

U.S. Magistrate Judge Allison Claire
United States District Court, Eastern District of California
501 I Street, Courtroom No. 26, 8th Floor
Sacramento, California 95914

Jonathan Anderson, Courtroom Deputy Clerk
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STANDING ORDERS: CIVIL CASES

CONSENT TO PROCEED BEFORE MAGISTRATE JUDGE IN CIVIL CASES: In accordance with 28 U.S.C §636(c), Fed. R. Civ. P. 73 and Local Rule 305, the United States Magistrate Judges of the Eastern District are available to exercise the court's case dispositive jurisdiction and to conduct any or all case dispositive proceedings, including motions to dismiss, motions for summary judgment, a jury or non-jury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is permitted only where all parties consent, either by filing consent forms provided by the Clerk of Court or, for suits assigned directly to the Magistrate Judge pursuant to Appendix A of the Local Rules, by failing to submit the provided form declining Magistrate Judge jurisdiction. The primary benefit of consent to magistrate judge jurisdiction is that the trial calendars of magistrate judges are generally less congested and more flexible than those of district judges, because magistrate judges do not conduct felony criminal trials.

<http://www.caed.uscourts.gov/caednew/assets/File/Consent%20on%20web.pdf>

CIVIL LAW AND MOTION: Civil law and motion is heard every Wednesday at 10:00 a.m. Motion dates are not reserved. To calendar a non-discovery motion, file your papers in accordance with Local Rule 230.

PAGE LIMITS: Initial moving papers in non-discovery matters, and oppositions to such motions, are limited to 20 pages. Replies are limited to 10 pages. Page limits do not include the index or table of contents, table of cases, or exhibits (if any). Documents exceeding these limits without advance leave of court, for good cause shown, will be stricken without further notice.

These page limits also apply to discovery-related motions in *prisoner cases only*, which are exempt from the Joint Statement requirement of Local Rule 251.

ORAL ARGUMENT: Motions will be heard in person in Courtroom No. 26 unless the court orders the hearing to be conducted via videoconferencing (or orders the motion submitted without hearing). When a hearing is conducted in the courtroom, telephonic appearances are permitted as specified further below. When a hearing is conducted via videoconferencing, all necessary parties must appear via the specified videoconferencing platform.

Where a party is proceeding in pro se, that party's preference for in-person or video appearance will be given significant weight. The pro se party may contact the courtroom deputy not less than one week before the hearing to express a preference. When an in-person hearing is set in a case involving a pro se party, any other party wishing to appear telephonically must so inform the pro se party prior to making the request, and shall inform the courtroom deputy whether the request is opposed.

YOUNG ATTORNEYS: The court values the importance of training young attorneys. If a written request for oral argument is filed before a hearing in a non-prisoner case, stating that an attorney four or fewer years out of law school will argue the motion, then the court will hold the hearing. Otherwise, the court may find it appropriate in some cases to submit a motion without oral argument.

COURTESY COPIES – MOTION-RELATED DOCUMENTS: Except as provided below regarding Joint Statements re Discovery Disputes, and any contrary provisions of the Local Rules notwithstanding, courtesy copies of motion-related documents that are electronically filed or submitted to Judge Claire via email are unnecessary and **should not be filed** unless specifically requested by the court.

DISCOVERY DISPUTES – HEARINGS AND JOINT STATEMENTS: Local Rule 251 (Fed. R. Civ. P. 37) requires the parties in non-prisoner cases to file a Joint Statement re Discovery Disagreement ("Joint Statement"). Judge Claire strictly enforces the deadline for filing Joint Statements. Any motion will be removed from calendar if the Joint Statement is not filed at least fourteen (14) days before the scheduled hearing date.

As required by Local Rule 251(c), the Joint Statement must include in a single document all argument and briefing related to the respective positions of the parties, and must reproduce in full each discovery request objected to and each objection. Any exhibits, including declarations, should be electronically filed as **attachments** to the Joint Statement, **not as separate docket entries**.

PAGE LIMITS: Absent leave of court for good cause shown, the Joint Statement is limited to 25 pages, exclusive of exhibits and tables (if any).

COURTESY COPIES of all Joint Statements, with declarations, exhibits and other **attachments tabbed**, are **mandatory** and should be delivered to the Clerk of Court at least fourteen (14) days before the scheduled hearing.

Judge Claire strictly enforces meet and confer requirements. Written correspondence between the parties, including email, is insufficient to satisfy the parties' meet and confer obligations under Local Rule 251(b). Prior to the filing of a Joint Statement, the parties must **confer in person or via telephone or video conferencing** in an attempt to resolve the dispute.

DISCOVERY DISPUTES – INFORMAL TELEPHONIC CONFERENCES: Judge Claire encourages early resolution of discovery disputes outside the formal Local Rule 251 procedures.

