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IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**NOTICE OF ASSIGNMENT OF CASE
TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL**

Pursuant to General Order 44, the Assignment Plan of the United States District Court for the Northern District of California, this case has been randomly assigned to Magistrate Judge Donna M. Ryu.

Pursuant to Title 28 U.S. C. § 636(c), with written consent of all parties, a magistrate judge may conduct all proceedings in the case. Attached is a form to complete if you consent to proceed before the assigned magistrate judge and a form to complete if you decline to proceed before the assigned magistrate judge. Electronic versions of both forms are also available at the Court's Internet site: <http://www.cand.uscourts.gov>. Click on Forms-Civil. A party is free to withhold consent without adverse consequences. If a party declines to consent, the case will be randomly reassigned to a district judge and a case management conference will be scheduled on the district judge's calendar as close as possible to the date presently scheduled before the magistrate judge.

Plaintiffs or removing parties must file a consent or declination within 14 days of the filing of the complaint or removal. All other parties must file a consent or declination within 14 days of appearing in the case.

The plaintiff or removing party shall serve a copy of this notice and all attachments upon all other parties in the action pursuant to Federal Rules of Civil Procedure 4 and 5.

FOR THE COURT,
RICHARD W. WIEKING, CLERK


By: Deputy Clerk

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),

**CONSENT TO PROCEED BEFORE A
UNITED STATES MAGISTRATE JUDGE**

v.

Defendant(s).

_____ /

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: _____

Signature

Counsel for _____
(Plaintiff, Defendant or indicate "pro se")

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),
v.
Defendant(s).

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE
AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

_____ /

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: _____

Signature _____

Counsel for _____
(Plaintiff, Defendant, or indicate "pro se")

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**STANDING ORDER FOR
MAGISTRATE JUDGE DONNA M. RYU
(Revised July 3, 2012)**

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Parties shall comply with the procedures in the Federal Rules of Civil (or Criminal) Procedure, the Northern District of California's Local Rules and General Orders, and this standing order, all of which are available at <http://www.cand.uscourts.gov>. Failure to comply with any of the rules or orders may be grounds for monetary sanctions, dismissal, entry of judgment, or other appropriate sanctions.

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CALENDAR DATES AND SCHEDULING

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1. Criminal motions are heard on the second and fourth Thursdays of the month at 11:00 a.m., or during the regular criminal calendar when Judge Ryu is on criminal calendar duty. Civil motions are heard on the second and fourth Thursdays of the month at 11:00 a.m. Civil case management conferences are heard on Wednesdays at 1:30 p.m. Civil pretrial conferences are heard on Wednesdays at 3:00 p.m.

2. Parties must notice motions (other than discovery motions) pursuant to the local rules. Parties need not reserve a hearing date, but should confirm the court's availability at <http://www.cand.uscourts.gov>. The court may reset hearing dates as the court's calendar requires.

3. For scheduling questions, please call Judge Ryu's courtroom deputy, Ivy Garcia, at (510) 637-3639.

CONSENT CASES

4. In civil cases that are randomly assigned to Judge Ryu for all purposes, each party should file a written consent to the assignment of a United States Magistrate Judge for all purposes, or written declination of consent, as soon as possible. If a party files a dispositive motion (such as a motion to dismiss or a motion for remand), the moving party must file the consent or declination simultaneously with the motion. In no event shall the consent or declination be filed later than the deadlines specified in Civil L.R. 73-1(a)(1) and (2).

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1 **CHAMBERS COPIES AND PROPOSED ORDERS**

2 5. Pursuant to Civil L.R. 5-1(e)(7) and 5-2(b), parties must lodge an extra paper copy of certain
3 filings and mark it as a copy for "Chambers." Please three-hole punch the chambers copy and
4 submit it to the Oakland Clerk's Office.

5 6. Any stipulation or proposed order submitted by an e-filing party shall be submitted by email
6 to dmrpo@cand.uscourts.gov as a word processing attachment on the same day the document is e-
7 filed. This address should only be used for this stated purpose unless otherwise directed by the
8 court.

