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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

[PLAINTIFF'S NAME],
Plaintiff,
v.
[DEFENDANT'S NAME],
Defendant.

Case No.: 2:22-cv-01234-MEMF(x)
CIVIL STANDING ORDER

PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THE CASE AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES. WHEN CONSULTING THE COURT'S CIVIL STANDING ORDER, PLEASE BE SURE TO USE THE MOST UPDATED VERSION LOCATED ON JUDGE FRIMPONG'S WEBPAGE.¹

¹ Judge Frimpong's webpage can be found at <https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong>.

1 Both the Court and all counsel bear responsibility for the progress of litigation in this Court.
2 **“Counsel,” as used in this Order, includes parties appearing pro se.**² To secure the just, speedy,
3 and inexpensive determination of every action, all counsel are ordered to familiarize themselves with
4 the Federal Rules of Civil Procedure and the Local Rules of the Central District of California. Fed.
5 R. Civ. P. 1.

6 **UNLESS THE COURT ORDERS OTHERWISE, THE FOLLOWING RULES APPLY.**

7 **I. Service of the Complaint**

8 The Plaintiff shall promptly serve the complaint in accordance with Federal Rule of Civil
9 Procedure 4 and shall comply with Local Rule 5-3 with respect to all proofs of service.

10 **II. Appearances by Counsel**

11 The Court has a strong commitment to fostering the development of new and diverse lawyers
12 in the legal community. Consequently, the Court strongly encourages litigants to provide
13 opportunities for less experienced lawyers or lawyers whose identities and/or backgrounds further
14 the diversity of the legal profession to conduct hearings before the Court, particularly where they
15 contributed significantly to the underlying motion or prepared the witness. Of course, the ultimate
16 decision of who speaks on behalf of the client is for the client and not the Court.

17 **A. Presence of Lead Trial Counsel**

18 Lead trial counsel shall attend any proceeding before this Court, including all Scheduling,
19 Pretrial, and Settlement Conferences.

20 **B. Withdrawal and Substitution of Counsel**

21 Counsel shall take note of the differences between the G-01 and G-123 forms and must
22 submit the appropriate form when noticing or requesting withdrawal or substitution of counsel.

23 Per its instructions, Form G-123 may be used to terminate an attorney’s status as counsel for
24 a party in three situations: (1) the attorney being terminated has already been relieved by the Court,
25 but the docket does not yet reflect that fact; (2) at least one member of the attorney’s firm or agency
26

27 ² This Court does not exempt parties appearing pro se—that is, parties who are not represented by an
28 attorney—from compliance with the Federal Rules of Civil Procedure or the Local Rules. *See* Local Rules 1-3
and 83-2.2.3.

1 will continue to represent that party and the withdrawing attorney is not the only member of the Bar
2 of this Court representing that party; or (3) the represented party has been dismissed from the case,
3 but the attorneys are still receiving notices of electronic filing. In situations not covered above,
4 attorneys seeking to withdraw from a case must first obtain permission from the Court. In such
5 circumstances, attorneys should complete and file a “Request for Approval of Substitution or
6 Withdrawal of Counsel” (Form G-01) instead.

7 When submitting Request for Approval of Substitution or Withdrawal of Counsel Form G-
8 01, parties must also attach and submit via email a Proposed G-01 Order in Word format. *See infra*
9 Section IX. All relevant forms may be found on the Court’s website.

10 **III. Invitation to Self-Identify Pronouns and Honorifics**

11 Litigants and counsel may indicate their pronouns and honorifics by filing a letter, adding the
12 information in the name block or signature line of the pleadings, or verbally informing the Court
13 when making an appearance.

14 **IV. Amended Pleadings**

15 Whenever amended versions of any pleading are filed, the amending party must file a
16 redlined version of the amended pleading identifying all additions and deletions of material to the
17 pleading on the docket **and** email the redlined version in Word format to the Court’s chambers email
18 address at MEMF_Chambers@cacd.uscourts.gov.

19 **V. Scheduling Conference and Rule 26(f) Meeting of Counsel**

20 This court hears status conferences and scheduling conferences on **Thursdays, beginning at**
21 **10:00 a.m.** Pursuant to Federal Rules of Civil Procedure 16(b) and 26(f), the Court will issue an
22 Order Setting a Scheduling Conference. Counsel shall meet no later than twenty-one (21) days prior
23 to the court-ordered Scheduling Conference pursuant to Federal Rule of Civil Procedure 26(f) and
24 applicable Local Rules. This meeting may occur telephonically and need not occur in person. A
25 written exchange of correspondence will not satisfy this requirement.

26 Please note that absent unusual circumstances, scheduling conferences will not be set until an
27 answer has been filed.

