

# CIVIL AND DISCOVERY REFERRAL MATTERS STANDING ORDER

MAGISTRATE JUDGE SUSAN VAN KEULEN

Updated February 2025

## 1. LOCATION

**The parties must check ECF to confirm whether any hearing will be in-person or by Zoom video link.**

- All civil discovery and motion hearings will be **in person** unless otherwise noticed by the Court in Courtroom 6, 4th Floor, San Jose Federal Courthouse.
- Initial case management conferences, status conferences, and order to show cause hearings in re settlement/dismissal will be by Zoom video link. Specific call-in/Zoom instructions will be posted on ECF no later than 48 hours in advance. General information is available in Judge van Keulen's scheduling notes on the Court website.
- Any deviation from the appearance standards above requires prior approval of the Court. The requesting party must file an administrative motion to appear by Zoom video link or telephonic link at least 5 days before the hearing. If the request is granted, specific call-in/Zoom instructions will be posted on ECF no later than 48 hours in advance.

## 2. SCHEDULING

Civil case management conferences are held on Tuesdays at 9:30 a.m.

Civil motions are heard on Tuesdays at 10:00 a.m.

Civil pretrial conferences are held on Thursdays at 9:30 a.m.

Parties are not required to reserve a hearing date but should confirm the Court's availability at [cand.uscourts.gov](http://cand.uscourts.gov). Hearings and motions may be reset by the Court as its calendar requires. For questions regarding scheduling, please contact the Courtroom Deputy at [svkcrd@cand.uscourts.gov](mailto:svkcrd@cand.uscourts.gov) or (408) 535-5363.

## 3. COMMUNICATION WITH THE COURT

Any requests for Court action must be filed on the docket. Parties must refrain from contacting the Courtroom Deputy by email or telephone unless (1) required to do so by one of the Court's standing orders; (2) instructed to do so by the Court; or (3) necessary to inform the Court about a time-sensitive matter. Contact with the Courtroom Deputy must be limited to purely administrative matters, such as scheduling and general case management. Parties are not to communicate with the Courtroom Deputy regarding substantive or procedural issues, such as requests for legal advice or for interpretation of procedural rules.

4. **CASES INITIALLY ASSIGNED TO JUDGE VAN KEULEN: CONSENT OR DECLINATION**

In civil cases initially assigned to Judge van Keulen for all purposes, each party must file written consent to the jurisdiction of a magistrate judge or a written request for reassignment to a district judge as soon as possible but no later than the deadlines specified in Civil Local Rule 73-1(a). **If a party files a dispositive motion (such as a motion to dismiss or a motion for remand), the moving party must file the consent or declination simultaneously with the motion.**

5. **CASE MANAGEMENT CONFERENCE STATEMENTS**

In civil cases assigned to Judge van Keulen for all purposes, all joint case management statements are due one week before the case management conference. Joint case management statements must include as the first item the case schedule, if it has been set, as well as all information required under the Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement.

6. **MOTIONS AND STIPULATIONS**

a. **PROPOSED ORDERS AND STIPULATIONS**

All stipulations and proposed orders are to be emailed in Word format to [svkerd@cand.uscourts.gov](mailto:svkerd@cand.uscourts.gov) on the same day as the documents are e-filed.

b. **MOTIONS TO SEAL**

Motions to seal shall be filed in accordance with Civil Local Rule 79-5. When submitting a proposed order pursuant to Civil Local Rule 79-5(c)(3), the table format included in the order shall comply with the below format:

Document	Text to be Sealed	Basis for Sealing
	[redacted portions to be identified by page and line number]	

c. **POST-ANSWER DISPOSITIVE MOTIONS**

Unless otherwise permitted by the Court, only one Motion for Summary Judgment, Partial Summary Judgment, or Summary Adjudication may be filed by each party.

d. **MOTIONS TO STRIKE AFFIRMATIVE DEFENSES**

Motions to strike affirmative defenses may not be filed without leave of Court. Leave of Court may be sought by a motion for administrative relief pursuant to Civil Local Rule 7-11.

e. **FORMAT OF MOTIONS:**

i. **USE OF FOOTNOTES**

Use of footnotes in Court filings is to be limited to providing points of clarification or cross-references. Argument in footnotes will not be considered by the Court. The form of footnotes must comply with Civil Local Rule 3-4(c)(2). The Court may strike any filing that includes excessive or improper footnotes.

ii. **EXHIBITS**

The cover page of any exhibit submitted in connection with briefing on a motion must include the exhibit number and the title or brief description of the exhibit (e.g., “Ex. 1 – 1/1/2023 email from Joe Smith to Nancy Jones”).

f. **HEARING MATERIALS**

Any party who distributes materials at the hearing on any matter must supply the Court with two color copies of those materials at the hearing and all other parties with at least one copy. Unless the Court orders otherwise, all materials are to be filed promptly following the hearing.

