to Federal Rules of Civil Procedure
22 5(d)(3) and Local Rule 5-4. Each party filing a motion, opposing a motion, or
23 seeking the determination of any matter must serve and electronically lodge a
24 proposed order setting forth the relief or action sought and a brief statement of the
25

26 ² The list of available Magistrate Judges and the consent form can be found at
27 [https://www.cacd.uscourts.gov/judges-requirements/court-programs/voluntary-](https://www.cacd.uscourts.gov/judges-requirements/court-programs/voluntary-consent-magistrate-judges)
28 [consent-magistrate-judges.](https://www.cacd.uscourts.gov/judges-requirements/court-programs/voluntary-consent-magistrate-judges)

1 rationale for the decision with appropriate citations. Counsel must file items as
2 follows:

- 3 • Non-Signature Items: must be **filed** in **PDF** format.
- 4 • Proposed Signature Items: must be **filed** as an attachment to the main
5 document in **PDF format**. All proposed signature items must also be
6 **emailed** in **Microsoft Word (“Word”)** format to the chambers email
7 at SSS_Chambers@cacd.uscourts.gov on the day the document is filed.
8 **Only proposed order signature items should be emailed to the**
9 **chambers’ email address**. Do not email other associated documents
10 and do not use this email address for communication with the Court or
11 the Clerk.

12 A template for proposed orders is available on Judge Sykes’ webpage at
13 <https://www.cacd.uscourts.gov/honorable-sunshine-s-sykes>. The parties must use
14 this template. Failure to submit a proposed order via email in Word format may
15 result in the Court striking the motion, application, or stipulation without
16 consideration of the request on its merits.

17 **Note for Parties Who Do Not Have an Attorney:** Pro se litigants—that is,
18 parties who are not represented by an attorney—may submit documents for filing
19 through the Court’s Electronic Document Submission System (“EDSS”) instead of
20 mailing or bringing documents to the Clerk’s Office. Only internet access and an
21 email address are required. Documents are submitted in PDF format through an
22 online portal on the Court’s website. To access EDSS and for additional information,
23 visit the Court’s website at <https://apps.cacd.uscourts.gov/edss>.

24 **B. Mandatory Chambers Courtesy Copies**

25 All original filings are to be filed electronically pursuant to Local Rule 5.4. The
26 Court requires one (1) mandatory chambers copy of **only** the following filed
27 documents: motion(s) for class certification; motion(s) for preliminary approval of
28 class action; motion(s) for final approval of class action; motion(s) for summary

1 judgment (oppositions, reply, exhibits); motion(s) for preliminary injunction
2 (oppositions, reply, exhibits); and trial documents.

3 Chambers Copies must be delivered to the “Courtesy Box” located outside of
4 Courtroom 2 on the 2nd floor at the United States District Court, 3470 12th Street,
5 Riverside, California 92501, no later than 5:00 p.m. on the first day following the
6 filing. All Mandatory Chambers Copies must comply with the document formatting
7 requirements of Local Rule 11-3, **except for the blue-backing requirement of**
8 **Local Rule 11-4.1, which is waived.** If the filing party and its counsel fail to deliver
9 a Mandatory Chambers Copy in full compliance with this Order and Local Rule 11-3,
10 the Court may, on its own motion, reschedule any related hearing and impose
11 sanctions. **Pro se parties are exempt from this requirement.**

12 **III. REQUESTS**

13 **A. Ex Parte Applications**

14 Counsel are reminded that ex parte applications are solely for extraordinary
15 relief. Applications that do not explain why ex parte relief³ is justified and/or fail to
16 satisfy the requirements established under Local Rule 7-19 will not be considered.
17 Sanctions may be imposed for misuse of ex parte applications. Counsel must include
18 a statement in the ex parte application a statement to the following effect: “This ex
19 parte application complies with Local Rule 7-19’s requirements.” The Court
20 considers ex parte applications on the papers and typically does not set the matters for
21 hearing.

22
23
24 ³ To justify ex parte relief, the moving party must make two showings: (1) “the
25 evidence must show that the moving party’s cause will be irreparably prejudiced if
26 the underlying motion is heard according to regular noticed motion procedures”; and
27 (2) “it must be established that the moving party is without fault in creating the crisis
28 that requires ex parte relief, or that the crisis occurred as a result of excusable
neglect.” *Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 492
(C.D. Cal. 1995).