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1 **VI. Joint Rule 26(f) Report**

2 Unless otherwise ordered, no later than fourteen (14) days before the Scheduling Conference,
3 counsel shall file a Joint Rule 26(f) Report. The Joint Rule 26(f) Report shall address the matters set
4 forth in Federal Rule of Civil Procedure 26(f), as well as those enumerated in the Court’s Order
5 Setting Scheduling Conference, found on the bottom of Judge Frimpong’s webpage.³ A Joint Rule
6 26(f) Report which is not timely filed or does not conform with this Order, Federal Rule of Civil
7 Procedure 26(f), and applicable Local Rules will interfere with preparation by the Court and its staff
8 and may result in the assessment of sanctions.

9 **VII. Discovery**

10 All discovery matters have been referred to a magistrate judge, who will hear all discovery
11 disputes. The magistrate judge’s initials follow the district judge’s initials next to the case number.
12 All discovery documents must include the words “DISCOVERY MATTER” in the caption to ensure
13 proper routing. Please do not deliver courtesy copies of discovery documents to Judge Frimpong’s
14 chambers.

15 In accordance with 28 U.S.C. § 636(b)(1)(A), the magistrate judge’s decision shall be final,
16 and this Court will not reverse any order of the magistrate judge unless it has been shown that the
17 magistrate judge’s order is clearly erroneous and contrary to law. Any party may file and serve a
18 motion for review and reconsideration before this Court. *See* Local Rule 72-2. The moving party
19 must file and serve the motion within fourteen (14) days of service of a written ruling or an oral
20 ruling that the magistrate judge states will not be followed by a written ruling. The motion must
21 specify which portions of the ruling are clearly erroneous and contrary to law, and the claim must be
22 supported by points and authorities. Counsel shall provide the magistrate judge chambers copies of
23 the moving papers and responses.

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28 ³ Judge Frimpong’s webpage can be found at <https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong>.

1 **VIII. Motions – General Requirements**

2 **A. Pre-Filing Requirement:** Counsel for the parties shall meet and confer pursuant to
3 Local Rule 7-3, which requires “counsel contemplating filing of any motion” to “first contact
4 opposing counsel to discuss thoroughly, preferably in person, the substance of the contemplated
5 motion and any potential resolution.” The parties must discuss in real-time all issues to be raised in
6 the motion, as well as the law and evidence relevant to those issues, so that the parties’ briefing
7 reflects that they are fully cognizant of the other side’s position(s). Counsel should discuss the issues
8 sufficiently such that if a motion is still necessary, the briefing may be directed to those substantive
9 issues requiring resolution by the Court. Counsel should resolve minor procedural or other non-
10 substantive matters during the conference. The notice of motion or other request must include a
11 statement of compliance with Local Rule 7-3. The Court may strike or outright deny a motion or
12 other relief if counsel fails to meet and confer in good faith. Moreover, if the briefing reveals that the
13 parties have not sufficiently conferred with respect to the issues and position(s) presented, the
14 motion shall be stricken.

15 **B. Time for Filing and Hearing Motions:** Motions shall be filed in accordance with
16 Local Rule 7. This Court hears civil motions on **Thursdays, beginning at 10:00 a.m.**⁴ If Thursday
17 is a national holiday, motions will be heard on the next Thursday. **Closed motion dates** can be
18 found on the right column of Judge Frimpong’s webpage, below the Daily Calendar.⁵ It is not
19 necessary to clear a hearing date with Judge Frimpong’s Courtroom Deputy Clerk before filing a
20 motion, **except for motions for summary judgment and preliminary injunction.** For these two
21 motions, contact the Courtroom Deputy Clerk via the Court’s chambers email address at
22 MEMF_Chambers@cacd.uscourts.gov to reserve a hearing date. The Court recommends that for
23 motions for summary judgment, parties should reserve a hearing date at least three months in
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27 ⁴ While all hearings are set for Thursdays initially at 10:00 a.m., the Court will assign specific hearing times
prior to the Thursday of the hearing.

28 ⁵ Judge Frimpong’s webpage can be found at <https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong>.

1 advance. Moreover, all Motions must be filed in accordance with the following modified briefing
2 schedule, **which differs from the timing of the Local Rules:**

- 3 • Motion: Must be filed no later than forty-two (42) days prior to the hearing date on
4 the Motion;
- 5 • Opposition: Must be filed no later than fourteen (14) days after the filing of the initial
6 Motion;
- 7 • Reply: Must be filed no later than seven (7) days after the Opposition.

8 If at any time the hearing date on a motion is continued, there is no change to the default
9 briefing schedule set forth above.

10 **C. Length and Format of Motion Papers:** Pursuant to Local Rule 11-6, Memoranda of
11 Points and Authorities in support of or in opposition to motions shall not exceed twenty-five (25)
12 pages absent leave of Court. Replies shall not exceed ten (10) pages. Only in rare instances and for
13 good cause shown will the Court grant an application to extend these page limitations. Pursuant to
14 Local Rule 11-8, all Memoranda of Points and Authorities exceeding ten (10) pages must be
15 accompanied by a Table of Authorities and a Table of Contents. All briefing must use Times New
16 Roman font. Text must be no less than twelve (12) point font; footnotes shall be no less than ten (10)
17 point font.

