

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CALIFORNIA RIFLE AND PISTOL
ASSOCIATION, INCORPORATED , et
al.

Plaintiff(s),

v.

CITY OF GLENDALE, et al.

Defendant(s).

Case No. 2:22-cv-07346-SB-JC

**STANDING ORDER FOR
CIVIL CASES ASSIGNED
TO JUDGE STANLEY
BLUMENFELD, JR.**

[updated 8-10-22]

**READ THIS ORDER CAREFULLY BECAUSE IT CONTROLS THIS CASE
AND DIFFERS IN PART FROM THE LOCAL RULES. FAILURE TO
COMPLY MAY RESULT IN SANCTIONS.**

Counsel for the plaintiff must immediately serve this Order on all parties,
including any new parties to the action. If this case was removed from state court,
the defendant that removed the case must serve this Order on all other parties. A
hyperlinked table of contents appears below.

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1. COUNSEL.

- a. **Civility.** All counsel must immediately review and comply with the Civility and Professionalism Guidelines on Judge Blumenfeld's webpage (<http://www.cacd.uscourts.gov/honorable-stanley-blumenfeld-jr>) under Attorney Information at the bottom of the page. Failure to do so may result in sanctions.
- b. **Presence of Lead Counsel.** Only one attorney for a party may be designated as lead counsel. Lead counsel must attend all proceedings set by this Court and be prepared to address and resolve all matters within the scope of the proceeding. For proceedings not set by the Court, lead counsel are encouraged to permit junior lawyers to fully participate in court proceedings (e.g., arguing motions, examining witnesses, etc.). The Court is more likely to hear oral argument if any party files a notice at least 7 days before a scheduled hearing stating that a junior lawyer with no more than five years of experience will conduct the argument. Only one counsel may be designated to argue motions absent Court approval.

1 **c. Self-Represented Parties (a.k.a. “Pro Se” Litigants).** Parties appearing
 2 in propria persona (pro se litigants) are required to comply with all local
 3 rules, including Local Rule 16 (“Pretrial Conferences; Scheduling;
 4 Management”). In this Order, the term “counsel” includes pro se
 5 litigants. Only individuals may represent themselves. A corporation or
 6 other entity must be represented by counsel; and if counsel seeks to
 7 withdraw, counsel must advise the entity of the dire consequences of
 8 failing to obtain substitute counsel before seeking withdrawal—i.e., a
 9 plaintiff entity’s case will be dismissed or a defendant entity will default.
 10 See Local Rule 83-2.3.4.

11 **d. Duty to Notify of Settlement.** Counsel must advise the Court
 12 immediately if the case or any pending matter has been resolved. Failure
 13 to provide timely notice of settlement may result in sanctions.

14 **e. No “Notice of Unavailability.”** While the Court expects that counsel
 15 will conduct themselves professionally and will not deliberately schedule
 16 any proceeding when counsel are unavailable, a “Notice of
 17 Unavailability” has no legal effect and should not be filed.

18 **2. COMMUNICATIONS WITH CHAMBERS.**

19 Counsel shall not (1) initiate contact with the courtroom deputy clerk (CRD)
 20 by telephone or (2) contact the CRD about the status of a pending matter. Nor
 21 should counsel contact the CRD to inquire about court procedure when the answer
 22 is readily available by consulting the Local Rules and the Court’s standing orders.
 23 Any appropriate inquiry directed to the CRD must be by email with a copy to all
 24 parties and a list of all counsel’s email addresses and telephone numbers in the
 25 body of the email.

26 **3. PLEADINGS.**

27 **a. Service of the Complaint.** The plaintiff(s) shall promptly serve the
 28 complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of

1 service pursuant to Fed. R. Civ. P. 4(l). Any defendant, including any
2 “Doe” or fictitiously named defendant, not served within 90 days after
3 the case is filed shall be dismissed pursuant to Fed. R. Civ. P. 4(m).

4 **b. Removed Actions.** Any answer filed in state court must be refiled in this
5 Court as a supplement to the Notice of Removal. Any pending motion in
6 state court before the case was removed must be re-noticed in accordance
7 with Local Rule 7. If a removed action contains a “form pleading” (i.e., a
8 check-the-box pleading), the party (or parties) that filed the form
9 pleading must file with this Court a pleading that complies with the
10 federal rules within 30 days of the filing of the notice of removal. See
11 Fed. R. Civ. P. 7, 7.1, 8, 9, 10, and 11. An amended complaint filed
12 within 30 days after removal to replace a form complaint pursuant to this
13 instruction shall be deemed an amended complaint with “the court’s
14 leave” pursuant to Rule 15(a)(2).

