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

CASE NO. CV BRO(x)

**STANDING ORDER
REGARDING NEWLY
ASSIGNED CASES**

Plaintiff(s),

v.

Defendant(s).

READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE AND MAY DIFFER FROM THE LOCAL RULES.

This action has been assigned to the calendar of Judge Beverly Reid O’Connell. The responsibility for the progress of litigation in the Federal Courts falls not only upon the attorneys in the action, but upon the Court as well. “To secure the just, speedy, and inexpensive determination of every action,” Fed. R. Civ. P. 1, all counsel are hereby ordered to familiarize themselves with the Fed. R. Civ. P. , particularly Fed. R. Civ. P. 16, 26, the Local Rules of the Central District of California, this

1 Court's Order for Jury Trial, and this Court's Order for Court Trial.¹

2 **UNLESS OTHERWISE ORDERED BY THE COURT, THE FOLLOWING**
3 **RULES SHALL APPLY:**

4 **1. Service of the Complaint.** The Plaintiff(s) shall promptly serve the
5 Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant
6 to Local Rule 5-3.1. Any Defendant(s) not timely served shall be dismissed from the
7 action without prejudice. Any "DOE" or fictitiously-named Defendant(s) who is not
8 identified and served within 120 days after the case is filed shall be dismissed
9 pursuant to Fed. R. Civ. P. 4(m).

10 **2. Removed Actions.** Any answers filed in state court must be re-filed
11 in this Court as a supplement to the petition. Any pending motions must be re-noticed
12 in accordance with Local Rule. If an action is removed to this Court that contains a
13 form pleading, i.e., a pleading in which boxes are checked, the party or parties
14 utilizing the form pleading must file an appropriate pleading with this Court within
15 thirty (30) days of receipt of the Notice of Removal. The appropriate pleading
16 referred to must comply with the requirements of Fed. R. Civ. P. 7, 7.1, 8, 9, 10 and
17 11.

18 **3. Presence of Lead Counsel.** The attorney attending any proceeding
19 before this Court, including all scheduling, settlement and pretrial conferences, must
20 be the lead trial counsel. Un-excused failure of lead counsel to appear will be grounds
21 for sanctions.

22
23 ¹Copies of the Local Rules are available on our website at
24 "<http://www.cacd.uscourts.gov>" or they may be purchased from one of the following:

25 Los Angeles Daily Journal	West Group	Metropolitan News
26 915 East 1st Street	610 Opperman Drive	210 South Spring Street
Los Angeles, CA 90012	P.O. Box 64526	Los Angeles, CA 90012
27	St. Paul, MN 55164-0526	

1 to cause a requested continuance to be granted.

2 Adherence to the timing requirements is mandatory for Chambers' preparation
3 of motion matters.

4 b. Pre-filing Requirement: Counsel must comply with Local Rule 7-3,
5 which requires counsel to engage in a pre-filing conference "to discuss thoroughly .
6 . . the substance of the contemplated motion and any potential resolution." Pursuant
7 to Local Rule 7-3, counsel should discuss the issues to a sufficient degree that if a
8 motion is still necessary, the briefing may be directed to those substantive issues
9 requiring resolution by the Court. Counsel should resolve minor procedural or other
10 non-substantive matters during the conference. The *pro per* status of one or more
11 parties does not negate this requirement.

12 c. Length and Format of Motion Papers: Memoranda of points and
13 authorities in support of or in opposition to motions shall not exceed 25 pages.
14 Replies shall not exceed 12 pages. Only in rare instances and for good cause shown
15 will the Court grant an application to extend these page limitations. Pursuant to Local
16 Rule 11-3.1.1, either a proportionally spaced or monospaced face may be used. A
17 proportionally spaced face must be 14-point or larger, or as the Court may otherwise
18 order. A monospaced face may not contain more than 10½ characters per inch. These
19 typeface requirements apply to footnoted material. That is, if Times New Roman font
20 is used, the font size shall be no less than 14; if Courier font is used, the font size must
21 be no less than 12.