9 **CIVIL CASE MANAGEMENT**

10 7. No later than seven days before the initial case management or status conference, the parties
11 shall file a Joint Case Management Statement in full compliance with the Court's Standing Order for
12 All Judges of the Northern District of California governing "Contents of Joint Case Management
13 Statement," available on the Court's website.

14 8. Parties may not stipulate to continue a case management or pretrial conference without court
15 approval. Each party shall be represented in person at the Case Management Conference by lead
16 trial counsel (or a party if *in pro se*), who shall be (1) prepared to address all of the matters referred
17 to in the Northern District of California's standing order on Joint Case Management Statements; and
18 (2) have full authority to enter stipulations and make admissions pursuant to that order. Permission
19 for a party to attend by telephone may be granted, in the court's discretion, upon written request
20 made at least one week in advance of the hearing if the court determines that good cause exists to
21 excuse personal attendance, and that personal attendance is not needed in order to have an effective
22 conference. The facts establishing good cause must be set forth in the request.

23 9. All case management conferences are audio recorded. They are not reported by a court
24 reporter unless counsel requests a court reporter in advance.

25 **CIVIL DISCOVERY**

26 **Discovery Disputes**

27 10. In order to respond to discovery disputes in a flexible, cost-effective and efficient manner,
28 the court uses the following procedure. The parties shall not file formal discovery motions. Instead,

1 as required by the federal and local rules, the parties shall first meet and confer to try to resolve their
2 disagreements. The meet and confer session must be *in person or by telephone*, and may not be
3 conducted by letter, e-mail, or fax. If disagreements remain, the parties shall file a joint letter no
4 later than five business days after the meet and confer session, unless otherwise directed by the
5 court. Lead trial counsel for both parties must sign the letter, which shall include an attestation
6 that the parties met and conferred in person or by telephone regarding all issues prior to filing the
7 letter. Going issue-by-issue, the joint letter shall describe each unresolved issue, summarize each
8 party's position with appropriate legal authority; and provide each party's final proposed
9 compromise before moving to the next issue. The joint letter shall not exceed ten pages without
10 leave of court. Parties are expected to plan for and cooperate in preparing the joint letter so
11 that each side has adequate time to address the arguments. In the rare instance that a joint letter
12 is not possible, each side may submit a letter not to exceed four pages, which shall include an
13 explanation of why a joint letter was not possible. The parties shall submit one exhibit to the letter
14 that only sets forth each disputed discovery request in full, followed immediately by the objections
15 and/or responses thereto. No other information shall be included in any such exhibit. No other
16 exhibits shall be submitted without prior approval by the court. The court will review the
17 submission(s) and determine whether formal briefing or proceedings are necessary. Discovery
18 letter briefs must be e-filed under the Civil Events category of Motions and Related Filings >
19 Motions - General > "Discovery Letter Brief".

20 11. In the event that a discovery hearing is ordered, the court has found that it is often efficient
21 and beneficial for counsel to appear *in person*. This provides the opportunity, where appropriate, to
22 engage counsel in resolving aspects of the discovery dispute while remaining available to rule on
23 any disputes that counsel are not able to resolve. For this reason, the court expects counsel to appear
24 in person. Permission for a party to attend by telephone may be granted, in the court's discretion,
25 upon written request made at least one week in advance of the hearing if the court determines that
26 good cause exists to excuse personal attendance, and that personal attendance is not needed in order
27 to have an effective discovery hearing. The facts establishing good cause must be set forth in the
28 request.

1 12. In emergencies during discovery events (such as depositions), any party may, after exhausting
2 good faith attempts to resolve disputed issues, seek judicial intervention pursuant to Civil L.R. 37-
3 1(b) by contacting the court through the courtroom deputy. If the court is unavailable, the discovery
4 event shall proceed with objections noted for the record.

