

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

NOTICE: Plaintiff is directed to serve a copy of this Standing Order on all parties to this action and upon those subsequently joined, and to file with the Clerk of Court a certificate of service reflecting such service.

STANDING ORDER OF MAGISTRATE JUDGE NANDOR J. VADAS

(May 23, 2016)

1. Compliance with Federal Rules, General Orders, Local Rules and Standing Orders. All parties shall consult and comply with all applicable Federal Rules, as well as the General Orders and Local Rules of the U.S. District Court for the Northern District of California, except as expressly modified herein. Failure to comply with any applicable rule or order may be deemed sufficient grounds for monetary sanctions, dismissal, entry of default judgment, or other appropriate sanctions. The aforementioned rules and orders are supplemented and modified as follows, and as described in the Court’s Case Management and Pretrial Order, which shall be entered in each civil case following the initial case management conference. A sample version of the Case Management and Pretrial Order is available on the Court’s website (www.cand.uscourts.gov → Judges → Nandor J. Vadas → Standing Orders).

2. Consent/Declination to Proceed Before a Magistrate Judge. In cases that are randomly assigned to Judge Vadas for all purposes, a “Consent to Proceed before a U.S. Magistrate Judge” and a “Declination to Proceed before a U.S. Magistrate Judge and Request for Reassignment to a United States District Judge” will be provided to all parties. The parties are requested, within two (2) weeks of the receipt of these forms, to complete and file the form reflecting their consent or declination as to Judge Vadas’ jurisdiction as presiding judge. All pleadings filed in cases in which Judge Vadas is the presiding judge shall bear the designation “EUREKA DIVISION” and the initials “NJV” following the case number.

3. Location. Judge Vadas generally hears matters at the courthouse at 3140 Boeing Avenue, McKinleyville, California. Judge Vadas also hears matters monthly in person in San Francisco. In addition, the parties may request to appear by telephone for any matter before the Court if they wish to do so. Finally, if all parties so agree, they can request to appear by video-conference from San Francisco. Instructions for phone and video-appearances are provided in paragraph 10.

4. Filing and Lodging Pleadings and Documents. The Court should **not** be routinely copied on correspondence between counsel. Pro se litigants should review the Court’s Handbook for Litigants Without a Lawyer, which is available on the Court’s website (www.cand.uscourts.gov/prosehandbk), for further instruction on filing and lodging procedures. Pro se litigants are reminded to deliver in person or mail their filings to the Clerk’s Office in San Francisco at Clerk’s Office, U.S. District Court, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102. All litigants, including pro se litigants, should deliver or mail their chambers copies of filings as provided in Paragraph 14 below.

5. Criminal Law and Motion. Judge Vadas' criminal law and motion calendar takes place on Mondays at 1:00 p.m. at the McKinleyville Federal Courthouse. Hearings on criminal motions pending before Judge Vadas must be scheduled with the Judge's courtroom deputy clerk, Gloria Knudson.

6. Civil Law and Motion. Judge Vadas' civil law and motion calendar takes place on Tuesdays at 10:00 a.m. at the McKinleyville Federal Courthouse. **Hearings on civil motions pending before Judge Vadas must be scheduled with the Judge's courtroom deputy clerk, Gloria Knudson** (njvcrd@cand.uscourts.gov or 707-445-3612). The parties also may request to appear by telephone or videoconference (see paragraph 10 below).

7. Status and Case Management Conferences. Status conferences generally are held on Tuesdays at 1:00 p.m. and case management conferences generally are held on Tuesdays at 2:00 p.m. at the McKinleyville Federal Courthouse. The parties also may request to appear by telephone or videoconference (see paragraph 10 below).

8. Pre-Trial Conferences. Pre-trial conferences are generally held on Tuesdays at 2:30 p.m. at the McKinleyville Federal Courthouse. The parties also may request to appear by telephone or videoconference (see paragraph 10 below).

9. Requests for Continuances/Status Conferences. Parties wanting to continue hearings, request special status conferences, or make other procedural changes shall do so by a signed stipulation and a proposed order. If a stipulation is not possible, the party seeking relief shall file a written ex parte application explaining why a stipulation was not possible, and a proposed order. Briefing schedules may not be changed by stipulation. Any change in the hearing date does not alter the original briefing schedule unless otherwise ordered by the Court. Any request to reschedule a case management conference shall be made in writing, and by stipulation if possible, at least ten days prior to the scheduled case management conference date.

10. Requirements and Procedures for Requesting Telephonic or Videoconference Appearances. (A.) Any party requesting to appear telephonically for a proceeding before Judge Vadas must obtain advance permission to do so by contacting the Judge's courtroom deputy, Gloria Knudson, at least four business days prior to the proceeding. **The court does not permit the use of cellular phones or speakerphones of any kind for participation in any court proceeding.** All telephone equipment used for teleconferencing must be fully capable of duplex operation. Duplex (also known as "full-duplex") communication mode provides transmission and reception (in both directions) simultaneously. This means that all parties can talk and hear at the same time. (B.) If parties to a proceeding wish to appear by videoconference from San Francisco, they shall notify Ms. Knudson at least two weeks before the proceeding.

