

**Magistrate Judge Maria-Elena James
Courtroom B, 15th Floor**

Brenda Tolbert, Courtroom Deputy
(415) 522-4708

**STANDING ORDER
Discovery & Dispute Procedures**

This standing order informs all parties of the procedures for cases assigned to Magistrate Judge Maria-Elena James for trial or referred for purposes of discovery. All parties and counsel are required to follow these procedures. Failure to abide by this Standing Order may result in the imposition of sanctions pursuant to Federal Rule 16(f) and Civil Local Rule 37-3.

1. 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 Web site - 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.
2. No motions to compel shall be considered. Instead, the parties must meet and confer in person for the purpose of resolving all disputes. If unable to resolve any disputes through this procedure, the parties shall draft and file a jointly-signed letter that contains the following:
 - (a) A cover page with the case caption and an attestation that the parties met and conferred in person prior to filing the letter;
 - (b) A section which sets forth the unresolved dispute and any pertinent factual background;
 - (d) Each party's position, including appropriate legal authority; and
 - (e) The signature of both parties (or counsel, as appropriate).

The joint letter shall be limited to five pages (excluding the cover page with the case caption and meet and confer attestation) and may not be accompanied by exhibits or affidavits other than exact copies of interrogatories, requests for production of documents and/or responses, privilege logs, and relevant deposition testimony. The parties need not state all disputes in one letter; rather, it is preferable that the parties file a separate letter for each dispute.

3. In the event that the parties are unable to meet and confer as directed above, or a moving party is unable to obtain the opposing party's portion of a joint letter after the meet and confer session, the moving party shall file a written request for a telephonic conference for the purpose of enforcing the Court's meet and confer requirement, or for the Court to fashion an alternative procedure. The written request shall include a declaration which

states any attempt to meet and confer and/or obtain the joint letter, the reasons for the inability to comply with the standing order, and (if possible) three dates and times at which all parties are available for a telephonic conference. The moving party may attach exhibits to the declaration, but the declaration and exhibits combined may not exceed seven pages. The Court will not excuse a party from the requisite in-person meeting unless good cause is shown.

4. In the event that the parties are participating in a deposition or a site inspection and a dispute arises, the parties may contact the courtroom deputy, Brenda Tolbert, to inquire whether Magistrate Judge James is available to address the dispute telephonically. In the event that Judge James is unavailable or the parties are unable to contact her courtroom deputy, the parties shall follow the procedures for requesting a telephonic conference as set forth in paragraph 3 above. In such a case, the deposition or site inspection shall proceed with objections noted for the record.
5. No motion for sanctions may be filed until after the moving party has complied with the requirements of paragraphs 2 and 3 above. Motions for sanctions shall be filed separately, pursuant to Federal Rule 37 and Civil Local Rules 7 and 37-3.
6. The parties shall comply with Civil Local Rule 6 regarding any requests to change time.
7. Pursuant to Civil Local Rule 11-4(c), with the exception of communication with the courtroom deputy regarding scheduling, no party may contact the Court *ex parte* without prior notice to the opposing party. All communications or questions to the Court shall be presented in writing, properly filed, and include a certification that all parties were served a copy of the written communication.
8. In all “E-Filing” cases, in addition to filing papers electronically, the parties shall lodge with chambers a printed copy of the papers by noon of the next court day after filing. These printed copies shall be marked “Chambers Copy” and shall be submitted to the Clerk’s Office in an envelope marked with “Magistrate Judge Maria-Elena James - Chambers Copy” and the case name and number.

IT IS SO ORDERED.

Dated: September 23, 2010



MARIA-ELENA JAMES
United States Magistrate Judge