

*Mentor's  
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CASE MANAGEMENT PILOT PROGRAM  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NINA K. SREJOVIC  
COORDINATOR

450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CA 94102  
TEL: (415) 556-2972  
FAX: (415) 556-2771

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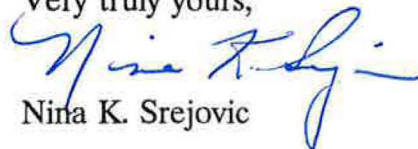
Abel Mantos  
Chief, Court Programs Branch  
Administrative Office of the United States Courts  
Washington, D.C. 20544

Dear Mr. Mantos:

Enclosed for Chief Judge Parker's and your information are copies of the General Order which sets forth the case management pilot program in the Northern District of California and the relevant forms of orders which will be issued under that program. Specifically, I have enclosed General Order No. 34, an example of an Order re Case Management Scheduling and Other Procedures which is issued when a complaint is filed, the form of the Order to Show Cause re Dismissal, and a proposed form for the judges' Case Management Orders Pursuant to General Order No. 34.

If I can answer any questions about our pilot program, please call me at (415) 556-2972.

Very truly yours,

  
Nina K. Srejovic

enclosures

## **GENERAL ORDER NO. 34**

### **CASE MANAGEMENT PILOT PROGRAM**

#### **I. PURPOSE**

The Northern District of California is one of three federal courts specifically mandated by Congress, under the Civil Justice Reform Act of 1990, to "experiment with various methods of reducing cost and delay in civil litigation, including alternative dispute resolution." 28 U.S.C. §471 Note. The Case Management Pilot Program (the "Pilot") is designed to enable parties to civil litigation who are proceeding in good faith to resolve their disputes sooner and less expensively.

The Pilot rules address three major causes of expense and delay: (1) excessive reliance on motion work and formal discovery to determine the essence of claims and defenses and to identify supporting evidence, (2) inattention to civil cases in their early stages, and (3) insufficient involvement of clients in decision-making about the handling of their cases.

Accordingly, the Pilot strives to replace some formal motion and discovery proceedings with early exchange of core information and meaningful dialogue about the merits and posture of the cases, including Case Management Statements which reflect the clients' cost-benefit analyses and which suggest specific limits on formal discovery.

#### **II. SCOPE**

All civil actions filed on or after July 1, 1992 that are assigned to the judges listed in Appendix A, except those types of cases listed in Appendix B, shall be included in the Pilot and governed by this General Order. Pilot cases also shall remain subject to this court's Local Rules, but the provisions of this General Order shall supersede any conflicting provisions of the Federal Rules of Civil Procedure and the court's Local Rules (including Local Rule 220-10) and Standing Orders. The major deadlines are set forth in Appendix C.

#### **III. SERVICE**

##### **A. Timing**

As soon as practicable, but no later than 40 days after filing the complaint, plaintiff shall serve, on each defendant, the summons, complaint, a copy of this General Order, the Order Re Case Management Scheduling and Other Procedures, and the booklet entitled "Dispute Resolution Procedures in the Northern District of California."

##### **B. Filing Proof(s) of Service**

Proof(s) of service of process shall be filed with the court no later than 45 days after the complaint is filed.

**C. Order to Show Cause**

If by the 46th day after the complaint was filed, plaintiff has not filed proof of service showing that at least one defendant has been served, the court automatically will issue an Order To Show Cause why the complaint should not be dismissed or other sanctions imposed.

**D. Additional Parties**

Any party who, after the filing of the original complaint, causes a new party to be joined in the action shall promptly serve on that new party a copy of all items described in paragraph A of this section. Such additional parties must make the disclosures set forth in paragraph B of Section VII no later than 90 days after the filing of the complaint, or no later than 50 days after they were served with the complaint, whichever occurs later.

**IV. REMOVED CASES**

In cases removed to this court from a state court, the removing defendant(s) shall serve on the plaintiff(s) and all other parties, at the time of service of the notice of removal, a copy of this General Order, the Order re Case Management Scheduling and Other Procedures, and the booklet entitled "Dispute Resolution Procedures in the Northern District of California." The deadlines set forth in this General Order for disclosure, the meet and confer and the filing of the Case Management Statement shall run from the date of the filing of the Notice of Removal.

The filing of a motion for remand does not relieve the moving party of any obligations under this General Order unless the assigned judge specifically grants such relief.