1 **B. Continuances**

2 Counsel requesting a continuance must lodge, prior to the date to be continued,
3 a proposed stipulation and order including a detailed declaration of the ground for the
4 requested continuance or extension of time. The Court grants continuances only upon
5 a showing of good cause, focusing on the diligence of the party seeking the
6 continuance and any prejudice that may result if the continuance is denied. Counsel
7 are required to meet and confer with opposing counsel regarding the substance of the
8 continuance before filing the anticipated request, and any request must include a
9 statement of compliance with Local Rule 7-3 (*see supra* VII.A). Failure to meet and
10 confer in good faith in compliance with the Local Rules and this Order may result in
11 denial of the request for continuance.

12 **C. Stipulations to Amend**

13 Parties filing an amended pleading pursuant to Federal Rule of Civil Procedure
14 15(a)(2) must file the stipulation to amend the pleading. The parties must attach to the
15 stipulation a clean and redlined version of the proposed amended pleading and a
16 proposed order. The parties' proposed order should address any hearing affected by
17 the filing of the amended pleading.

18 **D. Communications with Chambers**

19 Counsel must not contact the Court or chambers staff by email, telephone, or by
20 any other ex parte means. Counsel may, for appropriate matters only, contact the
21 CRD via the Chambers' email at SSS_Chambers@cacd.uscourts.gov. Counsel must
22 not contact the CRD regarding the status of any matter before the Court. Calls or
23 emails regarding the status of submitted motions, stipulations, or proposed orders will
24 not be returned. Counsel may determine the status of any submitted motion,
25 stipulation, or proposed order by accessing the docket sheet through PACER, which
26 can be accessed via the Central District of California's website. Counsel must
27 include on all papers their email address, telephone number, and fax number to
28 facilitate communication with the CRD.

1 **IV. COURTROOM PROCEDURES**

2 **A. Invitation to Self-Identify Pronouns and Honorifics**

3 Litigants and counsel may indicate their pronouns and honorifics by filing a
4 letter, adding the information in the name block or signature line of the pleadings, or
5 verbally informing the Court when making an appearance.

6 **B. Courtroom Decorum**

7 The Court expects everyone in the courtroom to treat each other with dignity
8 and respect. Therefore, at a minimum, the Court expects the following⁴:

- 9
- 10 • Being punctual and prepared for all court appearances.
 - 11 • Speaking and writing civilly and respectfully in all communications
12 involving the Court. This includes:
 - 13 ○ Referring to and addressing witnesses, counsel, parties, and court
14 personnel by their surnames, pronouns, and honorifics, unless leave to do
15 so is otherwise granted.
 - 16 ○ Refraining from interrupting any other person in the courtroom when
17 someone else is speaking. The same courtesy will be returned for every
18 person.
 - 19 ○ Refraining from making gestures, facial expressions, or audible
20 comments as manifestations of approval or disapproval of testimony or
21 argument.
 - 22 • Being considerate of the time constraints and pressures on the Court and
23 court staff inherent in their efforts to administer justice.
 - 24 • Acting and speaking civilly to court marshals, court clerks, court reporters,
25 secretaries, and law clerks with an awareness that they too are an integral

26 ⁴ For more detailed guidance, counsel are advised to refer to the Central District of
27 California’s Civility and Professionalism Guidelines, which can be found at
28 [http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-
guidelines](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines).

1 part of the judicial system.

2 **C. Guidance for Pro Se Litigants**

3 Parties who represent themselves in civil litigation (*i.e.*, appear pro se) should
4 be aware that the Court holds these parties to the same standards of conduct to which
5 it holds attorneys.

6 The following links may be helpful to those representing themselves in civil
7 matters:

- 8 • General information on how parties may represent themselves and/or receive
9 free assistance in civil cases in the Central District of California can be
10 found at <https://prose.cacd.uscourts.gov>.
- 11 • Local Civil Rules for the Central District of California can be found at
12 <http://www.cacd.uscourts.gov/court-procedures/local-rules>.
- 13 • Federal Rules of Civil Procedure can be found at
14 <https://www.law.cornell.edu/rules/frcp>.

15 **D. Presence of Lead Counsel**

16 Lead trial counsel must attend any proceeding before this Court, including all
17 Scheduling, Pretrial, and Settlement Conferences. Failure of lead counsel to appear
18 for those proceedings is a basis for sanctions.

19 The Court has a strong commitment to fostering the development of new and
20 diverse lawyers in the legal community. Consequently, the Court strongly
21 encourages litigants to provide opportunities to less experienced lawyers or lawyers
22 whose identities and/or backgrounds further the diversity of the legal profession to
23 conduct hearings before the Court, particularly where they contributed significantly
24 to the underlying motion or prepared the witness. Of course, the ultimate decision of
25 who speaks on behalf of the client is for the client and not the Court.