5 Privilege Logs

6 13. If a party withholds information that is responsive to a discovery request by claiming that it is
7 privileged or otherwise protected from discovery, that party shall *promptly* prepare and provide a
8 privilege log that is sufficiently detailed and informative for the opposing party to assess whether a
9 document's designation as privileged is justified. *See* Fed.R.Civ.P. 26(b)(5). The privilege log shall
10 set forth the privilege relied upon and specify separately for each document or for each category of
11 similarly situated documents:

12 (a) the title and description of the document, including number of pages or Bates-number
13 range;

14 (b) the subject matter addressed in the document;

15 (c) the identity and position of its author(s);

16 (d) the identity and position of all addressees and recipients;

17 (e) the date the document was prepared and, if different, the date(s) on which it was sent to
18 or shared with persons other than its author(s); and

19 (f) the specific basis for the claim that the document is privileged or protected.

20 Communications involving trial counsel that post-date the filing of the complaint need not be placed
21 on a privilege log. Failure to furnish this information promptly may be deemed a waiver of the
22 privilege or protection.

23 SUMMARY JUDGMENT

24 14. Motions for summary judgment shall be accompanied by a joint statement of the material
25 facts not in dispute by citations to admissible evidence. If the parties are unable to reach complete
26 agreement after meeting and conferring, they shall file a joint statement of the undisputed facts
27 about which they do agree. Separate statements of undisputed facts shall not be filed and will not be
28 considered by the court.

1 UNREPRESENTED (PRO SE) PARTIES

2 15. Parties representing themselves should visit the Quick Link titled "If You Don't Have a
3 Lawyer" on the Court's homepage, www.cand.uscourts.gov. The link discusses the Court's "Legal
4 Help Center" for unrepresented parties which is located on the 15th floor, room 2796, of the United
5 States Courthouse, 450 Golden Gate Avenue, San Francisco.

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7 IT IS SO ORDERED.

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DONNA M. RYU
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 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**: A brief report certifying that the parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored Information ("ESI Guidelines"), and confirming that the parties have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence relevant to the issues reasonably evident in this action. See ESI Guidelines 2.01 and 2.02, and Checklist for ESI Meet and Confer.
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, a brief report on whether the parties have considered entering into a stipulated e-discovery order, a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f), and any identified discovery disputes.
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. ___ 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. 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.

UNITED STATES DISTRICT COURT
for the
Northern District of California

Plaintiff

v.

Defendant

Civil Action No.

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: (Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within days (give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date:

Signature of the attorney or unrepresented party

Printed name

Address

E-mail address

Telephone number

United States District Court Northern District of California

ECF Registration Information Handout

Electronic Case Filing (ECF or “e-filing”) is mandatory for all civil cases in this court. Please refer to Civil Local Rule 5-1 for the Court’s rules pertaining to electronic filing. Special procedures apply to initiating documents (complaints; notices of removal); after that, attorneys must e-file in this case.

Parties who are representing themselves pro se (without attorney representation) are not required to e-file and, in fact, may e-file only with the permission of the assigned judge.

Please review and attend to the following important notes and tasks:

- Serve this ECF Registration Information Handout on all parties in the case along with the complaint or removal notice and the other documents generated by the court upon filing.
- Email (DO NOT E-FILE) the complaint or removal notice and all attachments, in PDF format, within ten (10) business days, to the assigned judge’s PDF email address. Find the judge’s email address at cand.uscourts.gov/judges; find more information on this step at cand.uscourts.gov/ECF. Include in the subject line of the email:
 - o Case number
 - o Judge’s initials
 - o Type of document(s) you are sending (e.g, “Complaint & TRO”)

Do not separately e-file these documents; court staff will perform this task. All other documents from this point forward in the case must be e-filed, including the returned summons.

- If not already registered, each attorney in the case must register to become an e-filer at cand.uscourts.gov/ECF. Your ECF registration is valid for life in this district; please do not register more than once.

IMPORTANT NOTICE: by signing and submitting to the court a request for an ECF user id and password, you consent to entry of your email address into the court’s electronic service registry for electronic service on you of all e-filed papers, pursuant to rules 77 and 5(b)(2)(d) of the Federal Rules of Civil Procedure.

