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

CELESTIAL, INC.,

Plaintiff(s)

v

SWARM SHARING HASH, et al.,

Defendant(s)

) CASENO.CV-12-00136RGK (AGR_x)

) **STANDING ORDER REGARDING
NEWLY ASSIGNED CASES**

1 **READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE.**

2 This action has been assigned to the calendar of Judge R. Gary Klausner. The
3 responsibility for the progress of litigation in the Federal Courts falls not only upon the
4 attorneys in the action, but upon the Court as well. “To secure the just, speedy, and
5 inexpensive determination of every action,” Federal Rule of Civil Procedure 1, all
6 counsel are hereby ordered to familiarize themselves with the Federal Rules of Civil
7 Procedure, particularly Federal Rules of Civil Procedure 16, 26, the Local Rules of the
8 Central District of California, this Court’s Order for Jury Trial, and this Court’s Order
9 for Court Trial.¹

10
11 **UNLESS OTHERWISE ORDERED BY THE COURT, THE**
12 **FOLLOWING RULES SHALL APPLY:**

13
14 **1. Service of the Complaint.** The Plaintiff(s) shall promptly serve the
15 Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant
16 to Local Rule. Any Defendant(s) not timely served shall be dismissed from the action
17 without prejudice. Any “DOE” or fictitiously-named Defendant(s) who is not
18 identified and served within 120 days after the case is filed shall be dismissed pursuant
19 to Federal Rule of Civil Procedure 4(m).

20 **2. Removed Actions.** Any answers filed in state court must be refiled in this
21 Court as a supplement to the petition. Any pending motions must be re-noticed in
22 accordance with Local Rules. If an action is removed to this Court that contains a form

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25 ¹Copies of the Local Rules are available on our website at “<http://www.cacd.uscourts.gov>” or they may be
purchased from one of the following:

26 Los Angeles Daily Journal
27 915 East 1st Street
28 Los Angeles, CA 90012

 West Group
 610 Opperman Drive
 P.O. Box 64526
 St. Paul, MN 55164-0526

 Metropolitan News
 210 South Spring Street
 Los Angeles, CA 90012

1 pleading, i.e., a pleading in which boxes are checked, the party or parties utilizing the
2 form pleading must file an appropriate pleading with this Court within thirty (30) days
3 of receipt of the Notice of Removal. The appropriate pleading referred to must comply
4 with the requirements of Federal Rules of Civil Procedure, Rules 7, 7.1, 8, 9, 10 and
5 11.

6 **3. Petitions under 18 U.S.C. Section 983(f).** Petitioner(s) shall file and serve
7 within 3 days of the date of this order an ex parte application requesting a hearing on
8 the Petition to ensure prompt resolution of the Petition in compliance with section
9 983(f)'s deadlines.

10 **4. Presence of Lead Counsel.** The attorney attending any proceeding before
11 this Court, including all status and settlement conferences, must be the lead trial
12 counsel.

13 **5. Discovery.** All discovery matters have been referred to a United States
14 Magistrate Judge to hear all discovery disputes. (The Magistrate Judge's initials follow
15 the Judge's initials next to the case number.) All documents must include the words
16 "DISCOVERY MATTER" in the caption to ensure proper routing. Counsel are
17 directed to contact the Magistrate Judge's Courtroom Deputy Clerk to schedule matters
18 for hearing. Please do not deliver courtesy copies of these papers to this Court.

19 The decision of the Magistrate Judge shall be final, subject to modification by
20 the District court only where it has been shown that the Magistrate Judge's order is
21 clearly erroneous or contrary to law. Any party may file and serve a motion for review
22 and reconsideration before this Court. The moving party must file and serve the
23 motion within ten (10) days of service of a written ruling or within ten (10) days of an
24 oral ruling that the Magistrate Judge states will not be followed by a written ruling.
25 The motion must specify which portions of the text are clearly erroneous or contrary
26 to law, and the claim must be supported by points and authorities. Counsel shall
27 deliver a conformed copy of the moving papers and responses to the Magistrate Judge's

1 clerk at the time of filing.

