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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HANGINOUT, INC., a Delaware corporation,

Plaintiff,
v.
GOOGLE, INC., a Delaware corporation,

Defendants.

Civil No. 13cv2811 AJB (NLS)
ORDER SETTING RULE 26 COMPLIANCE, AND NOTICE OF TELEPHONIC CASE MANAGEMENT CONFERENCE

On February 27, 2014 and June 6, 2014, the court convened two pre-answer settlement conferences in this action. The case did not settle. Defendant filed an answer on June 25, 2014. For good cause shown, the court now **ORDERS:**

1. Counsel are ordered to appear **telephonically** on **August 8, 2014** at **11:00 a.m.** before Magistrate Judge Stormes for a Case Management Conference pursuant to Federal Rule of Civil Procedure 16(b). Plaintiff’s counsel shall initiate the telephonic conference.
2. The Rule 26(f) conference shall be completed on or before **July 18, 2014.**
3. A Joint Discovery Plan shall be lodged with Magistrate Judge Stormes on or before **July 29, 2014.** The Joint Discovery Plan shall address all points in the attached Model Rule 26(f) Report and Joint Case Management Statement. (The date and time for

1 the CMC should be included in the caption of the Joint Discovery Plan.)


2 4. The date of initial disclosure pursuant to Rule 26(a)(1)(A-D) shall occur on
3 or before **August 1, 2014**.

4 Plaintiff's(s') counsel shall serve a copy of this order on all parties that enter the
5 case from this point forward. Each responsible attorney of record and all parties repre-
6 senting themselves shall participate in the conference. Represented parties need not
7 participate.

8 Failure of any counsel or party to comply with this order will result in sanctions.

9 **IT IS SO ORDERED.**

10 DATED: June 26, 2014

11 
12 Hon. Nita L. Stormes
13 U.S. Magistrate Judge
14 United States District Court

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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 **IN RE: CASE MANAGEMENT**) **MODEL RULE 26(f) REPORT**
13) **AND JOINT CASE**
14) **MANAGEMENT STATEMENT**
15)
16)
17)

17 **The parties shall include the following information in their Rule 26(f) report**
18 **and joint case management statement, which shall be filed no later than seven (7)**
19 **days before the Civil Local Rule 16.1 case management conference.¹ Except in**
20 **unusually complex cases the statement should not exceed ten (10) pages.**

- 21
- 22 1. **Jurisdiction and Service:** The basis for the court's subject matter
23 jurisdiction over the plaintiff's claims and counterclaims, whether any issues
24 exist regarding personal jurisdiction or venue, whether any parties remain to
25 be served, and, if any parties remain to be served, a proposed deadline for
26 service.
 - 27 2. **Facts:** A brief chronology of the facts and a statement of the principal

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¹ Taken largely from the Standing Order for All Judges of the Northern District of California effective July 1, 2011 (Last Revised November 27, 2012).

1 factual issues in dispute.

- 2 3. **Legal Issues:** A brief statement, without extended legal argument, of the
3 disputed points of law, including reference to specific statutes and decisions.
- 4 4. **Motions:** All prior and pending motions, their current status, and any
5 anticipated motions.
- 6 5. **Amendment of Pleadings:** The extent to which parties, claims, or defenses
7 are expected to be added or dismissed and a proposed deadline for amending
8 the pleadings.
- 9 6. **Evidence Preservation:** A brief report certifying that the parties have met
10 and conferred pursuant to Fed.R.Civ.P. 26(f) regarding reasonable and
11 proportionate steps taken to preserve evidence relevant to the issues
12 reasonably evident in this action.
- 13 7. **Disclosures:** Whether there has been full and timely compliance with the
14 initial disclosure requirements of Fed.R.Civ.P. 26, and a description of the
15 disclosures made.
- 16 8. **Discovery:** Discovery taken to date, if any, the scope of anticipated
17 discovery, any proposed limitations or modifications of the discovery rules,
18 a brief report on whether the parties have agreed to a proposed Electronic
19 Discovery Order, a proposed Protective Order to govern the exchange of
20 confidential information, a proposed discovery plan pursuant to Rule 26(f),
21 and any identified discovery disputes.
- 22 9. **Class Actions:** If a class action, a proposal for how and when the class will
23 be certified.
- 24 10. **Related Cases:** Any related cases or proceedings pending before another
25 judge of this court, or before another court or administrative body.
- 26 11. **Relief:** All relief sought through complaint or counterclaim, including the
27 amount of any damages sought and a description of the bases on which
28 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 Mediation:** Prospects for settlement, settlement efforts to date, and whether the parties have been to or are planning to go to private mediation.
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.
____yes ____ no
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. **Scheduling:** Proposed dates for fact discovery cutoff, expert designations and exchange of expert reports, expert discovery cutoff, dispositive motions cutoff (including Daubert motions), Markman hearing (in patent cases), pretrial conference and trial.
17. **Trial:** Whether the case will be tried to a jury or to the court and the expected length of trial.
18. **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 40.2. 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

1 kind of interest that could be substantially affected by the outcome of the
2 proceeding.

3 19. Such other matters as may facilitate the just, speedy and inexpensive
4 disposition of this matter.

5 Dated: _____

6 _____
Attorney for Plaintiff(s)

7 Dated: _____

8 _____
Attorney for Defendant(s)

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