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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. [Number] HLB
)
[DEBTOR NAME],) Chapter [Number]
)
Debtor.)
)
[PLAINTIFF NAME],) Adv. Proc. No. [Number] HLB
)
Plaintiff,)
)
v.)
)
[DEFENDANT NAME],)
)
Defendant.)

ORDER SETTING TELEPHONIC STATUS CONFERENCE

The purpose of this Order is **(1)** to remind the parties of their obligations under Federal Rule of Civil Procedure 26, as incorporated by Federal Rule of Bankruptcy Procedure 7026, to exchange initial disclosures, to conduct a discovery conference, and to prepare and file a discovery plan; **and (2)** to modify the requirements of Civil Rule 26 and Bankruptcy Rule 7026 in certain respects.¹ As used in this Order, "Status

¹ This Order shall have no effect in proceedings exempt under Civil Rule 26(a)(1)(B).

1 Conference" shall refer to the date and time set forth in the
2 Summons issued in this action.

3 Accordingly, it is **ORDERED** that:

4 **1. Date and Time of Status Conference.** A telephonic
5 status conference will be held on _____, 201_ at __:___
6 a/p.m. Instructions for telephonic appearances are available
7 on the Court's website and incorporated in this Order.

8 **2. Application to All Parties and their Counsel.** This
9 Order applies to all parties, including parties representing
10 themselves. This Order also applies to counsel for any party.

11 **3. Discovery Conference.** At least 21 calendar days
12 before the Status Conference, the parties or their counsel
13 shall confer in person or by telephone at a discovery
14 conference, as required by Civil Rule 26(f). The parties or
15 their counsel shall cooperate in scheduling the discovery
16 conference. Except as otherwise stipulated by and between some
17 or all of the parties, no party shall conduct any formal
18 discovery prior to the discovery conference. During the
19 discovery conference, the parties or their counsel shall
20 discuss the topics identified in Civil Rule 26(f).

21 **4. Initial Disclosures.** At the discovery conference,
22 the parties shall arrange to make the initial disclosures
23 required by Civil Rule 26(a) without the necessity of a formal
24 discovery request. The parties shall exchange their initial
25 disclosures within 14 calendar days after the discovery
26 conference. The initial disclosures shall be in writing,
27 signed by the party or the party's counsel, and served upon all
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1 other parties. Initial disclosures should not be filed with
2 the Court.

3 **5. Discovery Plan.** At the discovery conference, the
4 parties shall develop a written plan for conducting discovery.
5 The discovery plan shall be signed by all parties or their
6 counsel, confirming that it reflects their joint or several
7 views and proposals concerning the following topics:

8 (a) what changes, if any, should be made in the timing,
9 form, or requirements of the initial disclosures, including a
10 statement of when initial disclosures were exchanged or will be
11 exchanged;

12 (b) the timing, subject matter, and limitations, if any,
13 of discovery to be conducted after the exchange of initial
14 disclosures;

15 (c) any issues about disclosure or discovery of
16 electronically stored information, including the form or forms
17 in which such material should be produced;

18 (d) any issues concerning claims of privilege or of
19 protection as trial preparation materials, including - if the
20 parties agree on a procedure to assert these claims after
21 production - whether to ask the Court to include their
22 agreement in an order; **and**

23 (e) any other orders that the Court should issue under
24 Civil Rule 26(c) or under Civil Rule 16(b) and (c).

25 **6. Status Conference Statements.** At least 7 days prior
26 to the Status Conference set pursuant to the Summons and this
27 Order, and at least 7 days prior to each subsequent status
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1 conference, each party shall file and serve a statement
2 describing the current status of the proceeding, including:

3 (a) each legal theory on which the party relies and a
4 brief general statement of the facts supporting each theory;

5 (b) proposed cut-off dates for fact discovery;

6 (c) the estimated duration of trial and proposed trial
7 dates;

8 (d) a statement by each non-governmental corporate party
9 identifying its parent corporation(s) and any publicly-held
10 company that owns 10% or more of the party's stock;

11 (e) a statement confirming that the party has complied
12 with B.L.R. 7008-1 or B.L.R. 7012-1, as applicable;

13 (f) if a jury demand is made, the demanding party shall
14 explain: (i) whether the demand is timely; (ii) whether it has
15 a right to a jury trial; and (iii) whether all parties consent
16 to a jury trial; and

17 (g) a statement that complies with Paragraph 9, below
18 (Settlement and BDRP).

19 Status conference statements shall not exceed 10 pages
20 absent prior leave of court. Any party and/or attorney that
21 fails to timely file or properly serve a status conference
22 statement may be sanctioned in an amount not to exceed \$500.

23 **7. Continuances.** No telephonic status conference will
24 be continued without leave of Court for good cause shown. Any
25 request for a continuance must comply with Judge Blumenstiel's
26 Practices and Procedures which require, among other things,
27 compliance with B.L.R. 9006-1.

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1 **8. Pretrial Disclosures.** Notwithstanding Civil Rule
2 26(a)(3), all pretrial disclosures must be made no later than
3 30 days prior to the fact discovery deadline established
4 pursuant to a separately issued Scheduling Order.

5 **9. Settlement and BDRP.** During the discovery
6 conference, the parties shall discuss the possibility of early
7 settlement. The parties also shall discuss alternative dispute
8 resolution options as required by B.L.R. 9040-3 and comply
9 therewith. The Bankruptcy Dispute Resolution Program ("BDRP")
10 offers a means by which to resolve disputes quickly, at less
11 cost and often without the stress and pressure of litigation.
12 Parties wishing assignment to the BDRP shall include a
13 statement to that effect in that party's status conference
14 statement. The BDRP procedures are explained in B.L.R. 9040-1
15 et seq. A list of available resolution advocates is available
16 in the Clerk's Office or on the Court's website.

17 **10. Service of this Order.** The plaintiff(s) shall timely
18 serve this Order on all parties, along with the Summons,
19 complaint, and BDRP information sheet, and any other materials
20 required by Judge Blumenstiel's Practices and Procedures, the
21 Bankruptcy Local Rules, Federal Rules of Bankruptcy Procedure,
22 Federal Rules of Civil Procedure, or other applicable
23 authority.

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****END OF ORDER****

Court Service List

[None]