

**PROCEDURES FOR PROCEEDINGS**  
**BEFORE**  
**U.S. MAGISTRATE JUDGE MICHAEL J. SENG**

(Revised December 7, 2012)

**I. GENERAL INFORMATION**

**A. Contact Information.**

Parties may contact the Yosemite Court through Courtroom Deputy (CRD) **Laurie C. Yu** at (209) 372-8917 or at [lyu@caed.uscourts.gov](mailto:lyu@caed.uscourts.gov) or via Career Law Clerk **Jeremy Clar** at (209) 327-0321 or [jclar@caed.uscourts.gov](mailto:jclar@caed.uscourts.gov).

**B. Filing.**

No civil filings are accepted in Yosemite. The Yosemite Court is supported by the Fresno Division of the Clerk's Office. Please contact Fresno at (559) 499-5600 for filing procedures.

**C. Telephonic appearances.**

Parties in civil matters proceeding before Magistrate Judge Seng may appear telephonically by making reservations through Court Call at 866-582-6878. Please send confirmations of reservations (and/or questions) to [mjsorders@caed.uscourts.gov](mailto:mjsorders@caed.uscourts.gov) and [lyu@caed.uscourts.gov](mailto:lyu@caed.uscourts.gov). Parties also may check with CRD Laurie Yu to see if other telephone appearance alternatives are available. (Please note, defendants in criminal cases may appear telephonically only with prior Court approval.)

**D. Documents Requiring Court Approval.**

Counsel shall comply with the Local Rules of the Eastern District and email to [mjsorders@caed.uscourts.gov](mailto:mjsorders@caed.uscourts.gov) all proposed orders, applications, requests, stipulations, etc., in either Word Perfect (preferred) or Microsoft Word format. As per Local Rule 131(a)(c), the document shall include the attorney(s) electronic signature(s) (i.e. /s/ First Last name), as well as the date the document was signed.

**II. CIVIL CASE PROCEDURES**

**A. Scheduling Conferences.**

A Joint Scheduling Conference Report carefully prepared and executed by all counsel, shall be electronically filed in CM/ECF in full compliance with the requirements set forth in the previously served ORDER SETTING MANDATORY SCHEDULING CONFERENCE at least one (1) full week prior to the Scheduling Conference, and shall be emailed, in WordPerfect or Word format, to [mjsorders@caed.uscourts.gov](mailto:mjsorders@caed.uscourts.gov)

**B. Motion Schedule.**

Civil motions are heard at 9:30 a.m. on the 2nd and 4th Friday of every month in Courtroom 6 of the Fresno courthouse. **Dates DO NOT need to be cleared in advance with the Court.** Moving papers are to be filed in accordance with the Local and Federal Rules. If the date chosen by the filing party conflicts with the Court's calendar, the Court will reschedule the matter by minute order.

**C. Discovery Motions.**

No discovery motion may be noticed or set for hearing before Magistrate Judge Michael J. Seng without his prior approval obtained in accordance with the following **Telephonic Discovery Dispute Conference** procedures:

1. Requesting a Conference.

A party with a discovery dispute shall confer with the opposing party in a good faith effort to resolve the dispute without court action. If such effort fails, the moving party shall, prior to filing a notice of motion, contact Courtroom Deputy, Laurie Yu at [lyu@caed.uscourts.gov](mailto:lyu@caed.uscourts.gov) to request a pre-motion telephone conference with Magistrate Judge Seng. The request shall be deemed to include a professional representation by the requesting lawyer that a good faith effort to resolve the dispute took place but failed, and it shall advise the Court of dates and times in the next ten day period when all concerned parties can be available to confer regarding the dispute.

2. Scheduling.

The Court will issue a minute order advising counsel of the time and date of the telephone conference. The parties shall make reservations to appear at that time through Court Call or through an alternative conference system arranged by one party and made available to the Court and all other parties.

