

U.S. Magistrate Judge Chi Soo Kim

United States District Court for the Eastern District of California
501 I Street, Courtroom No. 25, 8th Floor
Sacramento, CA 95814

CIVIL STANDING ORDERS

I. CIVIL LAW AND MOTION (NON-DISCOVERY)

The following applies to non-discovery civil law and motion. This does not apply to Social Security cases (Local Rule 206 applies), prisoner cases (Local Rule 230(I) applies to all motions in prisoner cases except motions to dismiss for lack of prosecution), or motions for administrative relief (Local Rule 233 applies).¹ See Section II below for standing orders regarding civil discovery matters.

- A. Schedule:** Civil law and motion is heard on Tuesdays at 10:00 a.m. in person in Courtroom 25. Motion dates are not reserved. If the hearing date conflicts with the Court's calendar, the Court will reschedule the hearing.
- B. Briefs:** Besides cross motions for summary judgment (see Section I.C), all other motions and oppositions are limited to twenty (20) pages, and replies are limited to ten (10) pages. Only in rare instances and for good cause shown will requests to expand these page limits or to file a supplemental brief or sur-reply be granted. Any such requests must be filed in writing at least seven (7) days before the filing. Pages that exceed the page limits, supplemental briefs, or sur-replies filed without prior leave of court will not be considered. Briefs must be submitted using a minimum of 12 point font for all text, including footnotes. Multi-page exhibits must be internally paginated, with the pagination for each exhibit beginning at one (1) (for example, Exh. A-1, Exh. A-2, etc.).
- C. Motions for Summary Judgment:** Local Rule 260 applies to motions for summary judgment, and requires the moving party to submit a Statement of Undisputed Facts. The Statement of Undisputed Facts shall be submitted as an attachment in a numbered table format following the example below. The opposing party shall reproduce and respond to the moving party's Statement of Undisputed Facts in a numbered table format, and shall submit its response as an attachment. An example is provided below.

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¹ The Local Rules of the United States District Court for the Eastern District of California are available on the district court's website:

<https://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>.

Example - Statement of Undisputed Facts

No.	Undisputed Fact	Source (Deposition Page:Line, Interrogatory No. Response, Admission No., etc.)	Opposing Party's Response
1.			
2.			

The requirements for briefs in Section I.B apply to all summary judgment motions, except for cross motions for summary judgment. If Plaintiff and Defendant both intend to file a motion for summary judgment, the motions will be treated as cross motions for summary judgment. At least twenty-eight days before the dispositive motions filing deadline, the parties must meet and confer to determine whether they intend to file cross motions for summary judgment. Only four briefs shall be filed for cross motions for summary judgment using the following schedule and page limits:

1. Plaintiff's opening motion and brief (20 pages maximum) shall be filed at least twenty-one (21) days before the dispositive motions filing deadline;
2. Defendant's opposition and cross motion for summary judgment (30 pages maximum) shall be filed no later than fourteen (14) days after Plaintiff's opening motion was filed;
3. Plaintiff's reply and opposition (30 pages maximum) shall be filed no later than fourteen (14) days after Defendant's opposition and cross motion was filed; and
4. Defendant's reply (10 pages maximum) shall be filed no later than fourteen (14) days after Plaintiff's reply and opposition was filed.

D. Remote Appearances: Requests for a remote appearance are generally disfavored absent a showing of hardship (for example, a pro se party without means to travel to the courthouse, a substantial increase in litigation costs from travel by counsel, health concerns, etc.). A request for a remote appearance must be filed in writing at least ten (10) days before the hearing, only after providing courtesy notice to other parties of the request, and must include the basis for the request. If a request for a remote appearance is granted, all parties will appear remotely by Zoom; there are no hybrid hearings.

E. Less Experienced Attorneys: The Court values the importance of training less experienced attorneys. The parties are encouraged to consider providing less experienced attorneys with the opportunity to present oral argument. If a written request for oral argument is filed at least ten (10) days before the scheduled hearing and states that an attorney with less than five (5) years of experience as a practitioner will present oral argument, the Court will hold a hearing. The Court

may otherwise find it appropriate in some situations to submit a motion without oral argument.

II. DISCOVERY

The following applies to discovery matters in non-prisoner cases. Local Rule 230(l) applies to all motions in prisoner cases except motions to dismiss for lack of prosecution.