18 Counsel shall adhere to Local Rule 5-4.3 with respect to the conversion of all documents
19 to .pdf format so that when a document is electronically filed, it is in proper size and is .pdf
20 searchable. Further, all documents shall be filed in a format so that text can be selected, copied, and
21 pasted directly from the document. *See* Local Rule 5-4.3.1. If exhibits are submitted as attachments,
22 each exhibit must be filed as a standalone document rather than as a consolidated document.

23 **D. Citations to Case Law:** Citations to case law must identify the case cited and the
24 specific page referenced. For example, if a quotation is presented, the associated page citation shall
25 be provided. Similarly, if a case is cited in support of a proposition based on language in the opinion,
26 the page on which such language appears shall be provided. Bluebook style is required.

27 **E. Citations to Other Sources:** Statutory references must identify with specificity the
28 sections and subsections referenced. Citations to treatises, manuals, and other materials should

1 include the volume, section, and pages being referenced. Citations to prior filings in the same action
2 shall include the docket entry number, section, and pages referenced. Bluebook style is required.

3 **F. Oral Argument:** Per the Court’s website, “Requests for a remote Zoom appearance
4 must be e-filed by the Friday before the hearing and must indicate that counsel has met and
5 conferred with opposing counsel consistent with Local Rule 7-3.” If the Court deems a matter
6 appropriate for decision without oral argument, the Court will take the matter under submission and
7 notify the parties before the hearing.

8 **IX. Motions – Specific Requirements**

9 **A. Motions Pursuant to Federal Rule of Civil Procedure 12:** Many motions to
10 dismiss or strike can be avoided if the parties confer in good faith as required by Local Rule 7-3,
11 especially for perceived defects in a complaint, answer, or counterclaim that can be corrected by
12 amendment. *See Polich v. Burlington Northern, Inc.*, 942 F.2d 1467, 1472 (9th Cir. 1991) (noting
13 that where a motion to dismiss is granted, a district court should grant leave to amend unless it is
14 clear the complaint cannot be saved by amendment). Moreover, a party has the right to amend the
15 complaint “once as a matter of course at any time before a responsive pleading is served.” Fed. R.
16 Civ. P. 15(a). Even after a complaint has been amended or a responsive pleading has been served,
17 the Federal Rules of Civil Procedure provide that leave to amend should be “freely given when
18 justice so requires.” Fed. R. Civ. P. 15(a). Indeed, the Ninth Circuit requires that this policy favoring
19 amendment be applied with “extreme liberality.” *Morongo Band of Mission Indians v. Rose*, 893
20 F.2d 1074, 1079 (9th Cir. 1990).

21 Consequently, parties should carefully consider and weigh an opponent’s contentions as to
22 the deficiencies in a pleading. The Court expects that, in most instances, the parties will agree to any
23 amendment that would cure the defect.

24 **B. Motions to Amend:** In addition to the requirements of Local Rule 15-1, all motions
25 to amend pleadings shall: (1) state the effect of the amendment; (2) be serially numbered to
26 differentiate the amendment from previous amendments; and (3) identify the pages, line numbers,
27 and wording of any proposed change or addition of material.

1 Counsel shall electronically file as attachments to the motion to amend: (1) a clean version
2 of the proposed amended pleading, and (2) a redlined version of the proposed amended pleading
3 identifying all additions and deletions of material. The redlined version of the proposed amended
4 pleading should be emailed in Word format to the Court's chambers email address at
5 MEMF_Chambers@cacd.uscourts.gov.

6 **C. Motions for Class Certification:** If this action is a putative class action, the parties
7 are to act diligently and begin discovery immediately, so that the motion for class certification can
8 be filed expeditiously. This Court requires an extended briefing schedule for motions for class
9 certification. Parties are advised to refer to the Court's Order Setting Scheduling Conference for
10 additional guidance as to filing and timing of motions for class certification.

11 **D. Motions for Summary Judgment: No party may file more than one motion**
12 **pursuant to Federal Rule of Civil Procedure 56**, regardless of whether such motion is
13 denominated a motion for summary judgment or summary adjudication, without leave of the Court.
14 The parties shall not attempt to evade the page limitations for briefs by filing multiple motions. If a
15 party believes this is one of the rare instances in which good cause exists for more than one motion
16 for summary judgment or to increase page limits, the party shall seek leave by noticed motion setting
17 forth a detailed showing of good cause. Pursuant to Federal Rule of Civil Procedure 56(f), when
18 appropriate, based on undisputed facts and controlling principles of law, the Court may sua sponte
19 enter summary judgment in favor of the non-moving party.

20 The Court will not entertain cross-motions that seek to adjudicate the same legal issues. If
21 parties wish to cross-move for summary judgment, their counsel shall meet and confer to determine
22 which party will move and which will oppose the one motion for summary judgment.

