

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

JAMES T. JARZAB, et al.,

No. C 11-06671 LB

Plaintiffs,

**ORDER APPROVING DISCOVERY
PLAN AND SCHEDULE**

v.

KM ENTERPRISES, INC., et al.,

Defendants.

The court approves the parties' schedule in ECF No. 142. There are two issues.

First, the court previously proposed the filing of cross-motions for summary judgment sequentially. The parties said they did not want to do this because it would cut into their page limits. If the parties elect that process (for example, to queue up legal issues earlier), the court will not reduce the page limits. That will result in the following page limits: Opening Motion for Summary Judgment (25); Opposition and Cross-Motion for Summary Judgment (25 and 25 for a total of 50); Reply and Opposition to Summary Judgment Motion (15 and 25 for a total of 40); and Reply (15). The parties must confer by telephone about this on Friday, April 4, 2014 and submit any revised schedule by Monday, April 7, 2014.

Second, the court has changed its standing order about how to file joint statements of undisputed fact. The new standing order is attached and provides for the following process:

Motions for summary judgment must be accompanied by a joint statement of the material facts that the parties agree are not in dispute. The parties' briefs must cite to that joint statement,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

which must be filed simultaneously with the opening brief. The joint statement must include – for each undisputed fact – citations to admissible evidence. The parties must comply with the procedures set forth in Civil Local Rule 56-2(b). The parties may not file – and the Court will not consider – separate statements of undisputed facts. Failure to stipulate to an undisputed fact without a reasonable basis for doing so may result in sanctions. *See* Civil L. R. 56-2(b). If the parties cannot work out a reasonable process for drafting the joint statement, they must use the following process: (1) four weeks before the filing date, the moving party proposes its undisputed facts, and (2) one week later, the responding party replies and the parties meet and confer about any disagreements. If the parties have any problems, they must schedule a telephone conference call with the court at least one week before the motion is filed. For oppositions, a responding party must identify and propose any additional undisputed facts to the moving party within seven days. The moving party must respond within two business days.

The parties must comply with this new process.

IT IS SO ORDERED.

Dated: March 27, 2014



LAUREL BEELER
United States Magistrate Judge