2 **6. Motions.** Motions shall be filed and set for hearing in accordance with Local
3 Rule 6-1, except that this Court hears motions on Mondays commencing at 9:00 a.m.
4 If Monday is a national holiday, this Court will hear motions on the succeeding
5 Tuesday. If the date the motion was noticed for hearing is not available, the Court will
6 issue a minute order resetting the date. Any opposition or reply papers due on a
7 holiday are due the **preceding** Friday, not the following Tuesday. **Memoranda of**
8 **Points and Authorities in support of or in opposition to motions shall not exceed**
9 **20 pages. Replies shall not exceed 10 pages.** Only in rare instances and for good
10 cause shown will the Court agree to extend these page limitations. Pursuant to Local
11 Rule, either a proportionally spaced or monospaced face may be used. A
12 proportionally spaced face must be 14-point or larger, or as the Court may otherwise
13 order. A monospaced face may not contain more than 10½ characters per inch.

14 Without prior permission from the Court, no party may file more than one
15 motion pursuant to Fed.R.Civ. P. 56 regardless of whether such motion is denominated
16 as a motion for summary judgment or summary adjudication.

17 **7. Proposed Orders.** Each party filing or opposing a motion or seeking the
18 determination of any matter shall serve and lodge a proposed order setting forth the
19 relief or action sought and a brief statement of the rationale for the decision with
20 appropriate citations.

21 **8. Telephonic Hearings.** The Court does not permit appearances or arguments
22 by way of telephone conference calls.

23 **9. Ex Parte Applications.** The Court considers ex parte applications on the
24 papers and does not usually set these matters for hearing. If a hearing is necessary, the
25 parties will be notified. Ex parte applications are solely for extraordinary relief and
26 should be used with discretion. Sanctions may be imposed for misuse of ex parte
27 applications. See Mission Power Engineering Co. v. Continental Casualty Co., 883

1 F.Supp. 488 (C.D. Cal. 1995).

2 Counsel's attention is directed to the Local Rules. The moving party shall serve
3 the opposing party and shall notify the opposition that opposing papers must be filed
4 not later than 3:00 p.m. on the first business day following service. If counsel does not
5 intend to oppose an ex parte application, he or she must inform the Courtroom Deputy
6 Clerk at (213) 894-2649.

7 **10. Continuances.** This Court has a strong interest in keeping scheduled dates
8 certain. Changes in dates are disfavored. Trial dates set by the Court are firm and will
9 rarely be changed. Therefore, a stipulation to continue the date of any matter before
10 this Court **must** be supported by a sufficient basis that demonstrates good cause why
11 the change in the date is essential. Without such compelling factual support,
12 stipulations continuing dates set by this Court will not be approved. Counsel
13 requesting a continuance must lodge a proposed stipulation and order including a
14 **detailed** declaration of the grounds for the requested continuance or extension of time.
15 See Local Rules. Failure to comply with the Local Rules and this Order will result in
16 rejection of the request without further notice to the parties. Proposed stipulations
17 extending scheduling dates do not become effective unless and until this Court so
18 orders. Counsel wishing to know whether a stipulation has been signed shall comply
19 with the applicable Local Rule.

20 **11. Communications with Chambers.** Counsel shall not attempt to contact
21 the Court or its staff by telephone or by any other ex parte means. Counsel may
22 contact the Courtroom Deputy Clerk with appropriate inquiries only. Counsel shall not
23 contact the Courtroom Deputy regarding status of ex parte application/ruling or
24 stipulation/ruling.

25 **12. Order Setting Scheduling Conference.** Pursuant to Federal Rule of Civil
26 Procedure 16(b), the Court will issue an Order setting a Scheduling Conference as
27 required by Federal Rule of Civil Procedure 26 and the Local Rules of this Court.

1 Strict compliance with Federal Rules of Civil Procedure 16 and 26 is required.

2 **13. Notice of this Order.** Counsel for plaintiff or plaintiff (if appearing on his
3 or her own behalf) shall immediately serve this Order on all parties, including any new
4 parties to the action. If this case came to the Court by a Petition for Removal, the
5 removing defendant(s) shall serve this Order on all other parties.

6 **14. Courtesy Copies:** Courtesy copies are not required with documents filed
7 traditionally over the intake counter. Courtesy copies are required for documents filed
8 electronically and shall be delivered to the judge's courtesy copy drop box located
9 outside of the Clerk's Office, Room 181L, no later than the following business day.

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11 DATED: JANUARY 9, 2012

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R. GARY KLAUSNER
United States District Judge

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