

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

2012 MAR -6 P. 26
RICHARD W. WIEG
CLERK - U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK M FAZIO,

Plaintiff (s),

v.

APPLE INC,

Defendant(s).

E-filing

No. C 12-01127 HRL

**ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE
AND ADR DEADLINES**

IT IS HEREBY ORDERED that this action is assigned to the Honorable Howard R. Lloyd. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order, the Notice of Assignment of Case to a United States Magistrate Judge for Trial, and all other documents specified in Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients shall familiarize themselves with that rule and with the material entitled "Dispute Resolution Procedures in the Northern District of California" on the Court ADR Internet site at www.adr.cand.uscourts.gov. A limited number of printed copies are available from the Clerk's Office for parties in cases not subject to the court's Electronic Case Filing program (ECF).

IT IS FURTHER ORDERED that plaintiff or removing defendant serve upon all parties the brochure entitled "Consenting To A Magistrate Judge's Jurisdiction In The Northern District Of California," additional copies of which can be downloaded from the following Internet site: <http://www.cand.uscourts.gov>.

CASE SCHEDULE -ADR MULTI-OPTION PROGRAM

Date	Event	Governing Rule
3/6/2012	Complaint filed	
5/15/2012	*Last day to: <ul style="list-style-type: none"> meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan file ADR Certification signed by Parties and Counsel (form available at http://www.cand.uscourts.gov) file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (form available at http://www.cand.uscourts.gov) 	<p><u>FRCivP 26(f) & ADR L.R.3-5</u></p> <p><u>Civil L.R. 16-8 (b) & ADR L.R. 3-5(b)</u></p> <p><u>Civil L.R. 16-8 (c) & ADR L.R. 3-5(b) & (c)</u></p>

5/29/2012	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at http://www.cand.uscourts.gov)	<u>FRCivP 26(a) (1)</u> <u>Civil L.R. 16-9</u>
6/5/2012	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 2, 5th Floor SJ at 1:30 PM	<u>Civil L.R. 16-10</u>

*If the Initial Case Management Conference is continued, the other deadlines are continued accordingly.

1
2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
4 **SAN JOSE DIVISION**

5
6 Case No. _____
7

8 **STANDING ORDER REGARDING**
9 **CASE MANAGEMENT IN CIVIL CASES**

10 This order sets forth requirements for initial case management in all civil matters assigned to
11 District Judges Ronald M. Whyte, Lucy H. Koh, and Edward J. Davila, and Magistrate Judges
12 Howard R. Lloyd and Paul S. Grewal. All papers filed must include the case number of the action
13 followed by the initials of the assigned district judge or magistrate judge and, if applicable, the
14 initials of the magistrate judge to whom the action is referred for discovery or other pretrial activity.

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

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

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

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

26 Civil motions under Civil L.R. 7-2 in cases assigned to Judge Koh may be noticed for
27 hearing only after contacting Judge Koh's Courtroom Deputy, Martha Parker Brown, at
28 408-535-5346 and obtaining an available date. Parties must file their notice of motion, motion,

1 memorandum of points and authorities, and proposed order the same day that the parties obtain a
2 hearing date from Ms. Parker Brown or the next business day. Otherwise, parties must obtain a new
3 hearing date from Ms. Parker Brown.

4 Civil motions under Civil L.R. 7-2 in cases assigned to Judge Davila may be noticed for
5 hearing only after contacting Judge Davila's Courtroom Deputy, Elizabeth Garcia, at 408-535-5356.

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

8 Civil motions under Civil L.R. 7-2 in cases assigned to Magistrate Judge Grewal may be
9 noticed for hearing on any Tuesday at 2:00 p.m.

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

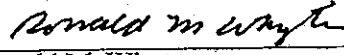
15 Pursuant to Civil L.R. 16-3, in advance of the Case Management Conference, counsel shall
16 confer with their respective clients and opposing counsel for the purposes specified in Fed.R.Civ.P.
17 26(f), Civil L.R. 16-8 and 16-9, and in patent cases, Patent L.R. 3-1 through 3-6. A meaningful meet
18 and confer process prior to the Case Management Conference and good faith compliance with the
19 requirements of this Order are essential elements of effective case management. Failure to meet and
20 confer, to be prepared for the Case Management Conference or to file a Joint Case Management
21 Conference Statement may result in sanctions. Parties may, but are not required, to attend the Case
22 Management Conference.

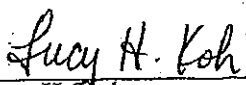
23 In all "E-filing" cases when filing papers in connection with any motion for determination by
24 a judge, the parties shall, in addition to filing papers electronically, lodge with chambers a printed
25 copy of the papers by the close of the next court day following the day the papers are filed
26 electronically. These printed copies shall be marked "Chambers Copy" and shall be submitted to the
27 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 document with the Clerk's Office that
2 has already been filed electronically.

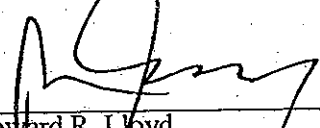
3 IT IS SO ORDERED.

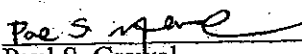
4 Dated: February 13, 2012

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6 Ronald M. Whyte
United States District Judge

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9 Lucy H. Koh
United States District Judge

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12 Edward J. Davila
United States District Judge

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15 Howard R. Lloyd
United States Magistrate Judge

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17 
18 Paul S. Grewal
United States Magistrate Judge

STANDING ORDER FOR ALL JUDGES
OF THE NORTHERN DISTRICT OF CALIFORNIA

CONTENTS OF JOINT CASE MANAGEMENT STATEMENT

Commencing July 1, 2011, all judges of the Northern District of California will require the identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. Facts: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. Legal Issues: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. Motions: All prior and pending motions, their current status, and any anticipated motions.
5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. Evidence Preservation: Steps taken to preserve evidence relevant to the issue reasonably evident in this action, including interdiction of any document-destruction program and any ongoing erasures of e-mails, voice mails, and other electronically recorded material.
7. Disclosures: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f).
9. Class Actions: If a class action, a proposal for how and when the class will be certified.
10. Related Cases: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.

11. Relief: All relief sought through complaint or counterclaim, including the amount of any damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.
12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.
13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment.
14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.
15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.
16. Expedited Trial Procedure: Whether this is the type of case that can be handled under the Expedited Trial Procedure of General Order No. 64 Attachment A. If all parties agree, they shall instead of this Statement, file an executed Agreement for Expedited Trial and a Joint Expedited Case Management Statement, in accordance with General Order No. 64 Attachments B and D.
17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.
18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.
19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.
20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.