A. Motions Pursuant to Local Rule 251: The Joint Statement re Discovery Disagreement under Local Rule 251(c) is limited to twenty (20) pages, excluding exhibits. If an affidavit is filed instead of a Joint Statement as provided under Local Rule 251(d), the affidavit is limited to fifteen (15) pages, excluding exhibits. For motions under Local Rule 251(e), the motion and opposition are limited to twenty (20) pages, and the reply is limited to ten (10) pages, excluding exhibits. Only in rare instances and for good cause shown will requests to expand these page limits be granted. Any such requests must be filed in writing at least seven (7) days before the filing. Pages that exceed the page limits without prior leave of court will not be considered.

The Joint Statement, affidavit, or brief must be submitted using a minimum of 12 point font for all text, including footnotes. Multi-page exhibits must be internally paginated, with the pagination for each exhibit beginning at one (1) (for example, Exh. A-1, Exh. A-2, etc.). For the Joint Statement, parties are discouraged from submitting exhibits of communications between the parties regarding the discovery matter (for example, emails between counsel discussing the discovery matter). For the affidavit, the party submitting the affidavit may submit exhibits of communications between the parties to demonstrate efforts made to secure the cooperation of the other party, the preparation or execution of the Joint Statement, or the other party's response or failure to respond.

For discovery matters where all parties raising the discovery matter are represented by counsel, the requirement to confer under Local Rule 251 must be done through communication that occurs in-person, by phone, or by video. Written communication alone does not satisfy the requirement to confer where all parties raising the discovery matter are represented by counsel.

B. Informal Discovery Resolution: Upon order of the Court in an appropriate case or by agreement of the parties, Judge Kim will resolve discovery disputes outside the formal Local Rule 251 procedures by conducting an informal telephonic conference. To promote the just, speedy, and inexpensive resolution under Rule 1 of the Federal Rules of Civil Procedure, parties are encouraged to resolve discovery disputes early through the following informal discovery resolution process.

A party with a discovery dispute shall first confer with the opposing party in a good faith effort to resolve the dispute without court action. If such efforts fail, the prospective moving party may contact Judge Kim's Courtroom Deputy, Alexandra Waldrop, at (916) 930-4187 or awaldrop@caed.uscourts.gov, to request an informal telephonic conference with Judge Kim. The prospective moving party, after having conferred with the opposing party, shall provide the dates and times in the next three (3) to fourteen (14) days when all concerned parties are available for a telephonic conference and provide phone numbers where each party can be reached at the time of the telephonic conference. The Court will then issue a minute order with the time and date of the telephonic conference.

Unless a different deadline is set in the minute order, at least 48 business hours before the telephonic conference, the parties shall file a **joint** letter briefly explaining what meet and confer efforts they have undertaken and briefly summarizing the discovery dispute. The joint letter brief is limited to two (2) pages and must use a minimum of 12 point font for all text, and any exhibits or attachments are limited to five (5) pages. Pages that exceed the page limit will not be considered.

After the telephonic conference, the Court may issue an order ruling on the issues presented. Parties are cautioned that the Court will maintain the power to issue monetary and other sanctions during such informal telephonic conferences, including for failures to meet and confer in good faith or for abuse of the discovery process.

III. SETTLEMENT CONFERENCES

Settlement conferences are held either in-person or by Zoom based on the preference of the parties. There are no hybrid settlement conferences.

- A. Scheduling:** If parties are interested in a settlement conference, please contact Judge Kim's Courtroom Deputy, Alexandra Waldrop, at (916) 930-4187 or awaldrop@caed.uscourts.gov. Parties should communicate the specific time frame when they would like the settlement conference held and whether the parties are requesting an in-person or Zoom settlement conference.
- B. Participation:** At the settlement conference, in non-prisoner cases, the attendance of the named parties is required unless (1) a waiver of appearance is requested by the party at least seven (7) days before the settlement conference that also identifies an individual who will attend and is fully authorized to settle the matter, and this waiver of appearance is granted by the Court; or (2) the party is an entity or organization, and an individual who is fully authorized to settle the matter for the entity or organization will attend. For insured parties, a representative of the insurer who is fully authorized to settle the matter must

either be present or be available by phone during the entire settlement conference.

