

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**STANDING ORDER FOR MAGISTRATE JUDGE LISA J. CISNEROS**

Parties shall comply with the Federal Rules of Civil and Criminal Procedure, the Northern District of California's Local Rules and General Orders, and this Standing Order, all of which are available at [www.cand.uscourts.gov/rules/](http://www.cand.uscourts.gov/rules/). Failure to comply may result in the imposition of sanctions, including monetary sanctions, dismissal, and/or entry of judgment. *See* Civ. L.R. 1-4.

**A. CALENDAR DATES AND SCHEDULING**

Criminal motions are heard Tuesdays at 1:30 p.m. During non-Criminal Duty months, civil motions are heard Tuesdays at 10:30 a.m.; during Criminal Duty months, civil motions are heard Thursdays at 1:30 p.m. The Court's Criminal Duty Schedule is available at <https://www.cand.uscourts.gov/calendars/duty-schedules/>. Parties should notice motions pursuant to the local rules. Parties need not reserve a hearing date but should confirm the Court's availability by viewing the calendar and scheduling notes available at <https://www.cand.uscourts.gov/lisa-j-cisneros/>. Hearing dates may be reset as the Court's calendar requires or matters may be decided without a hearing. For scheduling questions, contact Judge Cisneros's Courtroom Deputy ("CRD"), Brittany Sims, at [ljccrd@cand.uscourts.gov](mailto:ljccrd@cand.uscourts.gov) or (415) 522-2043.

Civil case management conferences are heard Thursdays at 1:30 p.m.

Settlement conferences are held on Mondays, Wednesdays and Fridays, starting at 10:30 a.m. Telephonic pre-settlement conference meetings are held Thursdays at 10:30 a.m.

Claim construction hearings are held on Fridays, starting at 10:30 a.m.

**B. CHAMBERS COPIES AND PROPOSED ORDERS**

**1. Chambers Copies.** Chambers copies are required only for filings that necessitate action by the Court and exceed 50 pages inclusive of supporting declarations and exhibits. Chambers copies must bear the PACER/ECF header (with case number, docket number, date, and page number) and be clearly marked with the judge's initials (LJC) and the designation "Chambers Copy." Filings must be bound at the top or side; voluminous filings (those over two inches in thickness) should be placed in binders. Exhibits must be tabbed. Chambers copies may be accompanied by a flash drive where appropriate. Chambers copies shall arrive at the Court within 48 hours after e-filing.

**2. Proposed Orders.** A proposed order is required for all filings that necessitate action by the Court. Proposed orders in civil cases shall be submitted in Word format (.doc or .docx) via email to [ljcpo@cand.uscourts.gov](mailto:ljcpo@cand.uscourts.gov) on the day of filing. This email address is to be used only for civil proposed orders unless otherwise directed by the Court. Proposed orders in criminal cases shall be submitted via email to Judge Cisneros's courtroom deputy at [ljccrd@cand.uscourts.gov](mailto:ljccrd@cand.uscourts.gov).

## C. CONSENT CASES

In civil cases assigned to Judge Cisneros for all purposes, the parties should file their written consent to the assignment of a United States Magistrate Judge for all purposes or their written declination of consent as soon as possible and in no event later than the deadlines specified in Civil Local Rule 73-1. The form is available at [www.cand.uscourts.gov/civilforms](http://www.cand.uscourts.gov/civilforms).

## D. CASE MANAGEMENT

**1. Case Management Conference Statements.** The parties shall file a joint case management statement at least 7 days prior to the case management conference. In cases involving unrepresented litigants, the parties may file separate statements. The statements shall address all matters set forth in the Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement, which is available at <https://www.cand.uscourts.gov/rules/judges-standing-orders/>. See Civ. L.R. 16-9(a). Unless proceeding *pro se* (in which case, the party must personally appear), each party shall be represented at the conference by counsel who has full authority and is fully prepared to: (a) address the matters set forth in the Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement, as well as in Federal Rules of Civil Procedure 16(c) and 26(f); (b) enter into stipulations and make admissions as contemplated in Rule 16(c); and (c) select an ADR process (if one has not been selected).

**2. Pronouns.** Litigants and lawyers may indicate their pronouns and titles (e.g. Mr., Ms., Mx.) by filing a letter or including them in the name block and signature line of their filings. Judge Cisneros's pronouns are she/her.

**3. Lawyer Development.** The Court encourages parties to contribute to the development of the bar by permitting lawyers with less than five years of experience to argue motions, have a significant participatory role in settlement conferences, and examine witnesses at trial.

