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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRET L LUSSKIN JR,

No. C 11-02585 SBA

Plaintiff,

**CASE MANAGEMENT SCHEDULING
ORDER FOR REASSIGNED CIVIL
CASES**

v.

GOOGLE INC,

Defendant.


This action having been reassigned to the Honorable Sandra Brown Armstrong,

IT IS ORDERED that this action is assigned to the Case Management Program and shall be governed by Civil L.R. 16-2. The dates listed in the Order Setting Initial Case Management Conference remain in effect except that the initial Case Management Conference is rescheduled for **September 8, 2011, at 3:30 p.m.**, via telephone.

Plaintiff's counsel is to set up the conference call with all the parties on the line and call chambers at (510) 637-3559. **(NO PARTY SHALL CONTACT CHAMBERS DIRECTLY WITHOUT PRIOR AUTHORIZATION OF THE COURT.)**

Plaintiff(s) is directed to serve a copy of this Order at once on all parties to this action in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure not enrolled in the e-filing program. Following service, the party causing the service shall file a certificate of service with the Clerk of Court.

Dated: 8/22/11


SAUNDRA BROWN ARMSTRONG
United States District Judge

To:

JUDGE ARMSTRONG'S STANDING ORDERS

Effective July 1, 2011

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3 1. **Compliance with Local Rules:** Counsel are expected to consult and
4 comply with all provisions of the Local Rules of Court relating to continuances,
motions and all other matters.

5 2. **Scheduling:**

6 a. Criminal: The criminal law and motion calendar is held on
7 Tuesdays beginning at 10:00 a.m.

8 b. Civil: The civil law and motion calendar is held on Tuesdays
9 beginning at 1:00 p.m. Civil matters shall not be noticed for
10 hearing on a Tuesday following an official court holiday that falls
11 on a Monday. The Court may resolve motions without a hearing.
12 See Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b).

13 c. Case Management Conferences: Case Management Conferences
14 are conducted telephonically, and are held on Wednesdays and
Thursdays, beginning at 2:30 p.m.

15 d. Trial: The Court's trial days are Mondays, Wednesdays, Thursdays
16 and Fridays. Trial hours are from 8:30 a.m. to 2:30 p.m., which
17 includes one fifteen (15) minute break in the morning and a thirty
18 (30) minute lunch break.

19 3. **Setting Motions for Hearing:** The Court does not reserve hearing
20 dates. To schedule a matter on the Court's civil law and motion calendar, the parties
21 are directed to review the Court's calendar at www.cand.uscourts.gov to determine the
22 next available hearing date. Matters are calendared on a first come first serve basis.

23 4. **Checking the Calendar Before You Appear:** Before appearing for a
24 matter before this Court all parties shall check the court's calendar at
25 www.cand.uscourts.gov to confirm that their matters are still on calendar.

26 5. **Meet and Confer Requirement:** All parties shall meet and confer
27 before filing any motion before the Court. The motion and any other non-stipulated
28 request shall include a certification, which may be included in the body of the
document, that the parties have complied with the meet and confer requirement. The
Court may disregard any papers submitted that do not comply with this rule.

6. **Guilty Pleas:** Prior to a plea being entered in a criminal case, a copy of
the plea agreement must be submitted to chambers no later than the Friday before the
plea is to be taken. All persons pleading guilty must complete an application for
permission to enter plea of guilty, which is available on the Court's website at
www.cand.uscourts.gov.

7. **Courtesy Copies in e-Filing Cases:** When filing papers in connection
with any motion or case management conference, the parties shall, in addition to filing
papers electronically, lodge with the Clerk's Office a printed copy of the papers by the
close of business the following day the papers are filed electronically. These printed
copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office,
in an envelope clearly marked with the judge's name, case number and "E-Filing

1 Chambers Copy." Parties shall not file a paper copy of any other document with the
2 Clerk's Office that has already been filed electronically. You MUST submit a hard copy
3 of all motion papers filed in E-FILED cases in order to be placed on calendar.