**V. TRANSFERRED CASES**

Within 30 days after the filing of a case transferred from another court, the assigned judge's courtroom deputy will notify counsel of the scheduling of a status conference at which the judge will decide whether the parties must comply with the obligations of this General Order. No obligations of this General Order shall apply unless the judge so orders.

**VI. TEMPORARY SUSPENSION OF ALL FORMAL DISCOVERY ACTIVITY**

Except by stipulation of all parties, or on written order of the court, no formal discovery shall be initiated until after the initial Case Management Conference.

## **VII. DUTIES OF DISCLOSURE AND SUPPLEMENTATION**

### **A. Timing of Initial Disclosures**

No later than 90 days after the complaint was filed, each party, regardless of whether defendant(s) has filed an answer, shall serve on every other party who has been served in the action, the disclosures set forth in paragraph B of this section.

### **B. Content of Initial Disclosures**

After making in good faith such inquiry and investigation as is reasonable under the circumstances, each party shall disclose:

1. The full name, title, work or home address and telephone number of each person known to have discoverable information about factual matters relevant to the case.
2. All unprivileged documents in the party's custody or control that are then reasonably available that tend to support the positions that the disclosing party has taken or is reasonably likely to take in the case.
3. Copies of any apparently pertinent insurance agreements.
4. A computation by claimant(s) of any category of damages sought or likely to be sought, e.g., in a counterclaim.
5. All unprivileged documents and other evidentiary material in the party's custody or control that are then reasonably available that relate to damages, except punitive damages.

### **C. Procedures and Expenses re Inspecting and Copying Documents Subject to Disclosure**

1. A party disclosing 100 or fewer pages of documents pursuant to this section may make copies, forward them to counsel for the other parties, and bill them at a reasonable rate.
2. A party whose disclosure would include more than 100 pages of documents shall telephone counsel for the other parties no fewer than five court days before the date the disclosure must be made under this General Order. The disclosing party shall describe to other counsel the volume and nature of its documents subject to disclosure. Each party to whom the disclosure would be made may elect to (a) inspect the documents to identify those it will arrange to have copied, (b) ask that the disclosing party copy and forward only specified categories of the documents subject to disclosure, or (c) ask that the disclosing party copy all the documents subject to disclosure. A party



copying documents at another party's request under this section may bill the receiving party for the copying at a reasonable rate. A party who requests copies of fewer than all of the documents subject to disclosure by another party does not thereby waive a right subsequently to inspect and/or obtain copies of the remaining documents.

**D. Protective Order**

If one or more parties desires protection of documents or other information disclosed under paragraph B of this section, the parties shall enter a reasonable protective order to govern the disclosed documents or information until further order of court.

**E. Duty to Supplement**

Each party shall have a continuing duty to supplement its disclosures (to the extent that the information has not already been revealed in discovery) on a timely basis. In a Case Management Order, the court may, on its own initiative or upon request, set time intervals for supplementation.

**F. Format and Certification of Disclosures**

Every disclosure and supplementation shall be:

1. Served with a document entitled "Initial Disclosure of [*name of party*] or "[*number of*] Supplemental Disclosure of [*name of party*]," and
2. Signed by at least one attorney of record whose signature constitutes a certification that, to the best of his or her knowledge, information, and belief, formed after an inquiry that is reasonable under the circumstances, the disclosure or supplementation is complete and correct as of the time it is made.

**VIII. MEET AND CONFER RE CASE MANAGEMENT**

No later than 100 days after the complaint was filed, lead counsel for each party shall meet and confer regarding the following matters. The meet and confer session shall be conducted in a face-to-face meeting unless the offices of the parties' lead trial counsel are separated by more than 100 miles, in which case counsel may conduct the conference by telephone.

**A. Principal Issues and Evidence**

1. Identify the principal factual and legal issues that the parties dispute.
2. Discuss the principal evidentiary bases for claims and defenses.

**B. Alternative Dispute Resolution**

Discuss utilization of alternative dispute resolution procedures.

**C. Jurisdiction by a Magistrate Judge**

Discuss whether all parties will consent to jurisdiction by a magistrate judge under 28 U.S.C. § 636(c).

**D. Additional Disclosure**

Discuss whether additional disclosure of documents or other information should be made and, if so, when.

**E. Motions**

Identify any motions whose early resolution would likely have a significant effect on the scope of discovery or other aspects of the litigation.

