

**HON. BARRY TED MOSKOWITZ  
UNITED STATES DISTRICT JUDGE  
CIVIL CHAMBERS RULES**

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These rules are designed to assist civil litigants appearing before Judge Moskowitz. Except as set forth below, counsel and pro se litigants are expected to comply with the Local Rules for the Southern District of California and the Electronic Case Filing Administrative Policies and Procedures Manual (“ECF Manual”). Litigants should familiarize themselves with the Local Rules and the ECF Manual.

**COMMUNICATION WITH CHAMBERS**

Telephone calls to chambers are permitted for matters such as scheduling and calendaring. Court personnel are prohibited from giving legal advice or discussing the merits of a case. When calling chambers, be prepared with your case number and other pertinent information. Law Clerks can be reached at (619) 557-5583.

**PRETRIAL MOTION PRACTICE**

**Hearing Dates.** Pursuant to Civil Local Rule 7.1(b), all hearing dates must be obtained by calling chambers. *Motion papers must be filed and served within three (3) court days of obtaining the hearing date.* Failure to file and serve the papers within 3 court days will result in forfeiture of the reserved date.

**Oral Argument.** The Court typically does not entertain oral argument on civil motions. Unless otherwise instructed by the Court, parties filing motions with the Court shall include the following language on the caption page of the notice of motion, directly under the hearing date: “PER CHAMBERS, NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT.” Any party may request oral argument by filing a separate request that explains why oral argument would be helpful. Additionally, if requested by a non-moving party on a motion for summary judgment, oral argument will be granted. If the Court grants a request for oral argument or *sua sponte* decides to hear oral argument, the Court will issue an order setting forth the date and time of the oral argument.

**Junior Attorneys.** In an effort to provide junior attorneys with opportunities to argue in court, on request, Judge Moskowitz will hold oral

argument on civil motions in the following circumstances: (1) where the motion will be argued by attorneys with less than 5 years of admission to the bar for at least two opposing sides; or (2) where the motion will be argued by an attorney with less than 5 years of admission to the bar on one side and the opposing attorney, irrespective of his or her experience, also requests oral argument. While the decision as to who should argue is for the lead attorney to make, the Court encourages the lead attorney to allow the junior attorney writing the motion papers to argue the matter. In those circumstances, the Court will allow the lead attorney to also participate in the argument.

**Separate Statements of Fact.** Separate Statements of Fact *must not be filed* unless leave of Court has been granted.

**Objections.** Objections to evidence submitted in support of a motion must be contained within the opposition brief. Similarly, objections to evidence submitted in support of an opposition must be contained within the reply brief. Responses to objections contained in a reply brief may be made in a sur-reply brief that does not exceed five pages. The scope of such a sur-reply is limited to responses to objections; any additional argument will be disregarded. *Any separately filed objections shall be stricken and will not be considered by the Court.*

**Proposed Orders.** Proposed orders must be submitted in Word or WordPerfect format simultaneously with the filing of all joint motions/stipulations and applications/requests. Proposed orders are not required for noticed motions. The proposed order should not contain the name and law firm information of the filing party. The proposed order should not be electronically filed but, instead, should be emailed to [efile\\_Moskowitz@casd.uscourts.gov](mailto:efile_Moskowitz@casd.uscourts.gov).

**Courtesy Copies.** Courtesy copies of filings that exceed 20 pages in length, including attachments and exhibits, shall, within 24 hours after filing, be mailed or hand-delivered to chambers. If the filing is of an urgent nature, a courtesy copy of the filing must be hand-delivered to chambers on the same day as filing. If a filing has more than three (3) exhibits the exhibits must be tabbed. If the filing party has questions regarding the Court's preference regarding the binding or printing of the courtesy copy, the party should contact the Law Clerk handling the case.

**Sur-replies.** Sur-replies may not be filed unless leave of Court has been granted.

**Non-noticed Applications (a.k.a. “ex parte” requests).** An application seeking relief that does not lend itself to a fully noticed motion may be filed without obtaining a hearing date. The application must be served on all parties. The Court may rule upon such an application without requiring a response from the opposing party, or may issue a briefing schedule.

**Motions to File Documents Under Seal.** A party seeking to file a document under seal (or with restricted access) must provide specific reasons why such relief is appropriate. The fact that the document has been designated “confidential” or a similar designation pursuant to a protective order is not a sufficient reason in and of itself. If the moving party seeks to file documents under seal based on another party’s designation of the documents as “confidential,” before filing the motion, the moving party must, if feasible, meet and confer with the other party as to which documents that party contends should be filed under seal.

## **PRETRIAL CONFERENCE**

**Pretrial Order.** At least seven days prior to the pretrial conference, the parties shall lodge a joint proposed pretrial order with chambers and email a copy of the proposed pretrial order to [efile\\_Moskowitz@casd.uscourts.gov](mailto:efile_Moskowitz@casd.uscourts.gov). The proposed pretrial order shall be in the format prescribed by CivLR 16.1.f.6.c. Please note that the requirements of CivLR 16.1.f.6.c regarding the listing of witnesses, exhibits, and deposition transcripts/videotape depositions **extend to evidence that counsel anticipate may be used on cross-examination, including impeachment evidence**. Memoranda of Contentions of Fact and Law do not need to be filed unless the trial is a bench trial.

**Motions in Limine.** The Court will set a motion in limine hearing date at the pretrial conference. Typically, each side will be permitted to file 5 motions in limine limited to 5 pages each.

**Trial.** The Court will set a trial date during the pretrial conference.