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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC OLIN LEVY

No. C-10-05113-DMR

Plaintiff,

[Member Cases:
No. C-10-05115-DMR
No. C-10-05116-DMR]

v.

STATE OF CALIFORNIA,

**ORDER RESETTING CASE
MANAGEMENT CONFERENCE, AND
STANDING ORDER FOR MAGISTRATE
JUDGE DONNA M. RYU**

Defendant.

INITIAL CASE MANAGEMENT CONFERENCE

TO ALL PARTIES AND COUNSEL OF RECORD:

The above-entitled matter is the lead case, with member cases C-10-05115 (*Levy v. Telecare Corp.*) and C-10-05116 (*Levy v. San Mateo County*) having been related to the lead case and reassigned to the Honorable Donna M. Ryu for trial and all further proceedings.

IT IS HEREBY ORDERED, pursuant to Fed.R.Civ.P. 16 and Civil L.R.16-10, that the Initial Case Management Conference has been **RESCHEDULED in all three cases** (C-10-05113, C-10-05115, and C-10-05116) before the Honorable Donna M. Ryu to **May 11, 2011, at 1:30 p.m.**, in Courtroom 4, 3rd Floor, U.S. District Court, 1301 Clay Street, Oakland, California. Thus, the Case Management Conferences previously scheduled in these three cases to take place in February 2011, are no longer scheduled for February. In addition, the Case Management Statements previously due in February 2011 are now due on the date indicated below.

1 No later than **April 20, 2011**, the parties shall (1) meet and confer regarding Fed.R.Civ.P. 26
2 initial disclosures, early settlement, ADR process selection, and a discovery plan; (2) file an ADR
3 Certification (form available at <http://www.cand.uscourts.gov>) signed by the parties and counsel
4 pursuant to A.D.R. L.R. 3-5(b); and (3) file either a Stipulation to ADR Process or Notice of Need
5 for ADR Phone Conference (form available at <http://www.cand.uscourts.gov>) pursuant to ADR L.R.
6 3-5(b) & (c).

7 No later than **May 4, 2011**, the parties shall file a Joint Case Management Statement in
8 conformance with Judge Ryu's attached Standing Order.

9 Each attorney of record in all "E-Filing" cases is obligated to become an ECF User
10 and be assigned a user ID and password for access to the system upon designation of the action as
11 being subject to ECF. (This requirement does not apply to a *pro se* party.) Registration as an ECF
12 User shall be on a form prescribed by the Clerk. Attorneys of record who fail to register timely shall
13 be subject to such sanctions as may be imposed by the Court.

14 **STANDING ORDER FOR**
15 **MAGISTRATE JUDGE DONNA M. RYU**
16 *(Revised December 2, 2010)*

17 Parties shall comply with the procedures in the Federal Rules of Civil or Criminal Procedure,
18 the Northern District of California's Local Rules, General Orders, General Standing Orders, and this
19 standing order. Local rules, general orders, general standing orders, and a summary of the general
20 orders' electronic filing requirements (including the procedures for emailing proposed orders to
21 chambers) are available at <http://www.cand.uscourts.gov>. The parties' failure to comply with any of
22 the rules or orders may be a ground for monetary sanctions, dismissal, entry of judgment, or other
23 appropriate sanctions.

24 **CALENDAR DATES AND SCHEDULING**

25 1. Criminal motions are heard on the second and fourth Thursdays of the month at 11:00
26 a.m., or during the regular criminal calendar when Judge Ryu is on criminal calendar duty. Civil
27 motions are also heard on the second and fourth Thursdays of the month at 11:00 a.m. Civil case
28 management and status conferences are heard on Wednesdays at 1:30 p.m. Civil pretrial

1 conferences are heard on Wednesdays at 3:00 p.m.

2 2. Parties should notice motions (other than discovery motions) pursuant to the local rules.
3 Parties need not reserve a hearing date, but should confirm the Court’s availability at
4 <http://www.cand.uscourts.gov>. Hearing dates may be reset as the Court’s calendar requires.

5 3. For scheduling questions, please call Judge Ryu’s courtroom deputy, Ivy Garcia, at (510)
6 637-3639.

