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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Arkansas Teacher Retirement System, et al.,)	Case No. CV 07-6923-JFW (SSx)
)	
Plaintiff,)	STANDING ORDER
)	
v.)	
)	
Countrywide Financial Corporation,)	
)	
Defendants.)	

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

This action has been assigned to the calendar of Judge John F. Walter. Both the Court and counsel bear responsibility for the progress of litigation in Federal Court. To secure the just, speedy, and inexpensive determination of every action, Fed.R.Civ.P. 1, all counsel are ordered to familiarize themselves with the Federal Rules of Civil Procedure, the Local Rules of the Central District of California, and the Judge's Procedures and Schedules found on the website for the United States District Court for the Central District of California (www.cacd.uscourts.gov).

1 IT IS HEREBY ORDERED:

2 **1. Service of the Complaint:** The plaintiff shall
3 promptly serve the Complaint in accordance with Fed.R.Civ.P.
4 4 and shall file the proof(s) of service pursuant to Local
5 Rule 5-3. **The plaintiff is hereby notified that failure to**
6 **serve the Complaint within 120 days as required by**
7 **Fed.R.Civ.P. 4(m) will result in the dismissal of the**
8 **Complaint against the unserved defendant(s).**

9 **2. Presence of Lead Counsel:** Lead trial counsel shall
10 attend all proceedings before this Court, including all
11 scheduling, status, and settlement conferences.

12 **3. Discovery:**

13 (a) All discovery matters have been referred to a United
14 States Magistrate Judge. (The Magistrate Judge's initials
15 follow the Judge's initials next to the case number.) All
16 discovery documents must include the words "DISCOVERY MATTER"
17 in the caption to ensure proper routing. Counsel are
18 directed to contact the Magistrate Judge's Courtroom Deputy
19 Clerk to schedule matters for hearing.

20 All decisions of the Magistrate Judge shall be final,
21 subject to modification by the District Court only where it
22 is shown that the Magistrate Judge's Order is clearly
23 erroneous or contrary to law. Any party may file and serve a
24 motion for review and reconsideration before this Court. The
25 moving party must file and serve the motion within ten days
26 of service of a written ruling or within ten days of an oral
27 ruling that the Magistrate Judge states will not be followed
28 by a written ruling. The motion must specify which portions

1 of the ruling are clearly erroneous or contrary to law and
2 support the contention with a memorandum of points and
3 authorities. Counsel shall deliver a conformed copy of the
4 moving papers and responses to the Magistrate Judge at the
5 time of filing.

6 (b) Unless there is a likelihood that upon motion by a
7 party the Court would order that any or all discovery is
8 premature, counsel should begin to actively conduct discovery
9 before the Scheduling Conference. At the very least, the
10 parties shall comply fully with the letter and spirit of
11 Fed.R.Civ.P. 26(a) and thereby obtain and produce most of
12 what would be produced in the early stages of discovery,
13 because at the Scheduling Conference the Court will impose
14 tight deadlines to complete discovery.

15 **4. Motions:**

16 **(a) Time for Filing and Hearing Motions:** Motions shall be
17 filed in accordance with Local Rule 7. This Court hears
18 motions on **Mondays, commencing at 1:30 p.m. No supplemental**
19 **briefs shall be filed without prior leave of Court.**

20 Conformed courtesy copies of motions, oppositions, and reply
21 papers shall be deposited in the drop box located in the
22 entrance way to Chambers **by 4:00 p.m. on the date filed.**

23 Many motions to dismiss or to strike could be avoided if the
24 parties confer in good faith (as they are required to do
25 under Local Rule 7-3),¹ especially for perceived defects in a

26
27 ¹ Among other things, Local Rule 7-3 requires counsel to
28 engage in a pre-filing conference "to discuss thoroughly. . .
the substance of the contemplated motion and any potential
(continued...)

