

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**STANDING ORDER FOR CIVIL CASES BEFORE JUDGE EUMI K. LEE**

(August 16, 2024)

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## **I. CONFORMITY TO RULES**

Parties and counsel shall comply with the Federal Rules of Civil Procedure, the Civil Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court's standing orders.

## **II. COMMUNICATION WITH THE COURT**

Parties and counsel shall not engage in any ex parte communication with Judge Lee or her chambers staff by telephone, facsimile, e-mail, or any other means, unless such contact has been authorized in advance. Parties and counsel may contact Judge Lee's Courtroom Deputy Laura Thomson at (408) 535-5330 or [eklcrd@cand.uscourts.gov](mailto:eklcrd@cand.uscourts.gov) with any inquiries regarding scheduling or other administrative matters. All counsel and unrepresented parties shall be included on any e-mail communications with Judge Lee's Courtroom Deputy.

Judge Lee does not review or respond to letters or letter briefs providing case information or seeking relief from the Court, even if the letter is filed on the docket. All requests requiring the Court to take action shall be made either by stipulation and proposed order or by an appropriate motion filed pursuant to the Civil Local Rules.

## **III. EMERGENCY APPLICATIONS**

Counsel should call and email Judge Lee's Courtroom Deputy Laura Thomson at (408) 535-5330 and [eklcrd@cand.uscourts.gov](mailto:eklcrd@cand.uscourts.gov) to notify her if they submit an application for a temporary restraining order, a stipulation that requires a response from the Court within 24 hours, or any other emergency request.

When a party files an application for a temporary restraining order or other emergency relief, the opposing party should not file a response unless instructed to do so by the Court. The Court will almost never grant such an application without requesting a response from the opposing party. A party moving for emergency relief must demonstrate that it made every reasonable effort to notify the opposing party and the opposing party's counsel, at the earliest possible time, of its intent to seek emergency relief. Failure to do so will likely result in denial of the request.

## **IV. PRONOUNS AND TITLES**

If they so choose, litigants and lawyers may indicate their pronouns (*e.g.*, she/her, he/him, they/their) and honorifics (*e.g.*, Mr., Ms., Mx., Dr.) by adding the information in the name block or signature line of the pleadings, by filing a letter on the public docket, or by informing the Court at the start of a hearing.

## V. SCHEDULING

Parties should review Judge Lee’s calendar and scheduling notes on the website (<https://www.cand.uscourts.gov/district-judge-eumi-k-lee/>) for the most recent information regarding when and where hearings are held and specific date availability.

Civil motions are heard by reservation only. After reviewing the website, parties and counsel shall meet and confer to identify proposed hearing dates that are amenable to all relevant parties and counsel. Parties shall jointly contact Judge Lee’s Courtroom Deputy, Laura Thomson, at (408) 535-5330 or [eklcrd@cand.uscourts.gov](mailto:eklcrd@cand.uscourts.gov) to reserve a hearing date. When reserving a hearing date, parties must inform Ms. Thomson of the number and type(s) of motions to be filed.

Once a hearing date is reserved, the motion(s) shall be filed within fourteen (14) days thereafter. Failure to timely file any motion will result in the expiration of the hearing reservation without further notice to the parties, and the moving party must obtain a new reservation before filing the motion(s).

After the Court issues a scheduling order, continuances in civil cases are granted only upon a showing of good cause. *See* Fed. R. Civ. P. 16(b)(4). Any request for a continuance or extension of time (other than an extension that the Rules allow the parties to arrange between themselves without a court order) must be filed not later than three (3) court days prior to the deadline. Parties and counsel must demonstrate good cause; they may not simply stipulate that good cause has been shown. The caption of any request for a continuance or extension shall indicate how many previous extensions have been requested (*e.g.*, “First Request for Extension”). The request must state whether the Court has granted those extensions and whether the Court has stated that no further extensions will be granted.

## VI. CASE MANAGEMENT CONFERENCES

Unless the Court orders otherwise, case management conferences will be held remotely via Zoom. Parties may jointly request an in-person hearing. The attorney appearing at a case management conference must have full authority to make decisions about any issue that may come up during the conference but need not be lead counsel.

If a defendant files a motion to dismiss that is dispositive of the **entire** case, the parties can stipulate to move the initial case management conference 21 days after the hearing on that motion. Otherwise, the initial case management conference generally will not be moved.

