

1 scope of discovery and/or as to the standard of review, the deadline for Plaintiff(s) to file a
2 motion summarizing its position, shall be _____. This motion may be no longer
3 than seven pages long, must be entitled “Motion for ERISA Discovery/Standard of Review
4 Determination,” must identify—with specificity—any interrogatories, document requests,
5 requests for admission, and/or depositions that Plaintiff(s) would like to pursue, and must
6 set forth any legal authority supporting Plaintiff(s)’ position. The deadline for
7 Defendant(s) to file a response, which may not exceed seven pages in length, shall be
8 _____. No replies may be filed.

9 4. Motions to Supplement the Administrative Record: Any motion to supplement the
10 administrative record shall be filed by _____.

11 5. No Experts: No expert reports may be filed.

12 6. Fact Discovery. If fact discovery is authorized by the Court or conducted via the
13 joint agreement of the parties, the deadline for completion shall be _____. To
14 ensure compliance with this deadline, the following rules shall apply:

15 a. Depositions: All depositions shall be scheduled to start at least five working
16 days before the discovery deadline. A deposition started five days before the deadline may
17 continue up until the deadline, as necessary.

18 b. Written Discovery: All interrogatories, requests for production of
19 documents, and requests for admissions shall be served at least **45 days** before the fact
20 discovery deadline.

21 c. Notwithstanding Local Rule of Civil Procedure 7.3, the parties may mutually
22 agree in writing, without Court approval, to extend the time for providing discovery in
23 response to requests under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure.
24 Such agreed-upon extensions, however, shall not alter or extend the deadlines set forth in
25 this Order.

26 d. Notwithstanding any provisions of the Federal Rules of Civil Procedure, non-
27 party witnesses shall **not** be permitted to attend (either physically, electronically, or
28 otherwise) the deposition of any other witness in this case without an order of this Court to

1 the contrary.

2 7. Discovery Disputes Following the Initial Submission of Briefs.

3 a. The parties shall not file written discovery motions without leave of the
4 Court. Except during a deposition, if a discovery dispute arises and cannot be resolved
5 despite sincere efforts to resolve the matter through personal consultation (in person or by
6 telephone), the parties shall jointly file (1) a brief written summary of the dispute, not to
7 exceed three pages per side,¹ explaining the position taken by each party, and (2) a joint
8 written certification that counsel or the parties have attempted to resolve the matter through
9 personal consultation and sincere efforts as required by Local Rule of Civil Procedure
10 7.2(j) and have reached an impasse. If the opposing party has refused to personally consult,
11 the party seeking relief shall describe the efforts made to obtain personal consultation.
12 Upon review of the written submission, the Court may set a telephonic conference, order
13 written briefing, or decide the dispute without conference or briefing. Any briefing ordered
14 by the Court shall also comply with Local Rule of Civil Procedure 7.2(j).

15 b. If a discovery dispute arises in the course of a deposition and requires an
16 immediate ruling of the Court, the parties shall jointly telephone the Court to request a
17 telephone conference regarding the dispute.

18 c. Absent extraordinary circumstances, the Court will not entertain discovery
19 disputes after the deadline for completion of fact discovery. Delay in presenting discovery
20 disputes for resolution is not a basis for extending discovery deadlines.

21 8. Filing the Administrative Record. The deadline for filing the administrative record
22 shall be _____.

23 9. Dispositive Motions.

24 a. Plaintiff(s)' opening brief shall be filed no later than _____.
25 Defendant(s)' response brief shall be filed no later than _____. Plaintiff(s)' reply
26 _____

27 ¹ The discovery dispute summary shall adhere to the formatting requirements of
28 LRCiv 7.1(b)(1). Discovery dispute filings that do not conform to the procedures outlined
in this paragraph, including the page limitation, may be summarily stricken.

1 shall be filed no later than _____.

2 b. With respect to page limits, Plaintiff(s)' opening brief and Defendant(s)'
3 response brief shall be no longer than _____, and Plaintiff(s)' reply shall be
4 no longer than _____.