7 **CONSENT CASES**

8 4. In civil cases that are randomly assigned to Judge Ryu for all purposes, the parties should
9 file their written consent to the assignment of a United States Magistrate Judge for all purposes or
10 their written declination of consent *as soon as possible*, and in no event later than the deadlines
11 specified in Civil L.R. 73-1(a)(1) and (2).

12 **CHAMBERS COPIES AND PROPOSED ORDERS**

13 5. Under Civil L.R. 5-1(b), parties must lodge an extra paper copy of any filing and
14 mark it as a copy for “Chambers.” Please three-hole punch the chambers copy and submit it to the
15 Oakland Clerk’s Office. In a case subject to electronic filing, chambers copies must be submitted by
16 the close of the next court day following the day the papers are filed electronically.

17 6. Any stipulation or proposed order in a case subject to e-filing should be submitted by email to
18 dmrpo@cand.uscourts.gov as a word processing attachment on the same day the document is e-filed.
19 This address should only be used for this stated purpose unless otherwise directed by the Court.

20 **CIVIL CASE MANAGEMENT**

21 7. No later than seven (7) days before the initial case management or status conference, the
22 parties shall file a Joint Case Management Statement in full compliance with the Northern District of
23 California’s general standing order for civil cases entitled “Contents of Joint Case Management
24 Statement,” a copy of which is attached hereto.

25 8. Parties may not stipulate to continue a case management, status, or pretrial conference
26 without Court approval. Each party shall be represented **in person** at the Case Management
27 Conference by lead trial counsel (or a party if *in pro se*), who shall be (1) prepared to address all of
28 the matters referred to in the Northern District of California’s general standing order on Joint Case

1 Management Statements; and (2) have full authority to enter stipulations and make admissions
2 pursuant to that order. Permission for a party to attend by telephone may be granted, in the Court's
3 discretion, upon written request made at least two weeks in advance of the hearing if the Court
4 determines that good cause exists to excuse personal attendance, and that personal attendance is not
5 needed in order to have an effective conference. The facts establishing good cause must be set forth
6 in the request.

7 9. All case management, status and pretrial conferences are audio recorded. They are not
8 reported by a court reporter unless counsel requests a court reporter in advance.

9 CIVIL DISCOVERY

10 Discovery Disputes

11 10. In order to respond to discovery disputes in a flexible, cost-effective and efficient
12 manner, the Court uses the following procedure. The parties shall not file formal discovery motions.
13 Instead, as required by the federal and local rules, the parties shall first meet and confer to try to
14 resolve their disagreements. The meet and confer session must be *in person or by telephone*, and
15 may not be conducted by letter, e-mail, or fax. If disagreements remain, the parties shall file a joint
16 letter no later than five (5) business days after the meet and confer session. **Lead trial counsel for**
17 **both parties must sign the letter**, which shall (a) include an attestation that the parties met and
18 conferred in person or by telephone regarding all issues prior to filing the letter; and (b) going issue-
19 by-issue, describe each unresolved issue, summarize each party's position with appropriate legal
20 authority; and provide each party's final proposed compromise. The joint letter shall not exceed ten
21 (10) pages without leave of Court. In the rare instance that a joint letter is not possible, each side
22 may submit a letter not to exceed four (4) pages, which shall include an explanation of why a joint
23 letter was not possible. The Court will review the submission(s) and determine whether formal
24 briefing or proceedings are necessary.

25 11. In emergencies during discovery events (such as depositions), any party may, after
26 exhausting good faith attempts to resolve disputed issues, seek judicial intervention pursuant to Civil
27 L.R. 37-1(b) by contacting the Court through the courtroom deputy. If the Court is unavailable, the
28 discovery event shall proceed with objections noted for the record.

1 12. In the event that a discovery hearing is ordered, the Court has found that it is often efficient
2 and beneficial for the parties if counsel appear *in person*. This provides the opportunity, where
3 appropriate, to engage counsel in resolving aspects of the discovery dispute while remaining
4 available to rule on any disputes that counsel are not able to resolve. For this reason, the Court
5 expects counsel to appear in person. Permission for a party to attend by telephone may be granted,
6 in the Court's discretion, upon written request made at least two weeks in advance of the hearing if
7 the Court determines that good cause exists to excuse personal attendance, and that personal
8 attendance is not needed in order to have an effective discovery hearing. The facts establishing good
9 cause must be set forth in the request.

