

**16-3. Lead Trial Counsel Required to Confer**

Unless otherwise ordered, the conferring and planning that is mandated by Fed. R. Civ. P. 26(f) and by ADR Local Rule 3-5 must be done by lead trial counsel for each party.

**16-4. Procedure in Bankruptcy Appeals**

Appeals from the United States Bankruptcy Court to the United States District Court are governed by the Federal Rules of Bankruptcy Procedure and the Bankruptcy Local Rules of this district.

**Cross Reference**

See Fed. R. Bankr. P. 8001 through 8020 and B.L.R. 8001-1 through 8011-1.

**16-5. Procedure in Actions for Review on an Administrative Record**

In actions for District Court review on an administrative record, the defendant must serve and file an answer, together with a certified copy of the transcript of the administrative record, within 90 days of receipt of service of the summons and complaint. Within 28 days of receipt of defendant's answer, plaintiff must file a motion for summary judgment pursuant to Civil L.R. 7-2 and Fed. R. Civ. P. 56. Defendant must serve and file any opposition or counter-motion within 28 days of service of plaintiff's motion. Plaintiff may serve and file a reply within 14 days after service of defendant's opposition or counter-motion. Unless the Court orders otherwise, upon the conclusion of this briefing schedule, the matter will be deemed submitted for decision by the District Court without oral argument.

**16-6. Procedure in U.S. Debt Collection Cases**

These cases shall proceed as follows:

- (a) **Identification.** The first page of the complaint must identify the action by using the words "Debt Collection Case;"
- (b) **Assignment.** Upon filing the complaint, the matter will be assigned to a Magistrate Judge for all pre-trial proceedings; and
- (c) **Collection Proceedings.** If the United States files an application under the Federal Debt Collection Procedures Act, either pre-judgment or post-judgment, such matter will be assigned to a Magistrate Judge.

**16-7. Procedure in Other Exempt Cases**

Unless otherwise provided in these local rules, in categories of cases that are exempted by Fed. R. Civ. P. 26(a)(1)(B) from the initial disclosure requirements of Fed. R. Civ. P. 26(a)(1), promptly after the commencement of the action the assigned judge will schedule a Case Management Conference or issue a case management order without such conference. Discovery shall proceed in such cases only at the time, and to the extent, authorized by the Judge in the case management order.

**16-8. Alternative Dispute Resolution (ADR) in the Northern District**

- (a) **District Policy Regarding ADR.** It is the policy of this Court to assist parties involved in civil litigation to resolve their disputes in a just, timely and cost-effective manner. The Court has created and makes available its own Alternative Dispute Resolution (ADR) programs for which it has promulgated local rules. The Court also encourages civil litigants to consider use of ADR programs operated by private entities. At any time after an action has been filed, the Court on its own initiative or at the request of one or more parties may refer the case to one of the Court's ADR programs, or to a judicially hosted settlement conference.

#### Cross Reference

See ADR L.R. 1-2 “*Purpose and Scope*,” ADR L.R. 2-3 “*Referral to ADR Program*.”  
The Court’s ADR processes and procedures are described on the Court’s ADR Internet site: [cand.uscourts.gov/adr](http://cand.uscourts.gov/adr).

- (b) **ADR Certification.** In cases assigned to the ADR Multi-Option Program, unless otherwise ordered, no later than the date specified in the Order Setting Initial Case Management Conference and ADR Deadlines, counsel and client must sign, serve and file an ADR Certification. The certification must be made on a form established for this purpose by the Court and in conformity with the instructions approved by the Court. Separate Certifications may be filed by each party. If the client is a government or governmental agency, the certificate must be signed by a person who meets the requirements of Civil L.R. 3-9(c). Counsel and client must certify that both have:
- (1) Read the handbook entitled “*Dispute Resolution Procedures in the Northern District of California*” on the ADR Internet site, [cand.uscourts.gov/adr](http://cand.uscourts.gov/adr);
  - (2) Discussed the available dispute resolution options provided by the Court and private entities; and
  - (3) Considered whether their case might benefit from any of the available dispute resolution options.

#### Cross Reference

See ADR L.R. 3-5 “*Selecting an ADR Process*.”

#### Commentary

Certification forms are available on the Court’s ADR Internet site [cand.uscourts.gov/adr](http://cand.uscourts.gov/adr).

Limited printed copies of the handbook entitled “*Dispute Resolution Procedures in the Northern District of California*” are available from the Clerk’s Office for parties in cases not subject to the Court’s Electronic Case Filing program (ECF) under Civil L.R. 5-1(b).

- (c) **Stipulation to ADR Process or Notice of Need for ADR Telephone Conference.** In cases assigned to the ADR Multi-Option Program, unless otherwise ordered, no later than the date specified in the Order Setting Initial Case Management Conference and ADR Deadlines, counsel must file, in addition to the ADR Certification, either a “*Stipulation and (Proposed) Order Selecting ADR Process*” or a “*Notice of Need for ADR Phone Conference*” on a form established by the Court.
- (1) **Stipulation.** If the parties agree to participate in a Court-sponsored non-binding arbitration, ENE or mediation, or in private ADR, they must file a form *Stipulation and Proposed Order* selecting an ADR process.
  - (2) **Notice of Need for ADR Phone Conference.** If the parties are unable to agree on an ADR process, or if the parties believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, they must file a *Notice of Need for ADR Phone Conference*.

#### Cross Reference

See ADR L.R. 3-5 “*Selecting an ADR Process*” and ADR L.R. 3-5(d) “*Selection Through ADR Phone Conference*.”

#### Commentary

Because of the many other duties assigned to Magistrate Judges, the Court refers only a limited number of cases to Magistrate Judges for early settlement conferences. Forms for “*Stipulation to an ADR Process*” and “*Notice of Need for ADR Telephone Conference*” are available on the Court’s ADR Internet site [cand.uscourts.gov/adr](http://cand.uscourts.gov/adr). Limited printed copies are available from the Clerk’s Office for parties in cases not subject to the Court’s