5 c. The parties may not file separate statements of facts or separate controverting
6 statements of facts, and instead must include all facts in the opening brief, response, or
7 reply itself, supported by citations to the administrative record.

8 d. The parties shall not notice oral argument on any motion. Instead, a party
9 desiring oral argument shall place the words "Oral Argument Requested" immediately
10 below the title of the motion pursuant to Local Rule of Civil Procedure 7.2(f). The Court
11 may decline the request and decide the motion without holding oral argument. If the
12 request is granted, the Court will issue a minute entry informing the parties of the argument
13 date and time.

14 10. Motions for Attorneys' Fees. All motions for an award of attorneys' fees shall be
15 accompanied by an electronic Microsoft Excel spreadsheet, to be emailed to the Court and
16 opposing counsel, containing an itemized statement of legal services with all information
17 required by Local Rule 54.2(e)(1). This spreadsheet shall be organized with rows and
18 columns and shall automatically total the amount of fees requested to enable the Court to
19 efficiently review and recompute, if needed, the total amount of any award after
20 disallowing any individual billing entries. This spreadsheet does not relieve the moving
21 party of its burden under Local Rule 54.2(d) to attach all necessary supporting
22 documentation to its motion. A party opposing a motion for attorneys' fees shall email to
23 the Court and opposing counsel a copy of the moving party's spreadsheet, adding any
24 objections to each contested billing entry (next to each row, in an additional column) to
25 enable the Court to efficiently review the objections. This spreadsheet does not relieve the
26 non-moving party of the requirements of Local Rule 54.2(f) concerning its responsive
27 memorandum.

28 11. Good Faith Settlement Talks. All parties and their counsel shall meet in person and

1 engage in good faith settlement talks no later than _____. Upon completion
2 of such settlement talks, and in no event later than five working days after the deadline set
3 forth in the preceding sentence, the parties shall file with the Court a joint report on
4 settlement talks executed by or on behalf of all counsel. The report shall inform the Court
5 that good faith settlement talks have been held and shall report on the outcome of such
6 talks. The parties shall indicate whether assistance from the Court is needed in seeking
7 settlement of the case. The Court will set a settlement conference before a magistrate judge
8 upon request of all parties. The parties are reminded that they are encouraged to discuss
9 settlement at all times during the pendency of the litigation, but the Court will not extend
10 the case management deadlines if and when the parties elect to pursue settlement efforts,
11 including a settlement conference before a magistrate judge. The parties should plan their
12 settlement efforts accordingly. The parties shall promptly notify the Court if settlement is
13 reached.

14 12. The Deadlines Are Real. The Court intends to enforce the deadlines set forth in this
15 Order, and the parties should plan their litigation activities accordingly.

16 13. Briefing Requirements.

17 a. All memoranda filed with the Court shall comply with Local Rule of Civil
18 Procedure 7.1(b) requiring 13-point font in text and footnotes.

19 b. Citations in support of any assertion in the text shall be included in the text,
20 not in footnotes.

21 c. To ensure timely case processing, a party moving for an extension of time,
22 enlargement of page limitations, leave to amend, or leave to file a document under seal
23 shall indicate in the motion whether the non-movant opposes the request and intends to file
24 a written response. If such a motion does not so indicate, it may be denied for failure to
25 comply with this Order.

26 14. Dismissal for Failure to Meet Deadlines. The parties are warned that failure to meet
27 any of the deadlines in this Order or in the Federal or Local Rules of Civil Procedure
28 without substantial justification may result in sanctions, including dismissal of the action

1 or entry of default.

2 15. Requirement for Paper Courtesy Copies. A paper courtesy copy of the
3 administrative record, complaint, answer, opening brief, response brief, and reply brief
4 shall be either postmarked and mailed to the judge or hand-delivered *to the judge's mailbox*
5 located in the courthouse by the next business day after the electronic filing. Please do not
6 attempt to deliver documents to the Judge's chambers. A copy of the face page of the
7 Notice of Electronic Filing shall be appended to the last page of the courtesy copy.
8 Courtesy copies of documents too large for stapling must be bound with a metal prong
9 fastener at the top center of the document or submitted in three-ring binders.

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