Parties must prepare a joint case management statement fourteen (14) days prior to the date of any case management or status conference. The joint case management statement shall comply with the “Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement” and Civil Local Rule 16-9. In their joint case management statement for the initial case management conference, the parties must propose a

full litigation schedule, including a proposed last day to amend pleadings as well as a deadline to complete ADR, regardless of whether they have received a ruling on any motion to dismiss.

Target dates and deadlines are set forth below, including ranges to account for the complex nature of the case. Proposals that deviate from the timeline set forth below must be explained. The Court may vacate a case management conference and issue a scheduling order based on the parties' written submission.

Case Stage	Deadline
Motions to Amend Pleadings or To Add Parties (without leave of court)	No later than 60 days following the initial case management conference
Final Case Management Conference	Four to eight (4-8) weeks before the close of fact discovery
Close of Fact Discovery	Four to eight (4-8) months after the initial case management conference
Close of Expert Discovery	No more than four (4) months after the close of fact discovery
Close of Briefing on Summary Judgment, <i>Daubert</i> , and Class Certification	No more than ten (10) weeks after the close of expert discovery, with hearings scheduled four (4) weeks after the final brief is submitted
Pretrial Conference	Four (4) weeks before trial begins, with a joint pretrial statement due two (2) weeks before the conference

**Mid-Discovery Case Management Statement:** In cases involving at least six (6) months of fact discovery, the Court will set a deadline for the filing of a further case management statement not to exceed ten (10) pages. This deadline shall be set at the approximate midpoint of the fact discovery period. The statement should address the status of the case and any other matters that warrant the Court's attention. If any party believes a conference is needed, the party shall identify the issue(s) that require the Court's attention, explain the basis for the request, and detail the efforts that the parties have made to address or resolve the issue. Such requests should be made on an extremely limited basis after extensive efforts to meet and confer in person or on videoconference.

**Final Case Management Conference:** The Court will hold a final case management conference approximately four to eight (4-8) weeks before the close of fact discovery. No later than fourteen (14) days before the final case management conference, the parties shall file a joint final case management conference statement, not to exceed ten (10) pages, containing the following information:

- **Motions:** All prior and pending motions, the status thereof, and any anticipated motions. If no briefing schedule has been set for summary judgment, *Daubert*, class certification, and any other motions, the parties shall jointly propose a schedule.
- **Status of Discovery:** If discovery has not been completed, the scope of any anticipated further discovery, proposed modifications to the discovery plan, and a realistic estimate of when discovery will be complete.
- **Settlement and ADR:** A description of all ADR efforts to date and whether further ADR efforts should be pursued prior to trial.
- **Bifurcation and Separate Trial of Issues:** A statement addressing whether bifurcation or a separate trial of specific issues is appropriate or desired.
- **Trial:** A brief statement describing each party's readiness for trial, whether the case will be tried before a jury or to the Court, and a realistic estimate of the length of the trial.

**Close of Fact Discovery:** The close of fact discovery is the date by which all discovery must be completed, including motions to compel, hearings on discovery motions, and any additional discovery resulting from orders on discovery motions. Accordingly, all discovery requests shall be served sufficiently in advance of the close of fact discovery to allow the discovering party enough time prior to the cut-off date to challenge allegedly deficient responses via motion to compel and to receive the necessary responses if the motion is granted. Notice of depositions must be given at least 30 days prior to the close of fact discovery.

**Daubert and Summary Judgment Motions:** Motions challenging the reliability of expert testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), shall be noticed for hearing no later than the deadline for hearings on summary judgment motions. The parties must allow at least twelve to sixteen (12-16) weeks between the proposed summary judgment hearing date and the proposed final pretrial conference.

**Trial Date:** Generally, counsel should budget no more than twelve to twenty (12-20) months between the initial case management conference and trial. Counsel requesting longer pretrial periods must be prepared to justify that request at the initial case management conference. A trial date typically will be set at the initial case management conference, except for class action and patent cases. In such cases, the Court will set a trial date after ruling on class certification. Trial dates will not be continued absent a strong showing of good cause.

## **VII. FILINGS AND COURTESY COPIES**

### **A. Amended Pleadings**

All amended pleadings shall attach as an exhibit a redlined or highlighted document showing the changes made to the previously-filed pleading.

