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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 CHARLES NICHOLS,) No. CV 11-09916 SJO (SS)
12)
13 Plaintiff,)
14 v.) **STANDING ORDER GOVERNING**
15 EDMUND G. BROWN, in his) **PRE-TRIAL PROCEEDINGS BEFORE**
16 official capacity as Governor) **THE MAGISTRATE JUDGE**
17 of California, et al.,)
Defendants.)
_____)

18
19 **READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE**
20 **AND DIFFERS IN SOME RESPECTS FROM THE LOCAL CIVIL RULES.**

21 Pursuant to the provisions of General Order 05-07, this action has
22 been referred to the Honorable Suzanne H. Segal, United States
23 Magistrate Judge, for pre-trial proceedings. This order sets forth
24 procedures governing proceedings before Judge Segal.
25

26 Both the Court and the parties bear responsibility for the progress
27 of litigation in federal courts. In order to facilitate the just,
28

1 speedy, and inexpensive determination of this case, Fed. R. Civ. P. 1,
2 the parties shall comply with the following instructions.

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4 This Order applies to all parties, including those appearing pro
5 se. This action is governed by the Federal Rules of Civil Procedure and
6 the Local Civil Rules for the Central District of California. Pro se
7 litigants and counsel are ordered to familiarize themselves with those
8 rules of procedure.¹ Plaintiff is explicitly cautioned that failure to
9 comply with the local or federal rules may be ground for dismissal. See
10 Local Civil Rule 83-2.10.4.

11
12 **IT IS FURTHER ORDERED:**

13
14 1. **Filings by pro se litigants:** All documents concerning this
15 case filed by a party without counsel are to be submitted for filing
16 either by direct filing at the filing window or by mail. Documents
17 filed by mail should be addressed to: Jacob Yerke, Clerk to Magistrate
18 Judge Segal, United States Courthouse, 312 N. Spring Street, Los
19 Angeles, CA 90012. Pro se litigants shall submit one original and one
20 copy of all documents filed with the Court and are reminded that they
21 must sign the original document.

22
23 ¹ Copies of the Local Civil Rules are available on the Court's
24 website at "<http://www.cacd.uscourts.gov>" or they may be purchased from
one of the following:

25 Los Angeles Daily Journal
26 915 East 1st Street
Los Angeles, CA 90012

West Group
610 Opperman Drive
Post Office Box 64526
St. Paul, MN 55164-0526

27 Metropolitan News
28 210 South Spring Street
Los Angeles, CA 90012

1 2. **Filings by counsel:** All counsel must follow e-filing
2 requirements set forth in General Order 08-02. **Counsel shall**
3 **electronically file all documents by 4:00 p.m.** on or before the due
4 date. **Courtesy copies** of the following **electronically filed documents**,
5 with the Notice of Electronic Filing attached, shall be either
6 (a) delivered to the drop box outside Judge Segal's Chambers no later
7 than 4:00 p.m. on the next court day, or (b) mailed to Magistrate Judge
8 Suzanne H. Segal, United States Courthouse, 312 N. Spring Street, Los
9 Angeles, CA 90012, no later than the next court day:

10
11 a. For all motions, including a Motion to Dismiss the
12 Complaint, Motion for Summary Judgment, and any discovery
13 motion: the moving and supporting papers, the opposition
14 papers, and the reply papers.

15 b. The Answer to the Complaint.
16

17 3. **Communications with the Court:** Pursuant to Local Civil Rule
18 83-2.11, the parties and their counsel shall not attempt to contact the
19 Court or its chambers staff by telephone, letter, facsimile, e-mail or
20 by any other ex parte means. All inquiries, requests, or other matters
21 to be called to the Judge's attention regarding this case must be
22 submitted for filing as motions, applications, or other appropriate
23 pleadings. The parties or their counsel may contact the **Courtroom**
24 **Deputy, Jacob Yerke, at 213-894-0958**, with appropriate administrative
25 inquiries only. To facilitate communication with the Courtroom Deputy,
26 counsel should list their facsimile transmission numbers along with
27 their telephone numbers on all papers.
28

1 4. **Plaintiff contact information:** At the top of page one of
2 every filing, Plaintiff shall provide his name and mailing address, as
3 well as telephone number, facsimile number, and email address, if any.
4 The address provided will be presumed correct and will be used to
5 communicate with the party. **During the pendency of the action,**
6 **Plaintiff must notify the Court immediately if his address changes and**
7 **must provide the Court with the new address and its effective date. Any**
8 **failure by Plaintiff to comply with a Court order because he did not**
9 **receive the order due to his failure to inform the Court of his current**
10 **address may result in dismissal of this action for failure to prosecute.**
11 Local Civil Rule 41-6.

