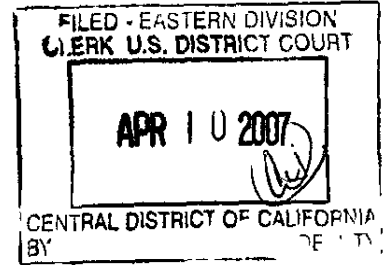


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

| | | |
|-----------------------------|---|--------------------------------|
| DENNIS LEE TOWNSEND and |) | Case No. EDCV 07-398-VAP (OPx) |
| GLENN TOWNSEND, etc., |) | |
| |) | STANDING ORDER |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| MENU FOODS LIMITED; et al., |) | |
| |) | |
| Defendant. |) | |
| |) | |

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

This action has been assigned to the calendar of Judge Virginia A. Phillips.

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 become familiar with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.*

1 The Court further orders as follows:

2

3 **1. Service of the Complaint.** The Plaintiff shall promptly
4 serve the Complaint in accordance with Fed. R. Civ. P. 4 and file
5 the proofs of service pursuant to Local Rule 5-3.

6

7 **2. Proposed Orders.** Each party filing or opposing a motion
8 or seeking the determination of any matter shall serve and file a
9 proposed order which sets forth the relief or action sought and a
10 brief statement of the rationale for the decision, including
11 citation of authorities, that the party requests the Court to
12 adopt.

13

14 **3. Presence of Lead Counsel.** All lead trial counsel must
15 attend any scheduling and pretrial conferences set by the Court.
16 Failure of lead trial counsel to appear for those proceedings is a
17 basis for sanctions.

18

19 **4. Motions.** Motions shall be filed and set for hearing in
20 accordance with Local Rule 6-1. Motions will be heard on Mondays
21 commencing at 10:00 a.m. If Monday is a national holiday, this
22 Court does not hear motions on the succeeding Tuesday. Any motion
23 noticed for a holiday shall automatically be set to the next Monday
24 without further notice to the parties. Any opposition or reply
25 papers due on a holiday are due the preceding Friday, not the
26 following Tuesday. Memoranda of Points and Authorities in support
27 of or in opposition to motions shall not exceed 25 pages. Replies
28 shall not exceed 12 pages. Only in rare instances, and for good

1 cause shown, will the Court agree to extend these page limitations.
2 When citing to legal databases, wherever possible cite to Westlaw
3 rather than Lexis.

4 Unless clearly justified under the circumstances of the case,
5 "motions to dismiss or in the alternative for summary adjudication"
6 are discouraged. These composite motions tend to blur the
7 legitimate distinction[s] between the two motions, which have
8 different purposes. Frequently, the composite motions introduce
9 evidence that is extrinsic to the pleadings. On the one hand, such
10 evidence is improper for consideration in a Fed. R. Civ. P.
11 12(b)(6) motion, while on the other hand, treatment of the motion
12 as a Rule 56 motion frequently results in reasonable invocation of
13 Rule 56(f) by the non-moving party.

14 Moreover, Rule 12(b)(6) motions are discouraged unless counsel
15 has a good faith belief that such motion will likely result in
16 dismissal, without leave to amend, of all or at least some of the
17 claims under applicable law.

18 **Motions for Summary Judgment or Partial Summary Judgment:** No
19 party may file more than one motion pursuant to Fed. R. Civ. P. 56
20 regardless of whether such motion is denominated as a motion for
21 summary judgment or summary adjudication. Parties offering
22 evidence in support of, or in opposition to, a Rule 56 motion must
23 cite to specific page and line numbers in depositions and paragraph
24 numbers in affidavits. Furthermore, such evidence must be
25 authenticated properly. The Court directs the parties to become
26 familiar with Orr v. Bank of America, NT & SA, 285 F.3d 764 (9th
27 Cir. 2002).

28

1 **Withdrawal or Non-Opposition of Motions:** In the event
2 that the parties are able to resolve a pending motion, they must
3 *notify the Court* approximately one week before the hearing date.
4 Sanctions may issue for failure to comply with this requirement, or
5 the broader requirement in Local Rule 7-16 that any party who
6 intends either to withdraw a motion, to not oppose a motion, or to
7 seek a continuance of the hearing date for a motion, must notify
8 the court by noon on the Tuesday preceding the hearing date.
9

10 **5. Discovery.** All discovery matters have been referred to a
11 United States Magistrate Judge (see initial designation following
12 the case number) to hear all discovery disputes. The words
13 "DISCOVERY MATTER" shall appear in the caption of all documents
14 relating to discovery to insure proper routing. Counsel are
15 directed to contact the Magistrate Judge Courtroom Deputy Clerk for
16 the assigned Magistrate Judge to schedule matters for hearing.

