

Honorable Steve B. Chu  
United States Magistrate Judge  
Civil Chambers Rules

*Last Updated October 31, 2024*

*Pro se* litigants and counsel are expected to comply with this Court’s Civil Chambers Rules set forth below. The Civil Chambers Rules intend to serve as guidance for proceedings before this Court. Concurrently, the Court may vary these Rules by separate order in any case as appropriate. Please note the Civil Chambers Rules do not supplant to any extent the Federal Rules of Civil Procedure, the Civil Local Rules for the Southern District of California<sup>1</sup> (“Local Rules”), or the Electronic Case Filing Administrative Policies and Procedures Manual<sup>2</sup> (“ECF Manual”).

## **I. Civility**

The Court expects all parties and counsel to conduct themselves with civility and respect. This expectation extends to all oral, written, virtual, and in-person interactions with party opponents, opposing counsel, and the Court, including its staff. At all times, *pro se* litigants and counsel are expected to comply with Civil Local Rule 2.1 on Professionalism, including during proceedings that occur outside the Court’s presence. The Court will not tolerate disrespect from parties or counsel.

## **II. Communications with Chambers Staff**

Chambers staff consists of two law clerks and one courtroom deputy (“CRD”). Law clerks handle civil matters exclusively. The CRD handles criminal matters exclusively. The law clerks and the CRD may be reached via email at [efile\\_chu@casd.uscourts.gov](mailto:efile_chu@casd.uscourts.gov). To contact the law clerks by phone, please call 619-557-5391. To contact the CRD by phone, please call 619-557-5973.

- i. Telephone Calls:** With the exception of scheduled telephonic conferences, telephone calls to Chambers are permitted only for non-substantive matters such as scheduling and calendaring. Court personnel are prohibited from giving legal advice or discussing the merits of a case. **For represented parties, only counsel of record may call Chambers.**

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<sup>1</sup> For the Local Rules, see <https://www.casd.uscourts.gov/rules/local-rules.aspx>.

<sup>2</sup> For the ECF Manual, see <https://www.casd.uscourts.gov/cmecf.aspx#undefined2>.

**ii. Letters and Emails:** These items shall not be submitted unless specifically requested by this Court. Consistent with this Civil Chambers Rule, Chambers should not be included on correspondence exchanged among counsel or between *pro se* litigants and counsel.

**iii. Lodging Documents and Courtesy Copies:** “Lodging” documents or information means emailing such items to [efile\\_chu@casd.uscourts.gov](mailto:efile_chu@casd.uscourts.gov) or delivering hardcopies of documents to Chambers via the Clerk’s Office, located at 333 West Broadway, Suite 420, San Diego, CA 92101. Documents shall be lodged via email exclusively where the total pages lodged, inclusive of exhibits, do not exceed fifty (50) pages. Where the documents to be lodged exceed fifty (50) pages, inclusive of exhibits, courtesy copies must be delivered to the Clerk’s Office within 24 hours of filing. Courtesy copies should be addressed to the attention of Judge Chu’s Chambers.

**iv. Transcript Requests:** Requests for transcripts in civil proceedings must be placed online. For more information, please visit the following website: <https://www.casd.uscourts.gov/attorney/transcript-order.aspx>.

### **III. Settlement Conferences: Early Neutral Evaluation Conferences (“ENE”) and Mandatory Settlement Conferences (“MSC”)**

#### **i. Settlement Statements**

All parties to an ENE or an MSC must lodge via email non-confidential settlement statements of seven (7) pages or fewer, excluding exhibits, setting forth the following: (1) the nature of the case, inclusive of the claims at issue, defenses asserted, a summary of the undisputed facts, and a brief recital of key facts in dispute; and (2) the parties’ respective settlement positions, inclusive of the most recent demand and counteroffer exchanged and all obstacles the parties anticipate may impede settlement. If so desired, parties may include in their email to Chambers a confidential version of their settlement statements for the Court’s consideration.

In addition to lodging their respective settlement statements, all ENE and MSC participants must exchange copies of their non-confidential settlement statements with all other parties to the settlement conference. The exchange of settlement statements must occur consistent with the deadline reflected in the Court’s order setting the ENE or MSC. To that end, the Court expects all parties to an ENE or MSC to fully review and comply with all provisions of the Court’s order setting the

ENE or MSC. To the extent the Court's order setting the ENE or MSC modifies any provision of the Civil Chambers Rules set forth herein, the parties shall comply with the Court's order setting the ENE or MSC.

## **ii. Time Allotment**

The Court typically reserves two (2) hours for settlement conferences. On occasion, the Court may allot more time for a settlement conference when the nature or complexity of a case requires additional time. All participants, including parties, party representatives, insurance adjusters for insured parties, and counsel, must be available to participate in the entirety of the settlement conference.