15 **c. Status of Fictitiously Named Defendants.**

- 16 i. Plaintiff should identify and serve any fictitiously named
17 defendant(s) before the date of the mandatory scheduling
18 conference (MSC) held pursuant to Fed. R. Civ. P. 16(b).
- 19 ii. All Doe defendants remaining 60 days after the MSC (or on the
20 date set forth in the scheduling order, if applicable) are dismissed
21 by operation of this Order without further notice *unless* plaintiff
22 requests and justifies the need for additional time in the joint report
23 for the MSC and the Court grants an extension.
- 24 iii. Before moving to substitute a defendant for a Doe defendant,
25 plaintiff must seek the consent of counsel for all defendants,
26 including counsel for a represented Doe defendant. If denied
27 consent, plaintiff must file a regularly noticed motion. In diversity
28 cases, plaintiff’s motion must address whether the addition of the

1 newly named party destroys diversity jurisdiction. *See* 28 U.S.C.

2 § 1447(c), (e).

3 **4. DISCOVERY.**

4 **a. Magistrate Judge Referral.** All discovery matters are referred to the
5 assigned magistrate judge. All discovery documents must include the
6 words “DISCOVERY MATTER” in the caption to ensure proper routing.
7 Do not deliver Chambers copies of these documents to Judge
8 Blumenfeld. The decision of the Magistrate Judge shall be final, subject
9 to limited review requiring a showing that the decision is clearly
10 erroneous or contrary to law. Any party may file and serve a motion for
11 review within 14 days of either (i) service of a written ruling or (ii) an
12 oral ruling that expressly will not be followed by a written ruling. The
13 motion must specify which portions of the ruling are clearly erroneous or
14 contrary to law, supported by points and authorities. Counsel shall deliver
15 a conformed copy of the moving papers and responses to the Magistrate
16 Judge’s clerk at the time of filing.

17 **b. Discovery Protective Orders.** Proposed protective orders for discovery
18 must be submitted to the assigned Magistrate Judge. Such orders should
19 not purport to allow, without further order of Judge Blumenfeld, the
20 filing under seal of pleadings or documents filed in connection with a
21 dispositive motion, a class certification motion, or trial before Judge
22 Blumenfeld. The existence of a protective order does not alone justify
23 the filing of pleadings or other documents under seal, in whole or in part.

24 **5. FILING REQUIREMENTS.**

25 **a. Text Searchability.** All documents—including pleadings, motions, and
26 exhibits—submitted to the Court must be text searchable (i.e., “OCR’d”).

27 **b. Documents with Declarations, Exhibits, and Other Attachments.**

28 Except for filings in support of motions for summary judgment (*see* MSJ

Standing Order), if a filed or lodged document has declarations, exhibits, or other attachments, each attachment must be filed as a separately docketed attachment to the main docket entry with a description of the attachment (e.g., Dkt. 29-1 Smith Declaration, 29-2 Ex. 1 - License Agreement, 29-3 Request for Judicial Notice). The Court may strike or decline to consider motions, stipulations, or other documents with attachments that are not filed in accordance with this Order.

c. **Proposed Orders.** Each party filing a motion or seeking the determination of any matter shall serve and lodge a proposed order setting forth the relief or action sought and a brief statement of the rationale for the decision with appropriate citations.

i. **Templates.** Use the “Proposed Order” or the “CMO Continuance Order” template—whichever is applicable—located on Judge Blumenfeld’s webpage under “Orders & Additional Documents.” Failure to do so may result in the striking of the request. Proposed orders should *not* contain: (1) attorney names, addresses, etc. on the caption page; (2) a footer with the document name or other information; or (3) a watermark or designation of the firm name. Proposed orders should be formatted in the same fashion as motions. *See infra* paragraph 6(c).

ii. **Email.** The Court requires strict compliance with Local Rule 5-4.4.2, which states that “a Microsoft Word copy of the proposed document, along with a PDF copy of the electronically filed main document, shall be e-mailed to the assigned judge’s generic chambers e-mail address using the CM/ECF System.” The Court will not consider a stipulation, ex parte application, or other request for relief until a compliant proposed order is received by email. A filing may be stricken for failure to timely comply.

d. **Chambers Copies.** Chambers Copies (paper copies that are sent to Chambers upon electronic filing of the document) are required for the following documents only: (1) motion papers (motions, oppositions, replies, and related documents¹), including motions in limine; (2) ex parte applications for temporary restraining orders; and (3) pretrial documents (memoranda of fact and law, witness and exhibit lists, pretrial conference statement, jury instructions, verdict forms, etc.). Chambers Copies must comply with the rules below.

