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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPTINREALBIG.COM, LLC,

No. C 04-01687 SBA

Plaintiff,

**CASE MANAGEMENT SCHEDULING
ORDER FOR REASSIGNED CIVIL
CASES**

v.

IRONPORT SYSTEMS INC,

Defendant.

This action having been reassigned to the Honorable Sandra Brown Armstrong,

IT IS ORDERED that this action is assigned to the Case Management Program and shall be governed by Civil L.R. 16-2. The dates listed in the Order Setting Initial Case Management Conference remain in effect except that the initial Case Management Conference is rescheduled for **September 29, 2004, at 2:30 p.m.**, via telephone.

Plaintiff's counsel is to set up the conference call with all the parties on the line and call chambers at (510) 637-3559. **(NO PARTY SHALL CONTACT CHAMBERS DIRECTLY WITHOUT PRIOR AUTHORIZATION OF THE COURT.)**

Plaintiff(s) is directed to serve a copy of this Order at once on all parties to this action in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure. Following service, the party causing the service shall file a certificate of service with the Clerk of Court.

Dated: 6/4/04

s/SAUNDRA BROWN ARMSTONG
SAUNDRA BROWN ARMSTRONG
United States District Judge

To:

1 In addition to the requirements set forth in the Civil L.R. 16-10, counsel are expected to comply with the
2 following:

3 **A. Filing Case Management Statements**

4 Counsel are expected to comply with this Standing Order concerning the joint filing of the Case
5 Management Statement. In preparing the Case Management Statement, the parties shall use the format
6 enclosed herewith. Note that no party may submit a separate Case Management Statement.
7 Disagreements among parties with respect to any of the matters contained in the Case Management
8 Statement shall be set forth in the appropriate sections.

9 Counsel are further expected to file a Case Management Statement at least ten (10) days before
10 each and every scheduled Case Management Conference conducted in this action. If there is no change
11 in the status of the case from the time the last statement was filed, counsel shall indicate as such in a
12 pleading and attach a copy of the most recently filed Case Management Statement to the pleading.
13 Failure to timely file a Case Management Statement may result in sanctions.

14 **B. Appearance At The Case Management Conference**

15 Each party shall be represented at the Case Management Conference by Counsel prepared to
16 address all of the matters referred to in this and the Civil L.R. 16-10 (b), and with authority to enter into
17 stipulations and make admissions pursuant to this and Fed. R. Civ. P. 16(a) and (c). Representatives of
18 the parties may, but are not required to, attend. Unless otherwise specified, all Case Management
19 Conferences shall take place via telephone. Plaintiff or his/her counsel is responsible for setting up the
20 conference call. Plaintiff or his/her counsel will be notified of the date and time of the telephone
21 conference call by Clerk's Notice shortly after the case is filed.

22 Any request to reschedule the above dates shall be made in compliance with Civil L.R. 16-2(e)
23 and must be made at least ten days prior to the date sought to be modified. Counsel shall not contact
24 the chambers of Judge Armstrong regarding requests to modify provisions of this Standing Order; all
25 requests must be submitted in writing and served on all parties to the action.

26 The parties should be prepared to address and resolve at the Case Management Conference the
27 following: Setting the date and the estimated length of the trial; Setting the date for discovery and motion
28 cutoff; Setting the date to designate experts and other witnesses; Setting the date for the pretrial
Conference.

Other matters which the Court will take up at the Case Management Conference, in addition to
those specified in the Joint Case Management Statement and Proposed Order Form, will include the
following:

1. **Jurisdiction:** Does this Court have subject matter jurisdiction over all of the plaintiff's
claim(s) and defendant's counter-claim(s)? What is the bases of that jurisdiction? Are all the parties
subject to the Court's jurisdiction? Do any parties remain to be served?

2. **Substance of the Action:** What are the factual and legal bases for plaintiff's claims,
defendant's defenses, defendant's counter-claims and plaintiff's defenses to the counterclaims?

3. **Identification of Issues:** What are the factual and legal issues genuinely in dispute?

4. **Narrowing of Issues:** What are the issues that can be narrowed by agreement or by
motions? Are there dispositive or partially dispositive issues appropriate for a decision by motion?

5. **Motions:** What are the motion(s) anticipated by the parties?

1 6. **Relief:** What relief does the plaintiff seek? What are the amount of damages sought by
2 plaintiff's claim(s)? What are the amount of damages sought by defendant's counter-claim(s)? How are
the damages computed?

3 7. **Discovery:** What discovery does each party intend to pursue? Can discovery be
4 limited in any manner? Are there any alternative methods available to obtain the necessary information?
Should a discovery order and conference be entered pursuant to Fed. R. Civ. P. 26(f)?

5 8. **Alternative Means of Disposition:** Is the case suitable for reference to binding
6 arbitration, to a master, or to a magistrate for trial? Is the case suitable for reference to the Judicial
Panel on Multidistrict Litigation?

7 9. **Pretrial Conference and Trial Setting:** Will this case be tried by a jury? What is the
8 anticipated length of trial? Is it possible to reduce the length of the trial by stipulation, use of summaries
or statements, or other expedited means of presenting evidence? Is it feasible and desirable to bifurcate
9 issues for trial?