12
13 5. **Formatting requirements:** All documents filed with the Court
14 must conform to the following standards.

15
16 a. **Typeface shall comply with Local Civil Rule 11-3.1.1.**

17 **NOTE: If Times Roman font is used, the size must be no**
18 **less than 14; if Courier is used, the size must be no**
19 **less than 12. Footnotes shall be in typeface no more**
20 than one size smaller than text size and shall be used
21 sparingly.

22
23 b. **If possible, pro se litigants shall submit typewritten or**
24 **word processed documents for filing in preference to**
25 handwritten documents. The parties shall type or write
26 the original document using ink sufficiently dark enough
27 that it can be photocopied clearly.
28

1 c. **Only one side of each page shall be used.** Each document
2 shall have at least a one-inch margin at the top of each
3 page so that the document can be two-hole punched and
4 properly bound in the Court file. Each page of every
5 filed document, including exhibits, must be consecutively
6 numbered.

7
8 Filings that do not conform to the formatting requirements of the Local
9 Civil Rules and this Order will not be considered.

10
11 6. **Presence of lead counsel:** Lead trial counsel for represented
12 parties shall attend any proceeding before this Court, including all
13 status conferences, as well as settlement conferences.

14
15 7. **Service of the Complaint:** Plaintiff shall promptly serve the
16 Complaint in accordance with Federal Rule of Civil Procedure 4 and file
17 the proofs of service pursuant to Local Civil Rule 5-3.1.

18
19 8. **Proof of service:** Once a Defendant has been served with
20 process or has entered an appearance in the case, Federal Rule of Civil
21 Procedure 5 requires that Plaintiff serve each Defendant's attorney (or
22 the defendant himself, if not represented by counsel) with a copy of
23 every pleading or other document submitted for the Court's
24 consideration. Each document submitted after any Defendant has entered
25 an appearance in the case or has been served with process must be
26 accompanied by a proof of service establishing under oath that Plaintiff
27 has served a copy of the document on Defendant in accordance with
28 Federal Rule 5 and Local Civil Rule 5-3. Strict compliance with Federal

1 Rule 5 and Local Civil Rule 5-3 will be required, and any filing that
2 fails to contain the required proof of service will be disregarded.
3

4 9. **Discovery:** All discovery matters will be heard by Judge
5 Segal. Pursuant to Local Civil Rule 72-2.1, any party objecting to a
6 Magistrate Judge's ruling on a pretrial matter that is not dispositive
7 of a claim or defense must file a motion for review by the assigned
8 District Judge within fourteen (14) days of the date of an oral order or
9 within fourteen (14) days of service of a written ruling.
10

11 10. **Motions:**
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13 a. **Time for Filing and Hearing Motions:** Motions shall be
14 filed in accordance with Local Civil Rule 7. The next available motion
15 date can be obtained from the Courtroom Deputy or the Filing Window.
16 This Court customarily hears motions on **Tuesdays, commencing at 10:00**
17 **a.m.** Opposition and Reply Briefs, including all declarations and
18 supporting documentation, will be rejected if not timely filed in
19 accordance with the Local Civil Rules, as adherence to the timing
20 requirements is essential for the Court's preparation of motion matters.
21 **No supplemental brief shall be filed without prior leave of Court.**
22 Local Civil Rule 7-10.
23

24 b. **Pre-filing Requirements:** The parties should take note of
25 the changes to the Local Civil Rules affecting motion practice in the
26 Central District. Among other things, Local Civil Rule 7-3 requires
27 parties to meet and confer before filing any motion "to discuss
28 thoroughly . . . the substance of the contemplated motion and any

1 potential resolution," and to confirm in the notice of motion that such
2 conference has taken place. Local Civil Rule 7-3; see also id. Rule 37
3 (setting forth pre-filing conference rules and motion formatting
4 requirements pertaining specifically to discovery motions). The parties
5 should discuss the issues sufficiently so that if a motion is still
6 necessary, the briefing may be directed only to those substantive issues
7 requiring resolution by the Court. The parties should resolve minor
8 procedural or other non-substantive matters during the conference.
9 **Failure to comply with Local Civil Rules 7-3 and 37-1 and to set forth**
10 **such compliance in the notice of motion will result in the motion being**
11 **vacated.**

12
13 c. **Length of Motion Papers: Memoranda of Points and**
14 **Authorities in support of or in opposition to motions shall not exceed**
15 **25 pages. Replies shall not exceed 12 pages.** Only in rare instances
16 and for good cause shown will the Court grant an application to extend
17 these page limitations.