## **iii. Settlement Authority Required**

Pursuant to Civil Local Rule 16.3(b), all parties and party representatives other than counsel must have complete authority to negotiate and enter into a binding settlement agreement at the time of the ENE or MSC. This requirement eliminates the need for any intervention from a superior who is not otherwise a participant to the settlement conference and thus ensures efficiency in the parties' negotiations. Counsel for a government entity may be excused from this requirement so long as the government attorney who attends the settlement conferences (1) has primary responsibility for handling the case; and (2) may negotiate settlement offers which the attorney is willing to recommend to the government official who has ultimate settlement authority.

## **IV. Case Management Conferences ("CMC") and Joint Discovery Plans**

Where a case does not settle at the ENE, the Court will hold a CMC immediately thereafter or, in rare exceptions, up to 60 days following the ENE, consistent with Civil Local Rule 16.1(c)(2)(a).

### **i. Joint Discovery Plans**

As set forth in the Court's order setting an ENE and CMC, parties are required to lodge a Joint Discovery Plan. The Joint Discovery Plan must (1) be lodged as one document in PDF format; (2) address all items enumerated in Rule 26(f)(3) of the Federal Rules of Civil Procedure; and (3) provide the following information:

1. The names of all attorneys who participated in the Rule 26(f) Conference and the manner in which the conference was held (*i.e.*, in person, telephonically, or by videoconference platform);
2. Related cases pending in any state or federal court, inclusive of the related cases' numbers, courts, and assigned judicial officers, if any;
3. Anticipated additional parties, if any;
4. Witness issues, if any;
5. A statement confirming whether each party has timely made its initial disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure;
6. A proposed discovery plan as agreed to by the parties, inclusive of:
  - a. By name and/or title, all witnesses counsel seeks to depose and a brief explanation to warrant each deposition. If an objection to a witness' deposition is asserted, the objecting party shall state the legal basis for the objection;
  - b. For each party, whether counsel anticipates exceeding the maximum number of depositions Rule 30 of the Federal Rules of Civil Procedure permits and, if so, whether counsel will stipulate to the excess number;
  - c. Categories of documents as well as specific key documents sought during discovery. If an objection to such document production is asserted, the objecting party shall state the legal basis for the objection;
  - d. For each party on whom counsel intends to serve interrogatories, whether counsel anticipates exceeding the maximum number of interrogatories Rule 33 of the Federal Rules of Civil Procedure permits, and, if so, whether counsel will stipulate to the excess number; and
  - e. Issues about disclosure, discovery, or preservation of electronically stored information ("ESI"), informing the form(s) in which the ESI is to be produced.

7. What limited discovery may enable the parties to reach a speedy resolution of the case (*e.g.*, deposition of plaintiff, defendant, or a key witness, exchange of limited, key documents, *etc.*), if any;
8. Issues that implicate expert evidence, including whether counsel anticipates issues under *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), if any;
9. Threshold legal issues that may be resolved by motions for summary judgment or partial summary judgment;
10. The need for a protective order in the case, if any;
11. The parties' position on trial before a magistrate judge; and
12. A proposed schedule for:
  - a. The filing of the motion to amend pleadings and/or add parties;
  - b. The completion of fact discovery;
  - c. The designation of expert witnesses;
  - d. The designation of supplemental and/or rebuttal expert witnesses;
  - e. The disclosure of expert witnesses;
  - f. The disclosure of supplemental and/or rebuttal expert witnesses;
  - g. The completion of expert discovery;
  - h. The deadline to file pretrial motions, including dispositive motions;
  - i. An MSC; and
  - j. A Pre-Trial Conference before the assigned District Judge.

## **V. Requests to Amend the Scheduling Order**

### **i. Timing of Requests to Amend Scheduling Orders**

A request to amend the scheduling order should be filed in advance of the operative date or deadline. Any request to amend the scheduling order filed after the operative date or deadline must address excusable neglect for the untimely request pursuant to Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure.

## **ii. Good Cause Standard**

A party seeking the Court's modification of any operative scheduling order must satisfy the good cause standard under Rule 16(b) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 16(b)(4). Parties are cautioned that good cause turns on a threshold showing of diligence in attempting to meet existing deadlines. *See id.*; *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). Thus, a request to amend a scheduling order must set forth all steps taken to comply with the operative scheduling order and the fact-specific circumstances demonstrating why the deadlines cannot be met despite the movant's diligence.

## **iii. Mechanisms to Request to Amend Scheduling Orders**

Before articulating their request to amend a scheduling order to the Court, movants must first notify all parties to the case of their intended request. Only after the parties have exhaustively met and conferred on the request may the movant proceed with bringing their request for relief. Any request to amend the scheduling order or to continue or reschedule any date, deadline, or court proceeding, shall be filed as a joint motion pursuant to Civil Local Rule 7.2. A hearing date is not required to file a 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.

