

Tips for litigating in the Central District of California for Out of Town Counsel

by [Paul D. Supnik](#)

The Court Houses

- The Central District of California covers Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Riverside and San Bernardino counties. (28 USC 84)
- We now have, in addition to the Downtown courthouse, divisions located in Santa Ana for Orange County and Riverside (for Riverside and San Bernardino). The downtown Los Angeles courthouse is the Western Division. Documents are accepted for filing in the Western Division clerk's office even for Santa Ana (Southern Division) and Riverside (Eastern Division). However, some documents are best filed directly in the clerk's office in the division where your case is being litigated.
- There are approximately 30 judges (including those having senior status) in the Western Division, 6 in the Southern Division and 1 in the Eastern Division.

Western Division:

312 N. Spring Street, Los Angeles, CA 90012, (213) 2894-3645.

Southern Division:

751 W. Santa Ana Boulevard

34 Civic Center Plaza, Suite 919, Santa Ana 92701-4025, (714) 836-2467.

Eastern Division:

4100 Main Street, Clerk's Office 137A, P.O. Box 13000 Riverside 90502-3000, (909) 276-6169.

- We have two court houses in Los Angeles. The old court house on 312 N. Spring Street (entrances on both Main Street and Spring Street) has the clerk's office, accessible most easily from the Main Street entrance. The newer building, the Edward R. Roybal Federal Building is more than a few blocks away, and a good 20 minute walking distance, located on 255 E. Temple, Los Angeles, CA 90012 has courts and chambers of about eight of the judges. When a case has been assigned, make sure you find out in which courthouse the judge is located.
- In the old Court House, the fourth floor snack bar is often a good place to meet clients and local counsel. There is also a small cafe that serves sandwiches accessible from the Main Street entrance. The attorneys lounge on the second floor is a good refuge for any last minute preparation--out of town lawyers are welcome. The attorneys lounge on the second floor has meeting rooms, telephones, a computer with internet and a printer.
- For lunch, excellent Chinese and Vietnamese food is available within a fifteen minute walk from the old courthouse. Little Tokyo is closer to the Roybal building.
- The Central District of California provides a form for admission to a case pro hac vice. The form (G-64) and proposed order is filled out by pro hac vice counsel and local counsel. No other motions are required. Pro hac vice applications now cost \$275. See Local Rule 83-2.3. Effective July 26, 2010, a CERTIFICATE OF GOOD STANDING for the applicant from the state for which the applicant is a member of the bar, and which has been issued within 30 days, must be attached to the application. Download forms [here](#). Local counsel ordinarily must be designated. Local Rule 83-2.3.4.

- Unlike some courts, the Central District of California rarely permits testimony in preliminary injunction hearings. Cross examination may be available by Local Rule of those who have submitted declarations if advance notice is given. [Local Rule 7-7.5.4]
- Judges are chosen "on the wheel." The judge's name is identified by letter initials following the case number. A Magistrate Judge is assigned to each case and the initials of the Magistrate Judge appear in parenthesis following the initials of the Judge.

Getting documents to local counsel

- Electronic transmission of briefs to local counsel are often easier than FedExing either hard copies or computer disks and most documents must be filed online anyway. Legible copies faxed to local counsel may be filed. Scanned signed declarations are filed electronically with other documents.

Electronic Filing

- Pay attention to the rules on electronic filing. Other than the original complaint and amended complaints, almost everything needs to be filed electronically (and this is likely to change also in 2013). In order to qualify to obtain login credentials to file online, it is necessary to obtain training. See the specific court rules regarding electronic filing available from the Central District [CM/ECF support page](#) as well as an excellent unofficial manual prepared by an attorney in Orange County, [Martin Anderson](#) which may be downloaded from his website.
- Caution: Each judge has their own rules regarding required delivery of courtesy copies of documents filed online. Most but not all judges require the courtesy copies to follow the rules for manually file below. While this may seem cumbersome if you did it yourself, some attorneys services will receive copies of your electronic pdf filed documents and prepare and deliver them to chambers as courtesy copies.
- Copies of proposed orders are emailed to the judge after they are electronically lodged electronically. See the Local Local Rules of the specific judge.

Preparing documents for filing in the Central District

- We use lined and 28 line numbered paper for documents filed in court. Obtain a WordPerfect or Word "style" file from your local counsel.
- Get a copy of the Local Rules from your local counsel. Pay particular attention to Local Rule 11-3, for form of pleadings and papers filed with the court. The Court Clerks pay considerable attention to these rules. For example, watch out for page limitations for certain documents such as briefs. Local Rule 11-3.2.1 limits typeface so that proportional typeface is not smaller than pica size, with not more than ten (10) typed characters per inch. 12 pitch Times Roman exceeds that density and can result in documents being bounced by some judges.
- As a matter of tradition, the parties names are placed on the left and separated from the case number and identification of the document by a column of closed parenthesis, and an underline running from close to the left margin of the pleading paper to the column of closed parenthesis.
- Two copies of each pleading are submitted for filing.
- Each of the copies of manually filed initiating documents submitted are bluebacked.
- The pleadings must be two hole punched at the top.
- A description of the paper should appear in the lower right hand corner of each blueback. That permits the papers to be readily identified in the files. They can be typed on the bluebacks,

typed on labels and affixed to the bluebacks or computer generated and adhered in some other manner to the bluebacks.