26 If lead counsel decides to take advantage of this opportunity, they should notify
27 the CRD at SSS_chambers@cacd.uscourts.gov no later than the Monday before the
28 hearing.

1 **E. Interpreter Services**

2 Counsel in civil actions are responsible for arranging for the services of an
3 interpreter. The Interpreter’s Office may be reached at (213) 894-4599.

4 **V. SCHEDULING**

5 **A. Scheduling Conference and Rule 26(f) Meeting of Counsel**

6 The Court hears scheduling conferences on **Fridays beginning at 1:00 p.m.**⁵
7 Pursuant to Federal Rules of Civil Procedure 16(b) and 26(f), the Court will issue an
8 Order Setting a Scheduling Conference.

9 Counsel must meet no later than three (3) weeks prior to the Scheduling
10 Conference. This meeting may occur telephonically and need not occur in person. A
11 written exchange of correspondence will not satisfy this requirement.

12 Unless otherwise ordered, no later than two (2) weeks before the Scheduling
13 Conference, the parties must file a Joint Rule 26(f) Report, which must include a
14 completed Scheduling Worksheet that can be found at
15 [https://www.cacd.uscourts.gov/sites/default/files/documents/SSS/AD/Order%20Setti](https://www.cacd.uscourts.gov/sites/default/files/documents/SSS/AD/Order%20Setting%20Scheduling%20Conference%20%2811-7-2024%29.pdf)
16 [ng%20Scheduling%20Conference%20%2811-7-2024%29.pdf](https://www.cacd.uscourts.gov/sites/default/files/documents/SSS/AD/Order%20Setting%20Scheduling%20Conference%20%2811-7-2024%29.pdf). A Joint Rule 26(f)
17 Report which is not timely filed or does not conform with this Order, Federal Rule of
18 Civil Procedure 26(f), and applicable Local Rules will interfere with preparation by
19 the Court and its staff and may result in the assessment of sanctions. The Joint Rule
20 26(f) Report must address the matters set forth in Federal Rule of Civil Procedure
21 26(f), as well as those enumerated in the Court’s Order Setting Scheduling
22 Conference.

23 **B. Settlement Conference/Alternative Dispute Resolution (“ADR”)**

24 As stated in Local Rule 16-15, the parties in every action must participate in a
25 Settlement Conference or Alternative Dispute Resolution (ADR) procedure. The
26 Court will not hold a Final Pretrial Conference or convene a trial unless and until all
27 _____

28 ⁵ The Court routinely vacates these hearings absent extenuating circumstances.

1 parties, including the principals of all corporate parties, have completed ADR.

2 This Court participates in the court-directed ADR Program whereby the Court
3 refers the parties to the Magistrate Judge, the court Mediation Panel, or private
4 mediation. *See* General Order 11-10, § 5.1. If a Notice to Parties of Court-Directed
5 ADR Program (ADR-08) has been filed in an action, counsel must furnish and
6 discuss it with their clients in preparation for the Rule 26(f) conference. In their Joint
7 Rule 26(f) Report, counsel should state their preferred ADR procedure. The Court
8 will refer the action to a procedure at the initial scheduling conference. More
9 information about the ADR Program, the Mediation Panel, and mediator profiles is
10 available on the Central District of California’s website at
11 <https://www.cacd.uscourts.gov/attorneys/adr>. The parties should notify the Court if
12 they believe that further settlement or mediation would be beneficial via email to the
13 Court’s CRD at SSS_chambers@cacd.uscourts.gov.

14 **VI. DISCOVERY**

15 **A. Compliance with Federal Rule of Civil Procedure 26(a)**

16 The parties should begin to propound discovery before the Scheduling
17 Conference. The parties must comply fully with the letter and spirit of Federal Rule
18 of Civil Procedure 26(a) and produce discovery promptly. At the Scheduling
19 Conference, the Court will impose firm deadlines governing the completion of
20 discovery.

21 **B. Discovery Matters Referred to United States Magistrate Judge**

22 All discovery matters are hereby referred to the assigned Magistrate Judge, who
23 will hear all discovery disputes. The assigned Magistrate Judge’s initials follow the
24 Judge Sykes’ initials next to the action number. All discovery-related documents
25 must include the words “DISCOVERY MATTER” in the caption to ensure proper
26 routing. Counsel are directed to contact the Magistrate Judge’s CRD and must follow
27 the Magistrate Judge’s procedures to schedule matters for hearing. These procedures
28 are stated on each Magistrate Judge’s webpage. Unless the assigned Magistrate

1 Judge explicitly waives the Mandatory Chambers Copy rule, Counsel must deliver
2 Mandatory Chambers Copies of discovery-related papers to the assigned Magistrate
3 Judge. Parties are not to deliver courtesy copies of discovery documents to Judge
4 Sykes' chambers.