- i. **Timeliness and location.** Deliver Chambers Copies promptly to Judge Blumenfeld's mailbox outside the Clerk's Office on the 4th Floor of the First Street Courthouse. Applicable documents will not be considered until Chambers Copies are submitted. Delay in submitting such copies will delay consideration of the submission.
- ii. **Exhibits.** Separate all exhibits by a tab divider on the right or bottom of the document. If the evidence exceeds 50 pages, the Chambers Copy must: (1) include a table of contents; and (2) be in a tabbed binder with each exhibit separated by a tab divider on the right or the bottom. All documents in the binder must be three-hole punched. If the evidence exceeds 200 pages, the table of contents and evidence must be placed in a Slant D-Ring binder. Binders should be no larger than 4 inches. Binders must have both a cover sheet and a spine label that includes the case name, case number, and a description of the contents.

6. **GENERAL MOTION REQUIREMENTS.**

- a. **“Meet and Confer” Requirement.** Local Rule 7-3 requires counsel to conduct a prefiling conference “to discuss thoroughly . . . the substance

¹ A motion to dismiss should include a copy of the challenged pleading.

of the contemplated motion and any potential resolution.”

i. Scope. This requirement applies in all cases, including those with pro se litigants, and extends to all issues. If the parties are unable to fully resolve the dispute, they shall attempt to narrow the scope of the contested issue(s). Parties must meet and confer in person or by videoconference; email correspondence is insufficient. A motion not supported by the certification below may be stricken or summarily denied.

ii. Certification. The moving party *shall* include a signed certification attached to the end of the filed motion as follows:

“I certify that the parties met in person or by videoconference, thoroughly discussed each and every issue raised in the motion, and attempted in good faith to resolve the motion in whole or in part.”

If a nonmoving party refuses to participate in good faith, the moving party shall explain the refusal in detail.

iii. Sanctions. Failure by any party to comply in good faith with the “meet and confer” requirement shall result in an order to show cause re: sanctions—including, as appropriate, striking or denying the motion, deeming the motion unopposed, and/or awarding monetary sanctions.

b. Time for Filing and Hearing Motions. This Court hears civil motions on Fridays at 8:30 a.m.

i. Holidays. If Friday is a court holiday, select another Friday.

Opposition papers due on a Friday holiday may be filed the following Monday, and the reply papers may be filed on the next Monday.

ii. Closed Dates. Hearing dates are closed at least four weeks in

advance, and closed hearing dates are noted on the Judge Blumenfeld's webpage. A motion filed on a closed hearing date will be stricken or continued at the Court's discretion. *A party that waits too long and files a motion to be heard on a date that turns out to be unavailable risks having the motion stricken and not considered at all.*

iii. Non-Opposition. Failure to oppose a motion will likely result in the motion being granted after the opposition would have been due. *See* Local Rule 7-12 (failure to timely file "may be deemed consent to the granting . . . of the motion").

iv. Withdrawn. If the parties resolve the issue(s) presented in a motion, by settlement or otherwise, the Court must be notified immediately to avoid unnecessary judicial work.

c. Length, Footnotes, and Format of Motion Papers.

i. Length. Supporting and opposing memoranda must not exceed 25 pages (and 8 footnotes); and replies must not exceed 15 pages (and 5 footnotes). Good cause to extend these page limitations will rarely be found. A memorandum that exceeds the allowable page length or footnote limit may be stricken.

ii. Footnotes. Use no more than one footnote for every three pages in any brief or other filing. Citations that support a statement in the main text must be included in the main text, not in footnotes.

iii. Format. Typeface and spacing shall comply with Local Rule 11-3.1.1, except that the parties are required to use only 14-point Times New Roman font. Footnotes shall be in the same font and the same size as the body of the memorandum and separated by 12-point spacing.

iv. Reply Briefs. The purpose of a reply brief is to respond succinctly

1 to the arguments in the opposition. A reply brief should not repeat
 2 the background or legal standard contained in the motion and
 3 should not repeat arguments except to the extent necessary to
 4 respond to the opposition.

5 **d. Citations to Authority.** Any argument or statement of law not
 6 supported by legal authority may be deemed *waived or forfeited* to the
 7 extent allowed by law. The parties should comply with Bluebook
 8 formatting and the citation requirements below.

9 i. Pin Cites. Case citations must identify both the case cited and the
 10 specific page referenced.

11 ii. String Cites. Parties should not use string cites without a good
 12 reason. When using string cites, a party should include a
 13 parenthetical explanation for each cited case.

14 iii. Legal Databases. When citing to unpublished materials in legal
 15 databases, cite to Westlaw (*not* Lexis) whenever possible.

16 However, parties that do not have access to Westlaw will not be
 17 penalized for citing to other sources.

18 iv. U.S. Statutes. Statutory references should identify with specificity
 19 the sections and subsections referenced. Citations should be to the
 20 relevant official statutory code (e.g., the U.S. Code) and should not
 21 merely reference the popular name of an act.

22 v. Treatises, Manuals, and the Like. Citations to treatises, manuals,
 23 and other materials should include the volume, section, and
 24 relevant pages. Attach copies if these materials are not accessible
 25 on Westlaw, especially for historical materials (e.g., older
 26 legislative history).

27 **7. SPECIFIC MOTION REQUIREMENTS.**

28 **a. Motions Pursuant to Rule 12.** Most motions to dismiss or strike,

1 especially motions raising alleged defects in a complaint, answer, or
2 counterclaim that could be corrected by amendment, can be avoided if
3 the parties confer in good faith as required by Local Rule 7-3. In general,
4 the Court will provide leave to amend upon granting a motion to dismiss
5 unless it is clear the complaint is not correctible. *See Chang v. Chen*, 80
6 F.3d 1293, 1296 (9th Cir. 1996); *see also Rosenberg Bros. & Co. v.*
7 *Arnold*, 283 F.2d 406, 406 (9th Cir. 1960) (requiring “extreme liberality”
8 in favor of amendments). If the Ninth Circuit’s “extreme liberality”
9 standard applies to a meritoriously filed motion, the Court may
10 summarily grant the motion with leave to amend. A good-faith “meet
11 and confer” may avoid this costly and inefficient process. If the Court
12 grants a motion to dismiss with leave to amend, the plaintiff must file an
13 amended complaint within the time period specified by the Court.
14 Failure to timely file an amended complaint will result in dismissal with
15 prejudice.

- 16 **b Motions to Amend Pleadings.** A motion to amend the pleadings must
17 state: (a) the effect of the amendment and (b) the page, line numbers, and
18 wording of any proposed change or addition of material. A “redlined”
19 version of the proposed amended pleading must be delivered to Chambers
20 (in paper form) and to Chambers email (in electronic form using Word),
21 indicating all additions and deletions to the prior version of the pleading.
22 This “redlined” version also must be delivered to opposing counsel at
23 least two hours in advance of the Local Rule 7-3 conference; and if the
24 plaintiff later changes the delivered version, counsel will be required to
25 meet again about the revised pleading. In addition to the requirements of
26 the Local Rules, all amended pleadings must be serially numbered to
27 differentiate each amendment (i.e., “First Amended Complaint,”
28 “Second Amended Complaint”).

1 **c. Motions for Summary Judgment.** Please refer to Judge Blumenfeld's
 2 Standing Order re: Motions for Summary Judgment found at
 3 <https://www.cacd.uscourts.gov/honorable-stanley-blumenfeld-jr>.

4 **d. PLRA Exhaustion Motion.** The issue of exhaustion under the Prison
 5 Litigation Reform Act (PLRA) must be raised at the beginning of the
 6 litigation. *Albino v. Baca*, 747 F.3d 1162, 1170 (9th Cir. 2014). A party
 7 seeking to obtain a judicial determination of any material fact dispute
 8 precluding summary judgment on the exhaustion issue must file before
 9 this Court a request for a hearing *within 14 days of the filing of the order*
 10 *denying summary judgment*. The failure to file a timely request may be
 11 construed as a waiver of the exhaustion issue.

