

**U.S. MAGISTRATE JUDGE BARBARA A. McAULIFFE**

**United States District Court - Eastern District of California**

**2500 Tulare Street, Courtroom #8, 6th Floor**

**Fresno, California 93721**

**Courtroom Deputy Clerk Harriet Ann Herman**

**Office No. (559) 499-5788**

**Fax No. (559) 494-3920**

**e-mail: [hherman@caed.uscourts.gov](mailto:hherman@caed.uscourts.gov)**

**1. Civil Law and Motion Calendar:**

- a) Judge McAuliffe does NOT issue tentative rulings.
- b) Hearings are on Fridays at 9:00 a.m. in Courtroom #8 - motion dates are not reserved.
- c) Parties do not need to clear a motion hearing date. File your moving papers in accordance with the Local and Federal Rules, if the date conflicts  
  
with the Court's calendar, the Court will reschedule the matter by minute order. DATES ARE NOT RESERVED. .
- d) Paper copies of all motion-related documents, properly tabbed, fastened, and clearly identified as a "Courtesy Copy" shall be submitted to the court, Attention: Judge McAuliffe.
- e) On short notice, Minute Orders may be issued vacating the hearing and taking the matter under submission pursuant to Local Rule 230(g) (Fed. R. Civ. P. 78) - *please refer to the court's Notice of Electronic Filing.*
- f) Motion dates are subject to change at the court's discretion.

**2. Scheduling Conferences:**

A JOINT Scheduling Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in full compliance with the requirements set forth in the Order Setting Mandatory Scheduling Conference, one (1) full week prior to the Scheduling Conference, and a copy shall be e-mailed, in WordPerfect or Word format, to [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov).

**3. Settlement Conferences:**

- a) The case must be ready for meaningful settlement discussions. Plaintiff must make a demand to defendants and initial settlement negotiations must take place prior to the Settlement Conference being held.
- b) Confidential Settlement Conference Statements are **MANDATORY** from each party, and must be

submitted to Judge McAuliffe's chambers **at least seven (7) calendar days prior to the Settlement Conference.**

c) Parties must appear with counsel.

d) Upon written request with *good cause* submitted for Judge McAuliffe's approval, some telephonic appearances may be granted.

#### **4. Telephonic Appearances:**

a) Telephonic appearances by local or out-of-town counsel are encouraged.

b) Please notify the courtroom deputy if one or more attorneys will be appearing telephonically, so that a notation can be placed on the court calendar.

c) Counsel shall make arrangements for and shall initiate the conference call at the scheduled time.

d) After all parties are on the line, the call should be placed to Judge McAuliffe's chambers at **559-499-5789**.

#### **5. Discovery Hearings:**

Local Rule 251(a) (Fed.R.Civi.P. 37) requires a joint statement. However, with the press of business, Judge McAuliffe **REQUIRES** a joint statement re discovery disagreement be filed seven (7) days before the scheduled hearing date (i.e., the Friday before the customary Friday hearing). Any motion will be dropped from calendar if the statement is not timely filed, and courtesy copies of all motion-related documents, including the 251 statement, declarations, and exhibits (see #1d above), are not delivered to the Clerk's Office by 9:00 a.m. on the fourth (4<sup>th</sup>) day (Monday) prior to the hearing (customarily on Friday).

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#### **6. Informal Telephonic Conferences re Discovery Disputes:**

a) If the parties stipulate, Judge McAuliffe will resolve discovery disputes outside the formal Local Rule 251 procedures.

b) After obtaining the available dates and times from the courtroom deputy and agreeing upon a date and time with opposing counsel,

confirm with the courtroom deputy when the parties will be calling in. All parties must appear telephonically.

c) At least 24 hours before the conference, the parties should fax or email to chambers a two-page synopsis (no exhibits or attachments)

of their dispute. Fax: 559-494-3920 and/or Email: [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov).

#### **7. All Documents Requiring Court Approval:**

As required by Local Rule 137(b), counsel shall submit all proposed orders, stipulations, etc., in either Word Perfect (preferred) or Microsoft Word format, to chambers at [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov). Pursuant to Local Rule 131(c), the documents should include the attorneys' electronic signatures (i.e. /s/First/Last name), as well as the date the document was signed.

**8. Length of Briefs on Motions other than Rule 251 motions**

Unless prior leave of Court is obtained seven days before the filing date, all moving and opposition briefs or legal memorandum in civil cases shall not exceed 25 pages. Reply briefs filed by moving parties shall not exceed 10 pages. Any brief exceeding 10 pages shall include a table of contents and a table of authorities. Briefs that exceed the page limitations or are sought to be filed without leave may not be considered. If combined supporting papers or opposition papers exceed 25 pages, the parties are required to submit a complete set of all papers as chambers courtesy copy, properly tabbed and fastened.