5 In accordance with 28 U.S.C. § 636(b)(1)(A), the Magistrate Judge's decision is
6 final, and this Court will not reverse any order of the Magistrate Judge unless it has
7 been shown that the Magistrate Judge's order is clearly erroneous and contrary to
8 law. Any party may file and serve a motion for review and reconsideration before
9 this Court. *See* Local Rule 72-2. The moving party must file and serve the motion
10 within two (2) weeks of service of a written ruling or an oral ruling that the
11 Magistrate Judge states will not be followed by a written ruling. The motion must
12 specify which portions of the ruling are clearly erroneous and contrary to law, and the
13 claim must be supported by points and authorities. Counsel must provide the
14 Magistrate Judge with chambers copies of the moving papers and responses.

15 **VII. MOTIONS: GENERAL REQUIREMENTS**

16 **A. Meet and Confer Requirement**

17 Counsel should take note of Local Rule 7-3, which requires "counsel
18 contemplating filing of any motion" to "first contact opposing counsel to discuss
19 thoroughly, preferably in person, the substance of the contemplated motion and any
20 potential resolution." Counsel should discuss the issues sufficiently such that if a
21 motion is still necessary, the briefing may be directed to those substantive issues
22 requiring resolution by the Court. Counsel should resolve minor procedural or other
23 non-substantive matters during the conference. The Court strongly encourages the
24 parties to resolve issues during their meet and confer and, wherever possible, work to
25 cure any agreed upon deficiencies by following the amendment procedures set out in
26 Federal Rule of Civil Procedure 15. Consistent with the Ninth Circuit's ruling in
27 *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (en banc), in evaluating a motion
28 to dismiss, this Court may grant leave to amend where the Court determines that the

1 plaintiff is able to cure the deficiencies in the complaint.

2 The notice of motion or other request must include a statement of compliance
3 with the meet and confer requirements set out in Local Rule 7-3. The Court may
4 strike or deny a motion or other relief if counsel fails to meet and confer in good faith.
5 Consistent with Local Rule 7-3, the moving party’s Counsel is required to include the
6 following statement in their notice of motion: “This motion is made following the
7 conference of counsel pursuant to L.R. 7-3 which took place on (date).” In addition to
8 the previous statement, this Court requires counsel to include: (1) the names of the
9 counselor’s present at the conference, (2) when the conference was held, (3) how long
10 the conference lasted, (4) the manner in which the conference was held, (5) what
11 issues were discussed, and (6) what issues the parties were unable to resolve. The
12 parties are further advised that email correspondence alone is insufficient to satisfy
13 this requirement.

14 **B. Under Seal Filings**

15 Local Rule 79-5 governs applications to file documents under seal. Local Rule
16 79-5.2.2 explains how to apply to file under seal and how to proceed if leave is
17 granted. Parties must comply with all provisions of Local Rule 79-5.

18 There is a strong presumption of access to judicial records in civil actions. *Ctr.*
19 *for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (citing
20 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)).

21 For each document or other type of information a party seeks to file under seal,
22 the party must identify the factual and/or legal justification that establishes “good
23 cause” or “compelling reasons” for the information to be protected. *Kamakana v.*
24 *City & Cnty. of Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006).

25 The “compelling reasons” standard applies when either the document itself or
26 the motion to which the document is attached is more than tangentially related to the
27 merits of the case. *Ctr. for Auto Safety*, 809 F.3d at 1096–97, 1099, 1101. When the
28 document is attached to a motion that is unrelated or only tangentially related to the

1 merits of the case, “a party need only satisfy the less exacting ‘good cause’ standard.”
2 *Id.* at 1097 (citing *Foltz*, 331 F.3d at 1135).

3 Documents that are not confidential or privileged in their entirety should not be
4 filed under seal if the confidential portions can be redacted and filed separately with a
5 reasonable amount of effort. The parties should file a complete version of the
6 documents under seal and a redacted version for public viewing, omitting only the
7 portions that the Court has authorized to be filed under seal.