23 Parties need not wait until the motion cutoff date to bring motions for summary judgment or
24 partial summary judgment. The hearing on any such motion shall be set for a date in advance of the
25 Final Pretrial Conference. The Court recommends that parties reserve a hearing date for motions for
26 summary judgment at least three months in advance.

27 Any parties intending to file or oppose a Motion for Summary Judgment shall work
28 cooperatively to create a single, fully integrated joint brief covering all parties' summary judgment

1 motions, in which each issue (or sub-issue) raised by a party is immediately followed by the
2 opposing party's response. Each separately-represented party shall be limited to twenty-five (25)
3 pages, exclusive of tables of contents and authorities.

4 This Court requires an extended briefing schedule for motions for summary judgment,
5 *calculated based on the date the motion is filed*, as set forth below:

- 6 • *Motions for Summary Judgment*: No later than sixty-three (63) calendar days before
7 the hearing on the motion, the moving party shall provide to the non-moving party an
8 electronic copy of the opening brief, together with the moving party's portion of the
9 evidentiary appendix and joint appendix of undisputed and disputed facts.
- 10 • *Opposition*: No later than fourteen (14) calendar days after receipt of the opening
11 brief, the non-moving party shall provide the moving party with an electronic copy of
12 the integrated motion, which shall include the opposing party's portion of the joint
13 brief, together with the opposing party's portion of the evidentiary appendix and joint
14 appendix of undisputed and disputed facts.
- 15 • *Reply*: No later than seven (7) calendar days after receiving the integrated version of
16 the motion and related papers, the moving party shall integrate their reply arguments
17 into the joint brief and file it with the Court. The moving party shall not make further
18 revisions to the joint brief other than integrating their reply arguments and finalizing
19 the document for filing.

20 In the event that the *moving* party is a self-represented litigant, the parties shall file their
21 briefs pursuant to the aforementioned briefing schedule but will not be required to submit joint
22 briefing; rather, the parties may submit separate briefing. In the event that the *non-moving* party is a
23 self-represented litigant, the parties shall file their briefs pursuant to the aforementioned briefing
24 schedule; however, the represented moving party shall manage the integration and compilation of
25 both parties' portions of the joint brief, including, but not limited to, Word processing. Pro se parties
26 are expressly advised that, pursuant to *Rand v. Rowland*, 154 F.3d 952, 962–63 (9th Cir. 1998) (en
27 banc), and *Woods v. Carey*, 684 F.3d 934, 939–40 (9th Cir. 2012), he or she has the right to submit
28 counter-declarations and any other relevant evidence to oppose a Motion for Summary Judgment.

1 Such party is further advised that if he or she fails to rebut the moving party's version of the facts
2 with counter-declarations or other evidence, the court may accept that party's version of the facts as
3 true and the claims against that party may be dismissed without a trial. All declarations must be
4 signed under penalty of perjury by persons having personal knowledge of the facts stated in the
5 declarations.

6 **The above briefing schedule is the default.** The parties may stipulate to a modified
7 schedule that is reasonable for all parties. Any briefing schedule must provide the Court at least
8 forty-two (42) days between the Reply deadline and the hearing date.

9 The parties should prepare papers in a fashion that will assist the Court in processing and
10 analyzing the volume of material (*e.g.*, tables of contents, headings, indices, bookmarks in electronic
11 documents, pinpoint citations, etc.). Additionally, *for motions for summary judgment only*, parties
12 should submit one paper copy of all Motion for Summary Judgment filings to Judge Frimpong's
13 mailbox on the Fourth Floor of the First Street Courthouse. Pro se parties are exempt from this
14 requirement. The Court prefers binders with exhibit tabs for larger filings. The parties shall comply
15 with Local Rules 56-1 and 56-2, in addition to the Court's additional requirements described below.

16 1. Moving Party's Statement of Uncontroverted Facts and Genuine Disputes

17 The joint statement of uncontroverted facts required under Local Rule 56-1 shall be prepared
18 in a four-column table, as shown below. The first column sets forth the allegedly undisputed fact,
19 along with the evidence that supports the factual statement. The factual statements should be set
20 forth in sequentially numbered paragraphs. Each paragraph should contain a narrowly focused
21 statement of fact. Each numbered paragraph should address a single subject as concisely as possible.
22 The second column should list whether the allegedly undisputed fact is disputed or undisputed by the
23 opposing party. The third column should contain additional information regarding the basis for any
24 dispute. If the fact is undisputed, no further response is required. The non-moving party may dispute
25 all or only a portion of the statement, but if disputing only a portion, it must clearly indicate what
26 portion is being disputed, followed by a brief citation to the non-moving party's evidence
27 controverting the fact. To demonstrate that a fact is disputed, the non-moving party must briefly state
28 why it disputes the moving party's asserted fact, cite to the relevant exhibit or other evidence, and

1 describe the reason(s) the exhibit or evidence refutes the asserted fact. No legal argument should be
 2 set forth in this document. In the fourth column, the moving party may provide a response to the
 3 opposing party’s reason for dispute, including any reason why the evidence cited by the opposing
 4 party does not create a genuine dispute and/or any additional evidence relevant to the asserted fact.
 5 All facts asserted by either party, whether disputed or undisputed, and all supporting evidence cited,
 6 shall be included in the response. Do not repeat descriptions of and citations to the evidence. If you
 7 have already described and cited the evidence once, simply refer to the earlier citation succinctly
 8 (e.g., “See *supra* Fact # 1”).

