

HONORABLE ROBERT N. BLOCK
U.S. MAGISTRATE JUDGE
CIVIL CHAMBERS RULES

Please Note: The Court provides this information for general guidance to counsel. However, the Court may vary these procedures as appropriate in any case.

I. Communications With Chambers

- A. Letters, faxes, or emails.** Letters, faxes, or emails to chambers are prohibited unless specifically requested by the Court. If letters, faxes, or emails are requested, copies of the same should be simultaneously delivered to all counsel (with the exception of confidential ENE and Settlement Conference Statements). Copies of correspondence between counsel should not be sent to the Court.
- B. Telephone Calls.** Telephone calls to chambers are permitted only for matters such as scheduling and calendaring. Court personnel are prohibited from giving legal advice or discussing the merits of a case. Call Judge Block's chambers at (619) 557-5383 and address your inquiries to the law clerk assigned to the case.
- C. Conference Calls.** When an order, minute order, or other notice from the Court directs you to "coordinate and initiate the conference call," the initiating party should make arrangements for all call participants to be on the phone and then should call chambers at the time set for the call.
- D. Lodging Documents.** When an order directs you to "lodge" documents with the Court, you should either send it via email to: efile_Block@casd.uscourts.gov, or deliver the document directly to chambers (333 W. Broadway, Suite 1080, San Diego, CA 92101-8949). If the document is more than twenty (20) pages (including exhibits) in length, the document should be delivered directly to chambers.

II. Early Neutral Evaluation (ENE) Conference and Case Management Conference (CMC)

- A. Order Governing Conferences.** Generally, the Court will issue an Order setting an ENE Conference and a CMC after the filing of an answer in each case. Civil Local Rule 16.1(c)-(e). This Order will govern the conferences.
- B. Scheduling Order.** The Court will conduct the CMC required under Fed. R. Civ. P. 16 immediately following the ENE if no settlement is reached at the ENE and will then issue a Scheduling Order following the CMC.
- C. Requests to Amend the Schedule.** The dates and times set in the Scheduling Order will not be modified except for good cause shown. Fed. R. Civ. P. 16(b)(4).

Counsel are reminded of their duty of diligence and that they must “take all steps necessary to bring an action to readiness for trial.” Civil Local Rule 16.1(b).

Any requests for extensions shall be made by filing a joint motion. The joint motion shall include a declaration from counsel of record detailing the steps taken to comply with the dates and deadlines set in the Scheduling Order, and the specific reason(s) why deadlines cannot be met. The joint motion shall be made no less than **seven (7) days** before the affected date.

III. Discovery Disputes

- A.** Counsel shall promptly meet and confer regarding all disputed issues, pursuant to the requirements of Civil Local Rule 26.1(1). If counsel are in the same county, they shall meet in person; if counsel practice in different counties, they shall confer by telephone. Under no circumstances may counsel satisfy the “meet and confer” obligation by written correspondence.
- B. Joint Motion Required.** All discovery disputes, including disputes arising during the course of depositions, shall be presented to the Court in the form of a “Joint Motion for Determination of Discovery Dispute.” Counsel need not contact chambers in advance of filing a joint motion. The Court will not provide a hearing date in advance of reviewing the briefs, as provided below.
- C. Timing of Discovery Motions—The 45-Day Rule.** Any motion related to a discovery dispute shall be filed no later than **forty-five (45) days** after the date upon which the event giving rise to the dispute occurred. For oral discovery, the event giving rise to the dispute is the completion of the transcript of the relevant portion of the deposition. For written discovery, the event giving rise to the dispute is the date of service of the response, not the date on which counsel reach an impasse in meet and confer efforts.
- D. Joint Motion – Opportunity to Participate.** The aggrieved party must provide the opposing party a reasonable opportunity to contribute to the joint motion. Reasonableness is a creature of the circumstances considering the extent and complexity of the dispute. A minimum of **seven (7) business days** prior to the anticipated filing date of the joint motion is reasonable, but only barely, for a party to participate meaningfully in the preparation of the joint motion.
- E. Contents of the Joint Motion.** The joint motion is to include the following:
 - 1. The Interrogatory, Request for Admission, Request for Production, or deposition question in dispute;
 - 2. The verbatim response to the request or question by the responding party;

3. A statement by the propounding party as to why a further response should be compelled; and,
4. A precise statement by the responding party as to the basis for all objections and/or claims of privilege. Counsel would be wise to avoid boilerplate objections.
5. The joint motion shall be accompanied by: (a) a declaration of compliance with the meet and confer requirement; and, (b) points and authorities (not to exceed five (5) pages per side). In the event that the entire motion package, including exhibits, exceeds twenty-five (25) pages, a courtesy copy must be delivered to chambers.
6. The joint motion shall **not** be accompanied by copies of correspondence or electronic mail between counsel unless it is evidence of an agreement alleged to have been breached.

F. *Ex Parte* Motions in Discovery Disputes. An *ex parte* motion to compel is only appropriate when the opposing party, after being provided a **reasonable opportunity** to participate, refuses to participate in the joint motion. The *ex parte* motion shall contain a declaration from counsel regarding the opportunity provided to opposing counsel to participate in a joint motion. *Ex parte* motions to compel discovery from a party that do not contain a declaration certifying that at least the minimum reasonable opportunity to participate was provided to the opposing party will be rejected by the Court. No later than **three (3) business days** following the filing of an *ex parte* discovery motion directed at a party, that party, if it intends to oppose the motion, must file a Notice of Intent to Respond. The Notice must contain a declaration of counsel explaining why counsel did not participate in a joint motion. The Court will issue a briefing schedule, if warranted, after receipt of the Notice.

G. Discovery Disputes Involving Non-Parties. If a motion to compel discovery is directed at a non-party, the Court prefers that the joint motion procedure be employed as it likely will lead to a faster resolution. The Court understands that in some circumstances involving third-party discovery practice, the motion may have to be filed *ex parte*. The Court will then set a briefing schedule.

H. Following the filing of a joint motion or an *ex parte* motion, the Court will either issue an order or schedule a discovery conference.

IV. Protective Order Provisions

- A.** All stipulated protective orders submitted to the Court should include the following provisions:
1. 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 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, he/she 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.
 2. The Court may modify the terms and conditions of the Protective Order for good cause, or in the interest of justice, or on its own order at any time in these proceedings.
- B.** If Judge Block grants an application to file a document under seal, a redacted version of the document shall be e-filed. A courtesy copy of the unredacted document shall be delivered to Judge Block's chambers.
- C.** All stipulated protective orders submitted to the Court should be filed as a Joint Motion. The Joint Motion shall contain the full text of the proposed protective order. A separate proposed order, containing the text of the protective order, should be emailed directly to chambers. Please refer to Sections 2.f.4 and 2.h of the U.S. District Court's Electronic Case Filing Administrative Policies and Procedures Manual for more information.
- D.** 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.