22 d. Citations to Case Law: Citations to case law must be in the Bluebook
23 format. Citations to case law must identify not only the case cited, but the specific
24 page referenced. Hyperlinks to case citations must be included.

25 e. Citations to Other Sources: Statutory references should be cited in
26 accordance with the Bluebook. Statutory references should identify with specificity
27 the sections and subsections referenced (*e.g.*, Jurisdiction over this cause of action
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1 may appropriately be found in 47 U.S.C. § 33, which grants the district courts
2 jurisdiction over all offenses of the Submarine Cable Act, whether the infraction
3 occurred within the territorial waters of the United States or on board a vessel of the
4 United States outside said waters). Statutory references that do not specifically
5 indicate the appropriate section and subsection (*e.g.*, Plaintiffs allege conduct in
6 violation of the Federal Electronic Communication Privacy Act, 18 U.S.C. § 2511, *et*
7 *seq.*) are to be avoided. Citations to treatises, manuals, and other materials should
8 include the volume, section, and pages being referenced.

9 f. Oral Argument: If the Court deems a matter appropriate for decision
10 without oral argument, the Court will notify the parties in advance.

11 g. Calendar Conflicts: Counsel are to inform opposing counsel and the
12 courtroom deputy clerk (via Chambers e-mail) as soon as a potential calendar conflict
13 is discovered and no later than 3 days prior to the hearing. Counsel should attempt to
14 agree on a proposed date to accommodate the calendar conflict and the schedules of
15 the counsel and the Court.

16 **6. E-Filing Requirements**

17 a. Applicable Rules: Counsel shall e-file all filings pursuant to Rule
18 5(d)(3) Local Rule 5-4, and General Order 10-07.

19 b. Method of Filing: All items that do not require the Court's signature
20 shall be e-filed in .pdf format. All proposed signature items shall be e-filed as an
21 attachment to the main documents in .pdf format.

22 c. Use of Chambers E-Mail: All proposed signature items must be E-
23 MAILED to the chambers e-mail at bro_chambers@cacd.uscourts.gov in Microsoft
24 Word (preferred) or WordPerfect or format. A .pdf convertible to one of these forms
25 is **not** acceptable. Parties seeking a proposed order based on a stipulation or an ex
26 parte application should e-mail **both** the order and the stipulation or ex parte

1 application. Parties should not e-mail the accompanying documents for the proposed
2 signature items (such as motion to dismiss) unless requested by the Court.

3 **Proposed orders must be on pleading paper and should not contain**
4 **attorney names, addresses, etc. on the caption page, should not contain a footer**
5 **with the document name or other information, and should not contain a**
6 **watermark designation of the firm name, etc. in the margin.**

7 **7. Proposed Protective Orders and Filings Under Seal**

8 Proposed protective order pertaining to discovery must be submitted to the
9 assigned Magistrate Judge. Proposed protective orders should not purport to allow,
10 without further order of the Court, the filing under seal of pleadings or documents
11 filed in connection with dispositive motion (including a class certification motion) or
12 trial before Judge Beverly Reid O’Connell. The existence of a protective order does
13 not alone justify the filing of pleadings or other documents under seal, in whole or in
14 part.

15 An application to file documents under seal must meet the requirements of
16 Local Rule 79-5. Documents that are not confidential or privileged in their entirety
17 should not be filed under seal if the confidential portions can be redacted and filed
18 separately with reasonable amount of effort. The parties should file both a complete
19 versions of the pleadings and documents under seal, and a redacted version for public
20 viewing, omitting only such portions as the Court has ordered may be filed under seal.

21 There is a strong presumption of access in civil cases. *Foltz v. State Farm Mut.*
22 *Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). For each documents or other type
23 of information sought to be filed under seal, the party seeking protection must identify
24 and discuss the factual or legal justification for the Court to find “good cause” or
25 “compelling reasons,” as appropriate, that such document or type of information
26 should be protected. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172,

1 1179-80 (9th Cir. 2006).

