

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

**STANDING ORDER RE CIVIL CASES
JUDGE BETH LABSON FREEMAN**

I. CONFORMITY TO RULES

Parties and counsel shall comply with the Federal Rules of Civil Procedure, the Civil Local Rules, the General Orders of the Northern District of California, and this Court’s standing orders, all of which are available at <http://www.cand.uscourts.gov>. Failure to comply with any of these rules or orders may be grounds for monetary sanctions, dismissal, entry of default judgment, or other appropriate sanctions.

II. COMMUNICATION WITH THE COURT

Parties and counsel shall not communicate *ex parte* with Judge Freeman or her chambers staff. Parties and counsel may contact Judge Freeman’s Courtroom Deputy Clerk, Tiffany Salinas-Harwell, at 408-535-5381 or BLFCRD@cand.uscourts.gov with inquiries regarding scheduling or other appropriate matters.

III. SCHEDULING

A. Civil Motions

Civil motions are heard by reservation only on Thursdays at 9:00 a.m. Hearing dates may be reserved by contacting Judge Freeman’s Courtroom Deputy Clerk, Tiffany Salinas-Harwell, at 408-535-5381 or BLFCRD@cand.uscourts.gov. When reserving a hearing date, the attorney or party must inform Ms. Salinas-Harwell of the number and type(s) of motions to be filed. Once a hearing date is reserved, the motion(s) shall be filed within 14 days thereafter. If no motion has been filed by the 15th day, the reservation will expire and the moving party must obtain a new reservation before filing the motion(s).

B. Case Management Conferences

Case Management Conferences are heard on Thursdays at 11:00 a.m. via Zoom Webinar. A *joint* Case Management Statement shall be filed at least 7 days before each Case Management Conference. The joint Case Management Statement shall comply with the “Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement” and Civil Local Rule 16-9.

C. Final Pretrial Conferences

Final Pretrial Conferences are heard on Thursdays at 1:30 p.m.

A *joint* Pretrial Statement and Order shall be filed at least 14 days before the final Pretrial Conference in compliance with Judge Freeman’s Standing Order Re Civil Jury Trials or Standing Order re Civil Bench Trials, whichever is applicable.

D. Trials

Trial is conducted on Mondays, Wednesdays, and Fridays from 9:00 a.m. to 5:00 p.m. and on Tuesdays from 10:00 a.m. to 5:00 p.m. Thursdays typically are dark.

IV. MOTIONS

A. Page Limits

1. 25 pages; 25 pages; 15 pages

Absent leave of Court, the page limits for the following types of motions and proceedings shall be 25 pages for the motion or opening brief, 25 pages for the opposition or response brief, and 15 pages for the reply brief: motions brought under Federal Rules of Civil Procedure 12, 23, 56, 59, or 65; motions for judgment on the pleadings; motions for certification of a collective action under the Fair Labor Standards Act; motions brought under California’s anti-SLAPP statute; social security appeals; and claim construction briefing. Parties shall comply with Civil Local Rule 7-2(b), requiring that within the 25-page limit the moving party shall include the notice of motion, a concise statement of relief requested, and points and authorities supporting the motion.

2. *Daubert* Motions

Daubert motions may not exceed 10 pages per expert, and each side is limited to a total of 25 pages for *Daubert* motions. The parties are responsible for scheduling *Daubert* hearings at least 60 days before trial. Alternatively, parties may include *Daubert* motions in their final pretrial motions *in limine*. Each side is limited to 5 motions *in limine* of 5 pages each. If a *Daubert* motion is presented as a motion *in limine*, only one expert may be addressed per motion *in limine*.

3. Post-Trial Motions

Each side is limited to a total of 25 pages for all post-trial motions, which must be presented in a single brief.

4. 10 pages; 10 pages; 5 pages

Absent leave of Court, the page limits for all other types of motions and proceedings, except for those addressed above or those as to which specific page limits are set forth in the Civil Local Rules or the Court's Standing Orders, shall be 10 pages for the motion or opening brief, 10 pages for the opposition or response brief, and 5 pages for the reply brief. Motions subject to the 10-page limit include, but are not limited to: motions to remand; motions to compel arbitration; motions for leave to amend; motions for stay; motions for default judgment; motions for sanctions; motions for attorneys' fees; and motions for interlocutory appeal.