8 Sealing must be justified for each individual item. Blanket claims of
9 confidentiality will result in the application to seal being denied. Counsel are
10 strongly encouraged to consider carefully whether sealing or redaction is absolutely
11 required for a given piece of evidence or argument. An application to seal that
12 includes meritless requests to seal or redact documents will be denied. The parties
13 must also meet and confer before filing an application to seal. If the parties intend to
14 file multiple applications to seal, they are encouraged to file a joint application to seal
15 that identifies (1) the record evidence that all parties agree should be sealed and (2)
16 the record evidence each party separately desires to be sealed. All applications to
17 seal must be filed at least two weeks before the anticipated motion is filed.

18 **C. Filing and Hearing Motions**

19 Motions must be filed in accordance with Local Rule 7. This Court hears civil
20 motions on **Fridays beginning at 2:00 pm.** If Friday is a national holiday, motions
21 will be heard on the next Friday. It is not necessary to clear a hearing date with Judge
22 Sykes’ CRD before filing a motion, **except for motions for summary judgment,**
23 **motions for preliminary injunction, and motions for class certification.** For these
24 three motions, contact the CRD via the Court’s chambers email address at
25 SSS_Chambers@cacd.uscourts.gov to reserve a hearing date. There are limited
26 available hearings on any given date. Counsel are encouraged to reserve a date as
27 soon as possible because failure to obtain the desired date may result in an inability to
28 file the respective motion by the schedule deadline. If the moving party fails to obtain

1 a date, the motion will be stricken for failure to notice a hearing under Local Rule 6-1.
2 For all motions, if the hearing date selected is not available, the Court will issue a
3 minute order continuing the date.

4 **D. Length and Format of Motion Papers**

5 Pursuant to Local Rule 11-6, Memoranda of Points and Authorities in support
6 of or in opposition to motions, absent leave of Court, must not exceed 7,000 words,
7 including headings, footnotes, and quotations, but excluding the caption, the table of
8 contents, the table of authorities, the signature block, the certification required by
9 Local Rule 11-6.2, and any indices and exhibits. Replies must not exceed ten (10)
10 pages. Only in rare instances and for good cause shown will the Court grant an
11 application to extend these page limitations. Pursuant to Local Rule 11-8, all
12 Memoranda of Points and Authorities exceeding ten (10) pages must be accompanied
13 by a Table of Authorities and a Table of Contents. All briefing must use Times New
14 Roman font. Text must be no less than fourteen (14) point font; footnotes must be no
15 less than twelve (12) point font.

16 Counsel must adhere to Local Rule 5-4.3 with respect to the conversion of all
17 documents to .pdf format so that when a document is electronically filed, it is in
18 proper size and is .pdf searchable. Further, all documents must be filed in a format so
19 that text can be selected, copied, and pasted directly from the document. *See* Local
20 Rule 5-4.3.1.

21 **E. Voluminous Materials**

22 If documentary evidence in support of or in opposition to a motion exceeds 50
23 pages, the evidence must be separately bound and tabbed and include an index. If
24 such evidence exceeds 200 pages, the documents must be placed in a three-ring
25 binder, with an index and with each item of evidence separated by a tab divider.

26 **F. Citations to Case Law**

27 Citations to case law must identify the case cited and the specific page
28 referenced. For example, if a quotation is presented, the associated page citation must

1 be provided. Similarly, if a case is cited in support of a proposition based on language
2 in the opinion, the page on which such language appears must be provided. When
3 citing to legal databases, wherever possible cite to Westlaw rather than Lexis.

4 Bluebook style is required.

5 **G. Citations to Other Sources**

6 Statutory references must identify with specificity the sections and subsections
7 referenced. Citations to treatises, manuals, and other materials should include the
8 volume, section, and pages being referenced. Citations to prior filings in the same
9 action must include the docket entry number, section, and pages referenced.

10 Bluebook style is required.

11 **H. Matters Under Submission**

12 If the Court deems a matter appropriate for decision without oral argument, the
13 Court will take the matter under submission and notify the parties before the hearing.