Undisputed Fact	Status	Opposition	Reply
1. Mike and Jane signed a contract for the sale and purchase of property. Smith Decl. (Dkt. No. 61-2) ¶ 5, Ex. 6.	Undisputed	N/A	N/A
2. Jane mailed the contract in May 2017. Smith Decl. ¶ 8, Ex. 21.	Disputed	Disputed as to date. Jane testified she mailed the contract in June 2017. Jane Depo. at 3:4-10.	Jane testified later that although she initially stated that she mailed the contract in June 2017, she misspoke and clarified that she had actually mailed the contract in May 2017.

21 Statements of Uncontroverted Facts and Genuine Disputes shall also be in Excel, have all
 22 restrictions removed so the spreadsheets can be edited, and be emailed to the Court’s chambers email
 23 address at MEMF_Chambers@cacd.uscourts.gov.

24 2. Non-Moving Party’s Statement of Uncontroverted Facts and Genuine
 25 Disputes

26 The non-moving party may submit additional material facts that bear on or relate to the
 27 issues raised by the moving party, which shall be set forth in a separate joint statement of
 28 uncontroverted facts and follow the format described above for the moving party’s separate

1 statement. These additional facts shall continue in sequentially numbered paragraphs with the
2 evidence that supports each statement set forth in the right column.

3 With its Reply, the moving party shall identify whether the allegedly undisputed fact
4 presented by the non-moving party is disputed or undisputed by the moving party. The statement
5 shall include additional information regarding the basis for any dispute. If the fact is undisputed, no
6 further response is required.

7 Parties are required to also submit any Statements of Uncontroverted Facts and Genuine
8 Disputes in Excel, have all restrictions removed so the spreadsheets can be edited, and be emailed to
9 the Court’s chambers email address at MEMF_Chambers@cacd.uscourts.gov.

10 **3. Conclusions of Law**

11 Each Statement of Uncontroverted Facts and Genuine Disputes shall be followed by a
12 “Conclusions of Law” section, consisting of a chart with two columns. The party presenting each set
13 of allegedly uncontroverted facts shall set forth each conclusion of law, followed by the number of
14 each relevant fact, as follows:

15

<u>Conclusions of Law</u>	<u>Relevant Facts</u>
Plaintiff’s claim for ____ is barred by the applicable statute of limitations.	Facts 1, 3, 4
Plaintiff cannot prove ____.	Facts 5, 7, 9

19

20 **4. Supporting Evidence**

21 The joint brief shall be accompanied by one separate, tabbed appendix of declarations and
22 written evidence (including documents, photographs, deposition excerpts, etc.). See Local Rule 7-6.
23 The joint brief and its supporting materials shall be submitted as one CM/ECF filing, with each
24 declaration or item of evidence submitted as a separate attachment to the CM/ECF filing. The
25 evidentiary appendix shall include a table of contents. No party shall submit evidence other than the
26 specific items of evidence or testimony necessary to support or controvert a proposed statement of
27 undisputed fact. For example, entire deposition transcripts, entire sets of interrogatory responses, and
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1 documents that do not specifically support or controvert material in the separate statement shall not
2 be submitted in support of or in opposition to a motion for summary judgment.

3 If the parties wish to submit excerpts of any document (including deposition transcripts,
4 documents produced in discovery, or any other documents) alongside their joint motion for summary
5 judgment, they must meet and confer, and file only one consolidated excerpt of each such document.
6 All portions of the excerpted document cited by either party must be contained in this one,
7 consolidated, excerpt. When submitting an excerpt of a deposition transcript, parties must also
8 include one full page before and one full page after the excerpt at issue.

9 Evidence submitted in support of or in opposition to a motion for summary judgment should
10 be submitted either by way of stipulation or as exhibits to declarations sufficient to authenticate the
11 proffered evidence and should not be attached to the memorandum of points and authorities.
12 Documentary evidence for which there is no stipulation regarding foundation must be accompanied
13 by the testimony, either by declaration or properly authenticated deposition transcript, of a witness
14 who can establish authenticity.

15 5. Objections to Evidence

16 If a party disputes a fact based in whole or in part on an evidentiary objection, the ground for
17 the objection should be stated succinctly in a separate statement of evidentiary objections in a two-
18 column format. The left column should identify the items objected to (including page and line
19 number if applicable) and the right column should set forth a concise objection (*e.g.*, hearsay, lack of
20 foundation, etc.) with a citation to the Federal Rules of Evidence or, where applicable, a case
21 citation. A proposed order shall be filed and attached to the evidentiary objections as a separate
22 Word document consistent with Local Rule 52-4.1 and emailed directly to the Court's chambers
23 email address at MEMF_Chambers@cacd.uscourts.gov.

