

1 better sense (e.g., for spreadsheets, pictures, or exhibits). Parties need not submit chambers copies of
2 the following:

- 3 • Certificates of service.
- 4 • Certificates of interested entities or persons.
- 5 • Consents or declinations to the court’s jurisdiction.
- 6 • Stipulations that do not require a court order (*see* Local Civil Rule 6-1).
- 7 • Notices of appearance or substitution of counsel.

8 **C. CIVIL DISCOVERY**

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

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

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

27 8. **Expedited Procedures for Discovery Disputes.** The parties shall not file formal discovery
28 motions. Instead, and as required by the federal rules and local rules, the parties shall meet and confer

1 to try to resolve their disagreements. *See* Fed. R. Civ. P. 37(a)(1); Civil L. R. 37-1. After attempting
2 other means of conferring such as letters, phone calls, or emails, lead counsel for the parties must meet
3 and confer **in person**. (If counsel are located outside of the Bay Area and cannot confer in person, lead
4 counsel may meet and confer by telephone.) Either party may demand such a meeting with ten days'
5 notice. If the parties cannot agree on the location, the location for meetings shall alternate. Plaintiff's
6 counsel shall select the first location, defense counsel shall select the second location, and so forth. If
7 the parties do not resolve their disagreements through this procedure, the parties shall file a joint letter
8 brief **of no more than five pages** instead of a formal motion five days after lead counsels' in-person
9 meet-and-confer. The letter brief must be filed under the Civil Events category of "Motions and Related
10 Filings > Motions – General > Discovery Letter Brief." Lead counsel for both parties must sign the
11 letter and attest that they met and conferred in person. The joint letter shall set out each issue in a
12 separate section and include in that section each parties' position (with appropriate legal authority) and
13 proposed compromise. (This process allows a side-by-side analysis of each disputed issue.) If the
14 disagreement concerns specific discovery that a party has propounded, such as interrogatories, requests
15 for production of documents, or answers or objections to such discovery, the parties shall reproduce the
16 question/request and the response in its entirety in the letter. The Court then will review the letter and
17 determine whether future proceedings are necessary. In emergencies during discovery events such as
18 depositions, the parties may contact the Court pursuant to Civil Local Rule 37-1(b).

19 **D. CONSENT CASES**

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

26 10. The first joint case management conference statement in a case must contain all of the
27 information in the Northern District's standing order titled "Contents of Joint Case Management
28 Statement." Subsequent statements for further case management conferences should not repeat

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information contained in an earlier statement and instead should report only progress or changes since the last case management conference and any new recommendations for case management.

E. SUMMARY JUDGMENT MOTIONS

11. Motions for summary judgment shall be accompanied by a joint statement of the material facts that the parties agree are not in dispute. The joint statement shall include – for each undisputed fact – citations to admissible evidence. The parties shall 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).

IT IS SO ORDERED.



LAUREL BEELER
United States Magistrate Judge