5. Joinder

If a party files its own motion and joins in another party's motion, both the party's own motion and the joined motion will count toward the party's page limits. Excess pages will not be considered by the Court.

6. Multiple Parties per Side

The page limits stated above are per side, not per party. For example, if multiple plaintiffs or multiple defendants seek summary judgment, the moving parties may jointly file a single motion for summary judgment that does not exceed 25 pages, or the moving parties may file separate motions for summary judgment that do not exceed 25 pages collectively. Opposition and reply briefs are subject to the corresponding collective page limits.

7. Miscellaneous

These page limits are maximums, not minimums – counsel and parties are encouraged to be concise. Title pages, tables of contents, indexes of cases, and exhibits are not included in these page limits. However, the notice of motion is included in the page limits, as set forth in Civil Local Rule 7-2.

B. Briefing Schedule

The parties may stipulate to and request Court approval of a briefing schedule that differs from that set forth in the Civil Local Rules. Under no circumstances may the reply (or other final brief) be filed less than 14 days before the hearing. Where possible, the Court prefers 21 days.

C. Hearing

The filing party is responsible for reserving a hearing date for each motion filed. Currently, the Court is setting hearings approximately 5 months out. *Daubert* motions must be set for hearing at least 60 days before trial. Summary judgment motions must be set for hearing at least 90 days before trial.

D. Incorporation by Reference Not Permitted

All factual and legal bases for a party's position with respect to a motion must be presented in the briefing on that motion. Arguments presented in other briefs or documents may not be incorporated by reference, except where multiple parties are sharing page limits pursuant to Section IV.A.6 herein, in which case they may incorporate by reference only portions of the current briefing before the Court.

E. 12-Point Type and Double-Spaced

All written text, including footnotes and quotations, shall be no less than 12-point type and shall be double-spaced.

F. Footnotes

Footnotes shall be no less than 12-point type and shall be double-spaced. Footnotes shall not be used to cite to legal authorities or evidence. All citations to legal authorities or evidence shall be in the body of the brief. Excessive footnotes will be disregarded. In general, no more than 5 footnotes per brief should be necessary.

G. Request for Judicial Notice

A request for judicial notice may be made within the body of a brief or filed as a document separate from the brief. Exhibits containing documents as to which judicial notice is requested will not be counted against the requesting party's page limits. Whether the request for judicial notice is incorporated into a brief or filed separately, written argument in support of the request will be counted against the page limits for the brief to which it relates. Any response to the request for judicial notice shall be incorporated into the brief filed by the responding party.

H. Highlighting Cited Portions of Depositions and Other Lengthy Documents

The cited portions of depositions and other lengthy documents shall be highlighted in yellow for ease of reference. Highlighting in colors other than yellow will result in the document being stricken.

I. Objections to Evidence

Objections to evidence shall comply with the Civil Local Rules, which require that objections be contained within the objecting party’s brief. *See* Civ. L.R. 7-3(a), (c).

V. MOTIONS TO SEAL

Motions to seal documents shall be filed in accordance with Civil Local Rule 79-5. In addition, each administrative motion filed pursuant to Civil Local Rule 79-5(c) and declaration filed pursuant to Civil Local Rule 79-5(f)(3) shall include a chart, in the format set forth below, which includes the following four columns: (1) ECF number or exhibit number of the document sought to be sealed; (2) description or name of the document sought to be sealed; (3) portion(s) of the document to seal; and (4) reason(s) why the document should be sealed, including citation to the applicable declaration. Each separate document for which sealing is sought shall have its own row in the table.

ECF or Ex. No.	Document	Portion(s) to Seal	Reason(s) for Sealing
252	Plaintiff’s Motion for Summary Judgment	Highlighted portions at 4:9-12; 10:2-7.	Contains confidential information relating to the parties’ licenses and negotiations with third parties, and Plaintiff’s internal financial and business strategies. <i>See</i> Smith Decl. ¶¶ 3-7. Public disclosure of this information would cause harm to Plaintiff. <i>Id.</i>

Each administrative motion filed pursuant to Civil Local Rule 79-5(c) and declaration filed pursuant to Civil Local Rule 79-5(f)(3) shall be submitted in Word format by email to BLFpo@cand.uscourts.gov on the same day of filing.

Chambers copies of sealing motions shall *not* be sent to the Court. *Unredacted* chambers copies of the substantive briefs or exhibits that are the subject of the sealing motion shall be delivered to the Court, with redactions highlighted in yellow. *No* chambers copies of redacted briefs or exhibits shall be delivered to the Court.

