



1           **C. CIVIL DISCOVERY**

2           **5. Evidence Preservation.** After a party has notice of this order, it shall take the steps needed to  
3 preserve information relevant to the issues in this action, including suspending any document destruction  
4 programs (including destruction programs for electronically-maintained material).

5           **6. Production of Documents In Original Form.** When searching for documents and material  
6 under Federal Rule of Civil Procedure 26(a)(1) or after a Federal Rule of Civil Procedure 34(a) request,  
7 parties (a) should search all locations – electronic and otherwise – where responsive materials might  
8 plausibly exist, and (b) to the maximum extent feasible, produce or make available for copying and/or  
9 inspection the materials in their original form, sequence, and organization (including, for example, file  
10 folders).

11           **7. Privilege Logs.** If a party withholds material as privileged, *see* Fed. R. Civ. P. 26(b)(5) and  
12 45(d)(2)(A), it must produce a privilege log as quickly as possible, but no later than fourteen days after  
13 its disclosures or discovery responses are due, unless the parties stipulate to or the Court sets another  
14 date. Privilege logs must contain the following: (a) the subject matter or general nature of the document  
15 (without disclosing its contents); (b) the identity and position of its author; (c) the date it was  
16 communicated; (d) the identity and position of all addressees and recipients of the communication;  
17 (e) the document’s present location; (f) the specific privilege and a brief summary of any supporting  
18 facts; and (g) the steps taken to ensure the confidentiality of the communication, including an  
19 affirmation that no unauthorized persons received the communication.

20           **8. Expedited Procedures for Discovery Disputes.** The parties shall not file formal discovery  
21 motions. Instead, and as required by the federal rules and local rules, the parties shall meet and confer  
22 to try to resolve their disagreements. *See* Fed. R. Civ. P. 37(a)(1); Civil L. R. 37-1. After attempting  
23 other means of conferring such as letters, phone calls, or emails, lead counsel for the parties must meet  
24 and confer **in person**. (If counsel are located outside of the Bay Area and cannot confer in person, lead  
25 counsel may meet and confer by telephone.) Either party may demand such a meeting with ten days'  
26 notice. If the parties cannot agree on the location, the location for meetings shall alternate. Plaintiff's  
27 counsel shall select the first location, defense counsel shall select the second location, and so forth. If  
28 the parties do not resolve their disagreements through this procedure, the parties shall file a joint letter

1 **of no more than five pages** instead of a formal motion five days after lead counsels' in-person meet-  
2 and-confer. Lead counsel for both parties must sign the letter and attest that they met and conferred in  
3 person. The joint letter shall set out each issue in a separate section and include in that section each  
4 parties' position (with appropriate legal authority) and proposed compromise. (This process allows a  
5 side-by-side analysis of each disputed issue.) If the disagreement concerns specific discovery that a  
6 party has propounded, such as interrogatories, requests for production of documents, or answers or  
7 objections to such discovery, the parties shall reproduce the question/request and the response in its  
8 entirety in the letter. The Court then will review the letter and determine whether future proceedings  
9 are necessary. In emergencies during discovery events such as depositions, the parties may contact the  
10 Court pursuant to Civil Local Rule 37-1(b).

11 **D. CONSENT CASES**

12 9. In cases that are randomly assigned to Judge Beeler for all purposes, the parties should file their  
13 written consent to the assignment of a United States Magistrate Judge for all purposes, or their written  
14 declination of consent, as soon as possible. If a party files a dispositive motion (such as a motion to  
15 dismiss or a motion for remand), the moving party must file the consent or declination simultaneously  
16 with the motion. Similarly, the party opposing the motion must file the consent or declination  
17 simultaneously with the opposition.

18 **E. SUMMARY JUDGMENT MOTIONS**

19 Motions for summary judgment shall be accompanied by a joint statement of the material facts that  
20 the parties agree are not in dispute. The joint statement shall include – for each undisputed fact –  
21 citations to admissible evidence. The parties shall comply with the procedures set forth in Civil Local  
22 Rule 56-1(b). The parties may not file – and the Court will not consider – separate statements of  
23 undisputed facts. Failure to stipulate to an undisputed fact without a reasonable basis for doing so may  
24 result in sanctions. *See* Civil L. R. 56-1(b).

25 IT IS SO ORDERED.



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27 LAUREL BEELER  
28 United States Magistrate Judge