C. Pre-Settlement Conference Call in Non-Prisoner Cases: When possible in non-prisoner cases, Judge Kim will separately call counsel for each party before the settlement conference.

D. Settlement Conferences Statements: Parties must submit to chambers a written settlement conference statement seven (7) days prior to the date of the settlement conference by 5:00 p.m. PT. Parties shall email their settlement conference statements to CSKorders@caed.uscourts.gov, and should not file the statement on the docket. Parties should file a Notice of Submission of Settlement Conference Statement on the docket pursuant to Local Rule 270(d). Parties are encouraged to share their settlement conference statement with the opposing party/ parties, but are also invited to submit a confidential statement to Judge Kim.

The settlement conference statement shall include the following: a brief summary of the facts, legal claims, relief sought, and defenses; a summary of court proceedings to date and upcoming court proceedings, including summary judgment deadlines and whether there is a scheduled trial date; discovery status; an estimate of the cost and time needed to complete fact and expert discovery, pretrial preparation, and trial; any settlement discussions (informal or formal) that have already occurred; any related cases or other cases involving the same or similar parties; any impediments to settlement, including any restitution owed; any other information the party thinks would help facilitate settlement; and a phone number at which counsel can be reached. Multi-page exhibits must be internally paginated, with the pagination for each exhibit beginning at one (1) (for example, Exh. A-1, Exh. A-2, etc.).

E. Video, Audio, or Other Voluminous Exhibits: If a party intends to submit video, audio, or other electronic exhibits that may be too large to submit by email, please contact Judge Kim's Courtroom Deputy before the deadline for the settlement conference statement for instructions on submission to ensure Judge Kim is able to review the materials. See *also* Local Rule 138(l). Acceptable video and audio formats are provided on the website for the United States District Court for the Eastern District of California (<https://www.caed.uscourts.gov>). On the district court's website, select "Attorney Info," then select "Electronic Evidence Submission / Presentation," and go to the "Acceptable Audio and Video Formats" section.

F. Photographs or Other Visual Images: Pursuant to Local Rule 138(l), all photographs and other visual images must be submitted electronically in JPG, PNG, or TIFF format.

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IV. CIVIL JURY TRIAL PROCEDURES

Judge Kim's civil jury trial procedures are provided in a separate document on Judge Kim's webpage on the website for the United States District Court for the Eastern District of California (<https://www.caed.uscourts.gov>). On the district court's website, select "Judges," then select Judge Kim from the list of judges.

V. OTHER

- A. Proposed Orders:** As required by the Local Rules, in addition to filing proposed orders in CM/ECF, counsel shall also submit by email to CSKorders@caed.uscourts.gov the proposed order accompanying any application, request, stipulation, or motion in Microsoft Word format. The email subject line must contain the words "proposed order" and the case number.
- B. Deposition Transcripts:** If a party makes reference to or cites a deposition in a filing or a settlement conference statement, the party must simultaneously attach as an exhibit only the excerpts of the relevant portion of the deposition transcript referenced or cited. Entire deposition transcripts should not be filed through CM/ECF. Under Local Rule 133(j), parties are required to submit a courtesy copy of the entire deposition transcript either as a hard copy to the Clerk of Court or as an electronic copy by email to chambers. Counsel is instructed to comply with this requirement by submitting the deposition transcript as an electronic copy only by email to CSKorders@caed.uscourts.gov. The email subject line must contain the case number, the words "deposition transcript," and the last name of the deponent.
- C. Courtroom Audio / Visual Equipment:** Information regarding the audio, visual, and electronic equipment available in the courtroom is provided on the website for the United States District Court for the Eastern District of California (<https://www.caed.uscourts.gov>). On the district court's website, select "Attorney Info," then select "Electronic Evidence Submission / Presentation."
- D. Transcript Orders:** To order a transcript for a hearing held before Judge Kim, follow the instructions for ordering transcripts on the website for the United States District Court for the Eastern District of California (<https://www.caed.uscourts.gov>). On the district court's website, select "Attorney Info," then select "Court Reporters / Transcripts."
- E. Accommodations for Communication Disabilities:** Information for persons with communication disabilities is provided on the website for the United States District Court for the Eastern District of California (<https://www.caed.uscourts.gov>). On the district court's website, select "Attorney Info," then select "Accommodations for Communication Disabilities."