- If you are a party and do not have an attorney and would like to e-file in the case, please visit cand.uscourts.gov/ECF/proseregistration for instructions and information. Unless and until the assigned judge has given you permission to e-file, you are required to file and serve papers in hard copy (paper) form.
- Access dockets and documents using your PACER (Public Access to Court Electronic Records) account. If your firm already has a PACER account, please use that account. It is not necessary to have individual PACER accounts for each user in your office. To set up an account, visit: pacer.gov or call (800) 676-6856.

ECF interactive tutorials, instructions for e-filing and other information are available at:
<http://cand.uscourts.gov/ECF>"cand.uscourts.gov/ECF.

WELCOME TO THE OAKLAND DIVISIONAL OFFICE OF THE UNITED STATES DISTRICT COURT

In addition to the Local Rules, the following guidelines have been provided to ensure that the filing process is accomplished with ease and accuracy. For additional information or assistance, please call the Clerk's Office in San Francisco, San Jose or Oakland.

1. Documents are to be filed in the Clerk's Office at the location of the chambers of the judge to whom the action has been assigned.
2. The Clerk's Office will retain the original plus one copy of most documents submitted. We will conform as many copies as you bring, within reason, for your use.
3. The copy retained goes directly to the assigned judge. Courtesy copies, or instructions for couriers to deliver a copy directly to chambers are inappropriate, unless you have been instructed to do so by court order.
4. In order to facilitate the file stamping process, each original document should be submitted on top of its copies. In other words, group like documents together—as opposed to a set of originals and separate sets of copies.
5. The case number must indicate whether it is a civil or criminal matter by the inclusion of **C** or **CR** at the beginning of the number. Miscellaneous and foreign judgment matters should also be indicated with initials **MISC** or **FJ** at the end of the case number.
6. The case number must include the initials of the judge and/or magistrate judge followed by the letters designating the case Arbitration(ARB), Early Neutral Evaluation (ENE) or Mediation (MED)—if assigned to one of those Alternative Dispute Resolution (ADR) programs.
7. The document caption should include the appropriate judge or magistrate judge involved in a particular matter or before whom an appearance is being made. This is especially important when submitting *Settlement Conference Statements*.
8. Documents are to be stapled or Acco-fastened at the top. Backing, bindings and covers are not required or wanted. Two hole-punched originals will facilitate case processing.
9. Appropriate sized, stamped, self-addressed return envelopes are to be included with proposed orders or when filing documents by mail.
10. Proofs of service should be attached to the back of documents. If submitted separately, you must attach a pleading page to the front of the document showing case number and case caption.
11. There are no filing fees once a case has been opened until an appeal is filed or motion to proceed pro hac vice. See fee schedule for all fees.
12. New cases must be accompanied by a completed and signed Civil Cover Sheet, the filing fee or fee waiver request form and an original plus two copies of the complaint and any other documents. For Intellectual Property cases, please provide an original plus three copies of the complaint. Please present new cases for filing before 3:30p.m., as they take a considerable

amount of time to process.

13. Copies of forms may be obtained at no charge. They may be picked up in person from any of the Clerk's Offices, by written request with a return envelope provided or down loaded from the "forms" section of the court's website.

14. Computer terminals allowing public access to case dockets and containing information regarding files at the Federal Records Center (FRC) are located in the reception area of the Clerk's Office at each of the three locations. Written instructions are posted by the terminals. Outside of the Clerk's Office, electronic access to dockets is available through PACER.

15. A file viewing room is located adjacent to the reception/filing area. Files may be viewed in this area after signing the log sheet and presenting identification. Files are to be returned in proper order to the clerk's desk. Under no circumstances are files to be removed from this area.

16. The Clerk's Office can only accept payment by exact change or check made payable to Clerk, U.S. District Court. No change can be made for fees or the public copy machine.

17. Pay copy machines are located in the file viewing room/area for public use at twenty five cents per page.

18. Drop boxes for filing when the Clerk's Office is closed are available at each of the three court locations in this district.