

UNITED STATES MAGISTRATE JUDGE HELENA BARCH-KUCHTA (HBK)

Eastern District of California – Yosemite National Park
2500 Tulare Street, Courtroom 2, 8th Floor
Fresno, CA 93721

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Proposed Orders: hbkorders@caed.uscourts.gov

Standard Procedures for U.S. Magistrate Judge Helena Barch-Kuchta

1. Civil Law and Motion Calendar

- a. Hearings on motions are to be noticed for Mondays at 1:00 pm, and Fridays at 9:00 am and 1:00 pm.
- b. Parties are not required to clear a date or time with the courtroom deputy prior to filing your motion. Parties should list their proposed hearing date in accordance with the Local Rules. If the date conflicts with the Court's calendar, the Court will reschedule the matter and issue an order with the new date. If parties do not hear from the Court, they should plan to attend the hearing on the date listed in their motion papers.
- c. Should the Court determine the matter is suitable for decision without a hearing, it will vacate the hearing date and address the motion on the briefs. *See* Local Rule 230(g).
- d. Unless granted prior approval of the Court, parties are advised that all moving and opposition briefs and/or legal memoranda filed in civil cases shall not exceed twenty-five (25) pages. Reply briefs shall not exceed ten (10) pages. These pages do not include exhibits. Parties may seek leave for additional pages through a telephonic conference with all parties, or by brief motion.
- e. Judge Barch-Kuchta does not issue tentative rulings.
- f. In keeping with the Local Rules, counsel must email to chambers email (hbkorders@caed.uscourts.gov) all proposed orders, applications, requests, stipulations, etc., in an editable format. Per Local Rule 131(a)(c), the emailed document must include the attorney(s)' electronic signature(s), as well as the date signed. Please include the case name and number in the subject line of all emails.

2. Scheduling Orders

- a. The dates set by the Court in the Scheduling Order are firm and will not be modified absent a showing of good cause, even if the parties file a stipulation to modify the schedule. Stipulations extending deadlines will not be considered unless they are accompanied by affidavits or declarations, with exhibits if appropriate, that establish good cause for granting the requested modification.

3. Scheduling Conferences

- a. If the Court sets a mandatory scheduling conference, the parties must file a joint scheduling conference report at least one full week (7 days) prior to the scheduling conference. The parties shall email the report, in an editable format, to chambers email (hbkorders@caed.uscourts.gov). A template of the joint scheduling report is available at [https://www.caed.uscourts.gov/caednew/assets/File/HBK/Joint%20Scheduling%20Report%20Template%20\(R%20Rev%202024-8-2024\).docx](https://www.caed.uscourts.gov/caednew/assets/File/HBK/Joint%20Scheduling%20Report%20Template%20(R%20Rev%202024-8-2024).docx).

4. Discovery Motions

- a. Judge Barch-Kuchta will not consider any discovery motions without prior approval in accordance with the following procedures:
 - i. A party with a discovery dispute must confer with the opposing party in a good faith effort to resolve the motion without court action. If such effort fails, the moving party must, prior to filing a notice of motion, contact Courtroom Deputy Patricia Apodaca at papodaca@caed.uscourts.gov to request a pre-motion telephone conference with Judge Barch-Kuchta. The request shall be deemed to include a professional representation by the requesting party that a good-faith effort to resolve the dispute took place but failed, and it must advise the Court of dates and times when all concerned parties are available to confer.
 - ii. The Court will issue a minute order advising counsel of the time and date of the telephone conference.
 - iii. **Prior to the telephone conference, the parties shall simultaneously file an “Informal Discovery Dispute Letter Brief,”** outlining their positions regarding the dispute. The letter brief is limited to three (3) pages in length and shall be filed no later than twenty-four hours before the scheduled conference. Attachments are prohibited.

- iv. At the conference, the Court will discuss the issue raised and attempt to provide guidance to narrow or dispose of the dispute. The Court may announce an anticipated ruling on the dispute. If no resolution can be reached, a party may seek permission to file a formal discovery motion.
- v. Formal discovery hearings shall comply with Local Rule 251. Any such motion should (1) quote in full each interrogatory, deposition question, request for admission, or request for production that is in dispute, and (2) state the response or objection and grounds therefor articulated by the opposing party. Unless otherwise ordered, deposition transcripts or discovery papers are not to be filed with the Court.

5. Settlement Conferences

- a. Parties may contact Courtroom Deputy Patricia Apodaca to request that a magistrate judge serve as mediator in a settlement conference. Judge Barch-Kuchta will issue a pre-conference order establishing procedures and expectations for the settlement conference. This order may require a pre-conference call from each party and pre-conference telephone call with the lead attorneys.