2 **Sealing must be justified for each individual item to be sealed or redacted;**
3 **blanket claims of confidentiality are not allowed and will result in a denial of the**
4 **application to seal. Counsel is strongly encouraged to consider carefully whether**
5 **sealing or redaction is required for a given piece of evidence or argument. The**
6 **inclusion of clearly meritless requests to seal or redact documents may result in**
7 **the complete rejection of an application to seal.**

8 Judge Beverly Reid O'Connell is participating in a pilot project regarding the
9 submission of SEALED DOCUMENTS. All proposed sealed documents must be
10 submitted via e-mail to the Judge's Chambers email at
11 BRO_chambers@cacd.uscourts.gov. Please refer to the judge's procedures and
12 schedules for detailed instructions for submission of sealed documents.

13 **8. Specific Motion Requirements**

14 a. Motions Pursuant to Rule 12: Many motions to dismiss or to strike
15 can be avoided if the parties confer in good faith (as required under Local Rule 7-3),
16 especially for perceived defects in a complaint, answer, or counterclaim that could be
17 corrected by amendment. *See Chang v. Chen*, 80 F.3d 1293, 1296 (9th Cir. 1996)
18 (where a motion to dismiss is granted, a district court should provide leave to amend
19 unless it is clear that the complaint could not be saved by any amendment). Moreover,
20 a party has the right to amend the complaint once as a matter of course within twenty-
21 one (21) days of serving it or “if the pleading is one to which a responsive pleading
22 is required, 21 days after service of a responsive pleading or 21 days after service of
23 a motion under Rule 12(b), (e), or (f), whichever is greater.” Fed. R. Civ. P. 15(a)(1).
24 Even after a complaint has been amended or the time for amending it as a matter of
25 course has run, the Federal Rules provide that leave to amend should be “freely given
26 when justice so requires.” Fed. R. Civ. P. 15(a). The Ninth Circuit requires that this

1 policy favoring amendment be applied with “extreme liberality.” *Morongo Band of*
2 *Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990).

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

6 b. Motions to Amend: In addition to the requirements of Local Rule 15-
7 1, all motions to amend pleadings shall: (1) state the effect of the amendment; (2) be
8 serially numbered to differentiate the amendment from previous amendments; and (3)
9 state the page and line number(s) and wording of any proposed change or addition of
10 material.

11 The parties shall deliver to Chambers a “redlined” version of the proposed
12 amended pleading indicating all additions and deletions of material.

13 c. Summary Judgment Motions: Parties need not wait until the
14 motion cutoff to bring motions for summary judgment or partial summary judgment.
15 Moreover, the court expects that the party moving for summary judgment will strictly
16 observe the timing requirements of the Local Rules and this Standing Order. A
17 motion under Rule 56 must be filed at least forty-nine (49) days prior to the date on
18 which the motion is noticed for hearing. The opposition is due not later than twenty-
19 one (21) days before the date designated for the hearing of the motion, and the reply
20 not later than fourteen (14) days before the date designated for the hearing of the
21 motion. Because summary judgment motions are fact-dependent, parties should
22 prepare papers in a fashion that will assist the court in absorbing the mass of facts
23 (*e.g.*, generous use of tabs, tables of contents, headings, indices, etc.). The parties are
24 to comply precisely with Local Rule 56-1 through 56-4.

25 No party may file more than one motion pursuant to Fed. R. Civ. P. 56,
26 regardless of whether such motion is denominated as a motion for summary judgment
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1 or summary adjudication, without leave from the Court.

