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

<p>’  Plaintiff(s),  v.  ’  Defendant(s).</p>	<p>Case No.  <b>STANDING ORDER REGARDING NEWLY ASSIGNED CASES</b></p>
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**READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE.**

This action has been assigned to the calendar of Judge Michelle Williams Court. 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,” Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 1, all parties or their 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, and this Court’s Orders.

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

3 **1. Service of the Complaint.** The Plaintiff(s) shall promptly serve the  
4 Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant  
5 to the Local Rules. Any Defendant(s) not timely served shall be dismissed from the  
6 action without prejudice. Any “DOE” or fictitiously-named Defendant(s) who is not  
7 identified and served within 90 days after the case is filed shall be dismissed pursuant  
8 to Fed. R. Civ. P. 4(m).

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

17 **3. Presence of Lead Counsel.** The attorney attending any proceeding  
18 before this Court, including all status and settlement conferences, must be the lead  
19 trial counsel.

20 **4. Filing.** The Court’s CM/ECF system is available 24/7 for electronic  
21 filing of documents. Parties may register for access to PACER. For more  
22 information, please visit the Court’s website.

23 Unrepresented litigants who cannot electronically file their documents in the  
24 CM/ECF system may mail their filings to the Clerk of Court at 255 E. Temple Street,  
25 Suite TS-134, Los Angeles, CA 90012-3332 or submit documents for filing through  
26 the Court’s Electronic Document Submission System (EDSS). For additional filing  
27 information, please visit the Court’s website, scroll down to the box labeled “People  
28 without Lawyers,” and click “Questions and Answers.”

1 Attorneys who are required to manually file documents pursuant to the Local  
2 Rules must mail their filings to the Clerk of Court at the above address.

3 Non-paper physical exhibits exempted from electronic filing shall be sent via  
4 U.S. Mail or other commercial delivery to the Clerk of Court at the above address.

5 **5. Discovery.** All discovery matters have been referred to a United States  
6 Magistrate Judge to hear all discovery disputes. (The Magistrate Judge’s initials  
7 follow the Judge’s initials next to the case number.) All documents must include the  
8 words “DISCOVERY MATTER” in the caption to ensure proper routing. Counsel  
9 are directed to contact the Magistrate Judge's Courtroom Deputy Clerk to schedule  
10 matters for hearing.

11 The decision of the Magistrate Judge shall be final, subject to modification by  
12 the District Court Judge only where it has been shown that the Magistrate Judge’s  
13 order is clearly erroneous or contrary to law. Any party may file and serve a motion  
14 for review and reconsideration before this Court. The moving party must file and  
15 serve the motion within fourteen (14) days of service of a written ruling or within  
16 fourteen (14) days of an oral ruling that the Magistrate Judge states will not be  
17 followed by a written ruling. The motion must specify which portions of the text are  
18 clearly erroneous or contrary to law, and the claim must be supported by points and  
19 authorities. Counsel shall provide the Magistrate Judge with chambers copies of the  
20 moving papers and responses consistent with the corresponding judge’s procedures.

21 **6. Motions - General Requirements**

22 a. **Time for Filing and Hearing Motions:** Motions shall be filed in  
23 accordance with Local Rules 6 and 7. This Court hears motions on Fridays, beginning  
24 at 1:30 p.m. If the motion date selected is not available, the Court will issue a minute  
25 order striking the motion. (Counsel are advised to check the availability of a selected  
26 date *immediately* prior to filing the motion.) Opposition or reply papers due on a  
27 holiday must be filed the preceding business day (i.e., Thursday)—not the following  
28 business day (i.e., Monday)—and must be hand-delivered or emailed to opposing

1 counsel on the preceding business day. Professional courtesy dictates that moving  
2 parties should, whenever possible, avoid filing motions for which opposition papers  
3 will be due the Thursday preceding a holiday. Such a filing is likely to cause a  
4 requested continuance to be granted.

5 Adherence to the timing requirements is mandatory for chambers'  
6 preparation of motion matters.

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

15 c. Length and Format of Motion Papers: Memoranda of points and  
16 authorities in support of or in opposition to motions shall not exceed 25 pages.  
17 Replies shall not exceed 12 pages. Only in rare instances and for good cause shown  
18 will the Court grant an application to extend these page limitations. Pursuant to the  
19 Local Rules, either a proportionally spaced or monospaced font may be used. A  
20 proportionally spaced face must be 14-point or larger, or as the Court may otherwise  
21 order. A monospaced face may not contain more than 10½ characters per inch. These  
22 typeface requirements apply to footnoted material. Counsel shall adhere to Local  
23 Rule 5-4.3 with respect to the conversion of all documents to PDF format so that  
24 when a document is electronically filed, it is in proper size and is text-searchable.  
25 Further, all documents shall be filed in a format so that text can be selected, copied,  
26 and pasted directly from the document. *See* Local Rule 5-4.3.1.

