

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
GENERAL STANDING ORDER FOR CIVIL AND CRIMINAL CASES
BEFORE JUDGE CHARLES R. BREYER**

I. RULES APPLICABLE TO ALL CASES

A. Conformity to rules.

Parties shall follow the Federal Rules, the Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court's Standing Orders.

B. Scheduling.

1. Criminal calendar is generally conducted on Wednesdays at 10:00 a.m. for sentencing and 1:30 p.m. for all other matters.
2. Civil law and motion calendar is generally conducted on Fridays at 10:00 a.m.
3. Case management conferences are generally conducted on Fridays at 8:30 a.m.
4. Pretrial conferences are generally conducted at 2:30 p.m. on days determined by the Court.
5. For all hearing and conferences, order of call is determined by the Court.
6. Counsel need not reserve a hearing date for motions. However, counsel is advised to check the Court website for unavailable dates. Noticed dates may be reset as the Court's calendar requires.
7. No changes in the Court's schedule shall be made except by signed order of the Court and upon a showing of good cause. Parties seeking to continue hearings, request special status conferences, modify briefing schedules, or make other procedural changes shall submit a signed stipulation and proposed order, or, if stipulation is not possible, an ex parte application in writing.

C. Motion practice.

Briefs or Memoranda of Points and Authorities in support of, or in opposition to, any motions filed in an action must be typed on 28-line, double-spaced pleading paper and, except

for summary judgment motions, may not exceed 15 pages in length, exclusive of title pages, indexes of cases, table of contents, exhibits, affidavits and summaries of argument, if required. Briefs exceeding 10 pages in length must contain an additional summary of argument, including reference to any important cases cited. Summary judgment memoranda may not exceed 25 pages. Each party is limited to filing one summary judgment motion. Any party wishing to exceed this limit must request leave of the Court and must show good cause. Counsel shall submit a proposed form of order with all motion and opposition papers.

D. Telephonic appearances.

1. **Policy.** Telephonic appearances are allowed at the court's discretion for case management conferences, status conferences and civil motion hearings. Any request for a telephonic appearance must be court-approved in advance by submitting and e-filing an Application and Proposed Order for a Telephonic Appearance.
2. **Procedure.** Telephonic appearances may be arranged by calling CourtCall at (866) 582-6878 not later than 3 p.m. the court day prior to the hearing date. It is counsel's responsibility to dial into the call not later than 10 minutes prior to the scheduled hearing. Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure the quality of the record, the use of mobile phones, speakerphones, public telephone booths, or phones in other public places is discouraged. Failure to use adequate technology so that you may be heard clearly will be treated as a failure to appear. Each time you speak, you must identify yourself for the record. Counsel may contact Judge Breyer's Courtroom Deputy, Lashanda Scott, at (415) 522-2062 for additional guidance.

E. Less-experienced attorneys and attorneys from underrepresented groups.

Junior lawyers and lawyers from groups that have been historically underrepresented in the legal profession are invited to argue motions they have helped prepare and to question witnesses with whom they have worked. Opportunities to train young attorneys and attorneys from underrepresented groups in oral advocacy are rare because of the decline of trials. Where such lawyers are familiar with the matter under consideration, but have little experience

arguing before a court, they should be encouraged to speak by the law firms involved in the case. This Court is amenable to permitting a number of lawyers to argue for one party if this creates an opportunity for a junior lawyer or lawyers from underrepresented groups to participate. Of course, the ultimate decision of who speaks on behalf of the client is for the lawyer in charge of the case, not for the Court.

F. Courtesy copies.

Parties must file a single (no duplicates) courtesy chambers copy of all filings. The courtesy copy must be delivered to the Clerk's Office no later than noon on the court day following the day that the document was electronically filed. (Note: This deadline differs from those in Civil Local Rule 5-1(e)(7)(A).) All chambers copies should be three-hole punched along the left side of the page, and should bear the ECF filing "stamp" (case number, docket number, date, and ECF page number) along the top of the page. All exhibits shall be clearly delineated with tabs along the right side (e.g., "1", "2", "3"). If the filing includes exhibits over three inches thick, the parties shall place the chambers copy in a binder. The Court prefers double-sided printing for voluminous chambers copies of exhibits, if possible.

G. Filing under seal.

Parties are reminded that court proceedings are presumptively public, and no document shall be filed under seal without request for a court order that is narrowly tailored to cover only the document, the particular portion of the document, or category of documents which meet the applicable legal standard for sealing. To the extent that filings include under seal materials, chambers copies should include all material—both redacted and unredacted—so that the chambers staff does not have to re-assemble the whole brief or declaration, although chambers copies should clearly delineate which portions are confidential (via highlighting).

H. Protective orders.

If parties believe that a protective order is necessary, they shall, where practicable, use one of the model stipulated protective orders (available at cand.uscourts.gov/model-protective-orders). If the parties' proposed protective offer differs materially from the model protective order, the parties shall file a statement explaining each modification to the model order, along with a redline version comparing the proposed protective order with the model order.

II. RULES APPLICABLE ONLY TO CIVIL CASES

1. Motions to compel discovery are referred to a Magistrate Judge for assignment. Therefore, counsel are required to file a notice of discovery disputes to initiate a referral in lieu of filing discovery motions before this Court.
2. Amended pleadings. If a party files an amended pleading, it shall concurrently file a redlined version comparing the amended pleading to the prior operative pleading.
3. Unrepresented (pro se) parties. Parties representing themselves should visit <https://www.cand.uscourts.gov/pro-se>. The page discusses the Court's "Legal Help Center," which provides free assistance at the San Francisco, Oakland, and San Jose courthouses for unrepresented parties. It also links to the Court's Pro Se Handbook. Parties may visit the Legal Help Centers at the San Francisco and Oakland courthouses, or call (415)782-8982 to make an appointment.
4. Case management conferences. The attorney appearing at a case management conference need not be lead counsel, but must have full authority to make decisions about any issue that may come up during the conference, including trial dates.

III. SPECIAL RULES FOR 11(C)(1)(B) PLEA AGREEMENTS

Plea agreements pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B) must include the following:

1. If the agreement includes a Sentencing Guidelines calculation, then it must also state that the parties agree that the adjusted offense level results in a Guidelines range of ___ to ___ months depending on the defendant's Criminal History Category.
2. If the agreement includes a waiver of appellate rights, it must also reserve the defendant's right to appeal the judgment of the Court as it pertains to any alleged error in sentencing as well as any claim to ineffective assistance of counsel.

IT IS SO ORDERED.

Dated: April 2, 2019



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE