

# Magistrate Judge Deborah Barnes (DB)

United States District Court - Eastern District of California

Courtroom #27

Courtroom Deputy: Shelly Her

Office: (916) 930-4128

email: [sher@caed.uscourts.gov](mailto:sher@caed.uscourts.gov)

**Criminal Duty Schedule: Contact Courtroom Clerk**

## Civil Law and Motion:

Civil law and motion is heard every Friday at 10:00 a.m.

**DATES ARE NOT RESERVED.** File moving papers in accordance with the Local and Federal Rules.

**TELEPHONIC APPEARANCES:** Telephonic appearance is generally permitted and encouraged. Please contact the courtroom deputy at least **two days prior** to a hearing date to make arrangements for a telephonic appearance. A party may not use a cellular phone to appear telephonically.

**Judge Barnes does not issue Tentative Rulings.**

**CONSENT TO PROCEED BEFORE MAGISTRATE JUDGE IN CIVIL CASES:** 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, **provided** all parties file a voluntarily consent form. The primary benefit of consent to magistrate judge jurisdiction is that the trial calendars of magistrate judges tend to be less congested and more flexible than those of district judges, because magistrate judges do not conduct felony criminal trials.

See court's *Consent to Proceed Before Magistrate form*

**\*\*\*SETTLEMENT CONFERENCES: AS SET BY COURTROOM DEPUTY\*\*\***

**PROPOSED ORDERS:** As required by the Local Rules, counsel shall submit via email to [dborders@caed.uscourts.gov](mailto:dborders@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. Stipulations and proposed orders should be submitted as a single Microsoft Word document, electronically signed by the parties.

**DISCOVERY DISPUTES -- HEARINGS:** Local Rule 251(a) (Fed. R. Civ. P. 37) requires the parties to file a Joint Statement re Discovery Disagreement (“Joint Statement”). Judge Barnes 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.

Judge Barnes also 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). Moreover, prior to filing the discovery motion the parties shall meet and confer in person unless the distance between the parties’ locations is prohibitive. Prior to the filing of a Joint Statement, the parties must again confer in person or via telephone or video conferencing in an attempt to resolve the dispute. Joint Statements shall not exceed twenty-five (25) pages, excluding exhibits, unless leave of the Court is obtained prior to the filing deadline.

**DISCOVERY DISPUTES – INFORMAL TELEPHONIC CONFERENCES:** Judge Barnes encourages early resolution of discovery disputes outside the formal Local Rule 251 procedures. Upon order of the court or by agreement of the parties, Judge Barnes 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 Barnes’ 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.

See Judge Barnes’ *Informal Telephonic Conferences re: Discovery Disputes*

### **Criminal Law and Motion:**

**Criminal misdemeanor matters are heard every Tuesday at 10:00 a.m.**

**DATES ARE NOT RESERVED. File moving papers in accordance with the Local and Federal Rules.**

**TRANSCRIPT ORDERS:** If you wish to order a transcript for a hearing held before Judge Barnes (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 internet home page, select the *Attorney Info* tab.
2. Select *Court Reporters/Transcripts*.
3. Under the *Ordering* hearing, select *Transcript Instructions and Ordering Form*.

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