

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNILOC 2017 LLC

Plaintiff(s),

v.

NETSUITE, INC.

Defendant(s).

Case No.: 8:19-cv-01151-JLS-DFM

**INITIAL STANDING ORDER FOR
CIVIL CASES ASSIGNED TO
JUDGE JOSEPHINE L. STATON**

**PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THIS CASE
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This case has been assigned to the calendar of Judge Josephine L. Staton. Both the Court and counsel bear responsibility for the progress of this litigation in federal court. To “secure the just, speedy, and inexpensive determination” of this case, as called for in Federal Rule of Civil Procedure 1, all parties or their counsel are ordered to become familiar with the Federal Rules of Civil Procedure, the Local Rules of the Central District of California, and this Court’s Orders.

\\
\\

1 **THE COURT ORDERS AS FOLLOWS:**

2 Judge Staton's Procedures web page is incorporated in this Order.

3 The parties and counsel are ORDERED to review and comply with those
4 procedures and notices, which may be accessed at:

5 <http://www.cacd.uscourts.gov/honorable-josephine-l-staton>

6 **1. Filing of Civil Cases**

7 The initiating documents (*e.g.*, complaints and notices of removal) of most
8 civil cases must be e-filed. *See* Local Rule 3-2.

9 **2. Service of the Complaint**

10 Service is governed by Federal Rule of Civil Procedure 4. The plaintiff shall
11 promptly serve the complaint in accordance with Fed. R. Civ. P. 4 and file the
12 proofs of service. Although Fed. R. Civ. P. 4(m) allows 90 days for service of the
13 summons and complaint, the Court expects service to be effectuated more promptly.
14 The Court will require plaintiffs to show good cause to extend the service deadline
15 beyond 90 days.

16 **3. TROs and Injunctions**

17 Parties seeking emergency or provisional relief shall comply with Fed. R. Civ.
18 P. 65 and Local Rule 65. The Court will not rule on any application for such relief
19 for at least twenty-four (24) hours after the party subject to the requested order
20 has been served, unless service is excused. Such party may file opposing or
21 responding papers in the interim.

22 **4. Cases Removed from State Court**

23 All documents filed in state court, including documents appended to the
24 complaint, answers, and motions, must be refiled in this Court as a supplement
25 to the notice of removal. *See* 28 U.S.C. § 1447(b). If the defendant has not yet
26 answered or filed a pre-answer motion, the defendant's answer or motion must
27 be filed in this Court and must comply with the Federal Rules of Civil Procedure

1 removed, it must be re-noticed for hearing in accordance with Local Rule 6-1.
2 Counsel shall file with their first appearance a Notice of Interested Parties in
3 accordance with Local Rule 7.1-1.

4 If the complaint, answer, or any similar pleading in an action that is removed
5 to this Court consists of only a form pleading in which boxes are checked, the party
6 or parties utilizing the form pleading must file an appropriate pleading with this
7 Court within thirty (30) days of the filing of the Notice of Removal. The new
8 pleading must comply with the requirements of Federal Rules of Civil Procedure
9 7 through 11.

10 **5. Status of Fictitiously Named Defendants**

11 This Court intends to adhere to the following procedures where a matter is
12 removed to this Court on diversity grounds with fictitiously named defendants.
13 *See* 28 U.S.C. §§ 1441(b)(1) and 1447.

14 **a.** Plaintiff is normally expected to ascertain the identity of and serve any
15 fictitiously named defendants within 90 days of the removal of the action to this
16 Court.

17 **b.** If plaintiff believes (by reason of the necessity for discovery or
18 otherwise) that fictitiously named defendants cannot be fully identified within
19 the 90-day period, an *ex parte* application or stipulation requesting permission
20 to extend that period to effectuate service may be filed with the Court. Such
21 application or stipulation shall state the reasons therefor, and will be granted only
22 upon a showing of good cause. An *ex parte* application seeking such relief shall
23 be served upon all appearing parties, and shall state that appearing parties may
24 comment within seven (7) days of the filing of the *ex parte* application.

25 **c.** If plaintiff wants to substitute a defendant for one of the fictitiously
26 named defendants, plaintiff shall first seek the consent of counsel for all defendants
27 (and counsel for the fictitiously named party, if that party has separate counsel).

28 If removed to this Court, the plaintiff shall file a motion for substitution of parties.

1 The motion and opposition should address whether the matter should thereafter
2 be remanded to the superior court if diversity of citizenship is destroyed by the
3 addition of the newly substituted party. *See* U.S.C. § 1447(c), (d).

4 **6. Discovery**

5 **a. Discovery Matters Referred to Magistrate Judge**

6 All discovery matters have been referred to the assigned United States
7 Magistrate Judge, who will hear all discovery disputes. Any party may move for
8 review and reconsideration of a discovery ruling within fourteen days after such
9 ruling. *See* Local Rule 72-2. However, in accordance with 28 U.S.C. § 636(b)
10 (1)(A), the Court will not reverse any order of the Magistrate Judge unless the
11 moving party demonstrates that the ruling is clearly erroneous or contrary to law.
12 The motion must specify which portions of the ruling are clearly erroneous or
13 contrary to law and support the contention with points and authorities. As to all
14 filings related to motions for review and reconsideration of a discovery order,
15 counsel shall deliver mandatory chambers copies to both the District Judge and
16 the Magistrate Judge.

17 **b. Compliance with Fed. R. Civ. P. 26(a)**

18 The parties shall comply fully with the letter and spirit of Fed. R. Civ. P. 26(a).
19 The Court's Scheduling Order will impose firm deadlines to complete discovery.

20 **7. Applications to Seal**

21 Counsel are directed to consider carefully whether to seek leave to file
22 documents under seal. The procedure for obtaining leave is lengthy. Applications
23 must in all instances be supported by good cause, and at times are subjected to an
24 even higher standard. Most of the time, documents may not be filed under seal
25 in their entirety, and appropriately redacted documents must still be filed on the
26 public docket.

27 When seeking leave to file any material under seal in a civil case, the parties

1 set forth in Local Rule 79-5. The parties are directed to carefully review the
2 Court's Local Rule 79-5 Overview and to follow the instructions in the Guide to
3 Electronically Filing Under-Seal Documents in Civil Cases, both of which are
4 attached in PDF format to Judge Staton's Procedures web page.

5 Counsel are reminded that there is a strong presumption that the public has
6 a right of access to records in civil cases. For materials related to non-dispositive
7 motions, the Designating Party must show good cause for the materials to be
8 filed and maintained under seal. For materials related to dispositive motions, the
9 standard is higher, and the Designating Party must articulate compelling reasons
10 for maintaining the confidentiality of the document(s) and must seek relief that is
11 narrowly tailored to the protected interest. *See Pintos v. Pacific Creditors Ass'n*,
12 605 F.3d 665, 667-79 (9th Cir. 2010).

13 **8. Motions**

14 **a. Time for Filing and Hearing Motions**

15 Motions shall be filed in accordance with Local Rule 7. This Court hears
16 motions on **Fridays**, beginning at 10:30 a.m. It is not necessary to clear a hearing
17 date with the Court Clerk before filing a motion in a civil motion. Counsel
18 must check the Court's website for Closed Motion Dates.

19 **b. Pre-Filing Requirement To Meet and Confer**

20 Counsel must comply with Local Rule 7-3, which requires counsel to
21 engage in a pre-filing conference "to discuss thoroughly . . . the substance of the
22 contemplated motion and any potential resolution." Counsel should discuss the
23 issues to a sufficient degree that if a motion is still necessary, the briefing may
24 be directed to those substantive issues requiring resolution by the Court. Counsel
25 should resolve minor procedural or other non-substantive matters during the
26 conference. This provision applies even to self-represented parties; there is no
27 exception to this rule for parties who appear *pro se*.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.