27 d. Documents with Declarations, Exhibits, and Other Attachments: If  
28 a filed or lodged document has declarations, exhibits, or other attachments, each of

1 these must be filed as a separately docketed attachment to the main docket entry with  
2 a description of the attachment (e.g., Dkt. 29-1 Smith Declaration).

3 e. Citations to Case Law: Citations to case law must identify not  
4 only the case cited, but the specific page referenced. Citations to cases must be in  
5 Bluebook format. Counsel may omit parallel citations. For unreported cases, the  
6 Court prefers Westlaw citations.

7 f. Citations to Other Sources: Statutory references should identify  
8 with specificity the sections and subsections referenced (e.g., Jurisdiction over this  
9 cause of action may appropriately be found in 47 U.S.C. § 33, which grants the district  
10 court jurisdiction over all offenses of the Submarine Cable Act, whether the infraction  
11 occurred within the territorial waters of the United States or on board a vessel of the  
12 United States outside said waters). Statutory references that do not specifically  
13 indicate the appropriate section and subsection (e.g., Plaintiffs allege conduct in  
14 violation of the Federal Electronic Communication Privacy Act, 18 U.S.C. §§ 2511, et  
15 seq.) are to be avoided. Citations to treatises, manuals, and other materials should  
16 include the volume, section, and pages being referenced.

17 g. Oral Argument: The Court strongly prefers in-person appearances.  
18 Requests for a remote appearance will only be considered upon a written application  
19 filed at least seven (7) days before the hearing and supported by an appropriate  
20 declaration establishing good cause.

21 If the Court deems a matter appropriate for decision without oral  
22 argument, the Court will notify the parties in advance.

23 The Court encourages parties to permit less experienced lawyers,  
24 including lawyers from historically under-represented groups, to actively participate in  
25 the proceedings by presenting argument at motion hearings or examining witnesses at  
26 trial. The Court is more likely to hear oral argument if any party files a notice at least  
27 seven (7) days before a scheduled hearing stating that junior counsel, including  
28 lawyers from historically under-represented groups, will conduct the argument, or

1 most of it.

2 **7. Specific Motion Requirements**

3 a. Motions Pursuant to Rule 12: Many motions to dismiss or to strike  
4 can be avoided if the parties confer in good faith (as required under Local Rule 7-3),  
5 especially for perceived defects in a complaint, answer, or counterclaim that could be  
6 corrected by amendment. *See Chang v. Chen*, 80 F.3d 1293, 1296 (9th Cir. 1996)  
7 (where a motion to dismiss is granted, a district court should provide leave to amend  
8 unless it is clear that the complaint could not be saved by any amendment).

9 Moreover, a party has the right to amend the complaint once as a matter of course  
10 within twenty-one (21) days of serving it or “if the pleading is one to which a  
11 responsive pleading is required, 21 days after service of a responsive pleading or 21  
12 days after service of a motion under Rule 12(b), (e), or (f), whichever is greater.” Fed.  
13 R. Civ. P. 15(a)(1). Even after a complaint has been amended or the time for  
14 amending it as a matter of course has run, the Federal Rules provide that leave to  
15 amend should be “freely given when justice so requires.” Fed. R. Civ. P. 15(a)(2).  
16 The Ninth Circuit requires that this policy favoring amendment be applied with  
17 “extreme liberality.” *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079  
18 (9th Cir. 1990). These principles require that plaintiff’s counsel carefully evaluate  
19 defendant’s contentions as to the deficiencies in the complaint. In most instances the  
20 moving party should agree to any amendment that would cure the defect.

21 b. Motions to Amend: In addition to the requirements of Local Rule  
22 15-1, all motions to amend pleadings shall: (1) state the effect of the amendment; (2)  
23 be serially numbered to differentiate the amendment from previous amendments; (3)  
24 state the page and line number(s) and wording of any proposed change or addition of  
25 material; and (4) include as an attachment a “redlined” version of the proposed  
26 amended pleading indicating all additions and deletions of material.

27 c. Summary Judgment Motions: Parties need not wait until the  
28 motion cutoff to bring motions for summary judgment or partial summary judgment.

1 Moreover, the court expects that the party moving for summary judgment will strictly  
2 observe the timing requirements of the Local Rules and this Standing Order. A  
3 motion under Rule 56 must be filed at least forty-nine (49) days prior to the date on  
4 which the motion is noticed for hearing. The opposition is due not later than twenty-  
5 one (21) days before the date designated for the hearing of the motion, and the reply  
6 not later than fourteen (14) days before the date designated for the hearing of the  
7 motion. Because summary judgment motions are fact-dependent, parties should  
8 prepare papers in a fashion that will assist the court in absorbing the mass of facts  
9 (e.g., generous use of tabs, tables of contents, headings, indices). The parties are to  
10 comply precisely with Local Rule 56-1 through 56-4. No party may file more than  
11 one motion pursuant to Fed. R. Civ. P. 56, regardless of whether such motion is  
12 denominated as a motion for summary judgment or summary adjudication, without  
13 leave from the Court.

14 i. Statement of Undisputed Facts and Statement of Genuine Issues:

15 The separate statement of undisputed facts shall be prepared in a two-column format.  
16 The left-hand column sets forth the allegedly undisputed fact. The right-hand column  
17 sets forth the evidence that supports the factual statement. The factual statements  
18 should be set forth in sequentially numbered paragraphs. Each paragraph should  
19 contain a narrowly focused statement of fact. Each numbered paragraph should  
20 address a single subject as concisely as possible.

21 The opposing party's statement of genuine issues must be in two columns  
22 and track the movant's separate statement exactly as prepared. The left-hand column  
23 must restate the allegedly undisputed fact, and the right-hand column must state either  
24 that it is undisputed or disputed. The opposing party may dispute all or only a portion  
25 of the statement, but if disputing only a portion, it must clearly indicate which part is  
26 being disputed, followed by the opposing party's evidence controverting the fact. The  
27 court will not wade through a document to determine whether a fact really is in  
28 dispute. To demonstrate that a fact is disputed, the opposing party must briefly state

1 why it disputes the moving party's asserted fact, cite to the relevant exhibit or other  
2 piece of evidence, and describe what it is in that exhibit or evidence that refutes the  
3 asserted fact. No legal argument should be set forth in this document.

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

9 ii. Supporting Evidence: No party shall submit evidence other than  
10 the specific items of evidence or testimony necessary to support or controvert a  
11 proposed statement of undisputed fact. For example, entire deposition transcripts,  
12 entire sets of interrogatory responses, and documents that do not specifically support  
13 or controvert material in the separate statement shall not be submitted in support of  
14 opposition to a motion for summary judgment. The court will not consider such  
15 material. Evidence submitted in support of or in opposition to a motion should be  
16 submitted either by way of stipulation or as exhibits to declarations sufficient to  
17 authenticate the proffered evidence, and should not be attached to the memorandum of  
18 points and authorities. The court will accept counsel's authentication of deposition  
19 transcripts, written discovery responses and the receipt of documents in discovery if  
20 the fact that the document was in the opponent's possession is of independent  
21 significance. Documentary evidence as to which there is no stipulation regarding  
22 foundation must be accompanied by the testimony, either by declaration or properly  
23 authenticated deposition transcript, of a witness who can establish authenticity.

24 iii. Objections to Evidence: If a party disputes a fact based in whole  
25 or in part on an evidentiary objection, the ground of the objection, as indicated above,  
26 should be stated in a separate statement but not argued in that document.

27 **8. Proposed Orders**. Each party filing or opposing a motion or seeking the  
28 determination of any matter shall serve, and electronically lodge, a proposed order

1 setting forth the relief or action sought and a brief statement of the rationale for the  
2 decision with appropriate citations. Proposed Orders must be on pleading paper and  
3 must not include attorney information on the caption page, should not contain a footer  
4 with the document name or other information, and should not contain a watermark or  
5 designation of the firm name in the margin. In addition, a copy of the proposed order  
6 in Word format shall be emailed directly to the Court's chambers email address at  
7 MWC\_Chambers@cacd.uscourts.gov on the date the document is electronically filed.  
8 If the proposed order is based on a stipulation or an ex parte application, counsel must  
9 email both the order and the stipulation or ex parte application. Otherwise,  
10 accompanying documents (such as motions) should *not* be emailed to chambers.

11 **9. Chambers Copies.** Please do *not* provide chambers/courtesy copies. In  
12 the rare instance in which the Court would like chambers copies for a particular  
13 situation, the Court will issue an order requesting them.

14 **10. Telephonic Hearings.** The Court does not permit appearances or  
15 arguments by way of telephone conference calls.