1 Complaint, Answer, or Counterclaim which could be corrected
2 by amendment. See, e.g., *Chang v. Chen*, 80 F.3d 1293, 1296
3 (9th Cir. 1996)(where a motion to dismiss is granted, a
4 district court should provide leave to amend unless it is
5 clear that the Complaint could not be saved by any
6 amendment). Moreover, a party has the right to amend its
7 Complaint "once as a matter of course at any time before a
8 responsive pleading is served." Fed.R.Civ.P. 15(a). Even
9 after a Complaint has been amended or a responsive pleading
10 has been served, the Federal Rules provide that leave to
11 amend should be "freely given when justice so requires."
12 Fed.R.Civ.P. 15(a). The Ninth Circuit requires that this
13 policy favoring amendment be applied with "extreme
14 liberality." *Morongo Band of Mission Indians v. Rose*, 893
15 F.2d 1074, 1079 (9th Cir. 1990).

16 These principles require counsel for the plaintiff to
17 carefully evaluate the defendant's contentions as to the
18 deficiencies in the Complaint, and in many instances, the
19 moving party should agree to any amendment that would cure a
20 curable defect.

21 In the event the Court grants a motion to dismiss without
22 prejudice to re-filing an amended complaint, the plaintiff
23 shall file an amended complaint within the time period

24

25 ¹(...continued)
26 resolution." Counsel should discuss the issues with
27 sufficient detail so that if a motion is still necessary, the
28 briefing may be directed to those substantive issues
requiring resolution by the Court. Counsel should resolve
minor procedural or other nonsubstantive matters during the
conference.

1 specified by the Court. If no time period is specified by
2 the Court, the plaintiff shall file an amended complaint
3 within 10 days of the date of the order granting the
4 plaintiff leave to file an amended complaint. Failure to
5 file an amended complaint within the time allotted will
6 result in the dismissal of the action with prejudice.

7 In addition to the requirements of Local Rule 15-1, all
8 motions to amend the pleadings shall: (1) state the effect of
9 the amendment; (2) be serially numbered to differentiate the
10 amendment from previous amendments; and (3) state the page,
11 line number(s), and wording of any proposed change or
12 addition of material.

13 The parties shall deliver to Chambers a redlined version
14 of the proposed amended pleading indicating all additions
15 and/or deletions of material.

16 **(b) Length and Format of Motion Papers: Memoranda of**
17 **Points and Authorities in support of or in opposition to**
18 **motions shall not exceed 25 pages. Replies shall not exceed**
19 **12 pages.** Only in rare instances and for good cause shown
20 will the Court grant an application to extend these page
21 limitations. All evidence in support of or in opposition to
22 a motion, including declarations and exhibits to
23 declarations, shall be separated by a tab divider on the
24 bottom of the page. If evidence in support of or in
25 opposition to a motion exceeds twenty pages, the evidence
26 must be in a separately bound volume and include a Table of
27 Contents. If such evidence exceeds fifty pages, the Court's
28 courtesy copy of such evidence shall be placed in a slant D-

1 ring binder with each item of evidence separated by a tab
2 divider on the right side. All documents contained in the
3 binder must be three hole punched with the oversized 13/32"
4 hole size, not the standard 9/32" hole size.

5 **Typeface shall comply with Local Rule 11-3.1.1. NOTE: If**
6 **Times Roman is used, the font size must be no less than 14;**
7 **if Courier is used, the font size must be no less than 12.**

8 Footnotes shall be in the same typeface and font size as the
9 text and shall be used sparingly.

10 Documents which do not conform to the Local Rules and
11 this Order will not be considered.

12 **(c) Citations to Case Law:** Citations to case law **must**
13 identify not only the case being cited, but the specific page
14 referenced.

15 **(d) Citations to Other Sources:** Statutory references
16 should identify, with specificity, which sections and
17 subsections are being referenced (e.g., Jurisdiction over
18 this claim for relief may appropriately be found in 47 U.S.C.
19 § 33, which grants the district courts jurisdiction over all
20 offenses of the Submarine Cable Act, whether the infraction
21 occurred within the territorial waters of the United States
22 or on board a vessel of the United States outside said
23 waters). Statutory references which do not specifically
24 indicate the appropriate section and subsection (e.g.,
25 Plaintiffs allege conduct in violation of the Federal
26 Electronic Communication Privacy Act, 18 U.S.C. § 2511, et
27 seq.) are to be **avoided**. Citations to treatises, manuals,
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1 and other materials should similarly include the volume and
2 the section referenced.

3 **(e) Proposed Orders:** Each party filing or opposing a
4 motion or seeking the determination of any matter shall serve
5 and lodge a Proposed Order setting forth the relief or
6 action sought and a brief statement of the rationale for the
7 decision with appropriate citations.

