

**HONORABLE TODD W. ROBINSON  
UNITED STATES DISTRICT JUDGE  
STANDING ORDER FOR CIVIL CASES**

**For criminal matters, contact Jessica Ortiz (Courtroom Deputy) at (619) 321-0777.**

**For civil matters, contact Judge Robinson’s law clerks in chambers at (619) 321-0975.**

**For transcript requests, contact Cami Kircher (Court Reporter) at (619) 239-4588.**

Unless otherwise ordered by the Court, counsel and *pro se* litigants are expected to follow the Federal Rules of Civil Procedure, the Local Rules for the Southern District of California (“Civil Local Rules”), the Electronic Case Filing Administrative Policies and Procedures Manual (“ECF Manual”), and any other applicable rules. The Civil Local Rules and the ECF Manual are available on this District’s website. Failure to comply with the applicable Orders and rules, including the ECF Manual, may result in the Court striking non-compliant documents from the record pursuant to ECF Manual Section 2(a) and/or imposing sanctions pursuant to Civil Local Rule 83.1.

**I. Communications with Chambers**

Telephone calls to chambers are permitted only for scheduling or calendaring motion hearings or as otherwise authorized by the Court. Court personnel are prohibited from interpreting Orders, discussing the merits of a case, giving legal advice (including advice on procedural matters), or speculating as to when an Order will be issued. Letters, faxes, and emails are prohibited unless otherwise authorized by the Court.

Any questions or concerns regarding electronic filing should be directed to the Clerk’s Office after first consulting the Local Rules and ECF Manual.

**II. Discovery**

Counsel must contact the Magistrate Judge’s chambers directly for all matters pertaining to discovery. Any objection to a discovery ruling of the Magistrate Judge must be filed as a motion pursuant to Civil Local Rule 7.1.

**III. Motion Practice**

**A. *Generally Applicable Rules***

**1. *Conference of Counsel***

Before filing any motion except for a motion for a temporary restraining order or for summary judgment and unless otherwise excused by the Court, the parties must meet and confer in good faith to attempt to resolve the issue.

## 2. *Failure to Oppose*

An opposing party's failure to file an opposition to any motion may be construed as consent to the granting of the motion pursuant to Civil Local Rule 7.1(f)(3)(c).

## 3. *Exhibits*

Copies of documents already contained on the electronic docket must not be filed as exhibits. The parties must also avoid duplication of exhibits as much as possible. If the same exhibit is referred to in more than one motion noticed for the same day, the exhibit should be filed only once. Similarly, if both sides refer to the same exhibit relative to a motion noticed for the same day, only one side should file the exhibit. The parties shall use citations to assist the court in locating all such exhibits.

All exhibits submitted in support of motions should be excerpted to include only relevant material. All exhibits must also be clearly labeled, dated, tabbed, and indexed.

## 4. *Courtesy Copies*

Parties must provide the Court with courtesy copies of any filings exceeding twenty (20) pages as soon as practicable after filing. The Court prefers courtesy copies to be printed single-sided. If a filing has more than three (3) exhibits, the exhibits must be tabbed and listed in a table of exhibits.

## 5. *Unreported Cases*

For unreported cases, the Court prefers Westlaw citations, if available. In the event a case is not available through Westlaw or Lexis, a copy must be provided.

### **B. *Rules for Noticed Motions***

#### 1. *Hearing Dates and Oral Argument*

Pursuant to Civil Local Rule 7.1(b), all dates for motion hearings must be obtained by calling the law clerk before filing any motion. Motion papers must be filed and served within three (3) days of obtaining a motion hearing date from chambers. Failure to comply with this requirement may result in the forfeiture of the assigned hearing date.

Civil motions are generally scheduled for Wednesdays beginning at 1:30 p.m. The Court typically hears oral argument on civil motions. In the event the moving party desires to submit on the papers, the phrase "No Oral Argument Requested" should appear on the caption. If the Court determines that a matter may be resolved on the papers without oral argument in accordance with Civil Local Rule 7.1(d)(1), the Court will issue a written Order vacating the hearing approximately one week before the noticed hearing date.

## 2. *Briefing Schedule*

Because it is the Court's preference to hold hearings on civil motions, the Court modifies the briefing schedule set by Civil Local Rule 7.1(e) as follows to provide both the parties and the Court sufficient time to brief and prepare for oral argument: any opposition (or statement or non-opposition) must be filed and served no later than twenty-eight (28) days prior to the noticed hearing date, and any reply must be filed and served no later than fourteen (14) days prior to the noticed hearing date.

## 3. *Briefing*

When the same party notices multiple motions for the same hearing date, the motions must be briefed together in a single memorandum of points and authorities.

If multiple parties are moving for substantially the same relief, they must make every effort to obtain the same hearing date for their motions.

If multiple parties are moving for substantially the same relief or opposing a motion seeking substantially the same relief sought against them and noticed for the same hearing date, counsel must make every effort to coordinate and consolidate the briefing or use the notice of joinder procedure to avoid duplication in briefing.

Factual matters or legal arguments raised by a party for the first time in their reply brief, unless directly in response to the opposition, may not be considered.

