

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL STANDING ORDER FOR MAGISTRATE JUDGE LISA J. CISNEROS

Parties shall comply with the Federal Rules of Civil Procedure, the Northern District of California's Civil Local Rules and General Orders, and this Standing Order, all of which are available at www.cand.uscourts.gov/rules/. Failure to comply may result in the imposition of sanctions, including monetary sanctions, dismissal, and/or entry of judgment. *See* Civ. L.R. 1-4.

A. CALENDAR DATES AND SCHEDULING

Civil motions are heard Thursdays at 1:30 p.m. Parties should notice motions pursuant to the local rules. Parties need not reserve a hearing date but should confirm the Court's availability by viewing the calendar and scheduling notes available at <https://www.cand.uscourts.gov/lisa-j-cisneros/>. Hearing dates may be reset as the Court's calendar requires or matters may be decided without a hearing.

For scheduling requests that fall within the parameters for Civil Local Rules 6-1, 6-2, and 6-3, including requests to advance or enlarge time to hear a motion, such request shall be made through the procedures set forth in those rules. For other administrative questions concerning the Court's schedule, contact Judge Cisneros's Courtroom Deputy ("CRD"), Brittany Sims, at ljccrd@cand.uscourts.gov or (415) 522-2043. For further information on contact with chambers, see section I below.

Civil case management conferences are heard Thursdays at 1:30 p.m.

Settlement conferences are held on Mondays, Wednesdays and Fridays, starting at 10:30 a.m. Telephonic pre-settlement conference meetings are held Thursdays at 10:30 a.m.

Claim construction hearings are held on Fridays, starting at 10:30 a.m.

B. CHAMBERS COPIES AND PROPOSED ORDERS

1. Chambers Copies. Chambers copies are required only for filings that necessitate action by the Court and exceed 50 pages inclusive of supporting declarations and exhibits. Chambers copies must bear the PACER/ECF header (with case number, docket number, date, and page number) and be clearly marked with the judge's initials (LJC) and the designation "Chambers Copy." Filings must be bound at the top or side; voluminous filings (those over two inches in thickness) should be placed in binders. Exhibits must be tabbed. Chambers copies may be accompanied by a flash drive where appropriate. Chambers copies shall arrive at the Court within 48 hours after e-filing.

2. Proposed Orders. A proposed order is required for all filings that necessitate action by the Court. Proposed orders in civil cases shall be submitted in Word format (.doc or .docx) via email to ljcpo@cand.uscourts.gov on the day of filing. This email address is to be used only for civil proposed orders unless otherwise directed by the Court.

C. CONSENT CASES

In civil cases assigned to Judge Cisneros for all purposes, the parties should file their written consent to the assignment of a United States Magistrate Judge for all purposes or their written declination of consent as soon as possible and in no event later than the deadlines specified in Civil Local Rule 73-1. The form is available at www.cand.uscourts.gov/civilforms.

D. CASE MANAGEMENT

1. Case Management Conference Statements. The parties shall file a joint case management statement at least 7 days prior to the case management conference. In cases involving unrepresented litigants, the parties may file separate statements. The statements shall address all matters set forth in the Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement, which is available at <https://www.cand.uscourts.gov/rules/judges-standing-orders/>. See Civ. L.R. 16-9(a). Unless proceeding *pro se* (in which case, the party must personally appear), each party shall be represented at the conference by counsel who has full authority and is fully prepared to:

- (a) address the matters set forth in the Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement, as well as in Federal Rules of Civil Procedure 16(c) and 26(f);
- (b) enter into stipulations and make admissions as contemplated in Rule 16(c); and
- (c) select an ADR process (if one has not been selected).

2. Pronouns and Honorifics. Litigants and lawyers may indicate their pronouns and titles (e.g. Mr., Ms., Mx., Dr.) when making an appearance in court or by filing a letter or including them in the name block and signature line of their filings. Judge Cisneros’s pronouns are she/her.

3. Lawyer Development. The Court encourages parties to contribute to the development of the bar by permitting lawyers with less than five years of experience to argue motions, have a significant participatory role in settlement conferences, and examine witnesses at trial.

E. MOTION PRACTICE

1. Meet and Confer Requirement. The parties shall meet and confer (in person, by video conference, or by phone) before filing any motion or non-stipulated request. All motions or non-stipulated requests shall include a certification, which may be submitted separately or included in the body of the filing, that the parties have complied with this meet and confer requirement. The Court may strike filings that do not comply.

2. Failure to Oppose. The failure of the opposing party to file a timely response to any motion or non-stipulated request may be construed as consent to the granting of the motion or request as unopposed.

3. Summary Judgment Motions. Absent prior leave of Court, the parties are limited to filing one summary judgment motion per side, not to exceed 25 pages in length. Aligned parties (e.g., co-defendants) are to file joint briefs. If the parties wish to depart from the standard briefing schedule and page limits set by Civil Local Rule 7-2 and 7-3 (for example, to set a schedule involving one party's motion followed by another party's consolidated opposition and cross-motion), they shall make this proposal in a joint case management statement that is filed in advance of a case management conference, or file an administrative motion or stipulation and proposed order no later than three weeks before the first motion for summary judgment will be filed.

4. Technological Assistance. Counsel and parties appearing without legal representation are responsible for providing complete and accurate representations in any submission to the Court to the extent required by Rule 11 of the Federal Rules of Civil Procedure, the California Rules of Professional Conduct, and any other applicable legal or ethical guidance. Parties are not categorically prohibited from using any sort of lawful technological assistance in researching or drafting briefs, including artificial intelligence (AI) tools that assist in the preparation of material for submission to the Court. That said, attorneys and unrepresented parties must understand the limitations of any tools that they use, and they remain fully responsible for the final products they submit to the Court. The Court will impute any errors by computer-based tools to the attorney or unrepresented party whose signature appears on the document containing those errors. Failure to verify the accuracy of briefs, and particularly the accuracy of citations to law and evidence, may be grounds for sanctions and/or striking a filing.¹

F. DISCOVERY

1. General. Parties shall propound disclosures and discovery in accordance with Federal Rules of Civil Procedure 26 through 37 and the corresponding Civil Local Rules for the Northern District of California. A copy of the Local Rules is available at the Clerk's Office and at the Court's website (<http://www.cand.uscourts.gov>). No exceptions to the limitations established in the Federal and Local Rules shall be permitted except pursuant to stipulation of the parties or order of the Court.

¹ This Standing Order should not be construed as reducing an attorney's duty of care under any rule of professional conduct, or as creating an exception to any such rule or other authority that might limit the use of AI or other technological assistance.

2. Evidence Preservation. After a party has notice of this order, it must take the steps needed to preserve information relevant to the issues in question in the litigation, including suspending any document-destruction programs.

3. Document Disclosures. To the maximum extent feasible, all party files and records should be retained and produced in their original form and sequence, and the originals should remain available for inspection by any counsel on reasonable notice.

Except for good cause, no item will be received in evidence if the proponent failed to produce it in the face of a reasonable and proper discovery request covering the item, regardless of whether a motion to overrule any objection thereto was made.

4. Written Discovery. The Court encourages the party propounding discovery to provide courtesy copies of all requests for written discovery (i.e., interrogatories, document requests, requests for admission) to the responding party in an electronic format (e.g., Microsoft Word, or other word processing application) that easily permits the responding party to copy the requests for purposes of responding to them.

5. Discovery Disputes. This order's meet and confer and joint letter procedures for discovery disputes apply to disputes among the parties to this action and to disputes between parties and non-parties who have been served with subpoenas.

All discovery disputes before the Court shall proceed as follows: when there is a discovery dispute, the parties must first make a good faith effort to resolve the dispute before seeking Court intervention. After attempting to address the issue(s) via letter, phone call, and/or email, any party or non-party may demand a formal meet and confer within two weeks' notice. Counsel for each party must meet and confer in person or by videoconference. A mere exchange of letters, e-mails, or telephone calls does not satisfy the meet and confer requirement. If disagreements remain, the parties shall file a joint letter no later than five business days after the formal meet and confer, unless otherwise directed by the Court. Lead trial counsel for both parties must sign the letter, which shall include an attestation that the parties met and conferred in person or by video regarding all issues prior to filing the letter.

The joint letter must include a paragraph listing relevant discovery dates and case management deadlines, such as:

- (1) the fact and expert discovery cut-off dates;
- (2) the last day to hear or file dispositive motions;
- (3) the claim construction or class certification briefing deadlines and hearing dates; and
- (4) pretrial conference and trial dates.

Going issue-by-issue, the joint letter shall describe each unresolved issue, summarize each party's position with appropriate legal authority, and provide each party's final proposed

compromise before moving to the next issue. In the rare instance that a joint letter is not possible, each side may submit a letter not to exceed two pages, which shall include an explanation of why a joint letter was not possible.

The parties shall submit one exhibit that sets forth each disputed discovery request in full, followed immediately by the objections and/or responses thereto. No other information shall be included in the exhibit. An additional set of exhibits is allowed for declarations or other documents relevant to the discovery dispute. Such exhibits shall not exceed twenty-five pages without leave of the Court.

Joint letters must be filed in ECF under the Civil Events category of Motions and Related Filings > Motions: General > Discovery Letter Brief. Joint letters shall be in text-searchable PDF format and shall not exceed five pages (12-point font or greater; margins no less than one inch) without leave of the Court. The Court will review the submission(s) and determine whether formal briefing or proceedings are necessary.

The Court expects the parties to cooperate in the preparation of their joint letter so that each side has adequate time to prepare its own arguments and address its adversary's arguments before submission of the letter. Unjustified delay or refusal to participate meaningfully in the formal meet and confer or in the preparation of the joint letter may be grounds for entry of an order adverse to the delaying or non-participating party.

