



## Judge P. Casey Pitts · Standing Order for Civil Cases

Courtroom 8, 4th Floor, Robert F. Peckham Courthouse  
280 South First Street, San José, CA 95113

**Nicole Coleman (she/her), Courtroom Deputy (CRD)**  
(408) 535-5346 · [pcpcrd@cand.uscourts.gov](mailto:pcpcrd@cand.uscourts.gov)

<b>Pretrial Conferences</b>	Tuesdays at 10:00 AM
<b>Civil Law &amp; Motion Calendar</b>	Thursdays at 10:00 AM
<b>Civil Case Management Conferences</b>	Thursdays at 1:00 PM

**Confirm Judge Pitts's availability before noticing any motion.**

Scheduling Notes listing unavailable dates are posted at [cand.uscourts.gov/pcp](https://cand.uscourts.gov/pcp)

This order supplements the Federal Rules and Civil Local Rules in civil cases before Judge Pitts. Where indicated, additional details and instructions are included in endnotes.

### COMMUNICATING WITH CHAMBERS

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- **Inquiries.** Contact Judge Pitts's CRD regarding scheduling and other similar inquiries. Do not communicate ex parte with Judge Pitts or chambers staff unless authorized.
- **Requests.** Request Court action by stipulation or motion, not via letters or letter briefs.

### EMERGENCY REQUESTS

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- **Submission.** When seeking emergency relief (e.g., a temporary restraining order or any stipulation that needs action within 24 hours), notify Judge Pitts's CRD by phone and email.
- **Notice.** Make every reasonable effort to notify the opposing party (and counsel) as early as possible before seeking emergency relief. Emergency requests must explain such efforts and may be denied if the moving party's efforts are insufficient.
- **Response.** Do not respond to a request for emergency relief until instructed. Judge Pitts will almost never grant emergency relief without first requesting a response.

### SCHEDULING

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- **Availability.** Motions may be noticed for any Thursday at 10 AM subject to the availability of counsel and Judge Pitts (listed in his Scheduling Notes) and the 35-day notice period.
- **Rescheduling.** Requests to continue a hearing or CMC are due 72 hours in advance.
- **In-Person.** Hearings are in person unless specifically indicated on the docket. Motions to have a remote hearing by Zoom are due one week in advance and are not always granted.<sup>1</sup>

### PRONOUNNS & HONORIFICS

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- Pronouns and honorifics may be indicated in pleadings, a separate letter, or at hearings.

## CASE MANAGEMENT CONFERENCES & SCHEDULES

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- **Statements.** Joint Case Management Statements are due 14 days before the conference. Statements should clearly identify any disputes the parties need the Court to resolve.
- **Postponing.** If a pending motion to dismiss is dispositive of an entire case, the parties may stipulate to hold the initial CMC 60 days or more after the hearing.
- **Attorneys.** The attorney appearing at a CMC need not be lead counsel but must have full authority to make decisions about any issue that may arise.
- **Proposed Schedule.** CMC statements should propose a full litigation schedule, including deadlines to amend pleadings and complete ADR. When proposing dates, allow:
  - no more than 24 months between the initial CMC and trial (absent justification);
  - at least 20 weeks between the dispositive motion filing deadline and pretrial conference;
  - at least 2 weeks between the pretrial conference and the trial.Use absolute dates (e.g., Jan. 1, 2024) rather than relative ones (e.g., 60 days after an order).
- **Daubert Motions.** *Daubert* motions must be filed by the deadline for dispositive motions.
- **ADR.** Cases will generally not be referred for a settlement conference with a magistrate judge unless the parties have already completed a different form of ADR.
- **Amendment.** Rule 15 requires the Court to “freely give leave” to amend “when justice so requires.” Do not unreasonably withhold consent to amendment. If agreement cannot be reached, motions to amend are due by the deadline for amending the pleadings.
- **Modification.** Once set, case schedules and trial dates will only be modified for good cause.<sup>2</sup>

## MOTIONS & BRIEFING

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- **Briefing Schedule.** Parties may stipulate to a motion briefing schedule that differs from the default. Allow at least 14 days between the final filing and the hearing.
- **Citations.** Citations and factual assertions must be completely accurate. Misrepresentations of law or fact, however subtle, may result in sanctions. Judge Pitts prefers Westlaw citations.
- **Page Limits.** Requests to enlarge page limits are rarely granted.<sup>3</sup>
- **Footnotes.** Footnotes must be in at least 12-point type and should be used sparingly.
- **Reply Briefs.** If multiple parties file separate opposition briefs to a motion, the moving party must file a single consolidated reply brief complying with the default page limits.
- **No Chambers Copies.** Do not submit chambers copies unless requested.
- **Filing Documents.** File each motion, supporting declaration, and exhibit on ECF as a separate searchable PDF with a clear name and description.
- **Redline Amendments.** Attach as an exhibit to any amended or proposed amended pleading a redlined document showing the changes made to the previously filed pleading.
- **Evidence and Exhibits.** Submit a joint appendix of evidence if possible. Where each party relies on the same exhibit, cite an already filed exhibit rather than filing a duplicate.
- **Objections to Evidence.** Object to evidence within briefs. Do not file separate pleadings.
- **Proposed Orders.** File proposed orders on ECF as PDFs and email Word versions to pcppo@cand.uscourts.gov. Proposed orders are only necessary for administrative motions, ex parte applications, and motions seeking specific relief.<sup>4</sup>
- **Tentative Rulings.** Judge Pitts does not issue tentative rulings.