Upon order of the court in an appropriate case, or by agreement of the parties, Judge Claire will resolve discovery disputes by conducting an informal telephonic conference. The procedures for obtaining and participating in an informal telephonic discovery conference are set forth in Judge Claire's Policy re Informal Telephonic Discovery Conferences. These procedures include a meet and confer requirement (see above) and require a 2-page synopsis of the dispute in lieu of a formal Joint Statement.

This informal process is **not** a prerequisite to the filing of a motion under Local Rule 251. Rather, it is an alternative to a formal motion. Counsel should request this alternative discovery dispute resolution process only for disputes that in counsel's view may be amenable to resolution on the basis of a letter brief and telephonic conference, without the need for a further record.

<http://www.caed.uscourts.gov/caednew/assets/File/Judge%20Claire%20Telephonic%20Discover>

SETTLEMENT CONFERENCES: As scheduled by Courtroom Deputy.

- a) Confidential Settlement Conference Statements are **mandatory** from each party and must be submitted to Judge Claire's chambers at least seven (7) calendar days prior to the Settlement Conference. Electronic submission may be made to acorders@caed.uscourts.gov. If Statements are not timely filed, the settlement conference will be vacated.
- b) Parties are **strongly encouraged**, but not required, to share all or part of their settlement conference statements with each other.
- c) Parties must appear with counsel. Telephonic appearances are discouraged and will be permitted only in the rarest of circumstances, upon written request and for good cause.

TELEPHONIC APPEARANCES: Other than for settlement conferences, and subject to Judge Claire's procedures for hearings in cases in which a party is unrepresented by a lawyer (see above under Civil Law and Motion, Oral Argument) telephonic appearances are generally acceptable and do not require motion or written request. Please contact the courtroom deputy at least **two days prior** to a hearing date to make arrangements for a telephonic appearance.

STANDING ORDERS: CRIMINAL CASES

CRIMINAL LAW AND MOTION: Criminal law and motion is heard every Monday at 9:00 a.m. Contact courtroom deputy Jonathan Anderson, (916) 930-4199, to confirm availability of dates.

WAIVERS OF APPEARANCE BY DEFENDANTS: Judge Claire will not accept routine waivers of appearance that extend by their terms to trial, judgment and/or sentencing.

STANDING ORDERS: GENERAL

PROPOSED ORDERS: As required by the Local Rules, counsel shall submit via email to acorders@caed.uscourts.gov, the proposed order accompanying any application, request, stipulation or motion, in **Microsoft Word** format. Pursuant to Local Rule 131 (c), the document must include the attorneys' electronic signature(s) (i.e. /s/ First/Last name), as well as the date the document was signed.

PRONOUNS AND HONORIFICS: Litigants and lawyers may indicate their pronouns (e.g., she/her, he/him, they/their) and honorifics (e.g., Mr., Ms., Mx., Dr.) by mailing a confidential letter to Judge Claire's chambers, filing a request on the case docket, or adding the information in the name block or signature line of the pleadings.

COURTESY COPIES – EXHIBITS FOR USE AT TRIAL OR EVIDENTIARY

HEARING: Courtesy copies of exhibits that a party intends to offer at trial or evidentiary hearing shall be provided pursuant to the applicable scheduling order, individually tabbed and contained in a three-ring binder.

CELL PHONE USE IN THE COURTROOM: All mobile phones and other electronic devices must be silenced in the courtroom. Audio recording, photography, and video recording is prohibited in all courtrooms by General Order of the Eastern District of California.

TRANSCRIPT ORDERS: If you wish to order a transcript for a hearing held before Judge Claire (or another magistrate judge in the Eastern District – Sacramento Division), you must complete the Electronic Court Reporter Transcript Order Form or the Appeal Transcript Designation and Order Form as appropriate. These forms can be found on the court's internet home page.

1. From the Court home page, select Attorney Info.
2. Select Sacramento.
3. Scroll down and select Forms.
4. Select Civil Forms.
5. Scroll down and click on Appeal Transcript Designation and Order Form or Electronic Court Reporter Transcript Order Form

Completed forms should be submitted to Jonathan Anderson, (916) 930-4072 or janderson@caed.uscourts.gov.

AUDIO/VISUAL EQUIPMENT: The Sacramento Clerk's Office has a variety of audio/visual equipment available to use for trial purposes. Available equipment may include: ELMOs, projectors, plasma screens, TVs and VCRs. In order to learn about the equipment provided by the court, you can access our internet home page and follow these procedures:

1. From the Court's home page, select Attorney Info.

2. Select Sacramento.
3. Scroll down and select Electronic Courtroom.
4. Select Audio Systems or Video Systems as applicable.

Attorneys should arrange, through the Courtroom Deputy, a time to meet with court Information Technology staff for training on electronic equipment. Appointments should be scheduled at least one to two weeks prior to trial.

COURTROOM DEPUTY: If you have any questions or need further information, please contact Jonathan Anderson at (916) 930-4199 or janderson@caed.uscourts.gov.