**F. Discovery**

1. Plan at least the first phase of discovery, specifically identifying areas of agreement and disagreement about how discovery should proceed.
2. Recommend limitations on each discovery tool and, if appropriate, on subject areas, types of witnesses, and/or time periods to which discovery should be confined.
3. Recommend protective orders, if appropriate.

**G. Scheduling**

1. Recommend dates by which discovery should be completed, expert witnesses disclosed, motions directed to the merits of all or part of the case filed, the papers required for the final pretrial conference filed, the final pretrial conference held, and the trial commenced.
2. Recommend the dates or intervals for supplementation of disclosures.

These items also are set forth on the Form for Case Management Statement attached as Appendix D.

**IX. THE CASE MANAGEMENT STATEMENT**

No later than 110 days after the complaint was filed, counsel shall serve and file a concise, joint Case Management Statement, in the Form attached as Appendix D, which shall:

**A. Principal Issues**

Identify the principal factual and legal issues that the parties dispute.

**B. Alternative Dispute Resolution**

Identify the alternative dispute resolution procedure which counsel intend to use, or report specifically why no such procedure would assist in the resolution of the case.

**C. Jurisdiction by a Magistrate Judge**

Indicate whether all parties consent to jurisdiction by a magistrate judge under 28 U.S.C. § 636(c).

**D. Disclosure**

1. List by name and title the persons whose identities have been disclosed.
2. Describe by category the documents that have been disclosed or produced.
3. Describe each additional category of documents that will be disclosed without imposing on other counsel the burden of serving a formal request for production of documents.
4. Set forth the computations of damages.

**E. Motions**

Identify any motions whose early resolution would likely have a significant effect on the scope of discovery or other aspects of the litigation.

**F. Discovery**

1. Describe all discovery completed or in progress.
2. With respect to at least the first phase of discovery, describe the areas of agreement and disagreement, and identify the reasons for any disagreement. (The areas of disagreement will be resolved, if possible, at the Case Management Conference.)
3. Recommend limitations on each discovery tool and, if appropriate, on subject areas, types of witnesses, and/or time periods to which discovery should be confined.

**G. Scheduling**

1. Recommend dates by which discovery should be completed, expert witnesses disclosed, motions directed to the merits of all or part of the case filed, the papers required for the final pretrial conference filed, the final pretrial conference held, and the trial commenced.
2. Recommend the dates or intervals for supplementation of disclosures.

## **X. THE INITIAL CASE MANAGEMENT CONFERENCE**

Within 120 days of the filing of the complaint, or on the first date thereafter available on the judge's calendar, the judge will conduct the initial Case Management Conference, which shall be attended by lead trial counsel for each party. The judge may enter an order requiring the parties to participate, in person or by telephone, in the conference.

At the conference the court will:

### **A. Principal Issues**

Identify, at least tentatively, the principal factual and legal issues in dispute.

### **B. Alternative Dispute Resolution**

Consider referring the case to an alternative dispute resolution procedure.

### **C. Jurisdiction by a Magistrate Judge**

Determine whether all parties consent to jurisdiction by a magistrate judge under 28 U.S.C. § 636(c).

### **D. Disclosure**

1. Review the parties' compliance with their disclosure obligations.
2. Consider whether to order additional disclosures.

### **E. Motions**

Determine whether to order early filing of any motions that might significantly affect the scope of discovery or other aspects of the litigation.

### **F. Discovery**

1. Determine the plan for at least the first stage of discovery.
2. Impose limitations on each discovery tool and, if appropriate, on subject areas, types of witnesses, and/or time periods to which discovery should be confined.

### **G. Scheduling**

1. Fix time limits to join other parties and to amend the pleadings, to complete any additional disclosures, to conclude discovery, and to file motions.
2. Fix the dates or intervals for supplementation of disclosures.
3. Fix the date for the next conference with or hearing by the court.

4. Fix the date for filing the papers required for the final pretrial conference.
5. Fix the date or the time period (by month and year) for commencement of the trial.

**XI. THE INITIAL CASE MANAGEMENT ORDER**

No more than ten calendar days after the initial Case Management Conference, the judge will enter the initial Case Management Order which will address all of the matters covered in the initial Case Management Conference.

**XII. SANCTIONS**

The court has authority to impose sanctions for violation of any provisions of this General Order, including violations of the duties to disclose and/or supplement.