17 The decision of the Magistrate Judge shall be final, subject
18 to modification by the District Court only where it has been shown
19 that the Magistrate Judge's order is clearly erroneous or contrary
20 to law.

21 Any party may file and serve a motion for review and
22 reconsideration before this court. The party seeking review must
23 do so within ten (10) days of service upon the party of a written
24 ruling or within ten (10) days of an oral ruling that the
25 Magistrate Judge states will not be followed by a written ruling.
26 The motion must specify which portions of the text are clearly
27 erroneous or contrary to law and the claim must be supported by
28 points and authorities. A copy of the moving papers and responses

1 shall be delivered to the Magistrate Judge's clerk for review upon
2 the filing of the required documents.

3
4 **6. Ex Parte Applications.** Ex parte applications are
5 considered on the papers and are not usually set for hearing.
6 Counsel are advised that this Court allows ex parte applications
7 solely for extraordinary relief -- sanctions may be imposed for
8 misuse of ex parte applications. See In re Intermagnetics America,
9 Inc., 101 B.R. 191 (Bankr. C.D. Cal. 1989). Counsel also should
10 become familiar with Mission Power Engineering Co. v. Continental
11 Casualty Co., 883 F. Supp. 488 (C.D. Cal. 1995), regarding ex parte
12 applications.

13 Counsel's attention is directed to Local Rule 7-19. The
14 moving party shall serve the opposing party by facsimile
15 transmission and shall notify the opposition that opposing papers
16 must be filed not later than twenty-four hours following such
17 facsimile service. The moving party's declaration in support of an
18 ex parte application shall show compliance with Local Rule 7-19 and
19 this Order, failing which the application shall be DENIED. If
20 counsel does not intend to oppose an ex parte application, they
21 must so inform the Courtroom Deputy Clerk, Rachel Ingram, (951)
22 328-4461. As with all motion papers, counsel must deliver a
23 conformed courtesy copy of the papers to the "Courtesy Box",
24 located outside of Courtroom 2 on the 2nd floor at United States
25 District Court, 3470 Twelfth Street, Riverside, California 92501.
26 Counsel will be notified by the Courtroom Deputy Clerk of the
27 Court's ruling or of a hearing time and date should the Court
28 determine that a hearing is necessary.

1 **7. Stipulations.** Counsel requesting a continuance must
2 submit a stipulation, with a detailed declaration of the basis for
3 the requested continuance or extension of time, and a proposed
4 order. Continuances will be granted only upon a showing of good
5 cause, focusing on the diligence of the party seeking the
6 continuance and any prejudice that may result if the continuance is
7 denied. Any continuances that are requested without an
8 accompanying declaration will be rejected without notice to the
9 parties. The Court sets **firm** trial dates and will not change them
10 without a showing of good cause.

11
12 **8. Removed Actions.** Any answers filed in state court must
13 be re-filed in this Court (separately) as a supplement to the
14 petition. Any pending motions must be re-noticed in accordance
15 with Local Rule 6-1.

16
17 **9. Communications with Chambers.** Counsel shall not attempt
18 to contact the Court or its staff by telephone or by any other ex
19 parte means, although counsel may contact the Courtroom Deputy
20 Clerk with appropriate inquiries. Counsel must list their
21 facsimile transmission numbers along with their telephone numbers
22 on their papers.

23
24 **10. Notice of this Order.** Counsel for plaintiff, or
25 plaintiff, if appearing on his or her own behalf, shall immediately
26 serve this Order on all parties, including any new parties to the
27 action. If this case came to the Court by noticed removal, the
28 removing defendant shall serve this Order on all other parties.

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11. Courtesy Copies. Counsel shall provide conformed courtesy copies of all motions, responses, and replies in motion matters to the "Courtesy Box", located outside of Courtroom 2 on the 2nd floor at United States District Court, 3470 Twelfth Street, Riverside, California 92501.

12. Internet Site. Counsel are encouraged to review the Central District's website for additional information. The address is "<http://www.cacd.uscourts.gov>".

Dated: 4-10-07

Virginia A. Phillips

VIRGINIA A. PHILLIPS
United States District Judge

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

Los Angeles Daily Journal
915 East 1st Street
Los Angeles, California 90012

West Publishing Company
610 Opperman Drive
Post Office Box 64526
St. Paul, Minnesota 55164-0526

Metropolitan News
210 South Spring Street
Los Angeles, California 90012