3. Briefing.

Not later than four business hours before the scheduled conference, each party may submit a **one page** brief **objectively and factually** outlining the dispute, the party's position on it, and the reasons therefore to [mjsorders@caed.uscourts.gov](mailto:mjsorders@caed.uscourts.gov). The one page shall be in at least twelve point type and include the name of the party and the date of submission. It shall contain nothing more. There shall be no attachments. There shall be no editorializing. Inclusion therein of adjectives or adverbs or any characterization of an opponent's motives, methods, character, past practices, or the like shall subject the author to sanctions.

4. The Conference.

At the conference, the Court will discuss the issue raised and announce

its anticipated ruling on the dispute. If a party is dissatisfied with that ruling, it may seek permission to file a formal motion.

5. Further Proceedings.

If it is determined that motion papers and supporting memoranda are needed to satisfactorily resolve the dispute, Magistrate Judge Seng shall approve the filing of a written motion filed in conformity with Local Rule 251(a). (The provisions of Local Rule 251 (b) through (f) will not apply unless the Magistrate Judge so orders.) Such motion shall, without limitation, (1) quote in full each interrogatory, deposition question, request for admission, or request for production in dispute and (2) the response or objection and grounds therefor as stated by the opposing party. Unless otherwise ordered by the Court, deposition transcripts or discovery papers shall not be lodged or filed with the Court.

**D. Settlement Conferences.**

Settlement Conferences will be scheduled on the 2nd and 4th Thursday of each month in Courtroom 6 of the Fresno Courthouse. Parties with **full authority** to settle must appear with counsel unless otherwise ordered. Telephonic appearances are discouraged but a written request for same will be considered by Judge Seng if it shows good cause, it is filed at the time of the requesting party's Settlement Conference Statement, and it is copied to all parties.

Each party must submit a Settlement Conference Statement to Judge Seng's Yosemite chambers at least seven (7) calendar days prior to the Settlement Conference. Electronic versions may be emailed to [mjsorders@caed.uscourts.gov](mailto:mjsorders@caed.uscourts.gov). Each party's Settlement Conference Statement should be brief but as lengthy as the party deems necessary to provide the information requested by the Court. However, any Settlement Conference Statement that exceeds six (6) double-spaced pages, **MUST** be accompanied by a summary or outline of same not to exceed three (3) double-spaced pages.

At least fourteen (14) days prior to the Settlement Conference, Plaintiff's counsel shall submit a **good faith settlement demand** to Defendant's counsel. At least seven (7) days prior to the Settlement Conference, Defendant's counsel shall submit a **good faith** written offer to Plaintiff's counsel. The amounts of said demand and offer shall be disclosed in the Settlement Conference Statements forwarded to the Magistrate Judge who may impose sanctions if a demand or offer is determined to be in bad faith.

**III. CRIMINAL MOTIONS AND HEARINGS**

**A. Hearings.**

Criminal hearings are set daily (as necessary) at 1:30 p.m. at the U.S. District Court, 9004 Castle Cliffs Court, Yosemite Valley. Contact CRD Laurie Yu at the time of scheduling to advise of the need for an interpreter, court-appointed counsel, pretrial

services, probation, U.S. Marshals and/or any other Federal Law Enforcement agency participation.

**B. Continuances.**

The parties may stipulate to one continuance of any hearing or trial for a period of not more than thirty days without Court approval simply by notifying CRD Laurie Yu in advance of the scheduled appearance. No further continuances will be granted in any case without a showing of good cause.

**B. Trials.**

The following pre-trial and trial schedule apply to all criminal matters set for trial in the Yosemite Courtroom of the U.S. District Court for the Eastern District of California:

A. Absent Court order to the contrary, all trials will commence at 9:00 AM on the day designated for trial.

B. Fourteen (14) days before the trial date, the parties shall exchange, but not lodge or file:

1. Trial briefs, if any
2. Proposed witness lists\*
3. Proposed exhibits\*

C. Seven (7) days before the trial date, the parties shall exchange, but not lodge or file:

1. Opposition briefs, if any
2. Motions in Limine

D. Not later than the Friday immediately preceding the trial date, the parties shall meet and confer and:

1. Mark proposed exhibits as follows:
  - a. Agreed or Jointly Offered Exhibits — successive Roman numerals beginning with “I” preceded by the word “Agreed”
  - b. Government Exhibits—successive Arabic numerals beginning with “1” preceded with the initials “US”
  - c. Defense Exhibits—successive letters beginning with “A” and preceded with the letters “Def”
2. Identify law, facts, and/or evidence that may be stipulated to as to relevance, authenticity and/or admissibility