## E. MOTION PRACTICE

**1. Meet and Confer Requirement.** The parties shall meet and confer (in person, by video conference, or by phone) before filing any motion or non-stipulated request. All motions or non-stipulated requests shall include a certification, which may be submitted separately or included in the body of the filing, that the parties have complied with this meet and confer requirement. The Court may strike filings that do not comply.

**2. Failure to Oppose.** The failure of the opposing party to file a timely response to any motion or non-stipulated request may be construed as consent to the granting of the motion or request as unopposed.

**3. Summary Judgment Motions.** Absent prior leave of Court, the parties are limited to filing one summary judgment motion per side, not to exceed 25 pages in length. Aligned parties (e.g., co-defendants) are to file joint briefs. Motions for summary judgment shall be filed at least 42 days before the deadline for hearing dispositive motions. Any cross-motion for summary judgment shall be combined with the opposition to the motion for summary judgment, not to exceed 30 pages, and be filed no more than 14 days after the filing of the motion. The opposition to any cross-motion shall be combined with the reply in support of the motion, not to exceed 20 pages, and be filed no more than 7 days after the filing of the cross-motion. A reply in support of the cross-motion, not to exceed 15 pages, shall be filed no more than 7 days after the filing of the opposition.

## **F. DISCOVERY**

**1. General.** Parties shall propound disclosures and discovery in accordance with Federal Rules of Civil Procedure 26 through 37 and the corresponding Civil Local Rules for the Northern District of California. A copy of the Local Rules is available at the Clerk's Office and at the Court's website (<http://www.cand.uscourts.gov>). No exceptions to the limitations established in the Federal and Local Rules shall be permitted except pursuant to stipulation of the parties or order of the Court.

**2. Evidence Preservation.** After a party has notice of this order, it must take the steps needed to preserve information relevant to the issues in question in the litigation, including suspending any document-destruction programs.

**3. Document Disclosures.** To the maximum extent feasible, all party files and records should be retained and produced in their original form and sequence, and the originals should remain available for inspection by any counsel on reasonable notice.

Except for good cause, no item will be received in evidence if the proponent failed to produce it in the face of a reasonable and proper discovery request covering the item, regardless of whether a motion to overrule any objection thereto was made.

**4. Written Discovery.** The Court encourages the party propounding discovery to provide courtesy copies of all requests for written discovery (i.e., interrogatories, document requests, requests for admission) to the responding party in an electronic format (e.g., Microsoft Word, or other word processing application) that easily permits the responding party to copy the requests for purposes of responding to them.

**5. Discovery Disputes.** This order's meet and confer and joint letter procedures for discovery disputes apply to disputes among the parties to this action and to disputes between parties and non-parties who have been served with subpoenas.

All discovery disputes before the Court shall proceed as follows: when there is a discovery dispute, the parties must first make a good faith effort to resolve the dispute before seeking Court intervention. After attempting to address the issue(s) via letter, phone call, and/or email, any party or non-party may demand a formal meet and confer within two weeks' notice. Counsel for each party must meet and confer in person or by videoconference. A mere exchange of letters, e-mails, or telephone calls does not satisfy the meet and confer requirement. If disagreements remain, the parties shall file a joint letter no later than five business days after the formal meet and confer, unless otherwise directed by the Court. Lead trial counsel for both parties must sign the letter, which shall include an attestation that the parties met and conferred in person or by video regarding all issues prior to filing the letter.

The joint letter must include a paragraph listing relevant discovery dates and case management deadlines, such as:

- (1) the fact and expert discovery cut-off dates;
- (2) the last day to hear or file dispositive motions;
- (3) the claim construction or class certification briefing deadlines and hearing dates; and
- (4) pretrial conference and trial dates.

Going issue-by-issue, the joint letter shall describe each unresolved issue, summarize each party's position with appropriate legal authority, and provide each party's final proposed compromise before moving to the next issue. In the rare instance that a joint letter is not possible, each side may submit a letter not to exceed two pages, which shall include an explanation of why a joint letter was not possible.

The parties shall submit one exhibit that sets forth each disputed discovery request in full, followed immediately by the objections and/or responses thereto. No other information shall be included in the exhibit. An additional set of exhibits is allowed for case documents relevant to the discovery dispute. Such exhibits shall not exceed twenty-five pages without leave of the Court.

