



1 preserve information relevant to the issues in this action, including suspending any document destruction  
2 programs (including destruction programs for electronically-maintained material).

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

8 5. **Privilege Logs.** If a party withholds material as privileged, *see* Fed. R. Civ. P. 26(b)(5) and  
9 45(d)(2)(A), it must produce a privilege log as quickly as possible, but no later than fourteen days after  
10 its disclosures or discovery responses are due unless the parties stipulate to, or the Court sets, another  
11 date. Privilege logs must contain the following: (a) the subject matter or general nature of the document  
12 (without disclosing its contents); (b) the identity and position of its author; (c) the date it was  
13 communicated; (d) the identity and position of all addressees and recipients of the communication;  
14 (e) the document’s present location; (f) the specific privilege and a brief summary of any supporting  
15 facts; and (g) the steps taken to ensure the confidentiality of the communication, including an  
16 affirmation that no unauthorized persons received the communication.

17 6. **Expedited Procedures for Discovery Disputes.** The parties may not file formal discovery  
18 motions. Instead, and as required by the federal rules and local rules, the parties must meet and confer  
19 to try to resolve their disagreements. *See* Fed. R. Civ. P. 37(a)(1); Civil L. R. 37-1. After attempting  
20 other means of conferring such as letters, phone calls, or emails, lead counsel for the parties must meet  
21 and confer **in person**. (If counsel are located outside of the Bay Area and cannot confer in person, lead  
22 counsel may meet and confer by telephone.) Either party may demand such a meeting with ten days'  
23 notice. If the parties cannot agree on the location, the location for meetings will alternate. Plaintiff's  
24 counsel will select the first location, defense counsel will select the second location, and so forth. If the  
25 parties do not resolve their disagreements through this procedure, the parties must file a joint letter brief  
26 **of no more than five pages** instead of a formal motion five days after lead counsels' in-person meet-  
27 and-confer. The letter brief must be filed under the Civil Events category of “Motions and Related  
28 Filings > Motions – General > Discovery Letter Brief.” Lead counsel for both parties must sign the

1 letter and attest that they met and conferred in person. The joint letter must set out each issue in a  
2 separate section and include in that section each parties' position (with appropriate legal authority) and  
3 proposed compromise. (This process allows a side-by-side analysis of each disputed issue.) If the  
4 disagreement concerns specific discovery that a party has propounded, such as interrogatories, requests  
5 for production of documents, or answers or objections to such discovery, the parties must reproduce the  
6 question/request and the response in its entirety in the letter. The court then will review the letter and  
7 determine whether future proceedings are necessary. In emergencies during discovery events such as  
8 depositions, the parties may contact the Court pursuant to Civil Local Rule 37-1(b).

9 **D. CONSENT CASES**

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

15 8. The first joint case management conference statement in a case must contain all of the  
16 information in the Northern District's standing order titled "Contents of Joint Case Management  
17 Statement." Subsequent statements for further case management conferences must not repeat  
18 information contained in an earlier statement and instead should report only progress or changes since  
19 the last case management conference and any new recommendations for case management.

20 **E. SUMMARY JUDGMENT MOTIONS**

21 9. Motions for summary judgment must be accompanied by a joint statement of the material facts  
22 that the parties agree are not in dispute. The parties' briefs must cite to that joint statement, which must  
23 be filed simultaneously with the opening brief. The joint statement must include – for each undisputed  
24 fact – citations to admissible evidence. The parties must comply with the procedures set forth in Civil  
25 Local Rule 56-2(b). The parties may not file – and the Court will not consider – separate statements of  
26 undisputed facts. Failure to stipulate to an undisputed fact without a reasonable basis for doing so may  
27 result in sanctions. *See* Civil L. R. 56-2(b). If the parties cannot work out a reasonable process for  
28 drafting the joint statement, they must use the following process: (1) four weeks before the filing date,

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

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.

**IT IS SO ORDERED.**



---

LAUREL BEELER  
United States Magistrate Judge