24 **E. Motions for Attorneys' Fees:** Motions for attorneys' fees shall be electronically
25 filed and set for hearing according to Local Rule 6-1 and this Order. Before filing a motion for
26 attorneys' fees, counsel must meet and confer pursuant to Local Rule 7-3 to attempt in good faith to
27 agree on the reasonable amount of fees to be awarded (if the Court decides to award fees), keeping
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1 in mind that a contested request for attorneys' fees "should not result in a second major litigation."⁶

2 Prior to the conference, the moving party must do at least the following:

3 1. Provide opposing counsel with the billing records on which the motion will be based,
4 and specify the entries for which compensation is and is not sought. These records may be redacted
5 to prevent disclosure of material protected by the attorney-client privilege or work product doctrine.
6 However, as to those redacted items, counsel shall submit a declaration describing the nature of the
7 services with sufficient detail to allow opposing counsel to determine if the item is objectionable.

8 2. Inform opposing counsel of the hourly rates that will be claimed for each lawyer,
9 paralegal, or other timekeeper. If moving counsel or other timekeepers have performed any legal
10 work on an hourly basis during the period covered by the motion, moving counsel shall provide
11 representative business records sufficient to show the types of litigation in which such hourly rates
12 were paid and the rates that were paid in each type. If moving counsel has been paid on an hourly
13 basis in the case in question or in litigation of the same type as the case in question, records showing
14 the rates paid (not charged) for those services must be provided. If moving counsel will rely on other
15 evidence to establish appropriate hourly rates, such as evidence of rates charged by attorneys of
16 comparable experience and qualifications or evidence of rates used in previous awards by courts or
17 administrative agencies, moving counsel shall provide such other evidence.

18 3. Furnish evidence of the actual cost of any nontaxable expenses to be sought by the
19 motion;

20 4. Respond to any reasonable request for additional documentation or information.

21 By providing opposing counsel with information about hours, billing rates, and nontaxable
22 expenses, moving counsel will not be deemed to make any admission or waive any argument about
23 the relevance or effect of such information in determining an appropriate award.

24 All information furnished by moving counsel shall be treated as confidential by opposing
25 counsel. The information shall be used solely for purposes of the fee litigation, and shall be disclosed
26 to other persons, if at all, only in court filings or hearings related to the fee litigation. If opposing
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28 ⁶ *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983).

1 counsel proposes to disclose any of the information in a court filing or hearing, opposing counsel
2 shall provide moving counsel with prior written notice and a reasonable opportunity to request a
3 protective order.

4 If there is no agreement as to the fees and costs to be paid, the parties are to produce a Joint
5 Statement for submission. At least seven days prior to the conference of counsel, the moving party
6 must provide to the opposing party a draft of its portion of a Joint Statement that will eventually be
7 submitted to the Court. The Joint Statement must be formatted as a spreadsheet in Microsoft Excel.
8 The spreadsheet must include columns to identify: (1) the date of each time entry; (2) the biller for
9 each time entry; (3) a brief description of the task; (4) the number of hours requested by the moving
10 party for the task; (5) the number of hours, if any, opposing party believes should be awarded for the
11 task; and for disputed items (6) a brief summary of moving party's position; and (7) a brief summary
12 of opposing party's position. This format is illustrated below:

Attorney	Date	Description	Time/Amt Challenged	Reduce by	Objection	Reason for Objection	Response to Objection
J. Doe	1/2/08	T/C w/ consultant	3.0 (\$450)	3.0 (\$450)	Vague	Fails to articulate who the consultant was and what the conversation concerned	Meeting with A. Smith re coroner report and crime scene video
S. Roe	2/1/08	Research Notice of Related Case	2.0 (\$300)	1.0 (\$150)	Excessive	The notice is a form document. Attny should not charge for basic research	No response
J. Doe	2/20/08	Calendared dates	1.0 (\$150)	1.0 (\$150)	Clerical work	Attny cannot charge for clerical work	No response

23 A separate spreadsheet or table must be prepared for any nontaxable costs sought by the
24 moving party. The spreadsheet of nontaxable costs must include columns to identify: (1) the item;
25 (2) the amount sought by the moving party for the item; (3) the amount, if any, the opposing party
26 believes should be awarded for the item; and for disputed items (4) a brief summary of the moving
27 party's position; and (5) a brief summary of the opposing party's position.

1 Following the conference of counsel, and no more than 14 days before the filing of the
2 motion, the moving party must provide to the opposing party the final version of its portion of the
3 Joint Statement in an electronic format. The opposing party shall then input its portion of the Joint
4 Statement into the document and return the completed document to the moving party at least seven
5 days prior to the filing of the motion. The moving party shall then file the Joint Statement at the
6 same time it files the motion. In addition to filing the Joint Statement, the moving party shall email
7 an electronic version of the Joint Statement to this Court’s chambers email address at
8 MEMF_Chambers@cacd.uscourts.gov. The courtesy copies of the tables shall be prepared in Excel,
9 have all restrictions removed so the spreadsheets can be edited, and be emailed to the Court. Copies
10 of all invoices should be unredacted and emailed to the Court.

11 Submissions that do not meet these requirements will not be considered.

12 **F. Under Seal Filings:** The Court requires strict compliance with Local Rule 79-5,
13 which governs applications to file documents under seal. Local Rule 79-5.2.2 explains how to apply
14 to file under seal and how to proceed if leave is granted.

15 There is a strong presumption of access in civil actions. *Foltz v. State Farm Mut. Auto. Ins.*
16 *Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). Parties that submit frivolous motions to seal or overly
17 broad motions will be subject to sanction.

18 When submitting a motion to seal, the filing party must state whether the compelling reasons
19 or good cause standard applies and explain why. *See Center for Auto Safety v. Chrysler Group, LLC*,
20 809 F.3d 1092, 1099 (9th Cir. 2016). The party must identify and discuss the factual and/or legal
21 justification that establishes “good cause” or “compelling reasons” for the information to be
22 protected.

23 The filing party must make a specific showing explaining why each document that it seeks to
24 seal may justifiably be sealed and why the proposed redactions are as narrowly tailored as possible,
25 rather than making a blanket statement about the grounds for sealing. Generic and vague references
26 to “competitive harm” are almost always insufficient justification for sealing. If a party files a
27 request to seal that is significantly overbroad and/or does not provide adequate reasons for
28

1 concealing information from the public, the party bears the risk that the Court will simply deny the
2 request in its entirety and place all documents sought to be sealed on the public docket.

3 Documents that are not confidential or privileged in their entirety should not be filed under
4 seal if the confidential portions can be redacted and filed separately with a reasonable amount of
5 effort. The parties should file a complete version of the documents under seal and a redacted version
6 for public viewing, omitting only the portions that the Court has authorized to be filed under seal.

7 Sealing must be justified for each individual item—blanket claims of confidentiality will
8 result in the application to seal being denied. Counsel must consider carefully whether sealing or
9 redaction is absolutely required for a given piece of evidence or argument. An application to seal
10 that includes meritless requests to seal or redact documents will be denied. The parties also must
11 meet and confer before filing an application to seal.

12 An application to seal that includes meritless requests to seal or redact documents will be
13 denied. If a party files an application to seal that includes meritless requests to seal or redact
14 documents, the party bears the risk that the Court will simply deny the request in its entirety and
15 place all documents sought to be sealed on the public docket. The parties also must meet and confer
16 before filing an application to seal.

17 **X. Proposed Orders**

18 Each party filing or opposing a motion or seeking the determination of any matter shall serve
19 and electronically lodge a proposed order setting forth the relief or action sought and a brief
20 statement of the rationale for the decision with appropriate citations. In addition, a copy of the
21 proposed order in Word format shall be emailed directly to the Court’s chambers email address at
22 MEMF_Chambers@cacd.uscourts.gov on the day the document is electronically filed. All emails to
23 chambers should include the case name and number in the subject line [before anything else].

24 A proposed order template is available on the bottom of Judge Frimpong’s webpage.⁷ The
25 parties **must** use this template. Failure to submit a proposed order in Word format may result in the
26

27 _____
28 ⁷ Judge Frimpong’s webpage can be found at <https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong>.

1 Court striking the motion, application, or stipulation without consideration of the request on its
2 merits.

3 **XI. Chambers Courtesy Copies**

4 The Court does not require chambers copies of any motion papers or exhibits and
5 discourages the parties from sending chambers courtesy copies, with the exception of documents
6 related to motions for summary judgment (*see supra* Section IX.D). The Court only requires one
7 courtesy copy of motions for summary judgment, and prefers binders with exhibit tabs for larger
8 filings. Parties are required to submit any Statements of Uncontroverted Facts and Genuine Disputes
9 in Excel, have all restrictions removed so the spreadsheets can be edited, and be emailed to the
10 Court's chambers email address at MEMF_Chambers@cacd.uscourts.gov.

11 Excel files prepared in support of motions for attorneys' fees (*see supra* Section IX.E) and
12 proposed orders in Word format (*see supra* Section IX) should be submitted to the Court's chambers
13 email address at MEMF_Chambers@cacd.uscourts.gov.

14 **XII. Ex Parte Applications**

15 Counsel are reminded that ex parte applications are solely for extraordinary relief.
16 Applications that do not meet the requirements set forth in Local Rule 7-19 will not be considered.
17 Sanctions may be imposed for misuse of ex parte applications. The parties may request a hearing
18 along with a hearing date in the briefing. However, by default there will be no hearings on ex parte
19 applications unless the Court sets one.