12 **8. MOTION HEARINGS.**

13 **a. Remote Appearances.** Remote appearances are not permitted absent
 14 good cause shown in a declaration concurrently filed with the moving
 15 papers or the opposition. Absent a concurrent filing, a party requesting to
 16 appear remotely must submit a declaration establishing that the party is
 17 unable to appear in person due to an unanticipated and unavoidable
 18 emergency and that the party made the request promptly upon learning of
 19 the emergency.

20 **b. Submission without Argument.** The Court may take a motion off
 21 calendar if it concludes the decision will not benefit from oral argument.

22 **c. Time.** If oral argument is permitted, the parties will have a total of 20
 23 minutes, divided equally between the sides, unless the Court states
 24 otherwise. If the Court believes that the matter warrants less or more
 25 time, it will advise counsel at the hearing.

26 **d. Tentatives.** The Court often issues written tentative rulings and makes
 27 them available (i) the afternoon before the hearing between 2:00 p.m. and
 28 6:00 p.m. (on Judge Blumenfeld's webpage) or (ii) 30 minutes before the

1 hearing (in the courtroom). A tentative ruling does not represent the final
2 decision of the Court, and the parties are *strictly prohibited* from filing it
3 as an exhibit in any case.

4 **e. Oral Argument.** If a tentative has issued, the parties should be prepared
5 to explain why the analysis is correct or incorrect. Also, the Court often
6 tests its reasoning by asking questions and expects counsel to respond
7 directly and candidly.

8 **f. Settlement.** Counsel *must* notify the Court at least two weeks before the
9 scheduled hearing if the parties are conducting settlement discussions
10 that may render the motion moot and *must* notify the Court immediately
11 if a settlement is reached. A belated notice of settlement wastes scarce
12 judicial resources, and will subject the offending parties to sanctions–
13 and it may also result in the release of the tentative ruling.

14 **9. EX PARTE APPLICATIONS.**

15 A party seeking ex parte relief, including a temporary restraining order, must
16 comply with Local Rule 7-19.

17 **a. Notice.** The applicant must (1) notify the other party (or parties) that
18 opposing papers are to be filed no later than 48 hours following service or by 3:00
19 p.m. on the first court day after the service, whichever is later, and (2) advise the
20 Court in a declaration whether any party opposes the application (*see* Local Rule 7-
21 12.1). If an opposing party did not disclose its position to the applicant before the
22 application is filed, the opposing party should advise the CRD by email as soon as
23 possible whether it intends to oppose the application.

24 **b. Submission.** The application will not be considered until a Chambers
25 Copy has been provided. Once the application is submitted for decision, the Court
26 will rule on the papers unless it elects to set a hearing. Do not contact chambers
27 about the status.

28 **c. No Tolling of Obligation.** An application or stipulation does not serve

1 to toll, or relieve a party of, an underlying obligation (e.g., a soon-to-expire
2 deadline). Parties should not assume that an unopposed ex parte application or
3 stipulation will be granted; and a last-minute application or stipulation that is
4 denied may result in a party's defaulting on the underlying obligation.

5 **10. CONTINUANCES.**

6 The Court grants continuances of pretrial and trial deadlines only on a timely
7 showing of good cause. The Court applies the same standard of good cause to all
8 extension requests—whether opposed, unopposed, or jointly requested.

9 **a. Good cause.** Good cause requires a specific, detailed, and non-
10 conclusory showing of diligence from the outset of the case, describing:
11 (1) all relevant work previously done (including when each item was
12 completed), (2) all relevant work that remains to be done, (3) why the
13 remaining work could not previously have been done (including efforts
14 made to complete each remaining item), and (4) why the amount of time
15 requested is needed to complete the remaining work.

16 **b. Diligence.** The Case Management Order (CMO) that the parties will
17 receive following the Mandatory Scheduling Conference (MSC) contains
18 an attachment with information that must be submitted in table form in
19 showing diligence. Diligence generally will *not* be found when a party
20 opts for strategic staging of discovery (or other tasks) or in-person
21 depositions that prevent completion within the existing deadline.
22 Moreover, a desire to engage in settlement discussions does not
23 constitute good cause to extend existing deadlines. The parties are
24 strongly encouraged to agree to exchange initial disclosures promptly
25 and to actively commence discovery before the MSC.

