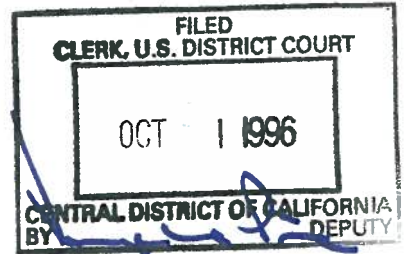


UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA



IN THE MATTER OF: )  
 )  
AMENDMENTS TO LOCAL CIVIL )  
RULE 6, EARLY MEETING OF )  
COUNSEL - REPORT TO COURT - )  
STATUS CONFERENCE )  
\_\_\_\_\_ )

GENERAL ORDER NO. 96-13

WHEREAS, the Judges of this Court have adopted revisions to Local Civil Rule 6, EARLY MEETING OF COUNSEL - REPORT TO COURT - STATUS CONFERENCE, and

WHEREAS, the proposed new revisions and rules were published for public comment pursuant to 28 U.S.C. § 2071 (b) and Rule 83 of the Federal Rules Of Civil Procedure and such comments as were made having been considered by the Court,

IT IS HEREBY ORDERED that effective November 4, 1996, Local Civil Rule 6 is amended, as follows:

**"6 EARLY MEETING OF COUNSEL - REPORT TO COURT - STATUS CONFERENCE**

6.1 TIME OF EARLY MEETING - Within thirty (30) days after service of the answer by the first answering defendant, and thereafter as each defendant answers, counsel for the parties shall meet in person for the purpose of making the initial disclosures required hereunder and preparing a joint report to be submitted to the Court. Counsel for the plaintiff shall have the duty of scheduling the meeting and, where there are multiple defendants, shall take all reasonable steps to insure that the scheduling of the meeting will permit counsel for all parties to attend. Where necessary in multi-defendant cases and

upon a showing of good cause, counsel may apply for a reasonable extension of time within which to hold the early meeting.

6.2 INITIAL DISCLOSURES - At the meeting, counsel for the parties shall make the following initial disclosures to each other:

6.2.1 WITNESSES - The names and last known addresses and telephone numbers of all individuals who have knowledge of facts supporting the material allegations of the pleading filed by that party, or rebutting the material allegations of the pleadings filed by any opposing party. The parties shall then be under a continuing duty promptly to advise each other of such additional individuals as they become known to them after the initial disclosure.

6.2.2 DOCUMENTS - For inspection and copying as under F.R.Civ.P.34, all documents, data compilations and tangible things then reasonably available to a party which are then contemplated to be used in support of the material allegations of the pleading filed by that party, or to rebut the material allegations of the pleadings filed by any opposing party. The disclosure required by this rule shall include a list specifying all documents, data compilations and tangible things contemplated to be used in support of the material allegations filed by the party, or to rebut the material allegations of the pleadings filed by any opposing party as well as a list of such documents which the disclosing party claims were not reasonably available to that party. The parties shall then be under a continuing duty to disclose to each other such additional documents, data compilations and tangible things as they become known to them after the initial disclosure.

6.2.3 DAMAGES - A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under F.R.Civ.P.34,

the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including all documents and evidentiary material which will be used to establish the nature and extent of injuries suffered.

6.2.4 INSURANCE - For inspection and copying as under F.R.Civ.P.34, any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

### 6.3 SIGNING AND SANCTIONS

6.3.1 SIGNING OF DISCLOSURES - All disclosures made under Rules 6.2 and 6.8 shall be made in writing, dated, signed by at least one (1) attorney of record (or by any unrepresented party) and served on all parties of record. Disclosure documents served under this rule shall not be filed with the Clerk until there is a proceeding in which the document or proof of service is in issue. The signature constitutes a certification that to the best of the signer's knowledge, information and belief formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made, or supplemented.

6.3.2 SANCTIONS - If a certification is made in violation of this rule, the person who made the certification, the party on whose behalf the disclosure was made, the law firm of the certifying attorney, or all of them, may be subject to sanctions as provided in F.R.Civ.P.26(g)(3), and Local Rule 27. If a witness, document or other item has not been disclosed as required by Rules 6.2.1, 6.2.2, or 6.2.3, the witness, document or other item may be subject to exclusion at the trial.