## **VI. Discovery Disputes**

*Pro se* litigants and counsel in discovery disputes are encouraged to review and fully comply with Rules 26–37 and 45 of the Federal Rules of Civil Procedure, Civil Local Rules 26.1, 30.1, 33.1, and 36.1, and these Civil Chambers Rules prior to raising a discovery dispute with the Court.

### **a. Procedural Requirements to Raise Discovery Disputes**

To raise a discovery dispute, parties must first comply with the Court's three procedural requirements, namely: (1) engaging in an exhaustive meet and confer effort prior to raising the dispute; (2) timely providing notice of the dispute to Chambers no later than thirty (30) calendar days from the date the dispute arose; and (3) jointly notifying Chambers of the dispute by submitting a neutral statement of the dispute via letter in either Microsoft Word or PDF format emailed to Chambers at [efile\\_chu@casd.uscourts.gov](mailto:efile_chu@casd.uscourts.gov). The Court elaborates on each of these procedural requirements below.

### **i. Exhaustive Meet and Confer Effort**

The Court will not entertain any discovery dispute in the absence of an exhaustive meet and confer effort by the parties. As a foundational matter, the meet and confer effort must take place in person, telephonically, via videoconference, or through a combination thereof. If counsel are local to this district, the meet and confer process must take place in person and/or by videoconference with cameras turned on for the entirety of counsel's discussions. Under no circumstance will written correspondence regarding a discovery dispute satisfy the meet and confer requirement.

### **ii. Timely Raising Discovery Disputes**

Where they reach an impasse following an exhaustive meet and confer effort, parties must timely notify this Court's Chambers of the discovery dispute. Timely notice before this Court constitutes thirty (30) calendar days from the date the event triggering the dispute arose ("triggering event").

For oral discovery, the triggering event is the date of completion of the deposition session during which the dispute arose.

For written discovery, the triggering event is the date of service of the response, or in the absence of a response, the date upon which a timely response was due. If the parties agree to extend the date for a written discovery response, the triggering event will be the agreed-upon extended date. If the parties agree to provide supplemental responses, the triggering event will be the date the supplemental responses are due.

However, if the parties seek to extend the deadline to raise a discovery dispute further than 30 days beyond the triggering event, the parties must file a motion, preferably a joint motion, to extend the deadline to raise the discovery dispute with the Court.

#### Example 1: Extensions

Party A grants Party B a two-week extension to respond to Interrogatories, Requests for Admissions ("RFA's"), and Requests for Production of Documents ("RFP's"), so that Party B's responses are now due on or before April 1. Any discovery dispute would need to be raised within 30 days after the new response date, which would be on or before May 1. If the parties require more time to raise a discovery dispute, they must file a motion.

## Example 2: Supplemental Responses

Party C served responses to written discovery on April 1. After a meet and confer process, Party C agrees to provide supplemental responses to their responses to Interrogatories, RFA's and RFP's within two weeks, so that the supplemental responses will be due on or before April 21. Any discovery dispute would need to be raised within 30 days after the supplemental response date, which would be on or before May 21. If the parties require more time to raise a discovery dispute, they must file a motion.

### **iii. Disputes Arising During Depositions**

If a dispute arises during a deposition, counsel may call this Court's Chambers at 619-557-5391. If available, the Court will either rule on the dispute immediately or provide further instructions regarding how to proceed. If the Court is not available, counsel shall continue with the deposition. Thereafter, counsel shall exhaustively meet and confer and, if necessary, proceed with raising any remaining discovery disputes with the Court.

### **iv. Joint Statement of Discovery Dispute**

To raise a timely discovery dispute, parties must email a Joint Statement of Discovery Dispute to Chambers. Specifically, parties must email a joint letter to Chambers at [efile\\_chu@casd.uscourts.gov](mailto:efile_chu@casd.uscourts.gov) to provide notice of the discovery dispute. The joint letter must (1) consist of no more than seven (7) pages; (2) be submitted as an attachment to the parties' email to Chambers in either Microsoft Word or PDF format; (3) and include the following information:

- (1) A statement indicating how and when the parties conducted their meet and confer effort(s) (*e.g.*, in person, telephonically, and/or via videoconference);
- (2) The date of the event giving rise to the discovery dispute and the corresponding deadline to contact the Court with the dispute;
- (3) The requests in dispute along with each party's position on each request;
- (4) The names and direct telephone numbers of the *pro se* litigant(s) and/or attorneys handling the discovery dispute; and



- (5) At least three mutually agreeable dates and times within fourteen (14) calendar days for the *pro se* litigants and/or attorneys handling the discovery dispute to participate in an initial discovery conference with the Court.

