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**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

[NAME],
Plaintiff(s)
v.
[NAME],
Defendant(s)

Case No.: [CASE NO.]

STANDING ORDER IN CIVIL CASES

I. LAW AND MOTION

A. Calendar

The civil law and motion calendar for District Judge Daniel J. Calabretta is held on designated Thursdays commencing at 1:30 PM. All motions shall be noticed for hearing on Judge Calabretta’s civil law and motion calendar. Hearing dates are not reserved; however, counsel shall contact Gabriel Michel, Courtroom Deputy for Judge Calabretta, via email (gmichel@caed.uscourts.gov), to obtain available hearing dates. Oral argument on all motions shall be conducted in person in Courtroom 10. Joint requests for remote appearance must be made at least one week in advance of the hearing and are generally disfavored. The parties shall indicate in their papers whether they wish to submit any motion for decision without oral argument. The

1 Court may elect to submit any motion for decision without oral argument, taking the
2 matter under submission pursuant to Local Rule 230(g), and will so advise the parties
3 via minute order in advance of the noticed hearing date. The parties are required to
4 comply with Local Rule 230, or other applicable rules and notice requirements with
5 respect to motions.

6 **B. Briefing**

7 All briefs must be submitted using a font of 12 pt size. Footnotes must be no
8 more than two sizes smaller than the text size. Parties are encouraged to use a sans
9 serif font such as Arial or Helvetica for ease of electronic reading.

10 All moving and opposition briefs or legal memoranda in civil cases shall not
11 exceed twenty-five pages without prior leave of court. Reply briefs filed by moving
12 parties shall not exceed fifteen pages. The Court will grant an application to extend
13 these page limitations only after good cause shown. Pages that exceed the page
14 limitations without leave of court will not be considered. Finally, no supplemental
15 briefs or sur-replies shall be filed and will not be considered without prior leave of
16 court.

17 Multi-page exhibits shall be internally paginated, with the pagination for each
18 exhibit beginning with the number 1; references to those exhibits shall refer to the
19 exhibit designation and page number (i.e., Ex. A at 7, etc.).

20 **C. Meet and Confer Requirements**

21 Prior to filing a motion in a case in which the parties are represented by
22 counsel, counsel shall engage in a pre-filing meet and confer to discuss thoroughly
23 the substance of the contemplated motion and any potential resolution. Counsel
24 should resolve minor procedural or other non-substantive matters during the meet
25 and confer process so that briefing on motions that proceed to hearing is directed
26 only to those substantive issues requiring resolution by the Court. **A notice of motion**
27 **shall contain a certification by counsel filing the motion that meet and confer**
28 **efforts have been exhausted, with a very brief summary of meet and confer**

1 **efforts. Failure to comply with this requirement will result in the motion being**
2 **summarily denied without prejudice.**

3 **D. Motions for Summary Judgment**

4 Upon filing a motion for summary judgment, the parties shall carefully read
5 Local Rule 260. The moving party shall include a Statement of Undisputed Facts with
6 their motion. The non-moving party shall reproduce and respond to the moving
7 party's Statement of Undisputed Facts. The non-moving party may also file a concise
8 Statement of Disputed Facts. The moving party shall reproduce and respond to the
9 non-moving party's Statement of Disputed Facts, but the moving party may not file a
10 reply to the non-moving party's response to the Statement of Undisputed Facts.

11 At least twenty-eight (28) days before the dispositive motions filing deadline,
12 the parties must meet and confer to determine whether they intend to file cross
13 motions for summary judgment. If the parties do intend to file cross motions, the
14 plaintiff must file the opening brief for summary judgment at least fourteen (14) days
15 before the dispositive motions deadline. The plaintiff's concurrently-filed notice of
16 motion shall indicate the parties' intention to file cross motions and shall notice a
17 hearing date at least forty-two (42) days from the date of filing. Only four briefs in
18 support of cross motions for summary judgment shall be filed as follows:

- 19 (1) Plaintiff's opening brief (25 pages maximum), along with any other
20 documents required or permitted under Local Rule 260, shall be
21 filed at least fourteen (14) days before the dispositive motions
22 filing deadline;
- 23 (2) Defendant's opposition and cross motion for summary judgment
24 (35 pages maximum) shall be filed no later than fourteen (14) days
25 after the motion was filed;
- 26 (3) Plaintiff's reply and opposition (20 pages maximum) shall be filed
27 no later than fourteen (14) days after Defendant's opposition and
28 cross motion were filed; and

1 (4) Defendant's reply (10 pages maximum) shall be filed no later than
2 ten (10) days after Plaintiff's reply and opposition were filed.

3 These are the only four briefs that may be filed, even if the parties move for
4 summary judgment on more than one complaint (e.g., motions on a complaint and a
5 counterclaim). The parties must obtain permission from the Court to exceed the
6 stated page limitations. If the parties do not comply with this procedure and schedule
7 for filing cross motions for summary judgment, but nonetheless file cross motions, the
8 Court will deny both motions without prejudice.

9 **E. Proposed Orders**

10 The parties are not required to submit proposed orders with civil motions set
11 for hearing before Judge Calabretta, with the exception that proposed orders shall be
12 submitted with motions for a temporary restraining order and motions for a
13 preliminary injunction. In addition, parties shall provide proposed consent decrees
14 where applicable, and proposed findings of fact and conclusions of law following a
15 bench trial. Any such required proposed order shall be submitted in compliance with
16 Local Rule 137(b) and e-mailed in Microsoft Word format to
17 DJCorders@caed.uscourts.gov.

