Senior Judge William B. Shubb

United States District Court - Eastern District of California
501 I Street, Courtroom 5, 14th Floor
Sacramento, CA 95814

Courtroom Deputy, Karen Kirksey Smith
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******************************ATTENTION******************************

All parties in a civil action shall adhere to Judge Shubb's order setting the Initial Scheduling Conference, which REQUIRES that a nongovernmental corporate party has the obligation to file a corporate disclosure statement WITH ANY FIRST APPEARANCE, pleading, petition, motion, response or other requests addressed to the court, pursuant to Federal Rule of Civil Procedure 7.1. Failure to comply with this requirement may result in sanctions being ordered against any nongovernmental corporate party that did not submit its corporate disclosures.

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Weekly Court Calendar Schedule

*Criminal Law & Motion: Mondays @ 9:30 a.m.

*Civil Law & Motion: Every Other Monday @ 2:00 p.m. (see below)

Scheduling Conferences: Every Other Monday @ 2:00 p.m. (non-law and motion days)

Trials Hours: Tuesday - Friday, 9:00 a.m. to 4:30 p.m. (unless otherwise ordered)

***Note: If Monday is a holiday, then the matter should be set for that following Tuesday)**

ANY REQUESTS FOR CONTINUANCE OF A HEARING DATE MUST FIRST BE CLEARED THROUGH THE COURTROOM DEPUTY

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I. **CIVIL LAW AND MOTION**: **(Judge Shubb does not issue tentative rulings.)**
Held every other Monday at 2:00 p.m., in Courtroom 5, 14th Floor. If Monday is a holiday, then the motion shall be heard on Tuesday at 2:00 p.m., unless otherwise notified by the Court.

****PLEASE NOTE:**

1. ****Motions for Summary Judgment, Summary Adjudication, Judgment on the Pleadings or Partial Summary Judgment**: Counsel shall refer to Local Rule 260 and F.R.Civ.P. 56, and shall confer with the courtroom deputy prior to filing these types of motions.
2. ****Motions for Leave to Withdraw as Counsel of Record**: Judge Shubb **requires** that the attorney seeking leave to withdraw makes certain that his/her client is present at the motion hearing, and that notice be filed to reflect that the client has been notified.
3. ****Motions in Limine**: The timing for filing of said motions are discussed during the Pretrial Conference, after which time Judge Shubb will issue an order notifying counsel when motions in limine should are to be filed and noticed.

The next available motion dates are:

July 29, August 12 and 26, and September 9 and 23, 2013
at 2:00 p.m.

***** MOTION DATES ARE SUBJECT TO CHANGE WITHOUT NOTICE *****

MOTION DATES ARE NOT RESERVED. Simply file your papers in accordance with the Local Rule (see L.R. 230) and Federal Rules. When including case citations, please note that Judge Shubb prefers "The Blue Book" format.

Courtesy Copies of All Motion-Related Pleadings 25 pages or more ONLY:

Shall be **mailed** in hard copy form directly to Judge Shubb's chambers (at the address listed above) immediately upon e-filing, and pursuant to Local Rule 130(b) and 133(f).

E-Mailing of Proposed Orders: As required by the rules, counsel shall submit **via email** to **WBSorders@caed.uscourts.gov** the proposed order accompanying any application, request, stipulation or motion in either **Word Perfect (preferred) or Microsoft Word format**. Pursuant to Local Rule 131(c), the document should include the attorneys' electronic signature(s) (i.e. **/s/ First/Last name**), as well as the date the document was signed.

Motions to Tax Costs (Bills of Costs): Motions to tax costs are taken under submission by the court upon initial filing; no hearing date is set. All briefs and responses shall be submitted in accordance with the Local and Federal Rules.

Discovery matters (including motions): All discovery matters and other duties to be performed by the Magistrate Judge pursuant to **Local Rule 302** shall be noticed before the **assigned Magistrate Judge**, unless otherwise ordered by the Court.

Page Limitations: Judge Shubb currently has no set page limitations, other than what is specified in the Court's Local Rules, or found on the Court's website at: www.caed.uscourts.gov, or as noted in the Federal Rules.

Notice of Lodging of an Administrative Record:

Pursuant to Local Rule 138(b), parties shall, if possible, lodge with the court the administrative record in electronic format (i.e. a CD or flashdrive). Judge Shubb **does not** require a party to submit the "mandatory courtesy copy in paper format," as required by this Local Rule, and thereby waives that requirement. However, the parties shall e-file a "Notice of Lodging of the Administrative Record" indicating the type of electronic format that has been lodged with the court, a description of its contents (i.e. files, folders, etc.), along with an index.

Designation and Submission of Deposition Transcripts:

Judge Shubb requires that counsel adhere to Local Rule 133(j), **and** that a **hard copy** of the entire certified deposition(s) be submitted to chambers as instructed in said rule.