14 **VIII. MOTIONS: SPECIFIC REQUIREMENTS**

15 **A. Motions Pursuant to Federal Rule of Civil Procedure 12**

16 Many motions to dismiss or strike can be avoided if the parties confer in good
17 faith as required by Local Rule 7-3, especially for perceived defects in a complaint,
18 answer, or counterclaim that can be corrected by amendment. *See Polich v. Burlington*
19 *Northern, Inc.*, 942 F.2d 1467, 1472 (9th Cir. 1991) (noting that where a motion to
20 dismiss is granted, a district court should grant leave to amend unless it is clear the
21 complaint cannot be saved by amendment). Moreover, a party has the right to amend
22 the complaint “once as a matter of course at any time before a responsive pleading is
23 served.” Fed. R. Civ. P. 15(a). Even after a complaint has been amended or a
24 responsive pleading has been served, the Federal Rules of Civil Procedure provide that
25 leave to amend should be “freely given when justice so requires.” Fed. R. Civ. P.
26 15(a). Indeed, the Ninth Circuit requires that this policy favoring amendment be
27 applied with “extreme liberality.” *Morongo Band of Mission Indians v. Rose*, 893 F.2d
28 1074, 1079 (9th Cir. 1990).

1 Consequently, parties should carefully consider and weigh an opponent's
2 contentions as to the deficiencies in a pleading. The Court expects that, in most
3 instances, the parties will agree to any amendment that would cure the defect.

4 **B. Motions to Amend**

5 In addition to the requirements of Local Rule 15-1, all motions to amend
6 pleadings must: (1) state the effect of the amendment; (2) be serially numbered to
7 differentiate the amendment from previous amendments; and (3) identify the pages,
8 line numbers, and wording of any proposed change or addition of material.

9 Counsel must 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
11 the proposed amended pleading identifying all additions and deletions of material as
12 an appendix to the moving papers. An additional copy of the redlined pleading must
13 be provided to Chambers by email at SSS_Chambers@cacd.uscourts.gov on the same
14 day that the amended pleading is filed electronically. This paragraph applies equally
15 to complaints, answers, cross-complaints, supplemental pleadings, and amendments
16 made as a matter of right pursuant to Federal Rule of Civil Procedure 15(a)(1).
17 Absent a showing of good cause, failure to comply with this paragraph will result in
18 the Court striking the amended pleading.

19 **C. Motions for Default Judgment**

20 Motions for Default Judgment wherein some, but not all, of the named
21 defendants are alleged to have defaulted **must be noticed for the same hearing date**
22 **as the Parties' Final Pretrial Conference** and filed in accordance with the motion
23 requirements described in the Local Rules. L.R. 7-3, 7-9, 7-10. Any Motion for
24 Default Judgment **must be accompanied by a detailed proposed order that the**
25 **Court can adopt.** Any proposed order must set forth the relief or action sought and
26 a brief statement of the rationale for the decision with appropriate citations. In
27 addition, a copy of the proposed order in Word format must be emailed to Chambers
28 on the day the document is filed.

1 **D. Motions in Limine**

2 Motions in limine must be scheduled for hearing one (1) week before the Final
3 Pretrial Conference date as detailed in the Scheduling Worksheet. The Court does
4 not allow parties to file a Reply in Support of their Motions in limine, and any Reply
5 filed to that effect shall be stricken.

6 **E. Motions for Class Certification**

7 If the action is a putative class action, the parties are to act diligently and begin
8 pre-certification discovery immediately, so that the motion for class certification can
9 be filed expeditiously. **All merits discovery is hereby stayed until further order of**
10 **the Court.** This Court requires an extended briefing schedule for motions for class
11 certification as set forth below:

- 12 • Motions for Class Certification: Must be filed at least 7 weeks before the
13 hearing date.
- 14 • Opposition: Must be filed at least 5 weeks before the hearing date.
- 15 • Reply: Must be filed at least 4 weeks before the hearing date.

16 **The above briefing schedule is the default.** The parties may stipulate to a
17 modified schedule that is reasonable for all parties. Any briefing schedule must
18 provide the Court at least 4 weeks between the reply deadline and the hearing date.

19 **F. Summary Judgment Motions**

20 No party may file more than one (1) motion pursuant to Federal Rule of Civil
21 Procedure 56, regardless of whether such motion is denominated a motion for
22 summary judgment or summary adjudication, without leave of the Court. The parties
23 must not attempt to evade the page limitations for briefs by filing multiple motions.
24 If a party believes this is one of the rare instances in which good cause exists for
25 more than one motion for summary judgment or to increase page limits, the party
26 must seek leave by noticed motion setting forth a detailed showing of good cause.
27 Pursuant to Federal Rule of Civil Procedure 56(f), when appropriate, based on
28 undisputed facts and controlling principles of law, the Court may sua sponte enter

1 summary judgment in favor of the non-moving party.

2 The Court does not generally entertain cross-motions that seek to adjudicate the
3 same legal issues. If parties wish to cross-move for summary judgment, counsel
4 must meet and confer to discuss the substance of the anticipated motions and which
5 party will move and which will oppose the single motion for summary judgment. To
6 cross-move for summary judgment, the parties must file a stipulation explaining why
7 cross motions are beneficial and expeditious.