Once the Court adjudicates a sealing motion, if the redactions and sealing granted by the Court are narrower than what was redacted in the current public versions, the Filing Party shall refile public versions of the redacted or sealed document(s) within 7 days, unless the Filing Party submits a renewed sealing motion or a Designating Party submits a renewed declaration for any document in that filing.

VI. POST-ANSWER DISPOSITIVE MOTIONS

A. Total Page Limits

Each side is limited to a total of 25 pages for all post-answer dispositive motions, collectively, including motions for summary judgment and motions for judgment on the pleadings. For example, if both a motion for judgment on the pleadings and a motion for summary judgment are filed by defendants, the total briefing across both motions may not exceed 25 pages. Total page limits for any oppositions and replies shall be limited to 25 and 15 pages, respectively.

B. One Motion for Summary Judgment per Party

Unless otherwise ordered by the Court, only 1 motion for summary judgment, partial summary judgment, or summary adjudication may be filed by each party.

C. Summary Judgment Motions Heard 90 Days Before Trial

Summary judgment motions shall be heard at least 90 days before trial. Generally, the Court will reserve a compliant date at the Initial Case Management Conference.

VII. MOTIONS FOR ATTORNEYS' FEES

In addition to the motion, memorandum, and evidence, a party moving for attorneys' fees must provide the Court with a chart, in the format set forth below, summarizing the hours expended on the major tasks in the case. While the Court has suggested several categories of tasks, the moving party may add or modify categories as necessary. The Court is primarily interested in the number of hours spent per task and per attorney, along with the effective billing rate associated with those hours. The total number of hours reflected in this chart must be identical to the number of hours set forth in the fees motion.

Task	Atty A	Atty B	Atty C
(Billing Rate)			
Compl. and Pre-Compl. Investigation			
Discovery			
Motion Practice (specify motion)			
Settlement Efforts			
Client Communication			
Miscellaneous (describe)			
Total Hours			

VIII. PROPOSED ORDERS

All proposed orders in e-filing cases shall be submitted in Word format by email to BLFpo@cand.uscourts.gov on the same day the proposed order is e-filed.

IX. CHAMBERS COPIES

A. Chambers Copies Required only for Pleadings and Substantive Briefing

Chambers copies shall be delivered to the Court within one business day of filing for the following documents: pleadings; briefing related to substantive motions; and evidence related to substantive motions. No chambers copies of administrative motions or other non-substantive motions (including sealing motions) shall be delivered to the Court.

B. ECF Filing Stamp

Chambers copies shall be generated from ECF after filing so that they bear the case number, document number, and filing date along the top of the page.

C. Format

In general, chambers copies must be single-sided (printed on only one side of the page), 2-hole punched at the top, and stapled or fastened with metal prongs. However, chambers copies of exhibits that are more than six inches thick must be placed in binders, and chambers copies submitted in connection with a final Pretrial Conference must be 3-hole punched on the left side. Whether or not in binders, chambers copies must include numbered bottom tabs between exhibits. Each chambers copy shall be marked “Chambers Copy” and shall be submitted to the Clerk’s Office in an envelope marked with the case number and with the words “Chambers Copy” and “Judge Beth Labson Freeman.”

D. Sealed Documents

When all or a portion of a substantive brief and/or supporting exhibits has been sealed, the chambers copy of the brief and/or supporting exhibits shall contain a complete set of the brief and/or supporting exhibits in unredacted form with any supporting exhibits organized sequentially. Any portions of the substantive brief and/or exhibits that have been sealed shall be highlighted in yellow. No chambers copies of redacted briefs or exhibits shall be delivered to the Court.

E. Deposition Transcripts

Deposition transcripts submitted to the Court must be in single-page format. Transcripts in 4-in-1 format, in which 4 pages of the deposition transcript are reduced to fit on a single document page, will be disregarded.

X. UNREPRESENTED PARTIES

Parties representing themselves in the San Jose Division of the Northern District of California may wish to contact the Federal Pro Se Program, a free program that offers limited legal services to *pro se* litigants. Parties may contact the Federal Pro Se Program by calling 408-297-1480. Additional information regarding the Federal Pro Se Program is available at <http://cand.uscourts.gov/helpcentersj>.

Dated: September 9, 2024



BETH LABSON FREEMAN
United States District Judge