

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**CIVIL PRETRIAL PROCEDURES  
MAGISTRATE JUDGE ALLISON H. GODDARD**

*(Updated 5/27/2021)*

The Court provides this information for general guidance to counsel and litigants. The Court may modify these procedures as appropriate in any case upon request or on its own.

**Civility and Professionalism.** All counsel who appear before the Court must review CivLR 2.1 and, at all times, act in compliance with the Code of Conduct set forth in that rule.

**Communications with Chambers.** Counsel may communicate with the Court by emailing [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov). This is a privilege that may be terminated at the Court's discretion in the event of excessive or inappropriate email communications. Attorneys who have appeared in the case may contact the Court by telephone for non-substantive matters such as scheduling and calendaring. Court personnel are prohibited from giving legal advice or discussing the merits of a case.

**Early Neutral Evaluation Conferences.** The Court will schedule an ENE at the outset of the case, typically after all parties have answered. The ENE is informal and confidential. Counsel must carefully review the order scheduling the ENE for more information, including directions regarding briefing and requirements for personal attendance by the parties.

**Case Management Conferences.** The Court typically conducts the CMC required under Fed. R. Civ. P. 16 and CivLR 16.1 immediately following the ENE if no settlement is reached. Prior to the initial CMC, the parties must lodge a Joint CMC Statement with the Court at [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) that complies with the Court's Requirements for Joint Case Management Statements (<https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Joint%20Case%20Management%20Statement%20Rules.pdf>). The Court may schedule additional status conferences following the initial CMC. The parties are not required to file a joint report in advance of a status conference unless specifically ordered by the Court.

**Scheduling Order.** The Court will issue a Scheduling Order following the CMC. Modification of the Scheduling Order requires the approval of the Court, which will only be granted on a showing of good cause.

**Experience Opportunities for Attorneys With Fewer Than Ten Years of Practice.** The Court encourages parties to allow attorneys with fewer than ten years of experience to argue matters before the Court. To that end, the Court will hold a hearing (either remotely or in person, at the Court's discretion) on any motion if one party notifies the Court in advance that an attorney with fewer than ten years of experience will be arguing at least a portion of the motion on behalf of that party. The party will be able to have more than one attorney argue their side of the motion if one of the attorneys arguing has fewer than ten years of experience.

**Remote Appearances.** The Court will notify the parties if any hearing or conference will take place by telephone or videoconference, and provide directions for connection. Counsel should appear and conduct themselves during any remote appearance as if they are present in the courtroom, including avoiding extraneous background noise, ensuring a clear connection, and dressing in appropriate courtroom attire.

**Motions to Seal.** There is a presumptive right of public access to court records based upon common law and the First Amendment. The Court will scrutinize any request to file information under seal, and a request will only be granted if a specific showing is made that justifies sealing. Generic and vague references to "competitive harm" will almost always be insufficient to justify sealing.

**Joint Motions.** Any administrative request to the Court (i.e., extension of time, continuance of ENE, etc.) should be made to the Court by joint motion. If only one party is making the request and the other party or parties do not oppose, they should indicate that in the joint motion. If the other party or parties oppose the request, they should set forth their position in the joint motion. *Ex parte* applications are disfavored, and any unopposed request should be filed as a joint motion rather than an *ex parte* application. Counsel who force an *ex parte* application by refusing to participate in the filing of a joint motion will be subject to sanctions.

**Requests for Continuances.** All requests for continuances must be made by a joint motion no less than seven calendar days before the affected date. The request must state:

1. The original deadline or date;

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2. The number of previous requests for continuances;
3. A showing of good cause for the request;
4. Whether the request is opposed and why;
5. Whether the requested continuance will affect other case management dates; and
6. A declaration from the counsel seeking the continuance that describes the steps taken to comply with the existing deadlines, and the specific reasons why the deadlines cannot be met.
7. Should the parties request a continuance based on the plan to pursue private mediation, in addition to the joint motion outlined above, the parties shall also lodge (not file) a Joint Mediation Plan via email at [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) on the same date they filed the joint motion. The joint plan must state:
  - A. The firm date of mediation;
  - B. The identity of the mediator;
  - C. A complete list of informal discovery the parties agree to exchange before mediation; and
  - D. A firm deadline by which the parties will exchange the informal discovery.

**Discovery Disputes.** The parties must meet and confer in an attempt to resolve any discovery disputes before contacting the Court. After meet and confer attempts have failed, the movant must e-mail chambers at [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) seeking a conference (either by telephone or videoconference) with the Court to discuss the discovery dispute. The email must include: (1) at least three proposed times mutually agreed upon by the parties for the telephonic conference; (2) a *neutral* statement of the dispute; and (3) one sentence describing (not arguing) each parties' position. The movant must copy opposing counsel on the email.

No discovery motion may be filed until the Court has conducted its pre-motion conference, unless the movant has obtained leave of Court. The Court may strike any discovery motion that is filed without complying with this process.