## **B. Documents Filed on ECF**

When filing documents on ECF, each motion, supporting declaration, and exhibit should be filed as a separate text-searchable PDF. A declaration must be filed separately from the motion, and each exhibit to a declaration must be filed separately as an attachment to the declaration. A declaration, along with any exhibits, should generally be filed as one docket entry, with the declaration as the “Main Document” in ECF, and each exhibit filed separately as “Attachments.” For example, if the motion is Docket No. 20, and the supporting declaration is Docket No. 21, Exhibit A would be filed as Docket No. 21-1, Exhibit B would be Docket No. 21-2, and so on. When filing motions, declarations, and exhibits, the ECF “Description” of each document should include the name of the document. Where each party relies on the same exhibit, the later-filing party should cite to the earlier-filed exhibit and should not file a duplicate exhibit. If possible, the parties should meet and confer prior to filing a motion and submit a joint appendix of evidence.

## **C. Chambers Copies**

The parties are required to submit **two** (2) chambers copies of briefing in excess of ten (10) pages and all supporting materials for dispositive motions, *Daubert* motions, motions for class certification or approval of a class settlement, and motions to seal. Chambers copies shall not be submitted for administrative motions.

Chambers copies should be double-sided and should bear the ECF filing “stamp” (case number, docket number, date, and ECF page number) along the top of the page. All exhibits shall be clearly delineated with labels along the right side. If the filing includes exhibits over two-inches thick, the parties shall place the copies in a binder. The copies shall be marked “Chambers Copy” and submitted to the Clerk’s Office, in an envelope marked with “Judge Lee,” the case number, and “Chambers Copy.” Chambers copies shall be mailed for receipt or delivered to the Clerk’s Office within two (2) court days after the materials are filed.

## **D. Sealed Documents**

The Court requires strict compliance with Civil Local Rule 79-5. Public access to court records is a fundamental aspect of our democracy and justice system. The filing party must make a specific showing as to each statement or document to be sealed. Blanket requests that make generic reference to “competitive harm” are almost always insufficient. If a party files a request that is significantly overbroad or fails to provide a specific reason for sealing, the Court will consider denying the request in its entirety.

Each document filed under seal must be highlighted to show the proposed redactions. If a party believes it is appropriate to seal an entire document, the filed document should be labeled to indicate that sealing is sought in full.

In addition to complying with Civil Local Rule 79-5, each motion to seal must include a chart, in the format set forth below, which includes the following columns: (1) ECF number or

exhibit number of the document sought to be sealed; (2) description or name of the document sought to be sealed; (3) portion(s) of the document to seal; and (4) reason(s) why the document should be sealed, including citation to the applicable declaration. Each separate document for which sealing is sought shall have its own row in the table.

ECF No.	Document	Portion(s) to Seal	Reason(s) for Sealing
252	Plaintiff's Motion for Summary Judgment	Highlighted portions at 4:9-12; 10:2-7.	Contains confidential information relating to the parties' licenses and negotiations with third parties, and Plaintiff's internal financial and business strategies. <i>See</i> Doe Decl. ¶¶ 3-7. Public disclosure of this information would cause harm to Plaintiff. <i>Id.</i>

In addition, the motion must be accompanied by a proposed order that complies with Civil Local Rule 79-5 and is organized in the following format. Proposed orders should be filed in PDF form on ECF and sent in Microsoft Word format to [eklpo@cand.uscourts.gov](mailto:eklpo@cand.uscourts.gov).

ECF No.	Document	Portion(s) to Seal	Granted/Denied
252	Plaintiff's Motion for Summary Judgment	Highlighted portions at 4:9-12; 10:2-7.	[Leave blank]

Chambers copies of sealing motions shall include **only unredacted documents**; chambers copies of **redacted documents need not and shall not be submitted** to the Court. Chambers copies of unredacted documents shall clearly indicate with yellow highlighting the portions that the party is requesting to seal. When the granting of a sealing motion results in the sealing of some but not all of the briefs and/or exhibits in a particular filing, a courtesy copy of that filing containing a complete set of unredacted briefs and exhibits (and no redacted briefs or exhibits) thereafter shall be provided to the Court. Chambers copies must indicate via yellow highlighting which portions of the briefs and documents are sealed.