7. **DISCOVERY**

a. **PROTECTIVE ORDERS**

All proposed discovery protective orders in cases in which Judge van Keulen is the assigned discovery referral judge and in cases that are assigned to Judge van Keulen for all purposes through consent of the parties shall be submitted for Judge van Keulen’s signature in text- searchable PDF format. **If the submitting party or parties have used one of this District’s model protective orders as the basis for their proposed protective order, their submission of the proposed protective order must be accompanied by either: (1) a redline version indicating any changes from the model order or (2) a statement in the caption or a cover pleading that the parties have not made any changes from the model order.**

b. **DISCOVERY DISPUTES**

Discovery disputes in cases in which Judge van Keulen is the assigned discovery referral judge and in cases that are assigned to Judge van Keulen for all purposes through consent of the parties shall follow the same procedures set forth below:

- For all discovery disputes, the parties must meet and confer to attempt to resolve the dispute. The meet and confer must be in person or by videoconference. *A mere exchange of letters, emails, telephone calls, or voicemail messages does not satisfy the requirement to meet and confer.*

- If the parties are unable to reach a resolution, they must file a joint statement not to exceed 10 pages, exclusive of the caption page, double-spaced with 12-point font and in text-searchable PDF format. Footnotes, if any, must comply with section 6(e)(i) above.
- In the opening paragraph, the joint statement must: (1) state the number of days remaining before the close of fact discovery and/or days until trial; (2) briefly describe each unresolved issue without undue argument; and (3) set forth each party's proposed compromise with respect to each unresolved issue.
- In addition, when specific discovery requests are disputed, the parties **must include as an exhibit a joint chart** that sets forth in columns the disputed request, the response thereto, the parties' respective proposed compromises, and a blank column for the Court's use.
- The joint statement must also include each party's proposed order as an exhibit.
- Absent prior leave of Court, the only additional exhibit(s) permitted to the joint statement are a copy of the specific discovery request(s) at issue and the response(s) to it (e.g., requests for production, interrogatories, privilege log, nonparty subpoena, deposition excerpts, initial disclosures, contentions, etc.)
- The joint statement must be filed in ECF under the Civil Events category of Motions and Related Filings > Motions: General > Discovery Letter Brief.
- Word versions of the joint chart exhibit and each party's proposed order must also be emailed to [svkerd@cand.uscourts.gov](mailto:svkerd@cand.uscourts.gov)
- Upon review of the joint statement, the Court will advise the parties regarding the need, if any, for more briefing, a hearing, or a telephonic conference.
- ***For all cases, the joint statement must be filed no later than 7 days after the discovery cut-off date(s) pursuant to Civil Local Rule 37-3.***

**c. PRIVILEGE LOGS**

If a party withholds information that is responsive to a discovery request and is otherwise discoverable under the Federal Rules of Civil Procedure, by claiming that it is privileged or protected from discovery under the attorney work product doctrine or any other protective doctrine (including, but not limited to, privacy rights), that party shall prepare a privilege log (Fed. R. Civ. P. 26(b)(5)) setting forth the privilege relied upon and specifying separately for each document or for each category of similarly-situated documents:

- a. The name and job title or capacity of the author;
- b. The name and job title or capacity of each recipient;

- c. The date the document was prepared and, if different, the date(s) on which it was sent to or shared with persons other than its author(s);
- d. The title and description of the document;
- e. The subject matter addressed in the document;
- f. The purpose(s) for which it was prepared or communicated; and
- g. The specific basis for the claim that it is privileged.

The privilege log will be produced as quickly as possible, but no later than 14 days after the discovery responses are due, unless the parties stipulate or the Court orders otherwise.

**8. AMENDED PLEADINGS**

If a party filed an amended complaint or other amended pleading, they must also file as an exhibit to the pleading a redline version showing what changes have been made to the most-recent version. Self-represented parties are not required to comply with this requirement.

**9. CHAMBERS COPIES NOT REQUIRED; EXCEPTIONS**

Pursuant to Civil Local Rule 5-1(d)(7), no chambers copies are required unless specifically requested by the Court. If chambers copies are requested by the Court, parties are to notify the courtroom deputy at [svkerd@cand.uscourts.gov](mailto:svkerd@cand.uscourts.gov) when they have been delivered.

**SO ORDERED.**

February 12, 2025

  
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SUSAN VAN KEULEN  
United States Magistrate Judge