Joint letters must be filed in ECF under the Civil Events category of Motions and Related Filings > Motions: General > Discovery Letter Brief. Joint letters shall be in text-searchable PDF format and shall not exceed five pages (12-point font or greater; margins no less than one inch) without leave of the Court. The Court will review the submission(s) and determine whether formal briefing or proceedings are necessary.

The Court expects the parties to cooperate in the preparation of their joint letter so that each side has adequate time to prepare its own arguments and address its adversary's arguments

before submission of the letter. Unjustified delay or refusal to participate meaningfully in the formal meet and confer or in the preparation of the joint letter may be grounds for entry of an order adverse to the delaying or non-participating party.

If necessary, the Court will set a hearing to address the discovery dispute. Hearings concerning discovery disputes are generally held via Zoom and set on the Civil Law & Motion calendar. *See* Part A (Calendar Dates and Scheduling).

**6. Protective Orders.** If parties believe a protective order is necessary, they are encouraged to use one of the Court's model protective orders (available at <http://cand.uscourts.gov/model-protective-orders>). Parties shall file one of the following with their proposed protective order:

- (1) a declaration stating that the proposed order is identical to one of the model orders except for the addition of case-identifying information or the elimination of language denoted as optional;
- (2) a declaration explaining each modification to the model order, along with a redline version comparing the proposed protective order with the model order; or
- (3) a declaration explaining why use of one of the model orders is not practicable.

**7. Privilege Logs.** If a party withholds responsive information by claiming that it is privileged or otherwise protected from discovery, that party shall produce a privilege log. *See* Fed. R. Civ. P. 26(b)(5).

Privilege logs must be sufficiently detailed for the opposing party to assess whether the assertion of privilege is justified. Unless the parties agree to alternative logging methods, the log should include:

- (1) the title and description of the document, including number of pages or Bates number range;
- (2) the subject matter addressed in the document;
- (3) the identity and position of its author(s);
- (4) the identity and position of all addressees and recipients;
- (5) the date the document was prepared and, if different, the date(s) on which it was sent to or shared with persons other than its author(s); and
- (6) the specific basis for the claim that the document is privileged or protected.

The privilege log will be produced as quickly as possible, but no later than fourteen (14) days after its disclosures or discovery responses are due, unless the parties stipulate to, or the Court sets, another date.

**8. Depositions.** Absent extraordinary circumstances, counsel shall consult in advance with opposing counsel and unrepresented proposed deponents to schedule depositions at

mutually convenient times and places. Where an agreement cannot be reached as to any party deponent or a deponent represented by counsel of record, the following procedure may be invoked by the party seeking such any such deposition. The party seeking such a deposition may notice it at least thirty days in advance. If the noticed date and place is unacceptable to the deponent or the deponent's counsel, then within ten days of receipt of the notice, the deponent or counsel for the deponent must reply and counter-propose in writing an alternative date and place falling within thirty days of the date noticed by the party seeking the deposition.

Counsel and parties must comply with Federal Rules of Civil Procedure 30(d)(1). Deposition objections must be as to privilege or form only. Speaking objections are prohibited. When a privilege is claimed, the witness should nevertheless answer questions relevant to the existence, extent, or waiver of the privilege, such as the date of a communication, who made the statement, to whom and in whose presence the statement was made, other persons to whom the contents of the statement have been disclosed, and the general subject matter of the statement, unless such information is itself privileged. Private conferences between deponents and attorneys in the course of interrogation, including a line of related questions, are improper and prohibited except for the sole purpose of determining whether a privilege should be asserted.

**9. Emergencies.** In emergencies during discovery events (such as depositions), any party may, after exhausting good faith attempts to resolve disputed issues, seek judicial intervention pursuant to Civil L.R. 37-1(b) by contacting the Court through the courtroom deputy. Before calling, the parties must first send a short email describing the nature of the dispute to [ljccrd@cand.uscourts.gov](mailto:ljccrd@cand.uscourts.gov). If the Court is unavailable, the discovery event shall proceed with objections noted for the record.

## **G. SETTLEMENT CONFERENCES**

Settlement conferences are governed by Judge Cisneros's Settlement Conference Standing Order, available at <https://www.cand.uscourts.gov/lisa-j-cisneros/>. Please note that Settlement Conference Statements and Confidential Settlement Letters are to be lodged (not filed) by emailing to [ljcsettlement@cand.uscourts.gov](mailto:ljcsettlement@cand.uscourts.gov).

## **H. ELECTRONIC FILINGS**

Electronically filed documents must be text-searchable PDFs and compatible with text-to-speech readers, such as Adobe Acrobat, whenever possible.