

MAGISTRATE JUDGE STANLEY A. BOONE (SAB)
United States District Court - Eastern District of California
2500 Tulare Street, Courtroom 9, 6th Floor Fresno, California 93721
Office: (559) 499-5672
Courtroom Deputy Clerk: Jan Nguyen
Email: JNguyen@caed.uscourts.gov

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 case's proceedings—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:

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

LINK TO ARTICLE ON MAGISTRATE JUDGE CONSENT IN E.D. CAL. (FRESNO DIVISION)

<http://www.caed.uscourts.gov/caednew/assets/File/A%20Case%20for%20Consent-%20final%20in%20Word.pdf>

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

- a) ***Civil Law & Motion:*** Hearings are on Wednesdays at 10:00 a.m. in Courtroom 9 - motion dates are not reserved. Motion dates are subject to change at the Court's discretion.
- b) ***Clearance of Law & Motion Dates:*** Parties do not need to clear a motion hearing date, but it is a good practice to check with the Courtroom Deputy Clerk, before setting, to ensure that the date being set is actually available.. If a Wednesday is unavailable, the matter will be moved by the Court to next available Wednesday. Parties shall file moving papers in accordance with the Local and Federal Rules
- c) ***Courtesy Copies of Motions:*** Judge Boone **DOES NOT** require "Courtesy Copies" be submitted to his chambers. The CM/ECF electronic filing is sufficient.

3. **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***, five (5) court days, excluding weekends and court holiday, prior to the Scheduling Conference.

Video Appearances:

- a) Video appearances by counsel are acceptable.
- b) Please notify the Courtroom Deputy Clerk if one or more attorneys will be appearing via video, so that a notation can be placed on the Court calendar. The Courtroom Deputy Clerk will provide counsel with the video-conference meeting ID and passcode/password for the video-conference.
- c) Prior to the designated time for the proceedings, counsel shall sign-in to the video conference meeting and enter the provided meeting ID and passcode/password. The parties are expected to be as timely for the video-conference as they would be if the matter were called in Court. Note: Proper courtroom attire is required for all video-conference appearances.
- d) At the scheduled time for the proceeding, the Court will enter the video-conference meeting and begin the proceedings.

4. **Settlement Conferences:**

- a) ***Prerequisites:*** The case must be ready for meaningful settlement discussions. Plaintiff must make a demand to defendant and initial settlement negotiations must take place prior to the Settlement Conference being held.

b) **Settlement Conference Statements:** Confidential Settlement Conference Statements are **MANDATORY** from each party and must be submitted to Judge Boone's chambers **at least seven (7) days prior to the Settlement Conference.** Confidential Settlement Statements are to be submitted by email to saborders@caed.uscourts.gov. The *Notice of Submission of Confidential Settlement Statement* shall be electronically filed with the Court pursuant to Local Rule 270 (d) (Fed. R. Civ. P. 16).

c) **Appearances:** Parties must appear with counsel. Upon written request with *good cause* submitted for Judge Boone's approval, some video appearances may be granted; however, these requests are generally discouraged. The request should be submitted **at least seven (7) days prior to the Settlement Conference Day to the Courtroom Deputy Clerk with a cc to all counsel.**

5. **Discovery Hearings:**

Local Rule 251(a) (Fed. R. Civ. P. 37) **requires** the parties to **file** a Joint Statement re Discovery Disagreement ("Joint Statement") **at least fourteen (14) days before the scheduled hearing.** Any motion will be removed from calendar if the Joint Statement is not timely filed. 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 physically talk to each other before the hearing about the discovery dispute. This requirement can be accomplished in person, or through videoconferencing.

6. **Informal Videoconferences re Discovery Disputes:**

Upon the stipulation of the involved parties, Judge Boone will resolve discovery disputes outside the formal Local Rule 251 procedures by conducting an informal video-conference. Before resolving the dispute informally, the parties must agree to the informal process, agree to an entry of an order by the Court after the informal video-conference, and agree to abide by such order. The Court assumes that parties requesting an informal video-conference agree to these terms. Parties wishing to avail themselves of this option must follow the procedures outlined below. A party with a discovery dispute shall first meet and confer with the opposing party in a good faith effort to resolve the dispute without the intervention of the Court. If meet and confer efforts fail to resolve the discovery dispute(s) and the involved parties agree to pursue an informal resolution of the dispute, the moving party shall advise the Court's Courtroom Deputy Clerk of the dates and times in the next fourteen (14) days when all involved parties are available for the informal video-conference and the Court will issue an order setting the informal video-conference on a date and time convenient for the court and all involved parties. The Court will also email the parties the meeting ID and passcode/password for the informal video-conference. **Note: Informal conferences will not be on the record. The parties shall file a joint letter brief, not to exceed four pages, at least 24 hours before the scheduled informal conference, unless otherwise ordered by the Court.** The joint letter brief shall describe the parties' "meet and confer efforts" and provide a synopsis (without exhibits or attachments) of the discovery dispute. Individual letter briefs will not be permitted, except in rare circumstances and only upon leave of the court. If permitted, individual letter briefs are limited to two pages and must include, in addition to the information detailed above, a description as to why a joint letter brief was unattainable. The letter brief must be at least 12-point font. Letter briefs which exceed the page limitations set forth herein will be disregarded by the Court after the page limit is exceeded. **The letter brief shall be both filed with the court and emailed to saborders@caed.uscourts.gov before the applicable deadline. All parties must be cc'd on the e-mail with the letter brief attached. Failure to timely submit a letter brief will result in the informal conference being vacated and sanctions against any responsible parties.** Even if multiple discovery disputes are raised at the informal conference, the four-page limitation shall apply, unless prior leave of court is obtained. Following the informal video-conference, the Court will issue an order with its ruling on the issues presented. Should the court determine that further briefing is necessary to resolve the discovery dispute, the Court may order formal briefing pursuant to Local Rule 251 or may order the parties to be personally present for a discovery dispute conference. The intent of the informal discovery dispute conference is to avoid litigation costs and the unnecessary and collateral focus on sanctioning a party. Accordingly, the Court will not impose sanctions against any party for the conduct giving rise to the discovery dispute. **However, the Court will impose sanctions against any party who, after agreeing to participate in the informal discovery process, fails to meet and confer in good faith, fails to participate in drafting the joint letter brief in good faith, fails to timely file the letter brief, and/or fails to appear at the informal video-conference hearing.**

7. **All Documents Requiring Court Approval: (Proposed Orders)**

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

8. **Length of Briefs on Motions other than Rule 251 motions:**

Unless prior leave of Court is obtained before the filing date, all moving and opposition briefs or legal memorandum in civil cases shall not exceed twenty-five (25) pages. Reply briefs filed by moving parties shall not exceed ten (10) pages. Briefs that exceed the page limitations or are sought to be filed without leave may not be considered.

9. **Request to Seal Documents:**

Pursuant to Local Rule 141, a *Notice of Request to Seal Document(s)* shall be filed electronically. The Request to Seal, a proposed sealing order (in word), and all documents covered by the request shall be emailed to saborders@caed.uscourts.gov. If the request is approved and notice of electronic filing of the sealing order is received, all documents covered by the order must be emailed to ApprovedSealed@caed.uscourts.gov for filing under seal.