4 OTHER REQUIREMENTS

5 In addition to the requirements set forth in the Civil L.R. 16-10, counsel are
6 expected to comply with the following:

7 **A. Filing Case Management Conference Statements**

8 Counsel are expected to comply with this Standing Order concerning the joint
9 filing of the Case Management Statement. In preparing the Case Management
10 Statement, the parties shall use the Standing Order for all Judges of the Northern District
11 of California provided herewith. Note that no party may submit a separate Case
12 Management Statement. Disagreements among parties with respect to any of the
13 matters contained in the Case Management Statement shall be set forth in the
14 appropriate sections.

15 Counsel are further expected to file a Case Management Statement at least ten
16 (10) days before each and every scheduled Case Management Conference. If there is no
17 change in the status of the case from the time the last statement was filed, counsel shall
18 indicate as such in a pleading and attach a copy of the most recently filed Case
19 Management Statement to the pleading. Failure to timely file a Case Management
20 Statement may result in sanctions.

21 **B. Appearance at the Case Management Conference**

22 Each party shall be represented at the Case Management Conference by Counsel
23 prepared to address all of the matters referred to in this and the Civil L.R. 16-10(b), and
24 with authority to enter into stipulations and make admissions pursuant to this and Fed.
25 R. Civ. P. 16(a) and (c). Representatives of the parties may, but are not required to,
26 attend. Unless otherwise specified,
27 all Case Management Conferences shall take place via telephone. Plaintiff or his/her
28 counsel is responsible for setting up the conference call. Plaintiff or his/her counsel will
be notified of the date and time of the telephone conference call by Clerk's Notice
shortly after the case is filed.

Any request to reschedule the above dates shall be made in compliance with
Civil L.R. 16-2(e) and must be made at least ten days prior to the date sought to be
modified. A request to continue a Case Management Conference shall be made in a
separately-filed request, separate from the Case Management Conference Statement.
Counsel shall not contact the chambers of Judge Armstrong regarding requests to
modify provisions of this Standing Order; all requests must be submitted in writing and
served on all parties to the action.

The parties should be prepared to address and resolve at the Case Management
Conference the following: Setting the date and the estimated length of the trial; setting
the deadline for joining parties and amending the pleadings; setting the date for
discovery and motion cutoff; setting the date to designate experts and other witnesses;
setting the date for the pretrial conference.

Other matters which the Court will take up at the Case Management Conference,
in addition to those specified in the Joint Case Management Statement and Proposed
Order Form, will include the following:

1 1. **Jurisdiction:** Does this Court have subject matter jurisdiction
2 over all of the plaintiff's claim(s) and defendant's counter-claim(s)? What is the basis of
3 such jurisdiction? Are all the parties subject to the Court's jurisdiction? Do any parties
4 remain to be served?

5 2. **Substance of the Action:** What are the factual and legal bases
6 for plaintiff's claims, defendant's defenses, defendant's counter-claims and plaintiff's
7 defenses to the counterclaims?

8 3. **Identification of Issues:** What are the factual and legal issues
9 genuinely in dispute?

10 4. **Narrowing of Issues:** What are the issues that can be narrowed
11 by agreement or by motions? Are there dispositive or partially dispositive issues
12 appropriate for a decision by motion?

13 5. **Motions:** What are the motion(s) anticipated by the parties?

14 6. **Relief:** What relief does the plaintiff seek? What is the amount
15 of damages sought by plaintiff's claim(s)? What is the amount of damages sought by
16 defendant's counter-claim(s)? How are the damages computed?

17 7. **Discovery:** What discovery does each party intend to pursue?
18 Can discovery be limited in any manner? Are there any alternative methods available to
19 obtain the necessary information? Should a discovery order and conference be entered
20 pursuant to Fed. R. Civ. P. 26(f)?

21 8. **Alternative Means of Disposition:** Is the case suitable for
22 reference to binding arbitration, to a master, or to a magistrate for trial? Is the case
23 suitable for reference to the Judicial Panel on Multidistrict Litigation?

