

**CIVIL STANDING ORDER FOR
U.S. MAGISTRATE JUDGE NATHANAEL COUSINS**

(Effective July 5, 2011)

Parties shall comply with the procedures in the Federal Rules of Civil and Criminal Procedure, the Northern District of California's Local Rules and General Orders, and this standing order, all of which are available at <http://www.cand.uscourts.gov>. Failure to comply with any of the rules or orders may be grounds for monetary sanctions, dismissal, entry of judgment, or other appropriate sanctions.

SCHEDULING

- Civil motions are heard Wednesday at 9:00 a.m.
- Civil case management conferences are held Wednesday at 10:00 a.m.
- Civil pretrial conferences are held Wednesday at 2:00 p.m.
- Parties need not reserve a hearing date, but should confirm the Court's availability at <http://www.cand.uscourts.gov>.
- For scheduling questions not addressed here, please call Judge Cousins' courtroom deputy, Lili Harrell, at 415.522.2039.

CONSENT CASES

- In civil cases that are assigned to Judge Cousins for all purposes, the parties should file their consent to the assignment of a United States Magistrate Judge for all purposes, or their written declination of consent, as soon as possible. In no event shall the consent or declination be filed later than the deadlines specified in Civil Local Rules 73-1(a)(1) and (2).

CHAMBERS' COPY AND PROPOSED ORDERS

- Under Civil Local Rule 5-1(b) parties must lodge an extra paper copy of any filing and mark it as a copy for "Chambers." Parties do not need to submit paper copies for stipulations, pro hac vice applications, and similar non-motion filings.
- Any stipulation or proposed order in a case subject to e-filing should, in addition to being e-filed, be submitted by email to NCpo@cand.uscourts.gov as a WordPerfect attachment on the same day the document is e-filed.

CIVIL CASE MANAGEMENT

- No later than seven days before the initial case management conference, the parties shall file a Joint Case Management Statement in compliance with the Northern District of California's general standing order for civil cases entitled "Contents of Joint Case Management Statement."
- All case management, status, and pretrial conferences are audio recorded. They are not reported by a court reporter unless counsel requests a court reporter in advance.

CIVIL DISCOVERY

- Discovery disputes in cases referred by a district court judge to Judge Cousins must follow either procedure no. 1 or procedure no. 2, set forth below, depending on the status of the dispute at the time of the referral by the district court.
- Discovery disputes in cases assigned to Judge Cousins for all purposes must follow procedure no. 2 below.

Discovery Procedure No. 1: Motions noticed for hearing before the district court and subsequently referred to Judge Cousins shall maintain the original district court briefing schedule. Judge Cousins will reschedule a hearing on the motion to a date on Judge Cousins' civil law and motion calendar.

Discovery Procedure No. 2: Discovery disputes that arise after the case has been referred to Judge Cousins, or before a formal motion has been filed before the district court, shall follow the procedure below:

- The parties shall meet and confer in a good faith attempt to resolve their dispute. If the parties are unable to resolve their dispute after a good faith effort, they shall prepare a joint statement of not more than five pages stating the nature and status of the dispute. Issue-by-issue, the joint letter shall describe each unresolved issue, summarize each party's position with appropriate legal authority, and provide each party's final proposed compromise. The statement shall not be accompanied by affidavits or exhibits. The parties are strongly encouraged to submit a joint statement, but in the rare instances when a joint statement is not possible, each side may submit a statement of not more than two pages. The joint statement or individual statements shall be e-filed (unless the case is exempt from e-filing requirements).
- Upon review of the parties' submission[s], the Court will advise the parties of how the Court intends to proceed. The Court may issue a ruling or schedule a telephone conference or in-person conference with the parties, and at such conference may issue rulings, order further briefing, or set further hearing dates.

IT IS SO ORDERED.



Nathanael Cousins
United States Magistrate Judge