**XIII. RECONSIDERATION BY DISTRICT JUDGES OF MAGISTRATE JUDGES' RULINGS ON DISCOVERY MATTERS**

A party who seeks reconsideration by the assigned district judge of a magistrate judge's ruling on a discovery matter shall do so by filing a motion in conformity with Local Rule 410-2. Unless otherwise ordered by the assigned judge, no response need be filed and no hearing shall be held. The judge may deny the motion by written order at any time, but shall not grant the motion without giving the opposition an opportunity to brief the matter. If no order denying the motion or setting a briefing schedule is made within 15 calendar days of the filing of the motion, the motion shall be deemed denied.

**XIV. TENTATIVE RULINGS; NOTICE RE ISSUES ON WHICH JUDGE WANTS ORAL ARGUMENT TO FOCUS**

- A. Any judge may elect to issue a tentative ruling with respect to any motion scheduled for hearing. Counsel shall ask at the initial Case Management Conference whether the judge will be issuing tentative rulings and, if so, how they will be communicated.
- B. When a judge identifies, before a hearing on a motion, issues or other matters on which he or she wants oral argument to focus, or about which he or she wants additional information or authority, the judge will endeavor to provide advance notice to counsel in writing, by telephone, or by such other means as the judge deems appropriate.

**XV. RELATIONSHIP BETWEEN THE CASE MANAGEMENT PILOT RULES AND THE COURT'S ARBITRATION AND EARLY NEUTRAL EVALUATION PROGRAMS**

**A. Cases Assigned to Arbitration**

Except as may be otherwise ordered in individual matters, counsel in cases that are subject to this General Order and that are assigned to arbitration under Local Rule 500 shall comply with the provisions of both that Local Rule and this General Order. In addition, the assigned judge will hold a status and trial setting conference within 30 days of a timely filed demand for trial de novo after an arbitration hearing.

**B. Cases Assigned to Early Neutral Evaluation (ENE)**

Except as may be otherwise ordered in individual matters, counsel in cases that are subject to this General Order and that are assigned to the ENE program shall proceed simultaneously in compliance with both this General Order and General Order No. 26 (governing ENE). No later than 105 days after the filing of the complaint, the ADR program directors shall communicate with the assigned judge concerning the timing of the ENE session. The assigned judge will then determine whether to proceed with the initial Case Management Conference on the schedule contemplated in this General Order or to postpone that conference for a short period to permit the litigants and the court to capitalize on the contributions that can be made through the ENE process.

**XVI. PROHIBITION AGAINST MODIFYING PILOT REQUIREMENTS SIMPLY BY STIPULATION; REQUIREMENT OF COURT ORDER**

Except as expressly provided in Section VI, provisions of this General Order may be modified or vacated only by written order of a judge of this court following a timely showing that the interests of justice clearly would be harmed if the provisions in question were not modified or vacated. Counsel may contact the chambers of the assigned judge to determine whether he or she will hear requests to modify provisions of this General Order by telephone conference.

**XVII. REQUIREMENT OF CLIENT APPROVAL FOR CERTAIN CONTINUANCES**

Any request to continue the trial shall be signed by both lead trial counsel and the client.

**XVIII. FILING MOTIONS DOES NOT RELIEVE PARTIES OF PILOT PROGRAM OBLIGATIONS**

The filing of a motion of any kind does not relieve any party of the obligations imposed by this General Order.

**XIX. QUESTIONS ABOUT CASE MANAGEMENT PILOT**

Parties may direct general questions about the operation of the Case Management Pilot to the court's Case Management Coordinator, telephone number: (415) 556-2972.

DATED: July 1, 1992



## **APPENDIX A**

### **PARTICIPATING JUDGES**

The following judges are participating in the Case Management Pilot:

Chief Judge Thelton E. Henderson  
Judge Robert F. Peckham  
Judge William H. Orrick, Jr.  
Judge Marilyn Hall Patel  
Judge Eugene F. Lynch  
Judge Charles A. Legge  
Judge D. Lowell Jensen  
Judge Fern M. Smith  
Judge Vaughn R. Walker  
Judge James Ware  
Judge Saundra Brown Armstrong  
Judge Barbara A. Caulfield  
Judge Ronald M. Whyte

## **APPENDIX B**

### **CATEGORIES OF CASES EXCLUDED FROM THE PILOT**

The following types of cases, based on information set forth on the Civil Cover Sheet, will be excluded from the Pilot: class actions, multidistrict litigation, transferred cases, cases filed by pro se plaintiffs, cases remanded from appellate court, reinstated and reopened cases, and cases in the following nature of suit categories: Prisoner Petitions (510 - 550), Forfeiture/Penalty (610 - 690), Bankruptcy (422 - 423), Social Security (861 - 865), Contracts (only nos. 150 - 153), Civil Rights (only no. 441), and other Statutes (only nos. 400, 460, 810, 875, 890, 891, 892, 894, 895 and 900).