8 **Caveat: Failure to respond to any motion shall be deemed by**
9 **the Court as consent to the granting of the motion. See**
10 **Local Rule 7-12.**

11 **5. Ex Parte Applications:** Ex parte applications are
12 solely for extraordinary relief. See *Mission Power Eng'g Co.*
13 *v. Continental Cas. Co.*, 883 F. Supp. 488 (C.D. Cal. 1995).
14 Applications that fail to conform with Local Rules 7-19 and
15 7-19.1, including a statement of opposing counsel's position,
16 will not be considered. Any opposition must be filed not
17 later than twenty-four hours after the filing of the ex parte
18 application. If counsel do not intend to oppose the ex parte
19 application, counsel must inform the Courtroom Deputy Clerk
20 by telephone. The Court considers ex parte applications on
21 the papers and usually does not set these matters for
22 hearing. A conformed courtesy copy of moving, opposition, or
23 notice of non-opposition papers should be deposited in the
24 drop box located in the entrance way to Chambers. The
25 Courtroom Deputy Clerk will notify counsel of the Court's
26 ruling or a hearing date and time, if the Court determines a
27 hearing is necessary.

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1 **6. Applications or Stipulations to Extend the Time to**
2 **File any Required Document or to Continue Any Date:** No
3 applications or stipulations extending the time to file any
4 required document or to continue any date are effective until
5 and unless the Court approves them. Both applications and
6 stipulations must set forth:

7 (a) the existing due date or hearing date, as well
8 as all dates set by the Court in the Scheduling and Case
9 Management Order, including the discovery cut-off date, the
10 Pre-Trial Conference date, and the Trial date;

11 (b) the new dates proposed by the parties;

12 (c) specific, concrete reasons supporting good cause
13 for granting the extension; and

14 (d) whether there have been prior requests for
15 extensions by any party, and whether those requests were
16 granted or denied by the Court.

17 **7. TROs and Injunctions:** Parties seeking emergency or
18 provisional relief shall comply with Fed.R.Civ.P. 65 and
19 Local Rule 65. The Court will not rule on any ex parte
20 application for such relief for at least twenty-four hours
21 after the filing of the ex parte application; a party may
22 file opposing or responding papers in the interim. The
23 parties shall deposit conformed courtesy copies of all papers
24 relating to TROs and injunctions in the drop box in the
25 entrance way to Chambers.

26 **8. Proposed Protective Orders and Filings Under Seal:**
27 Protective orders pertaining to discovery must be submitted
28 to the assigned magistrate judge. Proposed protective orders

1 should not purport to allow, without further order of court,
2 the filing under seal of pleadings or documents filed in
3 connection with a hearing or trial before Judge Walter. The
4 existence of a protective order does not alone justify the
5 filing of pleadings or other documents under seal, in whole
6 or in part.

7 An application to file documents under seal must meet the
8 requirements of Local Rule 79-5. Documents that are not
9 confidential or privileged in their entirety should not be
10 filed under seal if the confidential portions can be redacted
11 and filed separately. The parties should file both a
12 complete version of the pleadings and documents under seal,
13 and a redacted version for public viewing, omitting only such
14 portions as the Court has ordered may be filed under seal.

15 There is a strong presumption of access to court records
16 in civil cases. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331
17 F.3d 1122, 1135 (9th Cir. 2003). For each document or other
18 type of information sought to be filed under seal, the party
19 seeking protection must identify and discuss the factual or
20 legal justification for the Court to find good cause that
21 such document or type of information should be protected.

22 **9. Cases Removed From State Court:** All documents filed
23 in state court, including documents appended to the
24 Complaint, Answer(s), and Motion(s), must be re-filed in this
25 Court as a supplement to the Notice of Removal. See 28
26 U.S.C. § 1447(a),(b). If the defendant has not yet answered
27 or moved, the Answer or responsive pleading filed in this
28 Court must comply with the Federal Rules of Civil Procedure

1 and the Local Rules of the Central District. If before the
2 case was removed a motion was pending in state court, it must
3 be re-noticed in accordance with Local Rule 7.

