



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)
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Pretrial Conferences

Tuesdays at 10:00 AM

Civil Law & Motion Calendar

Thursdays at 10:00 AM

Civil Case Management Conferences

Thursdays at 2:00 PM

Confirm Judge Pitts's availability before noticing any motion.

Scheduling Notes listing unavailable dates are posted at 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

- **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

- **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

- **Availability.** Motions may be noticed for any Thursday at 10:00 AM subject to the availability of 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.¹

PRONOUNS & HONORIFICS

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

CASE MANAGEMENT CONFERENCES & SCHEDULES

- **Statements.** Joint Case Management Statements are due 7 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 on the motion.
- **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. Rather than including a date for the pretrial conference and trial, the schedule shall include a date for a trial-setting conference.

When proposing dates, allow:

- **no more than 24 months between the initial CMC and the trial-setting conference (absent justification);**
- **at least 20 weeks between the dispositive motion filing deadline and trial-setting conference;**

Use absolute dates (e.g., Jan. 1, 2024) rather than relative ones (e.g., 60 days after an order).

- **Motions to Exclude Expert Testimony** must be filed by the dispositive motions deadline.
- **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.²

MOTIONS & BRIEFING

- **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. Hearings on motions for summary judgment or substantive motions in patent cases should be set no fewer than 21 days after the completion of briefing.
- **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.³
- **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.
- **Chambers Copies.** In addition to filing on ECF, parties shall provide the Court with two printed chambers copies of all filings submitted in connection with claims constructions, motions for class certification, and motions for summary judgment. Do not otherwise 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.⁴
- **Tentative Rulings.** Judge Pitts does not issue tentative rulings.

SEALING MOTIONS

- **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 requires a single joint motion that consolidates all requests.

SUMMARY JUDGMENT

- Motions for summary judgment are subject to Judge Pitts’s separate Standing Order on Summary Judgment.

DISCOVERY

- 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

- **Vacating Hearings.** Judge Pitts may vacate any hearing date and rule on the papers.
- **Newer Lawyers.** Notify Judge Pitts’s CRD two weeks in advance if an attorney with less than 7 years of experience will argue. Judge Pitts will consider this in deciding whether to hold a 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

- 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.

CLASS ACTION SETTLEMENTS

- Parties submitting motions for preliminary or final approval of class action settlements must follow these guidelines: <https://cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/>. Parties should include an appendix with their brief that responds to the specific requirements outlined in the guidelines. (Copying and pasting each listed item and immediately following it with the parties' response is best.) Failure to address the issues identified in the guidelines may result in unnecessary delay or denial of approval.
- In addition, because the unique nature of class actions warrants transparency, the highest regard for professional conduct, and confidence in class counsel and the vendors they oversee, counsel for the proposed settlement class must submit with the motion for preliminary approval a declaration of the proposed settlement administrator describing:
 - Any money or thing of value the administrator will receive in connection with the settlement beyond the fee described in the preliminary approval papers, including interest or float on settlement deposits, payments from depository banks, and any revenue-sharing, ownership percentage, or markups on settlement services from payment, claims processing, social media, or other vendors;
 - Any fees class members or claimants could be charged by the administrator or its subcontractors in connection with the settlement, including interchange fees, dormancy fees, or retention of residual balances;
 - Whether data about visitors to the settlement website or other settlement class data will be shared with third parties not involved in administering the settlement, including via trackers or pixels;
 - Whether artificial intelligence will be used to administer the settlement either by the administrator or subcontractors and, if so, what safeguards will ensure accuracy and lack of bias; and
 - A detailed fraud-prevention plan, including whether there will be real-time fraud reporting and assessments to detect if an unusual number of payments are being sent to linked accounts.

Proposed class counsel must also file a declaration describing in detail what due diligence counsel performed regarding the proposed administrator's approach to each of the above issues, any potential conflict of interest or potential appearance of conflict of interest for counsel in the selection of the administrator or any vendor, bank, or other service used by the administrator (including any financial relationship with the administrator or any bank, vendor, or other service), and the basis for counsel's conclusion that the proposed administration arrangements serve the best interests of the settlement class.

Additional Notes

¹ **REQUESTING REMOTE APPEARANCES.** Requests to appear remotely via Zoom for a hearing 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). Non-parties may request to access a remote hearing by filing a request on the Northern District's website (<https://cand.uscourts.gov/about/court-programs/cameras/>). 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.

² **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.

³ **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.

⁴ **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. Orders submitted only by email are not deemed filed and may not be seen by the Judge.