**APPENDIX C**

**CASE MANAGEMENT PILOT**

**TIMELINE**

<b><u>DAY<sup>1</sup></u></b>	<b><u>ACTIVITY</u></b>
<b>0</b>	complaint filed, case assigned to pilot judge
<b>40</b>	last day to serve all defendants
<b>45</b>	last day to file proof(s) of service
<b>46</b>	court issues Order to Show Cause why the complaint should not be dismissed if plaintiff has not filed proof that at least one defendant has been served
<b>90</b>	last day to complete required disclosures
<b>100</b>	last day to complete meet and confer re case management
<b>110</b>	last day to file and serve Case Management Statement
<b>120 <sup>2</sup></b>	judge conducts initial Case Management Conference
<b>130 <sup>3</sup></b>	judge issues initial Case Management Order

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<sup>1</sup>These deadlines represent the number of days after the filing of the complaint. All activities must occur no later than the listed date, unless the court orders otherwise.

<sup>2</sup>The date for the initial Case Management Conference will be set as close as feasible to the 120th day after the filing of the complaint.

<sup>3</sup>The judge will issue the initial Case Management Order within 10 calendar days after the Case Management Conference.

1  
2  
3  
4 Attorneys for Plaintiff  
5  
6

7 Attorneys for Defendant  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 )  
12 ) CASE NO.  
13 )  
14 )  
15 )  
16 )

JOINT CASE MANAGEMENT  
STATEMENT PURSUANT TO  
GENERAL ORDER NO. 34

17 **INSTRUCTIONS:** *In many cases there will be more parties in the action than there are*  
18 *spaces provided in this form. Each party shall provide all requested information. If the space*  
19 *on this form is not sufficient, the form should be retyped or additional pages attached.*

20 *No party may submit a separate Case Management Statement. Disagreements among*  
21 *parties with respect to any of the matters below shall be set forth in the appropriate section.*  
22

23 Having complied with the disclosure and the meet and confer requirements of  
24 General Order No. 34, or with any orders specifically modifying their application in the  
25 above-captioned matter, the parties hereby submit the following Joint Case Management  
26 Statement.

27 THIS FORM OF JOINT CASE MANAGEMENT STATEMENT IS  
28 APPENDIX D TO GENERAL ORDER NO. 34.

1 **A. PRINCIPAL ISSUES**

2 1. The principal factual issues that the parties dispute are:

3 a.

5 b.

7 c.

9 d.

11 2. The principal legal issues that the parties dispute are:

12 a.

14 b.

16 c.

18 3. Identify any unresolved issues as to service of process, personal jurisdiction, subject  
19 matter jurisdiction, or venue:

22 4. Identify any named parties that have not yet been served:  
23  
24  
25  
26  
27

1       5.     *Identify any additional parties that:*  
2             *plaintiff(s) intends to join:*

3  
4  
5             *defendant(s) intends to join:*

6  
7  
8       6.     *Identify any additional claims that:*  
9             *plaintiff(s) intends to add:*

10  
11  
12            *defendant(s) intends to add:*

13  
14  
15 **B.     ALTERNATIVE DISPUTE RESOLUTION ("ADR")**

16       1.     *Identify any ADR procedure to which this case already has been assigned or which the*  
17             *parties have agreed to use (options are discussed in the booklet entitled "Dispute*  
              *Resolution Procedures in the Northern District of California"):*

18             *ADR procedure* \_\_\_\_\_

19             *Date ADR to be commenced* \_\_\_\_\_ *Date ADR to be completed* \_\_\_\_\_

20  
21       2.     *If the parties have been unable to agree on an ADR procedure, but one or more parties*  
22             *believes that the case is appropriate for such a procedure, identify the party or parties that*  
              *recommend ADR and the specific ADR process recommended:*

23  
24       3.     *If all parties share the view that no ADR procedure should be used in this case, set forth*  
25             *the basis for that view:*