18
19 d. **Motions for Summary Judgment:** Before filing a motion for
20 summary judgment, the parties are strongly encouraged to review Chapter
21 14 of Schwarzer, Tashima & Wagstaffe, California Practice Guide: Federal
22 Civil Procedure Before Trial (1998). To assist the Court, the moving
23 party shall submit the required Statement of Uncontroverted Facts and
24 Conclusions of Law as set forth in Form 14:C. The opposing party shall
25 submit the required Statement of Genuine Issues as set forth in Form
26 14:D, responding first to each of the moving party's alleged
27 uncontroverted facts, then listing any material facts in dispute, and
28

1 citing to supporting evidence. **Note: Separate statements that fail to**
2 **comply with the above format will not be considered.**

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4 10. **Proposed Orders:** Each party filing or opposing a motion or
5 seeking the determination of any matter shall serve and lodge a Proposed
6 Order setting forth the relief or action sought and a brief statement of
7 the rationale for the decision with appropriate citations. If the
8 Proposed Order exceeds two pages, the proposing party shall also submit
9 the document on a 3½-inch diskette, thumb drive, or other downloadable
10 electronic format compatible with WordPerfect 11.

11
12 11. **Telephonic Hearings:** At its discretion, the Court will
13 conduct hearings and conferences by telephone if any party outside the
14 district so requests and all involved parties consent. The party
15 requesting the telephonic hearing shall contact the Courtroom Deputy
16 Clerk, Jacob Yerke, at 213-894-0958, at least one week prior to the date
17 scheduled for the motion or conference to make the necessary
18 arrangements. A member of the Court's staff will place the conference
19 call.

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21 12. **Ex Parte Applications:** The parties are reminded that ex parte
22 applications are solely for extraordinary relief. See Mission Power
23 Eng'g Co. v. Continental Casualty Co., 883 F. Supp. 488, 489-90 (C.D.
24 Cal. 1995). Applications that fail to conform with Local Civil Rules 7-
25 19 and 7-19.1, **including a statement of the opposing party's position,**
26 will not be considered. The Court considers ex parte applications on
27 the papers and usually does not set these matters for hearing. In
28 addition to the requirements of Local Civil Rules 7-19 and 7-19.1, the

1 moving party shall serve opposing counsel by facsimile transmission. If
2 the opposing party is not represented, the moving party shall serve the
3 opposing party by facsimile transmission, email, or personal service.
4 The moving party must also notify opposing counsel, if the party is
5 represented, or the opposing party that opposition papers must be filed
6 no later than 24 hours following such service. The parties shall
7 deliver a conformed courtesy copy of moving, opposition, or notice of
8 non-opposition papers to Judge Segal's chambers. The Courtroom Deputy
9 Clerk will notify the parties of the Court's ruling or a hearing date
10 and time, if the Court determines a hearing is necessary.
11

12 13. **Continuances**: A party requesting a continuance must lodge --
13 prior to the date to be continued -- a Proposed Stipulation and Order
14 including a detailed declaration of the grounds for the requested
15 continuance or extension of time. Local Civil Rule 7-11. The Court
16 grants continuances only upon a showing of good cause, focusing on the
17 diligence of the party seeking the continuance and any prejudice that
18 may result if the continuance is granted. Failure to comply with the
19 Local Civil Rules and this Order will result in rejection of the request
20 without further notice to the parties. **Proposed stipulations to**
21 **continue scheduling dates shall address the effect of such continuance**
22 **on any other dates previously set by the Court. Such stipulations do**
23 **not become effective unless and until signed by the Court. Parties**
24 **requesting conformed copies shall comply with Local Civil Rule 11-4.5.**
25

26 DATED: December 7, 2011

27 _____/S/
28 SUZANNE H. SEGAL
UNITED STATES MAGISTRATE JUDGE