11. Courtroom Technology. All parties are instructed to review the information regarding the use of courtroom technology and electronic evidence presentation which is provided on the court's website at <http://cand.uscourts.gov/courtroomtech> and to prepare accordingly.

12. Settlement Conferences. All parties appearing before Judge Vadas for a settlement conference shall comply with Judge Vadas' Settlement Conference Standing Order,

which is available on the Court's website (www.cand.uscourts.gov → Judges → Nandor J. Vadas → Standing Orders).

13. Discovery Disputes. All parties with a discovery dispute in a case pending before, or referred to, Judge Vadas shall comply with the following:

a. In lieu of filing formal discovery motions, lead trial counsel for Plaintiff(s) and lead trial counsel for Defendant(s) shall meet and confer **in person** regarding the subject matter of the dispute in an effort to resolve the matter. After attempting other means to confer on the issue (*i.e.*, letter, phone call, e-mail) any party may demand such a meeting on five (5) business days' notice. The location of the meeting will alternate with the location for the first meeting selected by counsel for Plaintiff, the second by counsel for Defendant, *etc.* Within five (5) business days of the lead trial counsels' meet and confer session, the parties shall file a detailed joint letter. It shall not exceed five (5) pages, excluding the cover page, without leave of Court. This joint letter shall include a description of every issue in dispute, and a detailed summary of each party's final position on each issue. The joint letter may not be accompanied by exhibits or affidavits other than exact copies of interrogatories, requests for production of documents and/or responses, privilege logs, and relevant deposition testimony. On receipt of the joint letter the Court will determine what future proceedings are necessary.

b. In the event that counsel are unable to meet and confer as directed above, or a moving party is unable to obtain the opposing party's portion of a joint letter after the meet and confer session, the moving party shall file a written request for a telephonic conference for the purpose of enforcing the Court's meet and confer requirement, or for the Court to fashion an alternative procedure. The written request shall include a declaration which explains any attempt to meet and confer and/or obtain the joint letter, the reasons for the inability to comply with the standing order, and, if possible, three dates and times during which all Counsel are available for a telephonic conference. The moving party may attach exhibits to the declaration, which exhibits may not exceed seven (7) pages. The Court will not excuse a party from the requisite in person meeting unless good cause is shown.

c. In emergencies during discovery events (e.g., depositions), the Court is available pursuant to Civil L.R. 37-1(b). Any party seeking Court intervention during a discovery event **must** contact Judge Vadas' courtroom deputy, Gloria Knudson, at 707-445-3612 prior to filing any documents.

d. Any party seeking an award of attorney fees or other expenses as sanctions in connection with a discovery dispute shall file a separate motion as required by Civil L.R. 37-3.

e. If a party wishes to file a document under seal, that party shall first file a written request for a sealing order setting forth the good cause and accompanied by a proposed order, as provided by Civil L.R. 79-5.

14. Lodging of Chambers Copies. In all "E-Filing" cases when filing papers in connection with any motion for determination by the Judge, the parties shall, in addition to filing papers electronically, lodge with chambers one printed copy of the papers in accordance with Rule 5-1(e)(7). These printed copies shall be marked "Chambers Copy" and shall be delivered to Judge Vadas' chambers at the McKinleyville Federal Courthouse, or mailed to Judge Nandor J.

Vadas, 3140 Boeing Avenue, McKinleyville, CA 95519. Chambers copies should be provided to Judge Vadas' McKinleyville chambers regardless of whether a hearing scheduled in connection with a matter is being held in McKinleyville or San Francisco. All chambers copies of filings containing exhibits must contain exhibit tabs. Chambers copies of filings in excess of 50 pages must be submitted in binders.

15. Electronic Submission of Proposed Orders. Any proposed order in a case subject to electronic filing shall be e-filed (in .pdf format) and emailed (in Word format) to njvpo@cand.uscourts.gov.

16. Motions for Summary Judgment. Please consult the Court's Civil Case Management and Pretrial Order.

17. Questions. Parties are reminded that most procedural questions are answered in the Federal Rules, the Local Rules, and/or the Court's Standing Orders. Parties should **not** contact chambers for answers to procedural questions without first carefully examining the **current** provisions of these authorities. Current versions of the Local Rules and these Standing Orders can be found on the Court's website at www.cand.uscourts.gov. Questions regarding scheduling and case management should be directed to Judge Vadas' courtroom deputy, Gloria Knudson.

18. Pro Se Assistance. Parties representing themselves should consult the Court's Pro Se Handbook and/or Legal Help Center. The Pro Se Handbook and the contact information for the Legal Help Center can be found on the Court's website at www.cand.uscourts.gov.

19. Timeliness; Feedback. The Court strives to set matters and render decisions in a timely manner. The Court encourages parties to advise the Court by letter to chambers of any matter that appears to have been unduly delayed.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Nandor J. Vadas', written over a horizontal line.

U.S. Magistrate Judge Nandor J. Vadas