



**UNITED STATES DISTRICT COURT
Southern District of California**

Ruth Bermudez Montenegro, U.S. Magistrate Judge

CIVIL CHAMBERS RULES

Please Note: The Court provides the foregoing Civil Chambers Rules (“Chambers Rules”) for general guidance to counsel. The Court may vary these procedures as appropriate in any case.

I. Communications with Chambers

- A. Contact Information.** The Chambers telephone line is (760) 339-4250 and email is efile_montenegro@casd.uscourts.gov. Please note that judicial staff are not authorized to offer legal advice. Generally, telephone calls to Chambers are permitted to discuss non-substantive matters such as calendaring a motion or scheduling a conference. Email may be utilized for: (1) lodging proposed orders; (2) circulating a conference call number prior to a telephonic conference; and (3) lodging settlement conference briefs.
- B. Transcripts.** If a party requests a copy of a transcript, the party must contact the Clerk’s Office at (760) 339-4242. Please ask for the courtroom deputy and provide the case name, case number, and date of the court proceeding.

II. Early Neutral Evaluation, Case Management & Settlement Conferences

- A. Generally.** The Court will schedule an Early Neutral Evaluation (“ENE”) at the outset of the case, typically after all parties have answered. A Case Management Conference (“CMC”) is typically convened immediately following an ENE, to the extent settlement is not reached. Counsel must carefully review the order setting the ENE and CMC for more information, including directions regarding briefing and requirements for personal attendance by the parties.
- B. Lodging Settlement Statements.** Confidential statements should be lodged in every case before an ENE or any other settlement conference. At least **ten (10) calendar days** before the ENE or other settlement conference, the parties shall lodge statements of **five (5) pages** or less directly to Chambers outlining the nature of the case, the claims, the defenses, and the parties’ positions regarding settlement. The settlement position must include a specific and current demand or offer addressing all relief or remedies sought and a brief description of any previous settlement negotiations or mediation efforts. **It is within the parties’ discretion as to whether the statements are submitted confidentially.**

III. Rules Applicable to All Civil Motions & Lodgments

- A. Requesting a Hearing Date.** All hearing dates for any civil motion for which a ruling or report and recommendation is required and is assigned to the magistrate judge must be obtained from Judge Montenegro's law clerks. *See* CivLR 72.1(c), (g); 72.2(f); and 72.3(f). All hearing dates for any civil motion for which a ruling is required and is assigned to the district judge must be obtained from the assigned district judge's law clerk. *See* CivLR 7.1(b).
- B. Lodging Documents.** When an order directs counsel to lodge a document with Chambers, it may be sent via email, or if it exceeds twenty pages, *see* Rule III, subsection (C).
- C. Papers Exceeding Twenty Pages.** If a lodged or filed document exceeds twenty pages, including exhibits and attachments, counsel must deliver the document to Chambers at 2003 W. Adams Avenue, Suite 220, El Centro, CA 92243. The pages of the document must be firmly bound and two-hole punched at the top. If the document has more than three exhibits, the exhibits must be tabbed.

IV. Discovery Disputes

A. Requirements Prior to Filing Discovery Motion.

- i. Meet & Confer Requirement & Informal Discovery Dispute Resolution.** Counsel must meet and confer before contacting the Court regarding a discovery dispute. *See* CivLR 26.1(a). To the extent the parties reach an impasse, the parties are to place a joint call to Chambers to apprise it of the following: (1) confirmation that the meet-and-confer process has been exhausted; (2) the nature of the discovery dispute; (3) the parties' respective positions; and (4) three mutually-agreeable dates of availability within a seven-day window for an in-person or telephone conference with the Court. Based upon the nature of the dispute, the Court will issue a minute order either directing the parties to engage in an informal discovery conference with the Court or granting the parties leave to proceed directly to the filing of a discovery motion. To the extent the Court orders an informal discovery conference, the Court may order the parties to lodge a joint statement of no more than three (3) pages that lists the issue(s) in dispute along with each party's position on each issue. The parties should attach as an exhibit to the lodgment excerpts setting forth only the relevant requests and responses at issue (including any **material** definitions and general objections).
- 1. Disputes Arising During Depositions.** If a dispute arises during the course of a deposition and meet and confer efforts have failed, the parties may place a joint call to Chambers to seek a ruling. If Judge Montenegro is unavailable, counsel should proceed with the deposition in other areas of inquiry and Judge Montenegro will respond as soon as practicable.