## VIII. MOTIONS AND HEARINGS

### A. Page Limits

Absent leave of court, the page limits for the following types of motions and proceedings shall be 25 pages for the motion or opening brief, 25 pages for the opposition or response brief, and fifteen (15) pages for the reply brief: motions brought under Federal Rules of Civil

Procedure 12, 23, 50, 56, 59, or 65; motions for certification of a collective action under the Fair Labor Standards Act; motions brought under California's anti-SLAPP statute; social security appeals; and claim construction briefing.

Absent leave of court, the page limits for all other types of motions and proceedings, except for those addressed above or those as to which specific page limits are set forth in the Civil Local Rules or the Court's Standing Orders, shall be ten (10) pages for the motion or opening brief, ten (10) pages for the opposition or response brief, and five (5) pages for the reply brief. Motions subject to these limits include motions for sanctions, motions to stay, and motions to compel arbitration.

If a party files its own motion and joins in another party's motion, both the party's own motion and the joined motion will count toward the party's page limits. Where multiple parties are represented by the same counsel, all motions filed by those parties are limited to a single brief which complies with the page limits set forth above, absent leave of court.

These page limits are maximums, not minimums. Counsel and parties are encouraged to be concise. Excess pages will not be considered by the Court.

Footnotes shall not be used to cite to legal authorities or evidence. All citations to legal authorities or evidence shall be in the body of the brief. Excessive footnotes will be disregarded. In general, no more than five (5) footnotes per brief should be necessary.

All factual and legal bases for a party's position with respect to a motion must be presented in the briefing on that motion. Arguments presented in earlier-filed briefs or documents may not be incorporated by reference.

Requests to enlarge page limits will rarely be granted. Stipulated requests must be filed at least three (3) court days prior to the filing date. If the request is made by administrative motion rather than stipulation, the motion must be filed at least five (5) court days prior to the filing date and any opposition must be filed: (a) at least three (3) court day before the deadline in question; or (b) within the time allowed by Civil Local Rule 7-11, whichever is sooner.

## **B. Proposed Orders**

Each motion shall be accompanied by a proposed order pursuant to Civil Local Rule 7-2(c). Each proposed order shall comply with any applicable Civil Local Rule. *See, e.g.*, Civ. L.R. 6-3 (proposed orders to change time), 7-11 (proposed orders for administrative relief), 16-9 (proposed case management orders), 65-1 (proposed temporary restraining orders), 72-2 (proposed orders for relief from a non-dispositive Magistrate Judge order), 79-5 (proposed orders to seal documents). When any party requests a continuance or extension of time, the party must submit a proposed order listing, in chart format, all future deadlines and the proposed extensions, illustrating how the requested relief would impact the case schedule. Proposed orders submitted in connection with motions for injunctive relief should state the specific relief sought. A party opposing a motion need not submit a proposed order.



All proposed orders should be filed in PDF form on ECF and sent in Microsoft Word format to [eklpo@cand.uscourts.gov](mailto:eklpo@cand.uscourts.gov). See Civ. L.R. 5-1(f). The subject line of the email should include the case number and name, along with the title of the order. The email should not be used by litigants for substantive communications.

### **C. Briefing Schedules**

The parties may stipulate to and request Court approval of a briefing schedule that differs from that set forth in the Civil Local Rules, noting the differences in their stipulation. Absent good cause, however, the briefing schedule for any motion shall allow at least fourteen (14) days between the final party filing and the hearing date. The briefing schedule for summary judgment, *Daubert*, and class certification motions shall allow at least 28 days between the final party filing and the hearing date.

### **D. Hearing Attendance and Participation**

Hearings on civil motions will be held in-person. The Court will consider requests to appear via Zoom on a case-by-case basis. Joint requests are strongly preferred, and parties are required to meet and confer regarding such requests. If a request is granted, it will generally be applicable to **all parties** participating in the hearing as hybrid hearings are discouraged.

Parties wishing to appear via Zoom shall file and serve an administrative request to appear via Zoom and a proposed order at least one (1) week prior to the scheduled hearing date. If all parties wish to appear via Zoom, the parties should file a joint administrative request or indicate that the request is unopposed. If a request is granted, the parties must follow the directions provided on the Court's website for remote participation (<https://www.cand.uscourts.gov/district-judge-eumi-k-lee/>). To ensure the quality of the record, any party appearing remotely must have a good connection and must avoid participating from a public space or any other environment with background noise that could disrupt the proceedings.

The Court welcomes and encourages oral argument by less-experienced attorneys on any matters before the Court. More experienced counsel for the same party may still offer argument for a few minutes at the end of the hearing.