6.4 SCHEDULING - At the early meeting, in addition to making the initial disclosures required by Rule 6.2, counsel shall discuss and report to the court on the following matters:

6.4.1 COMPLEX CASES - Whether the action is sufficiently complex so that all or part of the procedures of the Manual For Complex Litigation (current edition) should be utilized. Counsel may propose to the Court modifications of the procedures in the Manual to facilitate the management of a particular action.

6.4.2 DISCOVERY PLAN - A preliminary discovery plan setting forth:

(a) Whether discovery should be conducted in phases and, if so, the order of discovery;

(b) Whether discovery should be limited or whether any limitations imposed by the F. R. Civ. P., or the Local Rules should be modified; and

(c) A proposed discovery cutoff date, by which all discovery is expected to be completed.

6.4.3 MOTION SCHEDULE - What motions are likely to be made which may be dispositive, or partially dispositive, of the case, and a cutoff date by which all such motions shall be made.

6.4.4 SETTLEMENT - Counsel shall also discuss the likelihood of settlement, whether settlement discussions have taken place or are scheduled, and which mandatory settlement procedure should be utilized under Local Rule 23 if the case is not settled by the date provided in Local Rule 23.3.

6.4.5 TRIAL ESTIMATE - A preliminary estimate of the time required for trial.

6.4.6 ADDITIONAL PARTIES - Counsel shall also discuss the likelihood of appearance of additional parties.

6.5 REPORT TO COURT - Within fourteen (14) days after the Early Meeting, those attending are mutually obligated to file a Joint Report of Early Meeting with the Court. The Joint Report shall report on all matters required to be discussed under Rule 6.4, and any other information which may be helpful to the Court in setting the case for Status Conference and/or the Pre-Trial Conference.

6.6 NOTICE OF REQUIREMENT - Counsel for plaintiff shall be responsible for giving notice of the requirements of Local Rules 6.1 through 6.5 to counsel for each defendant as soon as possible after each defendant's first appearance.

#### 6.7 DISCOVERY TIMING AND SEQUENCE

6.7.1 Plaintiff shall not institute discovery as to a defendant until twenty (20) days after service of the summons and complaint on that defendant. The Court may order an additional discovery standstill on its own motion.

6.7.2 Unless the Court upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence, and the fact that a party is conducting discovery shall not operate to delay any other party's discovery.

6.8 SUPPLEMENTATION OF INITIAL DISCLOSURES - The duty to supplement disclosures set forth in F. R. Civ. P. 26(e)(1) shall apply to all disclosures made under Rule 6.2.

6.9 STATUS CONFERENCE - The Court may place the action or proceeding on calendar for a Status Conference at a date no earlier than twenty (20) days after the Joint

Report of Early Meeting is due to be filed with the Court. The court clerk shall give prompt notice to all parties who have then appeared of the date and time of such Status Conference and shall give like notice to all parties who subsequently appear prior to the date of such Status Conference.

6.9.1 REPRESENTATION AT CONFERENCE - Each party appearing at any Status Conference shall be represented by the attorney (or the party if *pro se*) who is then contemplated to have charge of the conduct of the trial on behalf of such party.

6.9.2 REPORT FOR CONFERENCE - Unless otherwise ordered by the Court, the Joint Report of Early Meeting shall serve as the basis for conducting the Status Conference.

6.10 EXEMPTIONS - Unless otherwise required by the Court, the following categories of cases are exempted from the provisions of this rule:

- (a) Petitions filed under 28 U.S.C. §§ 2242, 2254 and 2255, or their functional equivalents.
- (b) Actions for judicial review of a decision of the Secretary of Health and Human Services under 42 U.S.C. § 405(g).
- (c) Any case in which the plaintiff is appearing pro se.
- (d) Any case removed to this court from the small claims division of a municipal or justice court.
- (e) Appeals from the bankruptcy court.
- (f) Extradition cases."