8 Parties need not wait until the motion cutoff date to bring motions for summary
9 judgment or partial summary judgment. The hearing on any such motion must be set
10 for a date in advance of the Final Pretrial Conference. This Court requires an
11 extended briefing schedule for motions for summary judgment, as set forth below:

- 12 • Motions for Summary Judgment: Must be filed at least seven (7) weeks
13 before the hearing date.
- 14 • Opposition: Must be filed at least five (5) weeks before the hearing date.
- 15 • Reply: Must be filed at least four (4) weeks before the hearing date.

16 **The above briefing schedule is the default.** The parties may stipulate to a
17 modified schedule that is reasonable for all parties. Any briefing schedule must
18 provide the Court at least 4 weeks between the reply deadline and the hearing date.

19 The parties should prepare papers in a fashion that will assist the Court in
20 processing and analyzing the volume of material (*e.g.*, tables of contents, headings,
21 indices, bookmarks in electronic documents, pinpoint citations, etc.). The parties
22 must comply with Local Rules 56-1 and 56-2, in addition to the Court's additional
23 requirements described below.

24 **1. Statements of Uncontroverted Facts and Genuine Disputes**

25 The separate statement of uncontroverted facts required under Local Rule 56-1
26 must be prepared in a two-column table, as shown below. The left column sets forth
27 the allegedly undisputed fact. The right column sets forth the evidence that supports
28 the factual statement. The factual statements should be set forth in sequentially

1 numbered paragraphs. Each paragraph should contain a narrowly focused statement
 2 of fact. Each numbered paragraph should address a single subject as concisely as
 3 possible.

| Undisputed Fact | Evidence |
|---|---|
| 1. Mike and Jane signed a contract for the sale and purchase of property. | Smith Decl. (Dkt. No. 61-2) ¶ 5, Ex. 6. |
| 2. Jane mailed the contract in May 2017. | Smith Decl. ¶ 8, Ex. 21. |

8 The “Conclusions of Law” portion of the statement should be inserted after the
 9 statement of uncontroverted facts. For example: “Plaintiff’s Claim for _____ Is
 10 Barred by the Applicable Statute of Limitations.”

11 The opposing party’s statement of genuine disputes of material fact must be in
 12 two columns and track the moving party’s separate statement exactly as prepared.
 13 The left column must restate the allegedly undisputed fact and the right column must
 14 state either that it is undisputed or disputed. The opposing party may dispute all or
 15 only a portion of the statement, but if disputing only a portion, it must clearly indicate
 16 what portion is being disputed, followed by a brief citation to the opposing party’s
 17 evidence controverting the fact. To demonstrate that a fact is disputed, the opposing
 18 party must briefly state why it disputes the moving party’s asserted fact, cite to the
 19 relevant exhibit or other evidence, and describe the reason(s) the exhibit or evidence
 20 refutes the asserted fact. No legal argument should be set forth in this document. For
 21 example:

| Allegedly Undisputed Fact and Evidence | Disputed/Undisputed Fact and Evidence |
|---|--|
| 1. Mike and Jane signed a contract for the sale and purchase of property. Smith Decl. (Dkt. No. 61-2) ¶ 5, Ex. 6. | Disputed. Jane testified that the contract was for a lease, not a purchase. Jane Depo. (Smith Decl. Ex. 4) at 29:4-16. |
| 2. Jane mailed the contract in May 2017. Smith Decl. ¶ 8, Ex. 21. | Disputed as to date. Jane testified she mailed the contract in June 2017. Jane Depo. at 3:4-10. |

1 The opposing party may submit additional material facts that bear on or relate
2 to the issues raised by the moving party, which must follow the format described
3 above for the moving party’s separate statement. These additional facts must continue
4 in sequentially numbered paragraphs with the evidence that supports each statement
5 set forth in the right column.

6 With its reply, the moving party must file a response to the statement of genuine
7 disputes of material fact and additional material facts. For each fact, the response
8 must restate the allegedly undisputed fact and state whether the fact is disputed or
9 undisputed by the opposing party. If the fact is undisputed, no further response is
10 required.

11 If the fact is disputed, the response must restate the opposing party’s evidence
12 and reason for disputing the asserted fact. The moving party may provide a response
13 to the opposing party’s reason for dispute, including any reason why the evidence
14 cited by the opposing party does not create a genuine dispute and/or any additional
15 evidence relevant to the asserted fact. This response may either be presented in three
16 columns, with the response appearing in the right column, or in two columns, with a
17 response provided below each fact.