B. Filing Discovery Motion.

- i. Time to File Discovery Motion.** A formal discovery motion may only be filed after completion of the requirements set forth in Rule IV.A., *supra*. All discovery motions must be filed within **thirty (30) calendar days** of the date the dispute first arose. For oral discovery, the dispute arises at the earlier of the date the FED. R. CIV. P. 28 officer first: (1) completes the affected portion of the transcript (before revisions), or (2) certifies that transcript portion. For written discovery, the dispute arises when a timely response is provided or due, whichever comes first. The thirty-day motion deadline is not tolled by communications with Chambers or by the meet-and-confer process.
- ii. Contents.** Unless directed otherwise, a discovery motion and any opposition shall be no more than **ten (10) pages**, exclusive of exhibits. Reply briefs will not be permitted unless requested or authorized by the Court. The following shall be included in the motion: (1) a certificate of compliance pursuant to Local Rule 26.1; (2) the exact wording of the discovery request and response; and (3) an explanation as to why the response is inadequate, the additional information the moving party is seeking, and the legal authority supporting the motion.

V. Stipulated Protective Orders & Filing Documents under Seal

A. Form & Content of Stipulated Protective Order. All stipulated protective orders submitted for the Court’s approval must be filed as a joint motion pursuant to Local Rule 7.2. All counsel are expected to review the Model Protective Order in the Local Rules. Use of the Model Protective Order is highly recommended. The joint motion must contain a statement as to whether the parties adopted the Model Protective Order, and if not, the parties must highlight any changes from Model Protective Order. The parties must lodge via e-mail a Word version of the proposed stipulated protective order containing language of the stipulated protective order, the parties’ electronic signatures (‘s/’ for registered CM/ECF users is acceptable), and a signature line for Judge Montenegro. Additionally, all stipulated protective orders submitted for the Court’s approval must include the following provisions:

Modification of the Protective Order by the Court. The Court may modify the terms and conditions of the Order for good cause, or in the interest of justice, or on its own order at any time in these proceedings.

Relation to Any Court or Local Rules. Without separate court order, the Protective Order and the parties’ stipulation do not change, amend, or circumvent any court rule or local rule.

///
///
///

B. Requests to File Documents under Seal. No document may be filed under seal, i.e., closed to inspection by the public, except pursuant to a court order authorizing the sealing of the document or portions of it. A sealing order may issue only upon a showing that the information is privileged or protectable under the law.

To file a document under seal, the parties must comply with Section 2.j of the Electronic Case Filing Administrative Policies & Procedures Manual and Local Rule 79.2.

The party requesting sealing must file a redacted version of the document it seeks to file under seal, which is to be made part of the public record (“public document”). The public document shall be titled to show that it corresponds to an item filed under seal, e.g., “Redacted Copy of Sealed Declaration of John Smith in Support of Motion for Summary Judgment.” The public document must be filed contemporaneously with the motion to file under seal.

VI. *Ex Parte* Proceedings

Except for motions for continuances, any *ex parte* motion must comply with Local Rule 83.3(g). Opposing counsel will ordinarily have until 5:00 PM on the next business day to respond. Reply briefs will not be permitted unless requested or authorized by the Court.

VII. Continuances

Whether made by a joint or *ex parte* motion, any request for continuance shall be made in writing no less than **seven (7) calendar days** before the affected date. The request shall state:

1. The original deadline or date;
2. The number of previous requests for continuance;
3. A showing of good cause to extend the time and, if applicable, excusable neglect for acting in an untimely manner;
4. Whether the request is opposed and why; and
5. Whether the requested continuance will affect other case management dates.

Absent express permission obtained from this Court, and notwithstanding the pendency of any motion, counsel shall timely comply with the dates and deadlines ordered by the Court.

VIII. Notice of Settlement

If the parties reach a settlement, counsel must promptly file a Notice of Settlement or an appropriate Motion to Dismiss. If a scheduled date with the Court is imminent, counsel must also contact Chambers to advise the Court of the settlement. Once a Notice of Settlement is filed, the Court will schedule a telephonic Settlement Disposition Conference, which will be taken off calendar once the case has been dismissed.