2 i. Statement of Undisputed Facts and Statement of Genuine
3 Issues:

4 The separate statement of undisputed facts shall be prepared in a two-column
5 format. The left hand column sets forth the allegedly undisputed fact. The right hand
6 column sets forth the evidence that supports the factual statement. The factual
7 statements should be set forth in sequentially numbered paragraphs. Each paragraph
8 should contain a narrowly focused statement of fact. Each numbered paragraph
9 should address a single subject as concisely as possible.

10 The opposing party's statement of genuine issues must be in two columns
11 and track the movant's separate statement exactly as prepared. The left hand column
12 must restate the allegedly undisputed fact, and the right hand column must state either
13 that it is undisputed or disputed. The opposing party may dispute all or only a portion
14 of the statement, but if disputing only a portion, it must clearly indicate what part is
15 being disputed, followed by the opposing party's evidence controverting the fact. The
16 court will not wade through a document to determine whether a fact really is in
17 dispute. To demonstrate that a fact is disputed, the opposing party must briefly state
18 why it disputes the moving party's asserted fact, cite to the relevant exhibit or other
19 piece of evidence, and describe what it is in that exhibit or evidence that refutes the
20 asserted fact. No legal argument should be set forth in this document.

21 The opposing party may submit additional material facts that bear on or relate
22 to the issues raised by the movant, which shall follow the format described above for
23 the moving party's separate statement. These additional facts shall continue in
24 sequentially numbered paragraphs and shall set forth in the right hand
25 column the evidence that supports that statement.

26 ii. Supporting Evidence: No party shall submit evidence other
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1 than the specific items of evidence or testimony necessary to support or controvert a
2 proposed statement of undisputed fact. For example, entire deposition transcripts,
3 entire sets of interrogatory responses, and documents that do not specifically support
4 or controvert material in the separate statement shall not be submitted in support of
5 opposition to a motion for summary judgment. The court will not consider such
6 material.

7 Evidence submitted in support of or in opposition to a motion should be
8 submitted either by way of stipulation or as exhibits to declarations sufficient to
9 authenticate the proffered evidence, and should not be attached to the memorandum
10 of points and authorities. The court will accept counsel's authentication of deposition
11 transcripts, written discovery responses and the receipt of documents in discovery if
12 the fact that the document was in the opponent's possession is of independent
13 significance. Documentary evidence as to which there is no stipulation regarding
14 foundation must be accompanied by the testimony, either by declaration or properly
15 authenticated deposition transcript, of a witness who can establish authenticity.

16 iii. Objections to Evidence: If a party disputes a fact based in
17 whole or in part on an evidentiary objection, the ground of the objection, as
18 indicated above, should be stated in a separate statement but not argued in that
19 document. Do not submit blanket or boilerplate objections to the opponent's
20 statements of undisputed fact. The boilerplate objections will be overruled and
21 disregarded

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

26 **10. Mandatory Chambers Copies**: Mandatory chambers copies of all filed
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1 motions, oppositions or notice of non-opposition, and replies must be delivered to
2 Judge Beverly Reid O'Connell's chambers on Spring Street floor not later than 12:00
3 noon the following business day. The Court does not require the use of blue backs.
4 For security reasons, mandatory chambers copies should be removed from envelopes
5 or folders before placing them on the table.

6 **11. Telephonic Hearings.** The Court believes that it is extremely helpful for
7 lead counsel to appear for scheduling conferences, motions, pretrial, and settlement
8 conferences. As a result, typically, the Court does not permit appearances or
9 arguments by way of telephone conference calls. If exceptional circumstances exist
10 necessitating a telephonic appearance, counsel should file a written application to
11 appear telephonically detailing such exceptional circumstance.

12 **12. Ex Parte Applications.** The Court considers ex parte applications
13 on the papers and does not usually set these matters for hearing. If a hearing is
14 necessary, the parties will be notified. Ex parte applications are solely for
15 extraordinary relief and should be used with discretion. Sanctions may be imposed
16 for misuse of ex parte applications. *See Mission Power Engineering Co. v.*
17 *Continental Casualty Co.*, 883 F. Supp. 488 (C.D. Cal. 1995).

18 Counsel's attention is directed to Local Rules. In addition to the requirements
19 of Local Rules 7-19 and 7-19.1, the moving party shall serve the opposing party by
20 email, facsimile transmission, or personal service and shall notify the opposition that
21 opposing papers must be filed no later than twenty-four hours (or one court day)
22 following such service. . If counsel does not intend to oppose an ex parte application,
23 he or she must inform the Courtroom Deputy Clerk at (213) 894-5283.

24 **13. TROs and Injunctions.** Parties seeking emergency or provisional
25 relief shall comply with Rule 65 and Local Rule 65. The Court will not rule on any
26 application for such relief for at least twenty-four hours after the party subject to the
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1 requested order has been served, unless service is excused. Such party may file
2 opposing or responding papers in the interim.

3 **14. Continuances.** This Court has a strong interest in keeping scheduled
4 dates certain. Changes in dates are disfavored. Trial dates set by the Court are firm
5 and will rarely be changed. Therefore, a stipulation to continue the date of any matter
6 before this Court **must** be supported by a sufficient basis that demonstrates good
7 cause why the change in the date is essential. Without such compelling factual
8 support, stipulations continuing dates set by this Court will not be approved. Counsel
9 requesting a continuance must lodge a proposed stipulation and order including a
10 **detailed** declaration of the grounds for the requested continuance or extension of time.
11 Failure to comply with the Local Rules and this Order will result in rejection of the
12 request without further notice to the parties. Proposed stipulations extending
13 scheduling dates do not become effective unless and until this Court so orders.
14 Counsel wishing to know whether a stipulation has been signed shall comply with the
15 applicable Local Rule.

16 **15. Communications with Chambers.** Counsel shall not attempt to
17 contact the Court or its staff by telephone or by any other *ex parte* means. Counsel
18 may contact the Courtroom Deputy Clerk with appropriate inquiries only. Counsel
19 shall not contact the Courtroom Deputy regarding status of *ex parte* application/ruling
20 or stipulation/ruling. If counsel desires a conformed copy of any proposed order
21 submitted to the Court, counsel shall provide an extra copy of the document, along
22 with a self-addressed, stamped envelope. Counsel should list their facsimile
23 transmission numbers along with their telephone numbers, and current email address
24 on all papers to facilitate communication with the Courtroom Deputy.

25 **16. Order Setting Scheduling Conference.** Pursuant to
26 Fed. R. Civ. P. 16(b), the Court will issue an Order setting a Scheduling Conference
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1 as required by Fed. R. Civ. P. 26 and the Local Rules of this Court. Strict compliance
2 with Fed. R. Civ. P. 16 and 26 is required. Trial dates are schedules typically one year
3 from the filing of the complaint.

4 17. **Alternative Dispute Resolution (ADR)**. This Court participates in
5 the Court-Directed ADR Program. If counsel have received a Notice to Parties of
6 Court-Directed ADR Program (ADR-08), the case will be presumptively referred to
7 the Court Mediation Panel or to private mediation at the time of the initial scheduling
8 conference. *See* General Order 11-10, §5.1. Counsel should include their shared or
9 separate views regarding a preference for the Court Mediation Panel or private
10 mediation, and when the mediation should occur, in the written report required by
11 Fed.R.Civ.P. 26(f) and Civil L.R. 26-1. For information about the Court’s ADR
12 Program, the Mediation Panel, and mediator profiles, visit the “ADR” page of the
13 Court website.

14 18. **Notice of this Order**. Counsel for plaintiff or plaintiff (if appearing
15 on his or her own behalf) shall immediately serve this Order on all parties, including
16 any new parties to the action. If this case came to the Court by a Petition for Removal,
17 the removing defendant(s) shall serve this Order on all other parties.

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19 DATED:

20 BEVERLY REID O’CONNELL
21 United States District Judge
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