If necessary, the Court will set a hearing to address the discovery dispute. Hearings concerning discovery disputes are generally held via Zoom and set on the Civil Law & Motion calendar. *See* Part A (Calendar Dates and Scheduling).

6. Protective Orders. If parties believe a protective order is necessary, they are encouraged to use one of the Court's model protective orders (available at <http://cand.uscourts.gov/model-protective-orders>). Parties shall file one of the following with their proposed protective order:

- (1) a declaration stating that the proposed order is identical to one of the model orders except for the addition of case-identifying information or the elimination of language denoted as optional;
- (2) a declaration explaining each modification to the model order, along with a redline version comparing the proposed protective order with the model order; or
- (3) a declaration explaining why use of one of the model orders is not practicable.

7. Privilege Logs. If a party withholds responsive information by claiming that it is privileged or otherwise protected from discovery, that party shall produce a privilege log. *See* Fed. R. Civ. P. 26(b)(5).

Privilege logs must be sufficiently detailed for the opposing party to assess whether the assertion of privilege is justified. Unless the parties agree to alternative logging methods, the log should include:

- (1) the title and description of the document, including number of pages or Bates number range;
- (2) the subject matter addressed in the document;
- (3) the identity and position of its author(s);
- (4) the identity and position of all addressees and recipients;
- (5) the date the document was prepared and, if different, the date(s) on which it was sent to or shared with persons other than its author(s); and
- (6) the specific basis for the claim that the document is privileged or protected.

The privilege log will be produced as quickly as possible, but no later than fourteen (14) days after its disclosures or discovery responses are due, unless the parties stipulate to, or the Court sets, another date.

8. Depositions. Absent extraordinary circumstances, counsel shall consult in advance with opposing counsel and unrepresented proposed deponents to schedule depositions at mutually convenient times and places. Where an agreement cannot be reached as to any party deponent or a deponent represented by counsel of record, the following procedure may be invoked by the party seeking such any such deposition. The party seeking such a deposition may notice it at least thirty days in advance. If the noticed date and place is unacceptable to the deponent or the deponent's counsel, then within ten days of receipt of the notice, the deponent or counsel for the deponent must reply and counter-propose in writing an alternative date and place falling within thirty days of the date noticed by the party seeking the deposition.

Counsel and parties must comply with Federal Rules of Civil Procedure 30(d)(1). Deposition objections must be as to privilege or form only. Speaking objections are prohibited. When a privilege is claimed, the witness should nevertheless answer questions relevant to the existence, extent, or waiver of the privilege, such as the date of a communication, who made the statement, to whom and in whose presence the statement was made, other persons to whom the contents of the statement have been disclosed, and the general subject matter of the statement, unless such information is itself privileged. Private conferences between deponents and attorneys in the course of interrogation, including a line of related questions, are improper and prohibited except for the sole purpose of determining whether a privilege should be asserted.

9. Emergencies. In emergencies during discovery events (such as depositions), any party may, after exhausting good faith attempts to resolve disputed issues, seek judicial intervention pursuant to Civil L.R. 37-1(b) by contacting the Court through the courtroom deputy. Before calling, the parties must first send a short email describing the nature of the dispute to ljccrd@cand.uscourts.gov. If the Court is unavailable, the discovery event shall proceed with objections noted for the record.

G. SETTLEMENT CONFERENCES

Settlement conferences are governed by Judge Cisneros's Settlement Conference Standing Order, available at <https://www.cand.uscourts.gov/lisa-j-cisneros/>. Please note that Settlement Conference Statements and Confidential Settlement Letters are to be lodged (not filed) by emailing to ljcsettlement@cand.uscourts.gov.

H. ELECTRONIC FILINGS

Electronically filed documents must be text-searchable PDFs and compatible with text-to-speech readers, such as Adobe Acrobat, whenever possible.

I. COMMUNICATIONS WITH CHAMBERS AND COURT STAFF

Except as otherwise permitted by this Standing Order or by another order of the Court, parties and attorneys should not communicate with Judge Cisneros or her staff (including the Courtroom Deputy) about a case except in open court (including remote video proceedings) or through filings in the ECF docket. For example, requests to clarify an order, set or continue a hearing, or allow a remote appearance should be made through appropriate filings in the docket, which depending on circumstances might include administrative motions, noticed motions, or stipulations and proposed orders.

Requests for clarification of purely administrative matters (e.g., if a motion previously set for a hearing does not appear on the Court's public calendar) may be directed to the Courtroom Deputy at ljccrd@cand.uscourts.gov, with opposing counsel cc'd. If in doubt, any such request may also be made through an appropriate filing on the docket.

In an emergency, such as an individual's inability to make a scheduled appearance due to last-minute factors beyond their control, counsel or parties may attempt to contact the Courtroom Deputy at ljccrd@cand.uscourts.gov or (415) 522-2043.

The limitations provided in this section do not apply to cases referred to Judge Cisneros for settlement proceedings, which are addressed in a separate standing order.