

MAGISTRATE JUDGE SHEILA K. OBERTO (SKO)
United States District Court - Eastern District of California
2500 Tulare Street, Courtroom # 7, 6th Floor
Fresno, California 93721
Courtroom Deputy Clerk, Alice Timken
Office: (559) 499-5790
Fax: (559) 494-5677
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1. **Consent**

Due to the pressing workload of the two district judges and the priority of criminal cases under the U.S. Constitution, the parties are strongly encouraged to consent to magistrate judge jurisdiction in an effort to have their cases adjudicated in a timely and cost effective manner. The law requires district judges to give their criminal docket priority over civil and other matters. If your case is before a district judge, the proceedings in the case—including trial—may be delayed and the litigation costs associated with the case may increase. Presently, when a civil trial is set before the district judge, any criminal trial set which conflicts with a civil trial, even though the civil trial was set first, will take priority. Continuances of civil trials under these circumstances will no longer be entertained, absent a specific and stated finding of good cause, but will instead trail the completion of the criminal case. While the parties are under no obligation to consent to magistrate jurisdiction, magistrate judges' trial calendars are more flexible and accommodating because magistrate judges are not required to conduct criminal felony cases.

[CONSENT FORM](#)

[ARTICLE ON MAGISTRATE JUDGE CONSENT
IN E.D. Cal. \(Fresno Division\)](#)

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

- a) ***Civil Law & Motion:*** Hearings are on Wednesdays at 9:30 a.m. in Courtroom # 7. Motion dates are subject to change at the court's discretion.
- b) ***Clearing of Law & Motion Dates:*** 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. ***MOTION DATES ARE NOT RESERVED.***
- c) ***Length of Briefs:*** 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 30 pages. Reply briefs filed by moving parties shall not exceed 10 pages. **Any brief exceeding 15 pages shall include a table of contents and a table of authorities.** Briefs that exceed the page limitations without leave may not be considered.
- d) ***Courtesy Copies:*** Courtesy Copies of ALL Motion-Related Pleadings over 25 pages should be properly tabbed, fastened, and clearly identified as a "Courtesy Copy" (to avoid duplicate and erroneous filing by court staff) and shall be mailed in hard copy to the Court, Attn: Judge Oberto.
- e) ***Law & Motion Hearings:*** 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.*

3. **Scheduling Conferences:**

A JOINT Scheduling Conference Report, prepared and executed by all counsel, shall be electronically filed in compliance with the requirements set forth in the ***Order Setting Mandatory Scheduling Conference***, at least seven (7) calendar days prior to the Scheduling Conference, and a copy shall be e-mailed, in Word format to skoorders@caed.uscourts.gov

4. **Settlement Conferences:**

- a) ***Prerequisites:*** 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) **Settlement Conference Order:** Approximately one month prior to the Settlement Conference, the Court will issue its **Order re Settlement Conference**.
- c) **Settlement Conference Statements:** *Confidential* Settlement Conference Statements are **MANDATORY** from each party, and must comply with the Court's Order re Settlement Conference. The Settlement Conference Statements must be submitted to Judge Oberto's chambers **at least seven (7) calendar days prior to the Settlement Conference**.
- d) **Appearances:** The attorneys who will try the case and parties with full and complete settlement authority are required to personally attend the Settlement Conference

5. Telephonic Appearances:

- a) Telephonic appearances for scheduling conferences and certain law and motions by local or out-of-town counsel are generally acceptable with prior approval.
- 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 Oberto's chambers at **559-499-5790**.

6. Discovery Motions:

- a) No written discovery motion may be noticed or set for hearing before Judge Oberto **without her prior approval**.
- b) A party with a discovery dispute **shall** meet and 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, request a telephonic discovery dispute conference. Within 3 days of requesting the conference, the parties *shall* submit a 2-3 page summary of the dispute to the Court and serve the summaries on opposing counsel. Once the Court receives the parties' summaries, an informal telephonic conference will be held within 7-10 days. The summaries (without exhibits or attachments) **MUST** be e-mailed to skoorders@caed.uscourts.gov.
- c) If Judge Oberto determines that formal motion papers and supporting memoranda are needed to satisfactorily resolve the dispute, a written motion shall be filed in conformity with Local Rule 251. 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.
- d) Further, if Judge Oberto determines that a discovery hearing is warranted, pursuant to Local Rule 251(a) (Fed.R.Civi.P.37), a Joint Statement re Discovery Disagreement ("Joint Statement") must be filed at least seven (7) days before the scheduled hearing date. If the Joint Statement is not timely filed, the hearing will be vacated and the Court will not rule on the motion. Courtesy copies are required.
- e) Unless otherwise ordered by the Court, deposition transcripts or discovery papers shall not be lodged or filed with the Court.
- f) Parties must note that under the "meet and confer" requirements, the court requires, in addition to any written correspondence the parties may engage in (letters and/or email), that the parties talk to each other about the discovery dispute. This requirement can be accomplished *in person, over the telephone* or through *video conferencing*.

7. All Documents Requiring Court Approval:

As required by Local Rule 137(b), counsel shall submit all proposed orders, stipulations, etc., in Microsoft Word format, to chambers at skoorders@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.