

JUL 10 2001 10:30AM

US DISTRICT COURT SJ

NO. 544 P. 2/4

FILED
16 JAN 20 PM 3:46
RICHARD M. WEAVER
CLERK OF DISTRICT COURT
SAN JOSE, CALIFORNIA

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

SAN JOSE DIVISION

C 06 0401

B
CV
JW

Case No. _____

STANDING ORDER REGARDING
CASE MANAGEMENT IN CIVIL CASES

This order sets forth requirements for initial case management in all civil matters assigned to District Judges James Ware, Ronald M. Whyte and Jeremy Fogel, and Magistrate Judges Patricia V. Trumbull and Richard Seeborg. All papers filed must include the case number of the action followed by the initials of the assigned district judge or magistrate judge and, if applicable, the initials of the magistrate judge to whom the action is referred for discovery or other pretrial activity.

Plaintiff shall serve a copy of this Standing Order on all parties to this action and on all parties subsequently joined, in accordance with Fed.R.Civ.P. 4 and 5. Following service, plaintiff shall file a certificate of service in accordance with Civil L.R. 5-6(a).

All disclosure or discovery disputes in cases assigned to district judges are referred to the assigned magistrate judge for determination pursuant to Fed.R.Civ.P. 72(a). Magistrate judges themselves handle disclosure and discovery disputes in the cases assigned to them.

Before selecting a hearing date for a motion before any of the judges of the San Jose Division, counsel must confer with opposing counsel to determine that the proposed hearing date will not cause undue prejudice.

Civil motions under Civil L.R. 7-2 in cases assigned to Judge Ware may be noticed for hearing on any Monday at 9:00 a.m.

Civil motions under Civil L.R. 7-2 in cases assigned to Judge Whyte may be noticed for hearing on any Friday at 9:00 a.m.

1 Civil motions under Civil L.R. 7-2 in cases assigned to Judge Fogel may be noticed for
2 hearing only after contacting Judge Fogel's judicial secretary, Teresa Fleishman, at 408-535-5426
3 and obtaining an available date.

4 Civil motions under Civil L.R. 7-2 in cases assigned to Magistrate Judge Trumbull may be
5 noticed for hearing on any Tuesday at 10:00 a.m.

6 Civil motions under Civil L.R. 7-2 in cases assigned to Magistrate Judge Seeborg may be
7 noticed for hearing on any Wednesday at 9:30 a.m.

8 Pursuant to Fed.R.Civ.P. 16 and 26 and Civil L.R. 16-10(a), a Case Management Conference
9 will be held on _____ at _____, at the United States
10 Courthouse, 280 South First Street, San Jose, California. This conference may be continued only by
11 court order pursuant to Civil L.R. 16-2(e). Parties may not stipulate to continue a Case Management
12 Conference without court approval.

13 Pursuant to Civil L.R. 16-3, in advance of the Case Management Conference, counsel shall
14 confer with their respective clients and opposing counsel for the purposes specified in Fed.R.Civ.P.
15 26(f), Civil L.R. 16-8 and 16-9, and in patent cases, Patent L.R. 3.1 through 3.6. A meaningful meet
16 and confer process prior to the Case Management Conference and good faith compliance with the
17 requirements of this Order are essential elements of effective case management. Failure to meet and
18 confer, to be prepared for the Case Management Conference or to file a Joint Case Management
19 Conference Statement may result in sanctions. Parties may, but are not required, to attend the Case
20 Management Conference.

21 In all "E-filing" cases when filing papers in connection with any motion for determination by
22 a judge, the parties shall, in addition to filing papers electronically, lodge with chambers a printed
23 copy of the papers by the close of the next court day following the day the papers are filed
24 electronically. These printed copies shall be marked "Chambers Copy" and shall be submitted to the
25 Clerk's Office, in an envelope clearly marked with the judge's name, case number and "E-filing
26 Chambers Copy." Parties shall not file a paper copy of any document with the Clerk's Office that
27 has already been filed electronically.

1 IT IS SO ORDERED.

2 Dated: Effective on the date this order is filed, until further court order.

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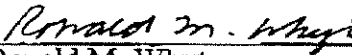
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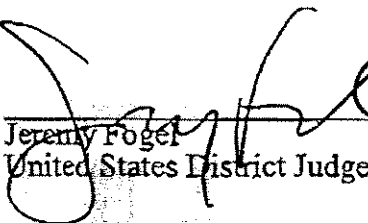
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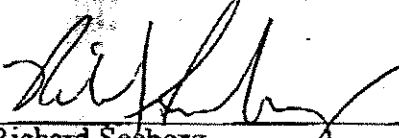
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James Ware
United States District Judge


Ronald M. Whyte
United States District Judge


Jeremy Fogel
United States District Judge


Patricia V. Trumbull
United States Chief Magistrate Judge


Richard Seeborg
United States Magistrate Judge

APPENDIX A - JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Plaintiff(s),

v.

Defendant(s).

CASE NO.

**JOINT CASE MANAGEMENT STATEMENT
AND PROPOSED ORDER**

The parties to the above-entitled action jointly submit this Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

DESCRIPTION OF THE CASE

1. A brief description of the events underlying the action:
2. The principal factual issues which the parties dispute:
3. The principal legal issues which the parties dispute:
4. The other factual issues [e.g. service of process, personal jurisdiction, subject matter jurisdiction or venue] which remain unresolved for the reason stated below and how the parties propose to resolve those issues:
5. The parties which have not been served and the reasons:
6. The additional parties which the below-specified parties intend to join and the intended time frame for such joinder:
7. The following parties consent to assignment of this case to a United States Magistrate Judge for [court or jury] trial:

ALTERNATIVE DISPUTE RESOLUTION

8. [Please indicate the appropriate response(s).]

- The case was automatically assigned to Nonbinding Arbitration at filing and will be ready for the hearing by (date) _____.
- The parties have filed a Stipulation and Proposed Order Selecting an ADR process (specify process): _____.
- The parties filed a Notice of Need for ADR Phone Conference and the phone conference was held on or is scheduled for _____.
- The parties have not filed a Stipulation and Proposed Order Selecting an ADR process and the ADR process that the parties jointly request [or a party separately requests] is _____.

9. Please indicate any other information regarding ADR process or deadline.

DISCLOSURES

10. The parties certify that they have made the following disclosures [list disclosures of persons, documents, damage computations and insurance agreements]:

DISCOVERY

11. The parties agree to the following discovery plan [Describe the plan e.g., any limitation on the number, duration or subject matter for various kinds of discovery; discovery from experts; deadlines for completing discovery]:

TRIAL SCHEDULE

12. The parties request a trial date as follows:

13. The parties expect that the trial will last for the following number of days:

Dated: _____

[Typed name and signature of counsel.]

Dated: _____

[Typed name and signature of counsel.]

CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

[The Court may wish to make additional orders, such as:

- a. Referral of the parties to court or private ADR process;
- b. Schedule a further Case Management Conference;
- c. Schedule the time and content of supplemental disclosures;
- d. Specially set motions;
- e. Impose limitations on disclosure or discovery;
- f. Set time for disclosure of identity, background and opinions of experts;
- g. Set deadlines for completing fact and expert discovery;
- h. Set time for parties to meet and confer regarding pretrial submissions;
- i. Set deadline for hearing motions directed to the merits of the case;
- j. Set deadline for submission of pretrial material;
- k. Set date and time for pretrial conference;
- l. Set a date and time for trial.]

Dated: _____

UNITED STATES DISTRICT/MAGISTRATE JUDGE