**C. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE**

Indicate whether all parties will agree, pursuant to 28 U.S.C. § 636(c), to have a magistrate judge handle all the remaining pretrial aspects of this case and preside over a jury or court trial, with appeal lying to the United States Court of Appeals for the Ninth Circuit:

All parties agree to jurisdiction by a magistrate judge of this court: ☐ yes ☐ no

If the parties' agreement to jurisdiction by a magistrate judge is conditioned upon assignment of the case to a particular magistrate(s), list, in order of preference, the magistrate(s) to whose jurisdiction the parties will consent:

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

**D. DISCLOSURES**

1. Separately for each party, list by name and title/position each person whose identity has been disclosed pursuant to section VII.B.1. of General Order No. 34:

<u>name</u>	<u>title/position</u>
-------------	-----------------------

a. Disclosed by \_\_\_\_\_:

(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____

b. Disclosed by \_\_\_\_\_:

(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____

c. Disclosed by \_\_\_\_\_:

(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____



2. *Separately for each party, describe by categories the documents that have been disclosed under section VII.B. of General Order No. 34 or produced through formal discovery, indicating which categories relate (even if not exclusively) to damages:*

a. *Categories of documents disclosed by \_\_\_\_\_:*

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

b. *Categories of documents disclosed by \_\_\_\_\_:*

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

c. *Categories of documents disclosed by \_\_\_\_\_:*

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

3. *Additional Document Disclosures: Separately for each party, describe each additional category of documents that will be disclosed without imposing on other counsel the burden of serving a formal request for production of documents:*

a. *Additional categories of documents \_\_\_\_\_ will disclose:*

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

b. Additional categories of documents \_\_\_\_\_ will disclose:

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

c. Additional categories of documents \_\_\_\_\_ will disclose:

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

4. Separately for each party who claims an entitlement to damages or an offset, set forth the computation of the damages or of the offset:

a. plaintiff's calculation of damages:

b. defendant's calculation of offset:

c. counterclaimant/third party claimant's calculation of damages:

**E. MOTIONS**

Identify any motion(s) whose early resolution would likely have a significant effect either on the scope of discovery or other aspects of the litigation:

Nature of Motion

Moving Party

Anticipated filing date

**F. DISCOVERY**

1. Briefly describe any discovery that has been completed or is in progress:

By plaintiff(s):

By defendant(s):

- 1           2.     Describe the discovery that all parties agree should be conducted, indicating for each  
2     discovery undertaking its purpose or what kinds of information will be developed through  
3     it (e.g., "plaintiff will depose Mr. Jones, defendant's controller, to learn what defendant's  
4     revenue recognition policies were and how they were applied to the kinds of contracts in  
5     issue in this case"):
- 6
- 7           3.     Describe any discovery that one or more parties want(s) to conduct but to which another  
8     party objects, indicating for each such discovery undertaking its purpose or what kinds  
9     of information would be developed through it:
- 10
- 11
- 12          4.     Identify any subject area limitations on discovery that one or more parties would like  
13     imposed, at the first stage of or throughout the litigation:
- 14
- 15
- 16
- 17          5.     For each of the following discovery tools, recommend the per-party or per-side limitation  
18     (specify a number) that should be fixed, subject to later modification by stipulation or  
19     court order on an appropriate showing (where the parties cannot agree, set forth  
20     separately the limits recommended by plaintiff and by defendant):
- 21           a.     depositions (excluding experts) to be taken by:
- 22                 plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_
- 23           b.     interrogatories to be served by:
- 24                 plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_
- 25           c.     document production requests to be served by:
- 26                 plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_
- 27           d.     requests for admission to be served by:
- 28                 plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

6. Discovery from Experts:

Identify the subject matter(s) as to which expert testimony will be offered by:  
plaintiff(s):

defendant(s):

G. **PROTECTIVE ORDER**

1. If entry of a protective order is sought, attach to this Statement a copy of the proposed order.
2. If there is a dispute about whether a protective order should be entered, or about certain terms of the proposed order, briefly summarize each side's position below:

H. **SCHEDULING**

1. Recommend deadlines for serving named parties and for adding new parties or claims:
  - a. serving named but unserved parties: \_\_\_\_\_
  - b. filing motions to add new parties: \_\_\_\_\_
  - c. filing motions to add new claims, counterclaims or cross-claims: \_\_\_\_\_
2. Additional disclosures: recommend dates by which any stipulated disclosures of information in addition to that required under section VII.B. of General Order No. 34 shall be made by:

plaintiff(s):

defendant(s):

- 1        3.     Supplementation of disclosures (not discovery responses): recommend the dates or  
2           intervals (e.g., "every four months," or "two months in advance of the date by which all
- 3           discovery except from experts must be completed") at which all parties should make the
- 4           supplemental disclosures required by General Order No. 34, including any modifications
- 5           thereof made by case specific order of the assigned judge:
- 6
- 7
- 8
- 9        4.     Completion of discovery: recommend dates by which each of the following shall be
- 10           completed:
- 11           a.       all discovery except from experts: \_\_\_\_\_
- 12           b.       disclosure of identities and resumes of expert witnesses (if appropriate, you may
- 13           suggest different dates for disclosure of experts in different subject matters):
- 14           plaintiff(s):
- 15           defendant(s):
- 16
- 17           c.       discovery from experts:
- 18        5.     Recommend the date by which all motions directed to the merits of all or part of the
- 19           case must be filed: \_\_\_\_\_
- 20        6.     Recommend the date to file papers required for the final pretrial conference: \_\_\_\_\_
- 21        7.     Recommend the date for the final pretrial conference: \_\_\_\_\_
- 22        8.     Has a demand for trial by jury been made? ☐ yes     ☐ no
- 23        9.     Estimate the number of days that trial will require: \_\_\_\_\_
- 24        10.    Recommend the date (or month and year) for commencing trial: \_\_\_\_\_
- 25
- 26
- 27
- 28

1 **I. OTHER MATTERS**

2 *Make any other suggestions for the case development process, settlement, or trial that may be*  
3 *useful or necessary to the efficient and just resolution of the dispute.*

4  
5  
6  
7 **J. IDENTIFICATION OF LEAD COUNSEL**

8 *Identify by name, address, and phone number lead counsel for each party.*  
9

10  
11  
12  
13 **K. IDENTIFICATION OF PARTIES**

14 *To facilitate survey research of the pilot program, please identify by name, title, work or home*  
15 *address and phone number of a client representative of each party:*  
16  
17  
18  
19

20 *Dated:*

\_\_\_\_\_  
*name of counsel:*  
*Attorneys for Plaintiff*

21  
22  
23  
24  
25 *Dated:*

\_\_\_\_\_  
*name of counsel:*  
*Attorneys for Defendant*



SAMPLE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

	)	
	)	
Plaintiff(s)	)	
-v-	)	C 92-01358 DLJ ARB
	)	
	)	ORDER RE CASE MANAGEMENT
Defendant(s)	)	SCHEDULING AND OTHER
	)	PROCEDURES

IT IS HEREBY ORDERED THAT this action is assigned to the Case Management Pilot Program and shall be governed by General Order No. 34. This action is assigned to the Honorable D. Lowell Jensen.

Pursuant to General Order No. 34, counsel shall comply with the following schedule. All activities shall occur no later than the listed date, unless the court orders otherwise.

07/01/92	complaint filed, case assigned to pilot judge
08/10/92	last day to serve all defendants
08/17/92	last day to file proof(s) of service
09/29/92	last day to complete required disclosures
10/09/92	last day to complete meet & confer re case management
10/19/92	last day to file and serve Case Management Statement

At 8:30 AM on 10/28/92 Judge Jensen will conduct the initial Case Management Conference in Courtroom No. 3.

DATED: 07/01/92

\_\_\_\_\_  
United States District Judge

1  
2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 CASE NO.  
6  
7  
8  
9

ORDER TO SHOW CAUSE RE  
DISMISSAL

10 YOU ARE HEREBY NOTIFIED that the Court has ordered Plaintiff to appear before the  
11 Honorable \_\_\_\_\_, in Courtroom \_\_, United States Court House, 450 Golden Gate  
12 Avenue, San Francisco, California, on \_\_\_\_\_, 199\_ at \_\_\_\_\_.m. to show cause why this  
13 action should not be dismissed or other sanctions imposed for Plaintiff's failure to file a proof of  
service within 45 days after the filing of the complaint as required by General Order 34, **unless**  
within **eight court days** from the date of this Order, Plaintiff files a proof of service showing that at  
least one defendant has been served.

14 If no proof of service is so filed, Plaintiff shall appear as set forth above and shall serve, no  
15 later than **10 court days** before the date specified above for appearance, a copy of this Order on  
every party who by then has been served. Each named party may appear at the hearing which may  
be held by telephone or in person at the election of the assigned judge.

16 No later than **10 court days** prior to the date specified above for appearance in court, counsel  
17 for Plaintiff shall file and serve a Declaration setting forth facts which show cause why this action  
18 should not be dismissed for failure to comply with General Order 34. No later than **five court days**  
before the hearing, any other party also may file a Declaration setting forth facts relevant to whether  
the court should dismiss the action or impose other sanctions.

19 FAILURE TO COMPLY FULLY WITH THIS ORDER WILL BE DEEMED  
20 SUFFICIENT GROUNDS TO DISMISS THIS ACTION.

21 Dated: \_\_\_\_\_

BY ORDER OF THE COURT

22 Richard W. Wieking, Clerk  
23

24 By: \_\_\_\_\_  
25  
26  
27

28 ORDER TO SHOW CAUSE RE DISMISSAL

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 )  
4 ) CASE NO.  
5 )  
6 )  
7 )  
8 )

CASE MANAGEMENT ORDER  
PURSUANT TO GENERAL ORDER  
NO. 34

9 Pursuant to this Court's General Order No. 34, the court conducted a Case Management  
10 Conference on \_\_\_\_\_. Each party was represented by lead counsel responsible  
11 for trial of this matter and was given an opportunity to be heard as to all matters encompassed by  
the Joint Case Management Statement filed prior to the conference. Based on the parties' written  
and oral submissions,

12 IT IS HEREBY ORDERED:

13 A. PRINCIPAL ISSUES

14 1. At this time, the principal factual issues that the parties dispute are:

15 a.

16 b.

17 c.

18 d.

19 2. At this time, the principal legal issues that the parties dispute are:

20 a.

21 b.

22 c.

23  
24 B. ALTERNATIVE DISPUTE RESOLUTION ("ADR")

25 ADR procedure to be used: \_\_\_\_\_

26 Date for commencing ADR: \_\_\_\_\_ Date for completing ADR: \_\_\_\_\_

1 **C. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE**

2 Parties consent to jurisdiction by a magistrate judge for all purposes ☐ yes ☐ no

3 District judge refers case for following purposes to magistrate judge: \_\_\_\_\_

4 \_\_\_\_\_

5  
6 **D. ADDITIONAL DISCLOSURES**

7 Categories of additional disclosures ordered:

8 Disclosure

Deadline

9  
10  
11  
12 **E. EARLY FILING OF MOTIONS**

13 The following motions shall be filed by the date specified below:

14 Nature of Motion

Moving Party

Filing Date

15  
16  
17  
18 **F. DISCOVERY**

19 1. Discovery stipulated or ordered:

20 \_\_\_\_\_

21 \_\_\_\_\_

22  
23 2. Limitations on subject matter of discovery:

24 \_\_\_\_\_

25 \_\_\_\_\_

1           3.    Limitations on discovery tools (specify number):

2           a.    depositions (excluding experts) by:

3                plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

4           b.    interrogatories served by:

5                plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

6           c.    document production requests served by:

7                plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

8           d.    requests for admission served by:

9                plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

10  
11    **G.    ADDITIONAL SCHEDULING**

12           1.    Deadlines for serving named parties and for adding new parties or claims:

13                a.    serving any named but unserved parties: \_\_\_\_\_

14                b.    filing motions to add new parties: \_\_\_\_\_

15                c.    filing motions to add new claims, counterclaims or cross-claim: \_\_\_\_\_

16  
17           2.    Dates or intervals for supplementation of disclosures (not discovery responses):

18                \_\_\_\_\_

19                \_\_\_\_\_

3. Deadlines for completion of discovery:

a. all discovery except from experts: \_\_\_\_\_

b. disclosure of identities and resumes of expert witnesses:

plaintiff(s): \_\_\_\_\_

defendant(s): \_\_\_\_\_

c. discovery from experts: \_\_\_\_\_

4. Deadline to file motions directed to the merits of all or part of the case:

5. Date of next case management/status conference: \_\_\_\_\_

6. Date for filing papers required for the final pretrial conference: \_\_\_\_\_

7. Final pretrial conference date: \_\_\_\_\_

8. Trial date (or the month and year in which trial shall commence): \_\_\_\_\_

9. Anticipated length of trial (number of days): \_\_\_\_\_

10. Type of trial: ☐ jury ☐ court

H. **OTHER MATTERS**

Dated: \_\_\_\_\_

\_\_\_\_\_  
U.S. District Judge