The Court encourages parties to allow attorneys with fewer than ten years of experience to argue a discovery dispute during the pre-motion conference. The Court will allow multiple attorneys for a party to be heard on a dispute if at least one of the attorneys has fewer than ten years of experience.

This process does not apply where a party is in custody and is proceeding *pro se*. In that case, counsel may contact chambers by telephone to obtain a hearing date on a noticed discovery motion.

If a dispute arises during the course of a deposition, counsel must meet and confer prior to seeking any ruling from the Court. After meet and confer attempts have failed, counsel may call chambers to seek a ruling. If the Court is unable to review the matter at that moment, counsel should proceed with the deposition in other areas of inquiry and the Court will respond as soon as practicable.

**Deadline to Raise Discovery Disputes With the Court.** The parties must bring any discovery dispute to the Court's attention (either by email or filing a motion as outlined above) no later than 45 days after either (1) the date of service of the written discovery response that is in dispute; or (2) the date that the portion of the deposition transcript in dispute is completed. Failure to meet this deadline will bar a party from filing a corresponding discovery motion. The parties must file a joint motion demonstrating good cause if they seek to extend this deadline. The parties cannot extend this deadline by any agreement that is not approved by the Court.

**Stipulated Protective Orders.** Any protective order submitted for the Court's signature must contain the following two provisions:

1. No document shall be filed under seal unless counsel secures a court order allowing the filing of a document, or portion thereof, under seal. An application to file a document under seal shall be served on opposing counsel, and on the person or entity that has custody and control of the document, if different from opposing counsel. If opposing counsel, or the person or entity who has custody and control of the document, wishes to oppose the application, they must contact the chambers of the judge who will rule on the application to notify the Court that an opposition to the application will be filed.
2. The Court may modify the protective order *sua sponte* in the interests of justice or for public policy reasons.

The Court recommends that the stipulated protective order contain a provision regarding the disposition of confidential or sealed documents and information after the case is closed.

All stipulated protective orders must be filed as a joint motion. The parties must email a copy of the proposed order in Word format to [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov).

**Notice of Settlement.** If the parties reach a settlement, counsel must promptly file a Notice of Settlement or an appropriate Motion to Dismiss. If a scheduled date with the Court is imminent, counsel must also contact chambers to advise of the settlement. Once a Notice of Settlement is filed, the Court will schedule a telephonic Settlement Disposition Conference, which will be taken off calendar once the case has been dismissed.

**U.S. DISTRICT JUDGE ANDREW G. SCHOPLER**  
**Civil Chambers Rules**

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**Contact Information**

- Transcripts.....james\_penceviles@casd.uscourts.gov (Court Reporter)
- Docketing, CM/ECF .....(619) 557-5600 (Clerk’s Office)  
.....(866) 233-7983 (CM/ECF Helpline)  
.....ecfhelp@casd.uscourts.gov (CM/ECF Helpdesk)
- Hearings/civil matters .....(619) 557-6480 (Chambers Phone)  
.....efile\_schopler@casd.uscourts.gov (Chambers Email)
- Courtroom setup.....lilliana\_cervantes@casd.uscourts.gov (Courtroom Deputy)

**GENERAL RULES**

1. **Motions to Seal**: Before filing a sealing motion, the parties must meet and confer to agree on the narrowest possible sealing order, in accordance with Civil Chambers Rule 5 (Meet-and-Confer Requirement). If a motion to seal seeks to redact portions of materials from the public record, the provisionally sealed version of those materials must be marked for redaction in accordance with Civil Chambers Rule 2 (Redactions). The parties must explain in a table format the grounds on which they seek to seal *each* redaction. Motions that merely recite a general privilege category, or that do not provide a particularized explanation for every piece of information sought to be sealed, will be summarily denied.

2. **Redactions**: A party relying on a transcript or an audio/visual exhibit for court must provide the transcript or exhibit to the other side sufficiently before the relevant court appearance to allow the parties to meet and confer on any possible redactions or portions to be shown or heard. After that meet-and-confer process, if any disputes remain, a party seeking a court ruling on any transcript disputes must mark the proposed redactions using these or similar methods:

5 Q: How does Judge Schopler like to see redactions?  
6 A: He requires the proposed redactions to be highlighted, or  
7 to have a ~~hand-drawn box around them~~, or to be "marked for  
8 redaction" in Adobe or a similar program. In other words,  
9 Judge Schopler should be able to read and identify the  
10 proposed redacted material in context.

3. **Interpreters and Translations**: It is the sole responsibility of the party presenting foreign-language testimony to arrange for an interpreter. Any foreign-language exhibits must be

accompanied by a translation and either: (a) a stipulation that the parties agree to the translation; or (b) a declaration that the exhibit was translated by a court-approved translator.

4. **Electronic, Audio, and Video Equipment**: At least seven days before the relevant court appearance, a party who wishes to use any electronic or audio/visual equipment in court must lodge a proposed order seeking leave to do so. The proposed order must itemize all equipment along with the proposed dates for use in court. When approved equipment is brought into the courthouse, the signed order must be presented to security personnel.