10 **Privilege Logs**

11 13. If a party withholds information that is responsive to a discovery request by claiming that
12 it is privileged or otherwise protected from discovery, that party shall *promptly* prepare and provide
13 a privilege log that is sufficiently detailed and informative for the opposing party to assess whether a
14 document's designation as privileged is justified. *See* Fed.R.Civ.P. 26(b)(5). The privilege log shall
15 set forth the privilege relied upon and specify separately for each document or for each category of
16 similarly situated documents: (a) the title and description of the document, including number of
17 pages or Bates-number range; (b) the subject matter addressed in the document; (c) the identity and
18 position of its author(s); (d) the identity and position of all addressees and recipients; (e) the date the
19 document was prepared and, if different, the date(s) on which it was sent to or shared with persons
20 other than its author(s); and (f) the specific basis for the claim that the document is privileged or
21 protected. Failure to furnish this information promptly may be deemed a waiver of the privilege or
22 protection.

23 IT IS SO ORDERED.

24
25 Dated: January 7, 2011

26 
27 _____
28 DONNA M. RYU
United States Magistrate Judge

1 **STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF**
2 **CALIFORNIA**
3 **CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**

4 Commencing March 1, 2007, all judges of the Northern District of California will require the
5 identical information in Joint Case Management Statements filed pursuant to Civil Local Rule
6 16-9. The parties must include the following information in their statement which, except in
7 unusually complex cases, should not exceed ten pages:

8 1. Jurisdiction and Service: The basis for the court’s subject matter jurisdiction over
9 plaintiff’s claims and defendant’s counterclaims, whether any issues exist regarding personal
10 jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be
11 served, a proposed deadline for service.

12 2. Facts: A brief chronology of the facts and a statement of the principal factual
13 issues in dispute.

14 3. Legal Issues: A brief statement, without extended legal argument, of the disputed points
15 of law, including reference to specific statutes and decisions.

16 4. Motions: All prior and pending motions, their current status, and any anticipated motions.

17 5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to
18 be added or dismissed and a proposed deadline for amending the pleadings.

19 6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues reasonably
20 evident in this action, including interdiction of any document-destruction program and any
21 ongoing erasures of e-mails, voice mails, and other electronically-recorded material.

22 7. Disclosures: Whether there has been full and timely compliance with the initial disclosure
23 requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.

24 8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any
25 proposed limitations or modifications of the discovery rules, and a proposed discovery plan
26 pursuant to Fed. R. Civ. P. 26(f).

27 9. Class Actions: If a class action, a proposal for how and when the class will be certified.

28 10. Related Cases: Any related cases or proceedings pending before another judge of this
court, or before another court or administrative body.

- 1 11. Relief: All relief sought through complaint or counterclaim, including the amount of any
2 damages sought and a description of the bases on which damages are calculated. In addition, any
3 party from whom damages are sought must describe the bases on which it contends damages
4 should be calculated if liability is established.
- 5 12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR
6 plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or
7 motions necessary to position the parties to negotiate a resolution.
- 8 13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a
9 magistrate judge conduct all further proceedings including trial and entry of judgment.
- 10 14. Other References: Whether the case is suitable for reference to binding arbitration, a
11 special master, or the Judicial Panel on Multidistrict Litigation.
- 12 15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions
13 to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and
14 any request to bifurcate issues, claims, or defenses.
- 15 16. Expedited Schedule: Whether this is the type of case that can be handled on an expedited
16 basis with streamlined procedures.
- 17 17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of
18 dispositive motions, pretrial conference and trial.
- 19 18. Trial: Whether the case will be tried to a jury or to the court and the expected length of
20 the trial.
- 21 19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the
22 “Certification of Interested Entities or Persons” required by Civil Local Rule 3-16. In addition,
23 each party must restate in the case management statement the contents of its certification by
24 identifying any persons, firms, partnerships, corporations (including parent corporations) or other
25 entities known by the party to have either: (i) a financial interest in the subject matter in
26 controversy or in a party to the proceeding; or (ii) any other kind of interest that could be
27 substantially affected by the outcome of the proceeding.
- 28 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
matter.