18
19 **II. EX PARTE APPLICATIONS**

20 Ex parte applications typically are not heard but are submitted by the Court
21 unless otherwise notified. The filer is required to contact the courtroom deputy and
22 the opposing party prior to the filing of the ex parte application in order to advise that
23 such a request is being made. In addition, the document(s) must indicate whether an
24 opposition will be filed. The filer shall include an affidavit indicating a satisfactory
25 explanation for the following: (1) the need for the issuance of such an order, (2) the
26 inability of the filer to obtain a stipulation for the issuance of such an order from other
27 counsel or parties in the action, and (3) why such request cannot be noticed on the
28 Court's civil law and motion calendar as provided by Local Rule 230.

1 **III. SEALING, REDACTED, AND PROTECTIVE ORDERS**

2 No document will be sealed, nor shall a redacted document be filed, without
3 the prior approval of the Court. If a document for which sealing or redaction is sought
4 relates to the record on a motion to be decided by Judge Calabretta, the request to
5 seal or redact should be directed to him and not the assigned Magistrate Judge. All
6 requests to seal or redact shall be governed by Local Rules 141 (sealing) and 140
7 (redaction).

8 **A. Requests for Sealing**

9 All requests for sealing must comply with the requirements of Local Rule 141
10 and Federal Rules of Civil Procedure. Additionally, the moving party must clearly state
11 in their motion whether or not the request is opposed by another party. If the request
12 is opposed or the moving party does not state that the motion to seal is unopposed,
13 all other parties must submit either an opposition or notice of non-opposition within
14 three days of the date of service of the Notice of Request to Seal Documents. See
15 Local Rule 141(c).

16 Pursuant to Local Rule 141, a Notice of Request to Seal Document(s) must be
17 filed electronically. The Request to Seal, a proposed sealing order (in Word), and all
18 documents covered by the request must be emailed to
19 DJCorders@caed.uscourts.gov. If the request is approved and notice of electronic
20 filing of the sealing order is received, all documents covered by the order must be
21 emailed to ApprovedSealed@caed.uscourts.gov for filing under seal.

22 **B. Protective Orders**

23 **Protective orders covering the discovery phase shall not govern the filing**
24 **of sealed or redacted documents on the public docket. The court will only**
25 **consider requests to seal or redact filed by the proponent of sealing or redaction.**

26 If a party plans to make a filing that includes material an opposing party has identified
27 as confidential and potentially subject to sealing or redacting, the filing party shall

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1 provide the opposing party with sufficient notice in advance of filing to allow for the
2 seeking of an order of sealing or redaction from the court.

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4 **IV. APPLICATIONS OR STIPULATIONS TO EXTEND THE TIME TO FILE**
5 **ANY REQUIRED DOCUMENT OR TO CONTINUE ANY PRETRIAL OR TRIAL DATE**

6 No stipulations extending scheduling requirements or modifying applicable
7 rules are effective until and unless the Court approves them. Both applications and
8 stipulations must be filed well in advance of the date due and set forth:

- 9 (1) the existing due date or hearing date as well as the discovery cutoff date,
10 the last date for hearing motions, the pre-trial conference date and the
11 trial date;
- 12 (2) specific, concrete reasons supporting good cause for granting the
13 extension. In this regard, a statement that an extension “will promote
14 settlement” is insufficient. The requesting party or parties must indicate
15 the status of ongoing negotiations with specificity; and
- 16 (3) whether there have been prior requests for extensions, and whether
17 these were granted or denied by the court.

18 Stipulations that have the effect of continuing the trial date are disfavored.

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20 **V. TRIAL**

21 **A. Pretrial Statements and Final Pretrial Conference**

22 In those cases in which Judge Calabretta is conducting the Final Pretrial
23 Conference, the parties are required to submit a Joint Pretrial Statement pursuant to
24 Local Rule 281. The parties’ Joint Pretrial Statement must be filed seven (7) days
25 before the date set for the Final Pretrial Conference and must also be emailed as a
26 Word document to: DJCorders@caed.uscourts.gov. **Separate pretrial statements**
27 **are not permitted unless a party is not represented by counsel.**

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1 The Joint Pretrial Statement must cover all topics detailed in Local Rule 281
2 with the following clarifications:

- 3 (1) the parties must include a neutral joint statement of case;
- 4 (2) all duplicative or overlapping exhibits between parties must be
5 listed as joint exhibits on a separate joint exhibit list, identified as
6 JX-1, JX-2, etc.;
- 7 (3) plaintiff's exhibits shall be listed numerically, and defendant's
8 exhibits shall be listed alphabetically;
- 9 (4) all exhibits must be identified with a reasonable amount of detail
10 (e.g., date, Bates-stamp number, description, estimated page
11 length) so that there is no confusion as to what exhibit is
12 identified;
- 13 (5) all remaining issues (e.g., claims, affirmative defenses, forms of
14 relief) asserted in the action must be stated under the points of
15 law section or identified as an abandoned issue; and
- 16 (6) motions in limine listed should be limited to those which the
17 parties reasonably anticipate filing.

18 The parties shall not file motions in limine prior to the pretrial conference.
19 Following the pretrial conference, the Court will issue a pretrial order that will set
20 dates for the filing of motions in limine, the submission of exhibits, and other trial-
21 related documents/deadlines.

22
23 **VI. NOTICE OF THIS ORDER**

24 Counsel for plaintiff shall immediately serve this order on all parties, including
25 any new parties added to the action in the future, unless this case came to the court by
26 noticed removal, in which case defendant shall serve this order on all other parties.

27 Before taking any action in a case, all parties are encouraged to check Judge

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1 Calabretta's page on the website for the Eastern District of California for the most up-
2 to-date version of these rules.

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6 DATED: December 14, 2023

/s/ Daniel J. Calabretta

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THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE

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