## **PRETRIAL RULES**

### **5. Meet-and-Confer Requirement**

- a. **Conference of Counsel**: In general, before filing any motion counsel must meet and confer to resolve the disputed issues. That meeting must be conducted face to face—that is, in person or by videoconference. This requirement cannot be satisfied by telephone, email, or written correspondence, unless the Court grants leave.
- b. **Exceptions**: The only motions excepted from this rule are: (i) applications for temporary restraining orders, (ii) joint motions, (iii) ex parte applications, (iv) motions involving a pro se plaintiff who is not an attorney, and (v) motions made during or after trial.
- c. **Certificate of Compliance**: The moving party must include a certification or declaration documenting that this rule has been satisfied. That certification must include the date of the meet-and-confer conference as well as the type of meeting (in person, videoconference, or other court-approved type).
- d. **Sanctions**: If the moving party fails to comply with this rule, the Court will deny the motion. If counsel for the nonmoving party refuses to meet and confer as required by this rule, the Court may order payment of reasonable expenses, including attorney fees.

### **6. Settlement and Dismissal**

- a. **Notification**: If a case settles, the parties must immediately notify this Court and the assigned Magistrate Judge.
- b. **Retaining Jurisdiction After Settlement**: Typically, the Court will not retain jurisdiction of a settled case. But the Court may grant a joint motion to dismiss that contains a jurisdiction-retaining provision if: (i) it is accompanied by a fully executed Consent to Exercise of Jurisdiction by a United States Magistrate Judge covering all disputes arising out of the settlement agreement; and (ii) the joint motion and proposed order include this language: “The Magistrate Judge shall retain jurisdiction over all disputes between and among the parties arising out of the settlement agreement, including but not limited to the interpretation and enforcement of that agreement’s terms.”

## 7. Summary Judgment

- a. **Joint Statement of Undisputed Facts:** The parties must meet and confer on a joint statement of undisputed facts. By the deadline for the reply brief, the parties must file that joint statement. The parties may not file separate statements of disputed or undisputed facts—nor make any arguments in the joint statement—without leave of Court.

## 8. Motions in Limine

- a. **Redactions and Excerpts:** If a party wishes for a transcript or exhibit to be redacted or excerpted for trial, that issue must be discussed during the meet-and-confer process. After meeting and conferring, if the parties cannot agree on a proposed redaction to a transcript or exhibit—or on the portions to be shown or heard—all sides must seek court resolution of that issue through a motion in limine.
  - b. **Exhibits in Opening Statement:** After meeting and conferring, if the parties cannot agree on the use of an exhibit in opening statement, all sides must seek court resolution of that issue through a motion in limine.
9. **Final Pretrial Order:** In addition to any other requirements, *see* CivLR 16.1(f)(6), the final pretrial order must include proposed verdict forms and voir dire questions. The parties must specify which portions of the final pretrial order, if any, are not unanimously proposed. The parties must email chambers (efile\_schopler@casd.uscourts.gov) a Microsoft Word or similar digital version of the verdict forms, voir dire questions, and jury instructions.

## TRIAL RULES

10. **Time Limits:** The Court will set a reasonable time limit on each side. The time limit will begin during opening statements and will include all statements, arguments, testimony, and any other matters during trial. Upon request, the courtroom deputy will announce the time remaining.

## 11. Jury Selection

- a. **Voir Dire:** On the first trial day, prospective jurors will complete a worksheet, answering questions predetermined by the Court and parties. Before jury selection, these worksheets will be provided to the parties. Unless otherwise ordered, Judge Schopler alone will conduct any further juror examinations. *See* CivLR 47.1.

### b. **Challenges to Jurors**

- (1) *For-Cause Challenges:* After voir dire of the entire panel, counsel may make any challenges for cause at sidebar. If such a challenge is sustained, the challenged juror will remain seated and be dismissed after the peremptory challenges are completed.
- (2) *Peremptory Challenges:* The parties must submit their peremptory strikes simultaneously in writing, in double-blind fashion.



12. **Arguments and Witness Examinations**: During opening statements and closing arguments, attorneys may enter and use the well of the courtroom. All witnesses will be questioned from the podium. Attorneys may approach a witness to provide exhibits or documents, but visits to the witness stand must be brief and must only be for the purpose of quickly orienting the witness to an exhibit or document.
13. **Objections**: Speaking objections are prohibited. Unless the Court invites further explanation, counsel will limit all objections to their legal basis, such as, “Objection, hearsay.”
14. **Sidebars**: Sidebar conferences are strongly discouraged. Counsel should proactively address evidentiary issues at the final pretrial conference or in motions in limine. For unforeseen issues arising during trial, counsel should raise the matter with the Court in the morning before the jury arrives, during breaks, or after the jury is released for the day.

#### **TRIAL SCHEDULE**

Trials typically run from 9:00 a.m. to 4:30 p.m. daily, from Tuesday to Friday.