24 9. **Pretrial Conference and Trial Setting:** Will this case be tried
25 by a jury? What is the anticipated length of trial? Is it possible to reduce the length of
26 the trial by stipulation, use of summaries or statements, or other expedited means of
27 presenting evidence? Is it feasible and desirable to bifurcate issues for trial?

28 10. **Related Cases:** Are there any related cases pending before the
judges of this Court? See Civil L.R. 3-12.

 11. **Cut-Off Dates:** When are the earliest reasonable dates for
amendment to the pleadings, discovery cutoff, motion cutoff, expert disclosures, pretrial
conference and trial?

 12. **Settlement:** What are the prospects for settlement? Does any
party wish to have a settlement conference with a magistrate? How can settlement
efforts be assisted? See ADR L.R. 7-3.

 13. **Other Matters:** Such other matters as any party considers
conducive to the just, speedy and inexpensive determination of this action. See
Fed.R.Civ.P. 16(a) and (c).

C. Law and Motion

1 1. **Scheduling:** Law and Motion matters will be heard on Tuesdays
2 at 1:00 p.m., in Courtroom 1 of the United States Courthouse, 1301 Clay Street, 4th
3 Floor, Oakland, California. The parties need not reserve hearing dates. The parties are
4 advised to check the court's calendar at www.cand.uscourts.gov [Judges | Sandra
Brown Armstrong | Judge's Calendar | View Scheduling Notes] for the next available
hearing date. Matters are calendared on a first come first serve basis. You must submit a
hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar.

5 2. **Page Limits:** All noticed motions (other than motions for
6 summary judgment) and any opposition thereto, shall not exceed **fifteen (15) pages** in
7 length, exclusive of the table of contents, table of authorities, exhibits and declarations,
if required. Reply briefs may not exceed **ten (10) pages** in length. Motions for
summary judgment are subject to the page limits set forth in Civil Local Rule 7.

8 3. **Meet and Confer Requirement:** All parties are required to meet
9 and confer before filing any motion or any non-stipulated request with this court, and to
certify that they have complied with this requirement.

10 4. **Proposed Orders:** Each party filing or opposing a motion shall
11 also serve and file a proposed order which sets forth the relief of action which includes
12 that the party requests the Court to adopt, a short statement of the rationale of decision
including citation to authority.

13 5. **Summary Judgment Motions:** Parties are limited to filing one
14 motion for summary judgment. Any party wishing to exceed this limit must request
15 leave of Court. The parties are not required to file statements of undisputed facts in
16 connection with a motion for summary judgment. However, if the parties desire to file a
statement of undisputed facts, only one joint statement of undisputed facts signed by all
parties shall be filed. All separate statements will be stricken. If the parties are unable to
agree that a fact is undisputed, they should assume that fact is in dispute.

17 6. **Failure to File Opposition:** The failure of the opposing party to
18 file a memorandum of points and authorities in opposition to any motion shall constitute
a consent to the granting of the motion.

19 7. **Appearances:** The Court may, in its discretion, adjudicate
20 motions without oral argument. Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b). The parties are
21 advised to check the Court's website www.cand.uscourts.gov [Judges | Sandra Brown
22 Armstrong | Judge's Calendar] to determine whether an appearance on the motion is
required. NOTE: If a Case Management Conference is scheduled to follow the hearing
on the motion, and the motion has been removed from the calendar, the Case
Management Conference is deemed to have been taken off calendar as well, and will be
rescheduled, if appropriate.

23 8. **Non-Compliant Papers:** Any pleading or brief sought to be filed
24 with the Court after the required time, or in an improper manner or form, shall not be
25 received or considered by the Court. Any attorney in violation of such requirements
will be subject to other sanctions. Civil L.R. 1-4.

26 9. **Sanctions:** Failure to comply with this Order or the Local Rules
of this Court may result in sanctions. See Fed.R.Civ.P. 16(f); Civil L.R. 1-4.

27 **D. Discovery Motions**

28 All discovery disputes will be referred to a Magistrate Judge of this Court.

United States District Court
For the Northern District of California

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Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge