



**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 Esther Valdez  
Office No. (559) 499-5788  
E-mail: [evaldez@caed.uscourts.gov](mailto:evaldez@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.
- g) Given the diminishing opportunities for young lawyers to argue in court, Judge McAuliffe encourages litigants to consider assigning oral arguments to an attorney with seven (7) years or less experience out of law school. If any party files a notice stating such an attorney from at least one side will argue a motion, the Court will hold the hearing. Otherwise, the Court may find it appropriate in some actions to submit a motion without oral argument.

**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 Microsoft 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** for 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 or video appearances may be granted.

#### **4. Video Conference Appearances:**

a) Video conference appearances by local or out-of-town counsel are permitted and encouraged for all matters excluding trial and settlement conferences. The parties will be provided with the conference ID and password by the Courtroom Deputy prior to the conference. Parties are expected to be as timely for video conferences as they would be if personally appearing in court. Conferences will be held only via Zoom video conference, and no other methods, such as teleconference or CourtCall, will be utilized.

b) Parties shall notify the Court if counsel will be appearing by video conference by providing a notification in the caption of their papers or by email to [evaldez@caed.uscourts.gov](mailto:evaldez@caed.uscourts.gov) at least one week prior to the hearing.

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

Local Rule 251(a) (Fed R. Civ. P. 37) requires a joint statement. The discovery hearing may be dropped from the calendar without prejudice if the Joint Statement of Discovery Disagreement or an affidavit as required by Local Rule 251 is not filed at least fourteen (14) days before the scheduled hearing date. The parties are encouraged to resolve discovery matters informally through this Court's informal discovery resolution process.

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

- a) The Court routinely employs an informal discovery resolution process whereby the Court will rule on a discovery dispute via a telephonic or video conference, provided the parties stipulate to an informal resolution. 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 appearing for the conference. All parties must appear remotely. For video conferences, the parties will be provided with the conference ID and password by the Courtroom Deputy prior to the conference.
- c) At least **48 hours** before the conference, the parties shall file a two-page synopsis of their dispute in a letter or memo format (no exhibits or attachments).

#### **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 [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. Do not submit unsigned documents. Also, do not submit documents for signature in .pdf format as they will not be considered.

#### **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 briefing 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.

## **9. Length of Rule 251 Statements**

A joint statement required by Local Rule 251(c) shall be as brief and as succinct as possible to conserve judicial resources. Rule 251 joint statements submitted in civil cases before Judge McAuliffe shall not exceed thirty (30) total pages.

## **10. 1:00 PM Criminal Status Conference (2nd and 4th Wednesdays of the Month):**

- a) All Stipulations and Orders re Continuance AND Waivers of Appearance re defendant(s) must be filed **by NOON on the Wednesday one full week preceding the hearing date**; parties must show 'good cause' in any continuance request. Any stipulation and/or waiver submitted after this deadline is subject to denial.
- b) All Stipulations and Orders AND Waivers of Appearance shall be properly dated and signed by all concerned parties and shall be emailed in Microsoft Word format to chambers at [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov).
- c) Hearing dates are subject to change at the Court's discretion.