## 4. *Objections*

Objections to evidence submitted in support of a motion must be contained within the opposition brief, and objections to evidence submitted in support of an opposition must be contained within the reply brief. No separate statements of objections will be allowed.

## 5. *Sur-replies and Notices of Supplemental Authority*

Sur-replies and notices of supplemental authority may not be filed unless leave of Court has been granted, unless there is a change in binding intervening law that is directly on point issued after the filing. Under these circumstances, parties may file a notice of supplemental authority that includes a copy of the order or opinion and any case-identifying information. Counsel may not include any argument in the notice.

## 6. *Motions for Summary Judgment and Cross-Motions*

If upon being served with a summary-judgment motion an opposing party determines that it intends to file a cross-motion, that party must file an *ex parte* application requesting a consolidated briefing schedule well in advance of the due date for the opposition to the first-filed summary-judgment motion.

Consistent with Civil Local Rule 7.1(f)(1), Separate Statements of Fact may not be filed unless leave of Court has been granted. The parties must meet and confer in person or by telephone to arrive at a joint statement of undisputed material facts, which must be filed no later than the reply brief.

7. *List of Terms/Names*

For technical motions, the parties must send an email to chambers one week prior to the hearing with a list of pertinent technical terms and/or proper names to assist the court reporter.

8. *Telephonic Appearances*

Although the Court recognizes that telephonic appearances may be necessary, the Court strongly prefers that noticed hearings be held in-person in open court. Requests to appear telephonically should be filed *ex parte* at least three (3) court days before the scheduled hearing.

**C. *Rules for Joint and Ex Parte Motions***

1. *Temporary Restraining Orders*

All motions for temporary restraining orders must be briefed; a request for immediate injunctive relief contained in a pleading is not sufficient. While temporary restraining orders may be heard in true *ex parte* fashion, *i.e.*, without notice to an opposing party, the Court will do so only in extraordinary circumstances. The Court's strong preference is for the opposing party to be served and afforded a reasonable opportunity to file an opposition. In appropriate cases, the Court may issue a limited restraining order to preserve evidence pending further briefing.

2. *Joint Motions*

Pursuant to Section 2(f)(4) of the ECF Manual, all stipulations must be filed as joint motions.

3. *Ex Parte Applications*

All *ex parte* applications must comply with Civil Local Rule 83.3(g) and satisfy the applicable legal standard, with a particular focus on the diligence of the movant and any prejudice that may result in the absence of the requested *ex parte* relief. The Court may rule on *ex parte* applications without requiring a response from the opposing party. If a party intends to oppose an *ex parte* application, the party must file a notice as soon as practicable stating that the party intends to oppose the *ex parte* application and providing the date upon which the opposition will be filed.

4. *Motions for Leave to File Documents Under Seal*

Given the strong presumption in favor of access to court records, parties seeking a sealing order must exercise discretion, limiting their requests to those documents (or portions of

documents) for which compelling reasons or good cause exist to file the document under seal. Any party filing a motion for leave to file documents under seal must provide the Court with (1) a specific description of the particular documents or portions of documents they need to protect, and (2) a declaration showing compelling reasons or good cause to protect those documents from disclosure. The standard for filing documents under seal will be strictly applied.

If the moving party seeks to file documents under seal based on another party's designation of the documents as "confidential," the moving party must meet and confer with the designating party as to which documents that party contends must be filed under seal before filing the motion.

#### **IV. Continuances**

Parties requesting a continuance must meet and confer prior to contacting the Court. If the parties reach an agreement, they should file a joint motion. If the parties fail to reach an agreement, the party requesting the continuance must file an *ex parte* application complying with all applicable rules and satisfying the relevant legal standard. Absent extraordinary circumstances, any request for a continuance must be filed no later than three (3) court days before the relevant date.

#### **V. Settlement**

If a case settles, the parties must immediately notify the Court and the assigned Magistrate Judge by filing a Notice of Settlement. If the Magistrate Judge does not set a deadline for the filing of a Joint Motion to Dismiss, the parties must file a Joint Motion to Dismiss within twenty-eight (28) days of the settlement.

Any joint motion for dismissal that includes a provision that the Court retain jurisdiction will be rejected unless it is accompanied by a consent to Magistrate Judge jurisdiction over all disputes arising out of the settlement agreement, including interpretation and enforcement of the settlement agreement, signed by all parties and their counsel.

#### **VI. Pretrial Conference**

Pursuant to Civil Local Rule 16.1(f)(6), the Court requires the plaintiff to lodge a proposed pretrial order no less than seven (7) days before the pretrial conference. Counsel must be prepared to discuss (1) scheduling; (2) reasonable time limits; (3) issues relating to proof, including stipulations and any anticipated motions *in limine*; (4) jury selection (if applicable); (5) settlement; and (6) all other issues related to trial.

The Court will set a trial date and the hearing date and briefing schedule for motions *in limine* at the pretrial conference. The Court will also set deadlines by which to file final witness and exhibit lists and—in jury cases—proposed voir dire questions, jury instructions, verdict forms, and a joint statement of the case to be read for the jury. The Court will set reasonable time limits for the trial in consultation with counsel.

Revised October 14, 2020