E. Not later than the Monday immediately preceding the trial date, the parties shall exchange and file with the court in CM/ECF an original and one (1) copy of each of the following:

1. Final witness lists\*

2. Final proposed exhibits\* in binders marked as directed above and accompanied by a chart listing each exhibit and containing columns for the Court to use during trial to check if/when each exhibit is “Offered”, “Stipulated”, “Objected To”, and/or “Admitted”.

Each party shall also have an extra exhibit binder available during trial for reference by any witnesses called by that party.

3. Motions in Limine and oppositions thereto

4. Stipulations, if any

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\*Obligations to disclose witnesses and exhibits do not apply to witnesses or exhibits intended purely for rebuttal or impeachment nor do they obligate parties to make disclosures protected by Constitutional, statutory or case law. In this regard the court specifically reserves to the defendant the option to postpone, until the government rests, disclosure of defense witness lists and exhibits if defense counsel believes in good faith that earlier disclosure would prejudice defendant’s rights. Otherwise no un-disclosed witness or exhibit may be offered or admitted without leave of Court for good cause shown.

#### **IV. CENTRAL VIOLATIONS BUREAU (CVB) VIOLATION NOTICES.**

If you have a question about a CVP citation that is not answered by the information provided below, please send the question to CRD Laurie Yu via email at [lyu@caed.uscourts.gov](mailto:lyu@caed.uscourts.gov).

##### **A. Payments.**

Payments are not accepted in Court or at the Yosemite Courthouse. You may mail your payment to CVB or pay by using the CVB website at [www.cvb.uscourts.gov](http://www.cvb.uscourts.gov) and using a credit card, debit card, or checking account. **NO EXTENSIONS of time to pay a fine will be granted.** If you miss your deadline, you risk late penalties and referral to a collection agency. Please contact CVB directly at 1-800-827-2982 to ascertain late fees, etc.

##### **B. Traffic School.**

All moving violations are reported to the Department of Motor Vehicles regardless of state. You may request traffic school by submitting a written request that includes violation number, name and an self addressed, stamped envelope to:

The Central Violations Bureau Clerk  
P.O. Box 575  
Yosemite National Park, CA 95389

You may also submit your request for traffic school by emailing [lyu@caed.uscourts.gov](mailto:lyu@caed.uscourts.gov) and including the violation number and your name in the email. Please note, it may take a 4 to 6 weeks to receive a reply, **DO NOT PAY YOUR TICKET** before receiving traffic school instructions.

**C. Abstracts/Arrest Warrants.**

If the Court has issued an arrest warrant or filed an abstract against you, your only remedy is to pay your fine or request a new court date. Your abstract or arrest warrant will NOT be released UNTIL all monetary penalties and fines imposed on you have been PAID IN FULL.

**D. Court Appearances Dates.**

If you are unable to appear before the Court on the date stated on your violation, you may request in writing that the Court assign you a new court date. Please include in your written request the original court date and the date to which you wish your case to be moved. The new court date must be at 1:00 PM on a Tuesday no more than 30 days from the original court date. Requests may be faxed to (209) 372-0324 or emailed to [lyu@caed.uscourts.gov](mailto:lyu@caed.uscourts.gov).

**V. OTHER QUESTIONS**

If you have been issued a citation, please read it carefully. Most questions can be answered by doing so. If, after reading the citation and the information here, you still have a question, you may direct it by telephone, mail, or e-mail to Courtroom Deputy Laurie Yu at the number and addresses provided above. Please understand that the demands of daily court business and court appearances often leave us unable to personally answer the court phone or respond immediately to inquiries. However, it is our practice to respond to all inquiries within 24 hours of receipt.