18 The response may also include any response to additional material facts
19 asserted by the non-moving party, and this response must follow the format described
20 above for the statement of genuine disputes of material fact. The response to these
21 additional facts must continue in sequentially numbered paragraphs and must not
22 restart the numbering.

23 All facts asserted by either party, whether disputed or undisputed, and all
24 supporting evidence cited, must be included in the response. Do not repeat
25 descriptions of and citations to the evidence. If you have already described and cited
26 the evidence once, simply refer to the earlier citation succinctly (*e.g.*, “*See supra*,
27 Fact #1.”).

1 **2. Supporting Evidence**

2 No party must submit evidence other than the specific items of evidence or
3 testimony necessary to support or controvert a proposed statement of undisputed fact.
4 For example, entire deposition transcripts, entire sets of interrogatory responses, and
5 documents that do not specifically support or controvert material in the separate
6 statement must not be submitted in support of or in opposition to a motion for
7 summary judgment.

8 Evidence submitted in support of or in opposition to a motion for summary
9 judgment should be submitted either by way of stipulation or as exhibits to
10 declarations sufficient to authenticate the proffered evidence and should not be
11 attached to the memorandum of points and authorities. Documentary evidence for
12 which there is no stipulation regarding foundation must be accompanied by the
13 testimony, either by declaration or properly authenticated deposition transcript, of a
14 witness who can establish authenticity.

15 **3. Objections to Evidence**

16 If a party disputes a fact based in whole or in part on an evidentiary objection,
17 the ground for the objection should be stated succinctly in a separate statement of
18 evidentiary objections in a two-column format. The left column should identify the
19 items objected to (including page and line number if applicable) and the right column
20 should set forth a concise objection (*e.g.*, hearsay, lack of foundation, etc.) with a
21 citation to the Federal Rules of Evidence or, where applicable, a case citation. A
22 proposed order must be filed and attached to the evidentiary objections as a separate
23 Word document consistent with Local Rule 52-4.1 and emailed directly to the
24 Court’s chambers email address at SSS_Chambers@cacd.uscourts.gov.

25 **IX. OTHER MATTERS**

26 **A. ERISA Cases (Benefits Claims)**

27 The Court will hear motions to determine the standard of review, whether
28 discovery will be permitted, and the scope of the administrative record. Counsel are

1 discouraged from filing motions for summary judgment or partial summary judgment
2 on any other issue. If they choose to do so, they must distinguish *Kearney v.*
3 *Standard Insurance Co.*, 175 F.3d 1084, 1093-95 (9th Cir. 1999) (en banc) in the
4 moving papers and explain why summary judgment is not precluded. The parties
5 may receive an Order Setting a Scheduling Conference as a matter of course.
6 Because the ordinary pretrial and trial schedule does not apply to these ERISA cases,
7 the parties need only submit a Joint Status Report identifying any special issues that
8 should be considered. The parties should proceed with the preparation of the
9 administrative record and briefing without delay upon service of the complaint. A
10 court trial, ordinarily limited to oral argument on the administrative record, will be
11 scheduled within six (6) months from the filing of the original complaint, unless good
12 cause for additional time is shown in the status report. If the Court concludes that the
13 decision would not benefit from oral argument, the matter may be submitted for
14 decision on the paper.

15 **B. Bankruptcy Appeals**

16 Counsel must comply with the Notice Regarding Appeal from Bankruptcy
17 Court issued at the time the appeal is filed in the District Court. The matter is
18 deemed under submission on the filing of the appellant's reply brief. The Court
19 considers bankruptcy appeals on the papers and usually does not set these matters for
20 hearing.

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1 **X. CONSEQUENCES FOR NON-COMPLIANCE**

2 If, without satisfactory explanation, counsel fail to file the required Joint Rule
3 26(f) Report or the required pretrial documents, fail to appear at any scheduled
4 proceeding, or otherwise fail to comply with the Court's orders or rules, the Court
5 must take any action it deems appropriate, including:

- 6 • Where the failure occurs on the part of the plaintiff, dismissal of the case for
7 failure to prosecute;
- 8 • Where the failure occurs on the part of the defendant, striking the answer
9 resulting in default; and/or
- 10 • Imposing monetary sanctions against the offending party and counsel.

11
12 **IT IS SO ORDERED.**

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14 Dated:

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16 SUNSHINE S. SYKES
17 United States District Judge
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