## SEALING MOTIONS

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- **Justification.** Any motion to seal must comply with Local Rule 79-5 and state whether the compelling reasons or good cause standard applies and why. Make arguments specific to the portions of documents sought to be sealed. Blanket or generic statements like “competitive harm” are almost never sufficient. *See, e.g., Apple Inc. v. Rivos, Inc.*, 2024 WL 748394 (N.D. Cal. Feb. 23, 2024) (Pitts, J.). Frivolous, overbroad, or inadequate sealing motions risk denial, publication without further notice, or sanctions.
- **Proposed Redactions.** Highlight proposed redactions to any documents sought to be filed partially under seal. Label documents sought to be entirely sealed accordingly.
- **Consolidated Sealing Motions.** If the briefing on a substantive motion includes multiple sealing motions, Judge Pitts may require a single joint motion consolidating all requests.

## SUMMARY JUDGMENT

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- **One Motion.** Each party is limited to one summary judgment motion unless granted leave.
- **Cross-Motions.** The parties must meet and confer to determine if they will file cross-motions for summary judgment. If so, only four briefs will be allowed:
  - plaintiff(s) opening brief of up to 25 pages;
  - defense opening/opposition brief of up to 25 pages;
  - plaintiff opposition/reply brief of up to 20 pages; and
  - defense reply brief of up to 15 pages.The parties may stipulate to reverse this order and have defense go first.
- **Briefing.** Stipulate in advance to a schedule that ends at least 21 days before the hearing.
- **Facts.** Joint statements of undisputed facts are helpful. Do not file separate statements.

## DISCOVERY

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- In most cases, discovery will be referred to a magistrate judge whose procedures will apply.
- The presumptive limits on discovery set forth in the Federal Rules will govern most cases. Judge Pitts rarely departs from the default rules unless the parties agree.

## HEARINGS

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- **Vacating Hearings.** Judge Pitts may vacate any hearing date and rule on the papers.
- **Newer Lawyers.** Notify Judge Pitts’s CRD one week in advance if an attorney with less than 7 years of experience will argue. Judge Pitts will consider this in deciding whether to vacate the hearing. Judge Pitts will allow additional argument from a senior attorney if needed.
- **Demonstratives.** Judge Pitts seldom finds such materials useful and counsel should be prepared to answer his questions. Send any demonstratives to opposing counsel and Judge Pitts’s CRD (via email) 48 hours in advance.

## UNREPRESENTED PARTIES

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- Parties representing themselves can contact the **Federal Pro Se Program**, which provides limited free legal services to pro se litigants. Visit Room 2070 of the San José Courthouse, contact Haohao Song at (408) 297-1480, or visit [cand.uscourts.gov/helpcentersj](https://cand.uscourts.gov/helpcentersj).

## Additional Notes

<sup>1</sup> **REQUESTING REMOTE (ZOOM) HEARINGS.** Request to hold a hearing via Zoom must be made by administrative motion (not stipulation) at least one week in advance. Motions may be joint or by a single party for good cause (e.g., burdensome travel, resource constraints, mobility limits, or party access). Judge Pitts retains full discretion to deny any such requests, and requests not joined by all parties are more likely to be granted for CMCs than for hearings.

Anyone granted remote access to Zoom proceedings is strictly prohibited from photographing, screenshotting, recording, or rebroadcasting the proceeding. Pursuant to General Order 58, violating these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry into future hearings, or any other sanctions deemed necessary.

<sup>2</sup> **REQUESTING CHANGES TO DATES & DEADLINES.** Submit motions/stipulations to extend dates and deadlines at least 72 hours before the date at issue. Requests must:

- Explain the justification (Judge Pitts is unlikely to approve changes without good cause, and without a compelling showing of good cause for changes to trial dates);
- State how many extensions have previously been requested, and indicate the Court's rulings on those requests; and
- Include a proposed order listing all future deadlines in the case schedule incorporating the proposed modifications.

<sup>3</sup> **REQUESTING ENLARGED PAGE LIMITS.** Submit motions/stipulations to enlarge page limits at least 72 hours before the relevant filing is due. If a request is made by administrative motion rather than stipulation, any opposition must be filed by the sooner of: (a) 12:00pm one business day before the filing deadline, or (b) the time allowed by Civil Local Rule 7-11.

<sup>4</sup> **REQUESTING SPECIFIC RELIEF VIA PROPOSED ORDER.** Proposed orders are not necessary for most substantive motions, such as motions for summary judgment and motions to dismiss. File proposed orders only in connection with administrative motions, ex parte applications, and motions that ask for specific relief (e.g., a motion for a preliminary injunction or an application for a temporary restraining order) or factual findings (e.g., a motion to approve a class settlement or for attorneys' fees). Proposed orders submitted in connection with motions for injunctive relief should state the specific relief sought. Proposed orders must be both filed on ECF in PDF form and emailed in Word form to [pcppo@cand.uscourts.gov](mailto:pcppo@cand.uscourts.gov). Orders submitted only by email are not deemed filed and may not be seen by the Judge.