20 **XIII. Continuances**

21 Counsel requesting a continuance must lodge, prior to the date to be continued, a proposed
22 stipulation and order including a detailed declaration of the grounds for the requested continuance or
23 extension of time. The Court grants continuances only upon a showing of good cause, focusing on
24 the diligence of the party seeking the continuance and any prejudice that may result if the
25 continuance is denied. Counsel are required to first meet and confer with opposing counsel regarding
26 the substance of the continuance and include a statement of compliance with Local Rule 7-3 (*see*
27 *supra* Section VII.A). Failure to meet and confer in good faith in compliance with the Local Rules
28 and this Order may result in denial of the request for continuance.

1 **XIV. Electronic Filings**

2 Counsel shall e-file all civil and criminal filings pursuant to Federal Rules of Civil Procedure
3 5(d)(3) and Local Rule 5-4 as follows:

- 4 • All non-signature items shall be **e-filed** in **PDF** format. All proposed signature items shall be
5 **e-filed** as an attachment to the main document in **PDF format**.
- 6 • All proposed signature items shall be **emailed** to the courtroom deputy email address at
7 MEMF_Chambers@cacd.uscourts.gov in **Word** format. **Only proposed order signature**
8 **items should be emailed to the chambers' email address.** Do not email other associated
9 documents and do not use this email address for communication with the Court or the Clerk.
10

11 **Note for Parties Who Do Not Have an Attorney:** Pro se litigants—that is, parties who are
12 not represented by an attorney—may submit documents for filing through the Court’s Electronic
13 Document Submission System (“EDSS”) instead of mailing or bringing documents to the Clerk’s
14 Office. Only internet access and an email address are required. Documents are submitted in PDF
15 format through an online portal on the Court’s website. To access EDSS and for additional
16 information, visit the Court’s website at <https://apps.cacd.uscourts.gov/edss>.

17 **XV. Communications with Chambers**

18 Counsel must not attempt to contact the Court or chambers staff by email, telephone, or by
19 any other ex parte means. Counsel may, for appropriate matters only, contact the Courtroom Deputy
20 via the Court’s chambers email at MEMF_Chambers@cacd.uscourts.gov. Any communication with
21 chambers should be directed to this email address. All emails to chambers should include the case
22 name and number in the subject line. Counsel must not contact the Courtroom Deputy regarding the
23 status of any matter before the Court. Calls or emails regarding the status of submitted motions,
24 stipulations, or proposed orders will not be returned. Counsel may determine the status of any
25 submitted motion, stipulation, or proposed order by accessing the docket sheet through PACER,
26 which can be accessed via the Central District of California website. Counsel must include on all
27 papers their email address, telephone number, and fax number to facilitate communication with the
28 Courtroom Deputy.

1 **XVI. Courtroom Decorum**

2 The Court expects everyone in her courtroom to treat each other with dignity and respect.

3 Therefore, at a minimum, she expects the following from all⁸:

- 4
- Being punctual and prepared for all court appearances.
 - Speaking and writing civilly and respectfully in all communications involving the Court.

6 This includes:

- 7
- Referring to and addressing witnesses, counsel, parties, and court personnel by their surnames, pronouns, and honorifics, unless leave to do otherwise is granted.
 - Refraining from interrupting any other person in the courtroom when someone else is speaking. The same courtesy will be returned for every person.
 - Refraining from making gestures, facial expressions, or audible comments as manifestations of approval or disapproval of testimony or argument.
- 13
- Being considerate of the time constraints and pressures on the Court and court staff inherent in their efforts to administer justice.
 - Acting and speaking civilly to court marshals, court clerks, court reporters, secretaries, and law clerks with an awareness that they, too, are an integral part of the judicial system.

17 **XVII. Guidance for Pro Se Litigants**

18 Parties who represent themselves in civil litigation (*i.e.*, appear *pro se*), should be aware that
19 the Court holds these parties to the same standards of conduct to which it holds attorneys. In cases
20 with *pro se* litigants, an additional order will issue with resources for those representing themselves
21 in civil matters.

22 **XVIII. Additional Information**

23 **A. Interpreter Services**

24 Counsel in civil actions are responsible for arranging for the services of an interpreter. The
25 Interpreter’s Office may be reached at (213) 894-4599.

27 ⁸ For more detailed guidance, counsel are advised to refer to the Central District of California’s Civility and
28 Professionalism Guidelines, which can be found at
<http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines>.

1 **XIX. Notice of This Order**

2 **Counsel for Plaintiff shall immediately serve this Order on all parties, including any**
3 **new parties to the action. If this case came to the Court by noticed removal, the Defendant**
4 **shall serve this Order on all other parties.**

5
6 IT IS SO ORDERED.

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8
9 Dated: April __, 2024

10 MAAME EWUSI-MENSAH FRIMPONG

11 United States District Judge
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