16 **11. Ex Parte Applications.** The Court considers ex parte applications on the  
17 papers and does not usually set these matters for hearing. If a hearing is necessary, the  
18 parties will be notified. Ex parte applications are solely for extraordinary relief, are  
19 rarely granted, and should be used with discretion. Sanctions may be imposed for  
20 misuse of ex parte applications. *See Mission Power Engineering Co. v. Continental*  
21 *Casualty Co.*, 883 F. Supp. 488 (C.D. Cal. 1995). Ex parte applications that fail to  
22 conform to Local Rule 7-19 will not be considered, except on a specific showing of  
23 good cause.

24 Counsel for the applicant must provide advance notice of the application by  
25 telephone and email to all other parties. In addition to the information required by  
26 Local Rule 7-19.1, the notice must advise the other parties of the anticipated deadline  
27 to oppose the application. The applicant must serve the application by facsimile,  
28 email, or personal service, even if electronic service is effected under Local Rule 5-

1 3.2.1. Oppositions to ex parte applications must be filed within 24 hours of the filing  
2 of the application, subject to Rule 6(a)(2). If an opposing party does not intend to  
3 oppose the ex parte application, counsel must inform the Courtroom Deputy Clerk by  
4 email as soon as possible.

5 **12. TROs and Injunctions.** Parties seeking emergency or provisional relief  
6 shall comply with Fed. R. Civ. P. 65 and Local Rule 65. The Court will not rule on  
7 any application for such relief for at least twenty-four hours after the party subject to  
8 the requested order has been served, unless service is excused. Such party may file  
9 opposing or responding papers in the interim.

10 **13. Continuances.** This Court has a strong interest in keeping scheduled  
11 dates certain. Changes in dates are disfavored. Trial dates set by the Court are firm  
12 and will rarely be changed. Therefore, a stipulation to continue the date of any matter  
13 before this Court *must* be supported by a sufficient basis that demonstrates good cause  
14 why the change in the date is essential. Without such compelling factual support,  
15 stipulations continuing dates set by this Court will not be approved. Counsel  
16 requesting a continuance must lodge a proposed stipulation and order including a  
17 *detailed* declaration of the grounds for the requested continuance or extension of time.  
18 The requesting party must also set forth: whether there have been prior requests for  
19 extension, whether these requests were granted by the Court, a description of the  
20 diligence of the party seeking the continuance, and any prejudice that may result if the  
21 continuance is denied. Failure to comply with the Local Rules and this Order will  
22 result in rejection of the request without further notice to the parties. Proposed  
23 stipulations extending scheduling dates do not become effective unless and until this  
24 Court so orders. Counsel wishing to know whether a stipulation has been signed shall  
25 comply with the applicable Local Rule.

26 **14. Communications with Chambers.** Counsel shall not attempt to contact  
27 the Court or its staff by telephone or by any other ex parte means unless contact has  
28 been first initiated by chambers staff. Counsel must not contact the Courtroom

1 Deputy Clerk regarding the status of any matter before the Court. Counsel may  
2 contact the Courtroom Deputy Clerk with *appropriate* inquiries only. The preferred  
3 method of communication with the Courtroom Deputy Clerk is email. To facilitate  
4 communication with the Courtroom Deputy Clerk, counsel should list their email  
5 addresses along with their telephone numbers on all papers.

6 **15. Order Setting Scheduling Conference.** Pursuant to Fed. R. Civ. P.  
7 16(b), the Court will issue an Order setting a Scheduling Conference as required by  
8 Fed. R. Civ. P. 26 and the Local Rules of this Court. Strict compliance with Fed. R.  
9 Civ. P. 16 and 26 is required.

10 **16. Alternative Dispute Resolution (ADR).** This Court participates in the  
11 Court-Directed ADR Program. If counsel have received a Notice to Parties of Court-  
12 Directed ADR Program (ADR-08), the case will be presumptively referred to the  
13 Court Mediation Panel or to private mediation at the time of the initial scheduling  
14 conference. *See* General Order 11-10, § 5.1. Counsel should include their shared or  
15 separate views regarding a preference for the Court Mediation Panel or private  
16 mediation, and when the mediation should occur, in the written report required by  
17 Fed. R. Civ. P. 26(f) and Local Rule 26-1. This Court generally does not refer  
18 settlement conferences to magistrate judges. For information about the Court's ADR  
19 Program, the Mediation Panel, and mediator profiles, visit the "ADR" page of the  
20 Court website.

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

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5 Dated:

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7 HON. MICHELLE WILLIAMS COURT  
8 UNITED STATES DISTRICT JUDGE  
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