Requests for Telephonic Appearances (in civil cases):

*******Any requests for appearances by telephone must be prepared in pleading form, along with a proposed order and e-filed accordingly **NO LATER THAN 1-2 WEEKS PRIOR to the hearing date.** The request and proposed order **must** include the telephone number where the attorney can be reached on the day of the telephonic appearance. Upon e-filng the request, a Word Perfect or Microsoft Word version of the proposed order must be submitted to the judge's email address for his review and approval to: **WBSorders@caed.uscourts.gov, and shall contain the following language: "The courtroom deputy shall email counsel with instructions on how to participate in the telephone conference call."** **If the request is approved, counsel will receive a separate email notification from the courtroom deputy with instructions on how to participate in the telephone conference call through the court's telephone conferencing service. Counsel shall immediately confirm receipt of said email.**

*****PLEASE NOTE: Scheduling Conferences are generally taken OFF CALENDAR and UNDER SUBMISSION within the week prior to the scheduled date, and upon the court's receipt of the properly and timely filed Joint Status Report. Therefore, these matters ARE NOT usually held via telephone conference.**

Ex Parte Applications/TRO's (in civil cases):
Ex Parte Applications are **not heard**, but are submitted by the court unless **otherwise notified.** The filer is **required** to contact the courtroom deputy and the opposing party **prior** to the filing of the ex parte application in order to advise that such request is being made. In addition, the document(s) must indicate whether or not an opposition will be filed. The filer shall include an affidavit indicating a satisfactory explanation for the following: 1) the need for the issuance of such an order; 2) the failure of the filer to obtain a stipulation for the issuance of such an order from other counsel or parties in the action, 3) why such request cannot be noticed on the court's motion calendar pursuant to Local Rule 230, and 4) If a TRO, the filer shall notify the court of any attempts made to notify the opposing party of such filing.

Civil Subpoenas and Procedures: Counsel shall refer to **Local Rule 250.5 and Fed. Rule 45** regarding the issuance of subpoenas in a civil case.

Notice of Settlement:
Counsel are required to notify the courtroom deputy once an action has settled, and thereafter, immediately file a Notice of Settlement pursuant to Local Rule 160, which shall include a timeframe for when the dispostion documents (stipulated dismissal) will be filed.

II. CRIMINAL CALENDAR INFORMATION:

Held on Mondays at 9:30 a.m. in Courtroom 5, 14th Floor; unless Monday is a holiday, then set for Tuesday at 9:30 a.m. Please contact the courtroom deputy for a new hearing date prior to seeking the continuance of any criminal matters.

****NOTE**: Any hearing dates to be scheduled for an upcoming Monday criminal calendar during Criminal Duty on a Friday afternoon shall not be set unless first cleared by Judge Shubb's CRD. It is counsel's responsibility to contact this CRD before 12:00 PM (Noon) on that Friday if they know, or if there is any possibility, that they wish to have a defendant placed on the upcoming Monday criminal calendar. Otherwise, the next available criminal calendar hearing date is to be set. In addition, any requests made by counsel for the setting of TCH and Trial dates during the criminal duty calendar must first be cleared through this CRD. Therefore, counsel MUST contact this CRD prior to the criminal duty calendar if they know, or if there is any possibility, that they wish to have said dates set .**

Criminal Calendar Continuances:

Please note that the Court would **prefer** the submission of stipulations and proposed orders on any matters that can be handled without an in-court hearing (i.e. request for the setting of further status conferences, requests for continuances of pending matters, or the setting of trial confirmation hearings and trial dates). Counsel are **required** to contact the Courtroom Deputy for available hearing dates **prior** to submitting a stipulation. **Stipulations and Requests for continuances on criminal matters, other than sentencings, shall be submitted no later than 12:00 (Noon) on the Friday prior to the hearing date, unless otherwise notified by the Courtroom Deputy. Stipulations and Requests for continuances of sentencings shall be submitted no later than 12:00 (Noon) on the Thursday prior to the hearing date, unless otherwise notified by the Courtroom Deputy.**

Waiver of Defendant's Presence (at a hearing):

Judge Shubb does not require that this request be submitted with a proposed order for his approval. Counsel shall simply e-file the document as a notice, to include the defendant and the attorney's signature.

Criminal Motions and Procedures:

Counsel shall refer to **Local Rule 430.1** for the filing of criminal motions. Criminal motions calendared before Judge Shubb shall be heard on a Monday at 9:30 a.m. If Monday is a holiday, then the motion shall be set for the following Tuesday at 9:30 a.m., unless otherwise ordered by the Court.

Criminal Subpoenas and Procedures:

Counsel shall refer to **Federal Rule 17** regarding the requests for issuance of criminal subpoenas.

****MOTION DATES ARE NOT RESERVED**. Simply file your papers in accordance with the Local Rule (see L.R. 430.1) and Federal Rules. When including case citations, please note that Judge Shubb prefers "The Blue Book" format.

Interpreter Services:

It is the responsibility of counsel to arrange for the services of an interpreter prior to the scheduled hearing date. It is also the responsibility of counsel to cancel the services of an interpreter prior to the scheduled hearing date. Interpreter services for a hearing may be arranged by contacting, Yolanda Riley-Portal, with the Court's Interpreter Office, at 916-930-4221 or YRiley-Portal@caed.uscourts.gov.

III. TRANSCRIPT ORDERS:

Please contact the Court Reporters **directly** for any transcript requests at their **email** listed below. The assigned Court Reporter for a particular proceeding can be determined by viewing the court docket for that hearing date:

Michelle Babbitt:	mbabbitt@caed.uscourts.gov	Kimberly Bennett:	kbennett@caed.uscourts.gov
Cathie Bodene:	cbodene@caed.uscourts.gov	Kelly O'Halloran:	kohalloran@caed.uscourts.gov
Diane Shepard:	dshepard@caed.uscourts.gov	Kathy Swinhart:	kswinhart@caed.uscourts.gov

IV. TRIAL INFORMATION and AUDIO/VISUAL EQUIPMENT:

Trial Hours: Normally 9:00 am - 4:30 pm - Tues .- Fri.; Lunch Time 1 - 1 1/2hours (usually 12 - 1:30 pm), **unless otherwise notified by the Court and/or outlined in the pretrial conference order**. If Monday is a holiday, then trial shall commence on Wednesday of that week.

Electronic Equipment: The Sacramento Clerk's office has a variety of audio/visual equipment available to use for trial purposes. Some available equipment may include: Interpreter/Hearing Impaired Systems, Audio Teleconferencing, Video Conferencing, Projectors, Plasma Screens, TVs and VCRs, in addition to what is specifically noted below for Judge Shubb's courtroom. In order to learn more extensively about the equipment provided by the court, you can access our intranet home page at **www.caed.uscourts.gov** by following these procedures:

1. From the Court intranet home page, select the "Attorney Info" tab.
2. Select the "Sacramento" tab.
3. Scroll down to the "Electronic Courtroom" option.
4. **Attorneys should arrange through the Courtroom Deputy a time to meet with court Information Technology staff for training on electronic equipment. Appointments should be scheduled at least one to two weeks prior to trial.**
5. Judge Shubb's courtroom is currently equipped with the following electronic equipment: 1) ELMO (document presentation camera), 2) Video Cable Hook-ups; 3) Large Projector Screen; 4) Laptop Connections; 5) Monitors in jury box, witness stand, and at counsel table; 6) Wireless Microphones; 7) Annotation Tablet (an electronic chalkboard); and 8) Lapel Microphones. The courthouse also has a projection system and a slide projector available. However, counsel should contact the courtroom deputy at least 1-2 weeks prior to trial in order to verify the availability of the courthouse projectors, or counsel may bring in their own, if necessary. Additionally, counsel should contact the courtroom deputy prior to the day of trial in order to make arrangements to view the courtroom and bring in any other necessary equipment and/or materials.

Paraphernalia: For any paraphernalia (i.e., large physical items or blowups, electronic equipment, etc.): Counsel are to make arrangements through the Court Security Officers at (916) 930-2080, if necessary.

Counsel Rooms: Are available on either side of the courtroom (out in the hallway) for your use during trial.

Exhibits Tags: Please make sure to bring two sets of exhibits (1 original set for the witness with exhibit tags (gold for Government, pink for Plaintiff and blue for Defendant(s); and 1 set for the judge). Exhibits should be in easy-to-use binders (not larger than 3" in width), with divider tabs down the side marking each exhibit. Government/Plaintiffs shall mark their exhibits using numbers; Defendants shall mark their exhibits using letters (i.e. A-Z, AA-ZZ, etc.); or, the parties may agree to use certain blocks of numbers, (i.e. 1-100 for plaintiffs, 101-200 for defendants), as long as the parties **do not** use the same numbers. **Otherwise, exhibits shall be marked as ordered in the Pretrial Scheduling order issued by this Court**. **Exhibit tags should be placed on the witness' set of exhibits only.** The Court's set does not require exhibit tags, but must include the divider tabs down the side marking each exhibit. Exhibit tags **should** be obtained through the clerk's office (gold for Government, pink for Plaintiff, blue for Defendant(s)).

Deposition Transcripts (Civil Cases): **Counsel shall lodge any certified transcripts with the courtroom deputy on the first day of trial.**

Exhibit/Witness Lists: Counsel should also email the courtroom deputy a copy of their exhibit and witness lists in either Word Perfect (preferred) or Microsoft Word format, **no later than the Friday prior to scheduled trial date,** to the following email address **(see sample of required exhibit list format below)**: **kkirkseysmith@caed.uscourts.gov.**

EXH	DESCRIPTION	IDENTIFIED	ADMITTED
1			
2			
3			

Court-Ordered Trial Documents: If you have not already done so, please be sure to email the Word Perfect (preferred) or Microsoft Word version of your jury instructions, voir dire questions and proposed verdict form, or proposed findings of fact (if your case is a civil bench trial), to the judge's email address: **WBSorders@caed.uscourts.gov** **, as required.**

If you have any questions or require further information, please contact the Courtroom Deputy, Karen Kirksey Smith, at 916-930-4234.