**Throughout the preparation of the Joint Statement of Discovery Dispute, the parties must provide one another with a reasonable amount of time to contribute to the Joint Statement. Reasonableness depends upon the complexity of the discovery dispute and the amount of time each party has been afforded by their opponent to contribute to the Joint Statement of Discovery Dispute.**

Following the parties' lodgment of a Joint Statement of Discovery Dispute, the Court will determine whether the discovery dispute (1) merits formal briefing, which may be simultaneous or responsive briefing, depending on the circumstances, (2) is appropriate for disposition via a discovery conference with the Court, or (3) a combination thereof. **No discovery motion shall be filed absent leave of Court.** The Court will strike any prematurely filed discovery motion from the record.

#### **b. Discovery Motions**

Should the Court order briefing on a discovery dispute, the motion should include the following:

- (1) A declaration of compliance with the Court's meet and confer requirement, which summarizes, without argument, the results of the parties' meet and confer discussions, including all material representations made and agreements and/or concessions reached (the parties shall not attach copies of any meet and confer correspondence to the declaration or motion);
- (2) A specific reference to each discovery request and response at issue;
- (3) A statement as to why the discovery is needed, including the legal authority to support the position;
- (4) Any exhibits relevant to the dispute, submitted as attachments to the discovery briefing, including when appropriate, the (i) cover page for each set of written discovery requests and responses in dispute; (ii) the verification page for each set of written discovery requests and responses in dispute; and (iii) the specific pages containing the written discovery requests and responses in dispute.

- (5) Unless otherwise indicated by court order, a discovery motion and any opposition thereto shall be no more than seven (7) pages each, excluding exhibits. Reply briefs will not be permitted unless requested or authorized by the Court.

## **VII. Joint Motions for Entry of Stipulated Protective Order**

All Joint Motions for Entry of Stipulated Protective Order must (1) be filed as a joint motion; and (2) be accompanied by a proposed order emailed to Chambers in Microsoft Word format to [efile\\_chu@casd.uscourts.gov](mailto:efile_chu@casd.uscourts.gov).

The parties are encouraged to use this District's model protective order, which is included in the Court's Civil Local Rules and can be located on the Court's website at <https://www.casd.uscourts.gov/forms.aspx?list=all>. If the parties jointly seek a protective order that differs from the Court's model order, the joint motion must explain the basis for the proposed changes, and the parties must attach to the joint motion a redlined copy of the proposed protective order highlighting the changes from the Court's model.

If the parties use the Court's model protective order, the third sentence of Paragraph 13 should be modified as follows:

If the dispute is not resolved consensually between the parties, the parties must follow the procedures set forth in the assigned Magistrate Judge's Chambers Rules regarding resolution of discovery disputes.

Parties seeking a protective order that differs from the Court's model order should incorporate the above (or similar) language in their proposed order.

Additionally, all protective orders must contain the following two provisions:

No document shall be filed under seal unless counsel secures a court order allowing the filing of a document under seal. An application to file a document under seal shall be served on opposing counsel, and on the person who has or entity that has custody and control of the document, if different from opposing counsel. If opposing counsel, or the person who has 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 judge's staff that an opposition to the application will be filed.

The Court may modify the terms and conditions of this Protective Order for good cause, in the interest of justice, or on its own order at any time throughout this Action.

### **VIII. *Ex Parte* Proceedings**

Applicants are expected to strictly comply with Civil Local Rule 83.3(g)(2) governing applications. Upon service, the responding party shall have until 5:00 p.m. on the following business day to file a response to the *Ex Parte* Application (“default briefing schedule”). If the responding party requires additional time to file a response to the Application, the responding party must email Chambers to request an amendment of the default briefing schedule. The responding party must include opposing counsel or a *pro se* party opponent on such email.

No hearing date shall be set on an *Ex Parte* Application unless otherwise indicated by separate order of this Court.

### **IX. Junior Attorney Participation in Civil Proceedings**

The Court encourages junior attorneys to participate in civil conferences and hearings, particularly where such attorneys conducted substantive legal research on a matter before the Court or drafted significant portions of a motion before the Court. The Court is amenable to permitting oral argument from more than one attorney on a party’s behalf if doing so would allow the junior attorney to participate in the conference or hearing. At all times, however, it is within the discretion of lead counsel to determine who will speak for a client before the Court.

### **X. Other Resources**

#### **i. Contacting Other Court Staff**

To reach the Clerk’s Office, please call 619-557-5600. To contact other Court staff, please visit <https://www.casd.uscourts.gov/clerksoffice/telephone-list.aspx#tab1>.

#### **ii. For Technical Assistance with CM/ECF**

For technical questions related to the Case Management/Electronic Case Filing System (“CM/ECF”), please call the CM/ECF Help Desk at 866-233-7983. Additionally, the Southern District’s CM/ECF website can be accessed by visiting <https://www.casd.uscourts.gov/cmecf.aspx>.