4 **10. Status of Fictitiously Named Defendants:** This Court
5 adheres to the following procedures when a matter is removed
6 to this Court on diversity grounds with fictitiously named
7 defendants referred to in the Complaint: (See 28 U.S.C.
8 §§ 1441(a) and 1447.)

9 (a) Plaintiff shall ascertain the identity of and serve
10 any fictitiously named defendants within 120 days of the date
11 that the Complaint was filed in State Court.

12 (b) If plaintiff believes (by reason of the necessity for
13 discovery or otherwise) that fictitiously named defendants
14 cannot be fully identified within the 120-day period, an ex
15 parte application requesting permission to extend the period
16 to effectuate service may be filed with the Court. Such
17 application shall state the reasons therefore, and may be
18 granted upon a showing of good cause. The ex parte
19 application shall be served upon all appearing parties, and
20 shall state that appearing parties may respond within seven
21 calendar days of the filing of the ex parte application.

22 (c) If plaintiff desires to substitute a named defendant
23 for one of the fictitiously named defendants, plaintiff shall
24 first seek the consent of counsel for all defendants (and
25 counsel for the fictitiously named party, if that party has
26 separate counsel). If consent is withheld or denied,
27 plaintiff may apply ex parte requesting such amendment, with
28 notice to all appearing parties. Each party shall have seven

1 calendar days to respond. The ex parte application and any
2 response should comment not only on the substitution of the
3 named party for a fictitiously named defendant, but on the
4 question of whether the matter should thereafter be remanded
5 to the Superior Court if diversity of citizenship is
6 destroyed by the addition of the new substituted party. See
7 28 U.S.C. § 1447(c),(d).

8 **11. Bankruptcy Appeals:** Counsel shall comply with the
9 NOTICE REGARDING APPEAL FROM BANKRUPTCY COURT issued at the
10 time the appeal is filed in the District Court. The matter
11 is considered submitted upon the filing of the final brief.
12 No oral argument is held unless ordered by the Court.

13 **12. Communications with Chambers:** Counsel shall not
14 attempt to contact the Court or its Chambers staff by
15 telephone or by any other ex parte means, although counsel
16 may contact the Courtroom Deputy Clerk, at (213) 894-5396,
17 with appropriate inquiries. To facilitate communication with
18 the Courtroom Deputy Clerk, counsel should list their
19 facsimile transmission numbers and e-mail address along with
20 their telephone numbers on all papers.

21 **13. Withdrawal or Substitution of Counsel:** No attorney
22 of record will be permitted to withdraw after an action has
23 been set for trial unless: (a) the application includes an
24 endorsement signed by a substituting attorney indicating that
25 such attorney has been advised of the trial date and will be
26 prepared to proceed with trial as scheduled; (b) the
27 application includes an endorsement signed by the client
28 indicating that the client is advised of the time and date of

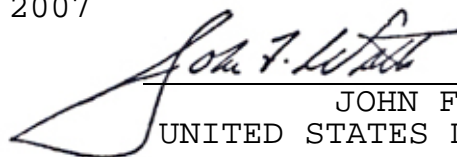
1 trial and will be prepared to represent themselves *pro se* on
2 the scheduled trial date; or (c) the court is otherwise
3 satisfied for good cause shown that the attorney should be
4 permitted to withdraw or the substitution granted. Where
5 counsel is substituted, the application must state the name,
6 address, telephone number, facsimile number, e-mail address,
7 and California State Bar identification number of the
8 substituting counsel.

9 **14. Notice of This Order:** Counsel for plaintiff shall
10 immediately serve this Order on all parties, including any
11 new parties to the action. If this case came to the Court by
12 noticed removal, defendant shall serve this Order on all
13 other parties.

14 **Caveat:** If counsel fail to file the required Joint Rule
15 26(f) Report or the required Pre-Trial documents, or if
16 counsel fail to appear at the Scheduling Conference, the Pre-
17 Trial Conference and/or any other proceeding scheduled by the
18 Court, and such failure is not otherwise satisfactorily
19 explained to the Court: (a) the cause shall stand dismissed
20 for failure to prosecute, if such failure occurs on the part
21 of the plaintiff; (b) default judgment shall be entered if
22 such failure occurs on the part of the defendant; or (c) the
23 Court may take such action as it deems appropriate.

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DATED: November 8, 2007



JOHN F. WALTER
UNITED STATES DISTRICT JUDGE