26 **b. Proposed Order.** The parties must complete and submit the CMO
27 Continuance Order template on the Judge Blumenfeld's webpage under
28 "Orders & Additional Documents." Please follow the highlighted

directions at the end of the document. File the Proposed Order and submit an electronic Word copy to Judge Blumenfeld's Chambers email (SB_Chambers@cacd.uscourts.gov). Failure to use and properly submit the CMO Continuance Order Template will result in the striking or summary denial of the request.

- c. **Denied with Prejudice.** Denial of an extension request, including summary denial, is *with prejudice*. The parties should therefore present all available information showing that the outstanding discovery or other litigation tasks cannot be completed within the existing deadlines despite all reasonable diligence from the outset of the case. A party is *not* permitted to resubmit a denied extension request with information that was either previously submitted or previously available.

* * *

Failure to comply with the procedural requirements above—including the use and proper submission of the table in the MSC Attachment and the CMO Continuance Order Template—may result in the extension request being stricken or summarily denied. An improper resubmission of a denied extension request may result in sanctions.

11. **CLASS ACTIONS.**

If this action is a putative class action, the parties are to act diligently and begin discovery immediately, so that the motion for class certification can be filed expeditiously. A motion for class certification must be filed no later than 120 days from the date initially set for the scheduling conference, unless the Court orders otherwise.

12. **ERISA CASES (BENEFIT CLAIMS).**

The parties may receive a mandatory scheduling conference order as a matter of course. Because the ordinary pretrial and trial schedule does not apply to these ERISA cases, the parties need only submit a joint status report identifying any

1 special issues that should be considered. The parties should proceed with the
2 preparation of the administrative record and briefing without delay upon service of
3 the complaint. If necessary, the Court will hear motions to determine the standard
4 of review, whether discovery will be permitted, and the scope of the administrative
5 record. Counsel are discouraged from filing motions for summary judgment or
6 partial summary judgment for a merits determination. *See Kearney v. Standard*
7 *Insurance Co.*, 175 F.3d 1084,1095 (9th Cir. 1999) (en banc) (noting the difference
8 in procedures between Rule 56 and Rule 52). A court trial, ordinarily limited to oral
9 argument on the administrative record, will be scheduled within six months from
10 the filing of the original complaint, unless good cause for additional time is shown
11 in the status report. If the Court concludes that the decision would not benefit from
12 oral argument, the matter may be submitted for decision on the papers.

13 **13. BANKRUPTCY APPEALS.**

14 Counsel must comply with the Notice Regarding Appeal from Bankruptcy
15 Court issued at the time the appeal is filed in the district court. The matter is
16 deemed under submission on the filing of the appellant's reply brief. The Court
17 considers bankruptcy appeals on the papers and usually does not set these matters
18 for hearing.

19 **14. CONSENT TO MAGISTRATE JUDGE.**

20 The parties may consent to have a Magistrate Judge preside over the entire
21 case, including trial. The parties are free to select from among all Magistrate
22 Judges available for this purpose, not just the Magistrate Judge assigned to this
23 case. Please consult the Central District website [https://www.cacd.uscourts.gov/](https://www.cacd.uscourts.gov/judges-requirements/court-programs/voluntary-consent-magistrate-judges)
24 [judges-requirements/court-programs/voluntary-consent-magistrate-judges](https://www.cacd.uscourts.gov/judges-requirements/court-programs/voluntary-consent-magistrate-judges)) for the
25 list of available Magistrate Judges and submit the consent form.

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1 **15. SANCTIONS FOR FAILURE TO COMPLY.**

2 If, without satisfactory explanation, counsel fail to file the required Joint Rule
3 26(f) Report or the required pretrial documents, fail to appear at any scheduled
4 proceeding, or otherwise fail to comply with judicial orders or rules, the Court shall
5 take any action it deems appropriate, including: (i) dismissal of the case for failure
6 to prosecute, if the failure occurs on the part of the plaintiff; (ii) striking the
7 answer resulting in default if such failure occurs on the part of the defendant;
8 and/or (iii) imposing monetary sanctions against the offending party and counsel.

9
10 IT IS SO ORDERED.

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12
13 Dated: October 12, 2022



Stanley Blumenfeld, Jr.
United States District Court Judge