The Court does not issue tentative rulings. If the Court determines that a hearing is not necessary, the hearing will usually be vacated no later than two (2) court days before the scheduled hearing date.

### **E. Demonstratives and Presentations**

Any demonstratives or audio-visual presentations to be used at a hearing must be exchanged with opposing counsel and submitted to the Court at least 48 hours before the hearing. Parties shall email electronic copies of the demonstratives or presentations to Judge Lee's Courtroom Deputy Laura Thomson at [eklcrd@cand.uscourts.gov](mailto:eklcrd@cand.uscourts.gov).

## **F. Duty of Candor**

All case citations and factual statements must be completely accurate. A citation to a case, statute, or other authority is counsel's representation to the Court that the authority stands for the proposition asserted and is good law. A quotation of a case or other authority is counsel's representation that the quoted language is complete and present in the authority cited. Counsel must ensure that the use of ellipses or elisions in quotes does not mislead the Court or misrepresent the substance of the holding or other authority. Counsel's representations of facts are subject to the same requirements of completeness and accuracy. Misrepresentations of law or fact, however subtle, may result in sanctions and a referral to the District's Standing Committee on Professional Conduct.

## **G. Use of Generative AI Tools**

Counsel is responsible for providing the Court with complete and accurate representations of the record, procedural history, and cited legal authorities. Use of ChatGPT or other such generative artificial intelligence tools is not prohibited, but counsel must personally confirm for themselves the accuracy of any research conducted by these means, and counsel alone bears ethical responsibility for all statements made in filings. Any submission containing AI-generated content must include a certification that lead trial counsel has personally verified the content's accuracy. Failure to include this certification or comply with this verification requirement will be grounds for sanctions. Counsel is responsible for maintaining records of all prompts or inquiries submitted to any generative AI tools in the event those records become relevant at any point.

## **IX. SUMMARY JUDGMENT**

Each party is limited to filing one (1) motion for summary judgment. Any party wishing to exceed this limit must request leave of court. Unless otherwise ordered, the parties must meet and confer to determine if they will file cross-motions for summary judgment. The Court will schedule a hearing for approximately four (4) weeks after the final brief has been submitted.

Where the parties are submitting cross-motions for summary judgment, only the following briefs will be allowed: (1) opening brief by the plaintiff side; (2) opening/opposition brief by the defense side; (3) opposition/reply brief by the plaintiff side; and (4) reply brief by the defense side. The parties may agree to reverse the order, and to have the defense side file its opening brief first, without order of the Court. Before the first brief is filed, the parties must submit a stipulation and proposed order setting a briefing schedule for the cross-motions. The first two briefs are limited to 25 pages; the third brief is limited to twenty (20) pages; and the fourth brief is limited to fifteen (15) pages. The fourth brief must be filed at least 28 days before the hearing date.

**Moving Separate Statement:** Any party moving for summary judgment, partial summary judgment, or summary adjudication must include a separate, short and concise statement identifying each claim or defense to which the moving party contends there is no

genuine issue to be tried. In most cases, the statement should not exceed fifteen (15) pages. For each claim, defense, or part thereof, the moving separate statement must: (a) identify the relevant elements or issues; (b) list the asserted material facts establishing those elements or issues; and (c) cite to record evidence demonstrating that the asserted material facts are undisputed (*e.g.*, deposition testimony, declaration, or discovery response). Upon filing, the moving party shall provide the moving separate statement to all other parties in Microsoft Word format for ease of response thereto. The moving separate statement must be organized in the form of a chart as shown in Attachment A.

**Responsive Separate Statement:** The papers opposing a motion for summary judgment, partial summary judgment, or summary adjudication must include a responsive separate statement which: (a) incorporates the moving separate statement; (b) indicates whether each of the facts listed in the moving separate statement is disputed or undisputed; and (c) identifies any additional material facts the party contends will establish a genuine issue to be tried. If the opposing party contends that a fact is in dispute, the opposing party must cite to evidence in the record establishing the dispute.

In most cases, the responsive separate statement should add no more than five (5) pages to the moving separate statement. The responsive separate statement must be organized in the form of a chart as shown in Attachment A.

**Reply Separate Statement:** The moving party may file a reply separate statement which incorporates and responds to the responsive separate statement in the same manner described above. The reply separate statement shall **not** introduce any new asserted material facts.

**Deemed Admitted Unless Controverted:** Each numbered fact in the moving separate statement will be deemed to be admitted, for purposes of the motion only, unless specifically controverted by the opposing party, so long as the moving party meets its burden under Federal Rule of Civil Procedure 56.

**Attestation:** Each separate statement must be signed by counsel or unrepresented party who has reviewed the document and attests as follows: *I attest that the evidence cited herein fairly and accurately supports or disputes the facts as asserted.*

**Additional Guidance:** The separate statements shall not include argument in support of the summary judgment motion and shall not be used to circumvent the page limits that apply to summary judgment briefing. Parties should include only those facts that are actually cited in the briefs. Facts that are not cited in the summary judgment briefs will not be considered.

**Objections to Evidence:** Objections to evidence shall be contained within the objecting party's brief and shall not be filed as a separate pleading.

## **X. DISCOVERY**

Discovery in almost all cases will be referred to a magistrate judge. The parties must follow the magistrate judge's procedures. Upon the development of an impasse with respect to discovery, the parties must first meet and confer; that is, counsel for each party shall meet and confer in person or via videoconference to attempt to resolve their dispute informally. A mere exchange of letters, emails, or telephone calls does not satisfy the meet and confer requirement.

Parties requesting a protective order are encouraged to base any proposed order on the model protective orders on the Northern District of California's website (<https://www.cand.uscourts.gov/forms/model-protective-orders/>). When filing a proposed protective order, at the very beginning of their stipulation or motion, parties must indicate whether they have based their proposed order on one of the Northern District's model orders. If they have, they must identify any deviations from the model order by submitting as an exhibit a redlined or highlighted comparison of their proposed order and the model order.

## **XI. CLASS ACTION SETTLEMENTS**

In connection with motions for approval of class settlements, the parties shall comply with the requirements set forth in the Northern District's Procedural Guidance for Class Action Settlements, available at <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/>. In addition, the following shall apply.

### **A. Preliminary Approval**

The Court conducts a searching inquiry at the preliminary approval stage to avoid the costs and pitfalls of proceeding to final approval of a settlement that is unlikely to satisfy Rule 23(e). Release language should make clear that the class members are releasing claims based only on the identical factual predicate. *Hesse v. Sprint Corp.*, 598 F.3d 581, 590 (9th Cir. 2010). Each proposed notice should make that clear as well.

If a proposed notice to class members (or prospective class members) requires a written objection as a prerequisite to appearing in court to object to the settlement, the notice must specify that this requirement may be excused upon a showing of good cause. The Court will require only substantial compliance with the requirements for submitting an objection, and this should be made clear in any notice to class members.

### **B. Notice and Claims Procedure**

The proposed notices, claims forms, and other documents associated with preliminary approval should be sent in Microsoft Word format to [eklpo@cand.uscourts.gov](mailto:eklpo@cand.uscourts.gov). For large settlements, the parties are encouraged to include an opt-out form and an objection form.

Proposed notices must be written in plain language without unnecessary acronyms. The parties should consider using the Federal Judicial Center’s model notices, which are available at <https://www.fjc.gov/content/301253/illustrative-forms-class-action-notices-introduction>. The motion must discuss whether notice by email and/or social media, use of online claims and opt-out forms, and a website for the settlement are appropriate, and if not, explain why not.

In a proposed settlement involving the distribution of money to a class, the motion must discuss whether unclaimed funds should be redistributed to class members who claimed their share, and if not, explain why not. If the settlement requires class members to file claims, as opposed to simply receiving checks, the motion must address why that is appropriate.

### **C. Final Approval**

In proposing a schedule for final approval of a class settlement, the parties must ensure that the motion for attorneys’ fees is filed at least 35 days before the deadline for objecting to the settlement. The Court will order parties to re-send notices if the motion for attorneys’ fees is filed late. The proposed order granting final approval should list all dates relating to the administration of the settlement, including the dates for when the checks distributing the settlement fund payments will be mailed to class members.

The parties shall file a proposed judgment separately from their proposed order granting final approval.

Within 21 days after the settlement funds have been fully distributed to class members (but before distribution to *cy pres* recipients), class counsel will be required to file a Post-Distribution Accounting, as described in the Northern District’s Procedural Guidance for Class Action Settlements. In addition to the information contained in the Guidance, the Post-Distribution Accounting must discuss any significant or recurring concerns communicated by class members to the settlement administrator or counsel since final approval, any other issues in settlement administration since final approval, and how any concerns or issues were resolved. The Court will typically withhold between 10% and 20% of the attorneys’ fees granted at final approval until after the Post-Distribution Accounting has been filed. The proposed order granting final approval should specify what percentage class counsel believes it is appropriate to withhold. With the Post-Distribution Accounting, class counsel should submit a proposed order releasing the remainder of the fees.

## **XII. REQUESTS FOR MAGISTRATE JUDGE SETTLEMENT CONFERENCES**

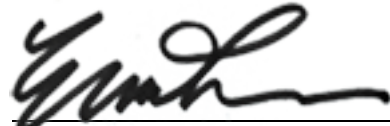
The Court generally does not refer cases for settlement with a magistrate judge unless the parties have already completed one of the other processes set forth in ADR Local Rule 3-4 (*i.e.*, Early Neutral Evaluation, Mediation, or Private ADR). Parties who complete one of these processes without reaching a settlement may request referral to a magistrate judge at that time. If the parties believe their case merits an exception to this rule, they should discuss their views in the initial case management statement.

### **XIII. UNREPRESENTED PARTIES**

Parties representing themselves may wish to contact the Federal Pro Se Program, a free program that offers limited legal services to pro se litigants. The Federal Pro Se Program has an office in the San Jose Courthouse in Room 2070 on the 2nd Floor. Parties may make appointments by visiting the office or calling (408) 297-1480. Additional information is available at <https://cand.uscourts.gov/pro-se-litigants/the-federal-pro-se-program-at-the-san-jose-courthouse/>.

**IT IS SO ORDERED.**

Dated: August 16, 2024



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EUMI K. LEE  
United States District Judge

## ATTACHMENT A

### Template for Moving Separate Statement

Claim or Defense	Moving Party's Undisputed Facts & Supporting Evidence	Opposing Party's Response & Supporting Evidence
<b>Claim 3: Breach of Contract</b>		
Issue 1. Plaintiff did not perform under the contract	Fact 1. Defendant issued a homeowner's insurance policy to Plaintiff.  Jones Decl. ¶¶ 4-5 and Ex. A (policy).	[Left blank for opposing party's response]
	Fact 2. Plaintiff failed to pay premiums required by the policy.  Jones Decl. ¶ 6	
Issue 2. Defendant did not breach the contract	Fact 3. The policy expressly excludes coverage for loss resulting from theft.  Jones Decl. ¶¶ 9-10 and Ex. A (policy).	
<b>Punitive Damages</b>		
Issue 1. Plaintiff cannot establish that Defendant acted with oppression, fraud, or malice	Fact 4. Defendant timely investigated Plaintiff's insurance claim.  Jones Decl. ¶¶ 18-20.	

Template for Responsive Separate Statement

Claim or Defense	Moving Party's Undisputed Facts & Supporting Evidence	Opposing Party's Response & Supporting Evidence
<b>Claim 3: Breach of Contract</b>		
Issue 1. Plaintiff did not perform under the contract	Fact 1. Defendant issued a homeowner's insurance policy to Plaintiff.  Jones Decl. ¶¶ 4-5 and Ex. A (policy).	Undisputed.
	Fact 2. Plaintiff failed to pay premiums required by the policy.  Jones Decl. ¶ 6	Disputed. Plaintiff timely paid the premiums required by the policy. Smith Dep. 22:4-23:19.
<b>Opposing Party's Additional Material Facts on this Issue</b>		
	Additional Fact 1. Defendant has failed to record Plaintiff's timely premium payments on two prior occasions.  Smith Dep. 72:8-14.	[Left blank for moving party's reply]
Issue 2. Defendant did not breach the contract	Fact 3. The policy expressly excludes coverage for loss resulting from theft.  Jones Decl. ¶¶ 9-10 and Ex. A (policy).	Disputed. The policy does not exclude coverage for loss resulting from theft.  Jones Decl. Ex. A (policy).
<b>Punitive Damages</b>		
Issue 1. Plaintiff cannot establish that Defendant acted with oppression, fraud, or malice	Fact 4. Defendant timely investigated Plaintiff's insurance claim.  Jones Decl. ¶¶ 18-20.	Disputed. Defendant waited more than 4 months before investigating Plaintiff's claim.  Smith Dep. 79:15-80:4.