- Pleading paper has two closely spaced narrow vertical lines about an inch from the left hand edge of the paper, and another narrow vertical line about a quarter inch from the right hand side of the paper. To the left of the double lines on the left side of the paper are numbers, double spaced numbered from 1 to 28. This has become standard in California in both federal and state courts, and papers will be rejected which do not follow this format.
- The court title begins at line 8 or below.
- The names of the parties begin at line 11 or below.
- One of the bluebacks, one having documents with all original signatures, should be stamped ORIGINAL and the other should be stamped COPY.
- Conformed copies:
 - If you want a conformed copy, include a self addressed stamped envelope with a copy.
 - If you want a conformed copy of a document requiring approval by the Court, include another self addressed stamped envelope and clearly mark it so that the clerk will know to hold it until it has been signed by the Judge prior to returning the document to you.
- Local Rules now permit the filing of copies of documents with facsimile signatures providing that the originals are available for production on reasonable notice.
- Names and addresses of counsel, their bar numbers and their telephone and fax numbers appear in the upper left hand corner of the document. Note that email addresses are required immediately below the name of counsel.

Each judge has their own specific rules, affectionately referred to as the "Local Local Rules." Often they contain excellent general information on how to present matter to the court. They may be obtained from the Federal Bar Association and also appear in the Local Rules book sold by the Los Angeles Daily Journal, the major local legal newspaper. The specific judge drawn for a case is identified by his or her initials as the suffix on the case number. In parenthesis following the Judge's initials will be the initials of the Magistrate Judge assigned to the case. Copies of the Local Rules may also be purchased from the Los Angeles Daily Journal at 213-229-5300. The paperback volume also includes general orders and copies of the "Local Local Rules" of various members of the federal bench.

Documents filed at the outset of the case

Special documents may need to be filed at the outset of the case by both parties.

- Copies of the civil cover sheet should be filed at the time of filing the complaint.
- A Certification as to Interested Parties should be filed at the time of an initial appearance by each party.
- Intellectual property cases usually require the preparation of a document identifying particular copyrights, trademark registrations or patents which are then completed by the clerk and forwarded to the Copyright Office or to the Patent and Trademark Office.
- On filing a case, the clerk will provide a copy of Civility and Professionalism Guidelines, notice to counsel regarding certain local rules, and Notice of Assignment to United States Magistrate Judge.
- Even though the complaint is filed by a paper filing, a pdf copy of the originating filed documents must be emailed to the court 24 hours after the original documents are filed.

Stipulations

- Stipulations used to be combined with orders in one document. With electronic filing, they have become separate documents. The document might be entitled: or captioned: "STIPULATION TO CONTINUE THE DATE FOR THE STATUS CONFERENCE". The order might be captioned "[Proposed] ORDER" or "[Proposed] ORDER ON STIPULATION TO CONTINUE THE DATE FOR THE STATUS CONFERENCE". Orders, after setting out the subject matter typically end with the statement: "IT IS SO ORDERED." followed by a date and signature line for the judge. Underneath the signature line, simply type "United States District Judge".
- Copies of documents filed by the Court are available on the PACER system.
- If you wish to do something that varies from the Local Rules or the Federal Rules, obtain a formal stipulation from opposing counsel and have an order based on the stipulation approved by the Judge. This is commonly done when seeking extensions of time to respond to pleadings or obtaining extensions of time to respond to discovery.

Also pay particular attention to the requirements of Local Rule 26-6 and Local Rule 16-9.

- Local Rule 26-6 incorporates the various disclosure requirements established with the extensive 1993 amendments to the Federal Rules.
- Early disclosures are required of parties and documents.
- Local Rule 16-9 establishes the various pretrial procedures. While additional materials are required, the following outline some, but not all of the general procedures required:
 - Meeting of counsel at least 40 days before pretrial conference.
 - 21 days (usually three Mondays) before the pretrial conference:
 - Serve and file Memorandum of Contentions of Fact and Law
 - Serve and file Witness lists
 - File Joint Exhibit List
 - 7 days (usually Monday) before the pretrial conference, lodge the proposed pretrial conference order signed by all counsel.
 - (The format for the pretrial conference order appears following the Local Rules. A copy is also posted on this website.)

Jury Trial Demand

Demands for jury trial in pleadings requires an indication on the caption that there is a jury trial demand, and a separate request and signature, usually after the end of the pleading.

Motions

Motions are normally served at least 28 days prior to the hearing date, if served electronically, and at least 31 days prior to the hearing date if served by mail if permitted where there is an exemption from electronic filing. The motion must be filed with the Court at least 20 days prior to the hearing date. The normally hearing date for motions is Monday and the dates do not usually have to be reserved in advance. However, in some circumstances some judges may have a motion hearing date on a date other than Monday, and motions may not be heard every Monday. Local Rule 7-3 requires a pre-filing conference of counsel before a motion is filed. If the motion is one that must be filed by a particular date, that conference must be held at least 5 days prior to that last date for filing. Otherwise, the conference must take place at least 10 days before filing the motion. A statement regarding the

conference must appear in the motion, if resolution is not reached. A current review of this rule is recommended if any motion is contemplated.

Central District Web Site

The Central District now has an excellent web site, www.cacd.uscourts.gov which includes the local rules which may be downloaded, various court forms, the calendars of the various judges, a comparison of rule revisions, and other helpful information.

Your help would be appreciated in bringing to my attention any inaccuracies in the above. (last updated 3.11.11)

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***Domestic and International Copyright and Trademark Law;
Motion Picture, Television, Publishing, Media and General Entertainment Law;
New Media and Internet Law; Licensing;
Related Litigation***

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