10 10. **Related Cases:** Are there any related cases pending before the judges of this Court?
See Civil L.R. 3-12.

11 11. **Cut-Off Dates:** When are the earliest reasonable dates for discovery cutoff, motion
12 cutoff, pretrial conference and trial?

13 12. **Settlement:** What are the prospects for settlement? Does any party wish to have a
settlement conference with a magistrate? How can settlement efforts be assisted? See ADR L.R. 7-3.

14 13. **Other Matters:** Such other matters as any party considers conducive to the just,
15 speedy and inexpensive determination of this action. See Fed. R. Civ. P. 16(a) and (c).

16 C. Law and Motion Matters

17 Law and Motion matters will be heard on Tuesdays at 1:00 p.m., in Courtroom 3 of the United
18 States Courthouse, 1301 Clay Street, 3rd Floor, Oakland, California. Pursuant to Civil Local Rule 7-1,
7-2 and 7-3, all civil motions shall be noticed for a hearing not less than thirty-five (35) calendar days
19 after service. The opposition and supporting papers shall be filed not less than twenty-one (21) days
before the noticed hearing date. The reply shall be filed not less than fourteen (14) days before the
20 hearing date. Each party filing or opposing a motion shall also serve and file a proposed order which sets
forth the relief sought and a short statement of the rationale of decision including citation of authority, that
21 the party requests the Court to adopt. All parties shall meet and confer before filing any motions before
this Court.

22 Note that pursuant to Civil L.R. 7-1(b), the Court may, in its discretion, adjudicate motions
without oral argument.

23 Opening and opposition briefs exceeding twenty-five (25) pages and reply briefs exceeding
24 fifteen (15) pages may be filed only with leave of the Court seven (7) days before the filing date of the
motion. See Civil L.R. 7-4(b).

25
26 Any pleading or brief sought to be filed with the Court after the required time, or in an improper manner
or form, shall not be received or considered by the Court. Any attorney in violation of such
27 requirements will be subject to other sanctions. Civil L.R. 1-4.

28 The failure of the opposing party to file a memorandum of points and authorities in opposition to

1 any motion shall constitute a consent to the granting of the motion.

2 The parties are not required to file a statement of undisputed facts in connection with a motion
3 for summary judgment. However, if the parties desire to file a statement of undisputed facts, only one
4 joint statement of undisputed facts signed by all parties shall be filed. All separate statements will be
stricken. If the parties are unable to agree that a fact is undisputed, they should assume that fact is in
dispute.

5 The parties need not reserve a hearing date. However, the parties are advised to contact Judge
6 Armstrong's Deputy Clerk, Lisa Clark, (510-637-3541), to determine the next available hearing date.

7 Failure to comply with this Order or the Local Rules of this Court may result in sanctions. See
8 Fed. R. Civ. P. 16(f); Civil L.R. 1-4.

9 Dated: 6/4/04

S/SAUNDRA BROWN ARMSTONG
SAUNDRA BROWN ARMSTRONG
United States District Judge

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JUDGE ARMSTRONG'S STANDING ORDERS AS OF JANUARY 1, 2003

1. Counsel are expected to consult and comply with all provisions of the Local Rules of Court relating to

- 1 continuances, motions and all other matters.
- 2 2. **Civil Law & Motion will be held at 1:00 p.m.**, on Tuesdays. Criminal Law & Motion will be held at
3 9:00 a.m. on Tuesdays. Civil matters shall not be noticed for hearing on a Tuesday following an official court
4 holiday that falls on a Monday.
- 5 3. Before appearing for a matter before this Court all parties shall check the court’s calendar at
6 www.cand.uscourts.gov to confirm that their matters are still on calendar.
- 7 4. **Meet and Confer Requirement;** All parties are expected to meet and confer before filing any motion
8 before this court.
- 9 5. **Summary judgment/ adjudication:** The parties are not required to file statements of undisputed facts
10 in connection with a motion for summary judgment. However, if the parties desire to file a statement of
11 undisputed facts, only one joint statement of undisputed facts signed by all parties shall be filed. All separate
12 statements will be stricken. If the parties are unable to agree that a fact is undisputed, they should assume
13 that fact is in dispute.
- 14 6. **Proposed orders:** Each party filing or opposing a motion shall also serve and file a proposed order
15 which sets forth the relief of action which includes that the party requests the Court to adopt, a short
16 statement of the rationale of decision including citation to authority.
- 17 7. The failure of the opposing party to file a memorandum of points and authorities in opposition to any
18 motion shall constitute a consent to the granting of the motion.
- 19 8. **Criminal Law & Motion will be held at 9:00 a.m.**, on Tuesdays. Prior to a plea being entered in a
20 criminal case, a copy of the plea agreement must be submitted to chambers no later than the Friday before
21 the plea is to be taken. All persons pleading guilty must complete an application for permission to enter plea
22 of guilty, which is available on the Court’s website at www.cand.uscourts.gov.
- 23 9. **In All “E-Filing” Cases Effective Immediately**, when filing papers in connection with any motion or
24 case management conference, the parties shall, in addition to filing papers electronically, lodge with the
25 Clerk’s Office a printed copy of the papers by the close of business the following day the papers are filed
26 electronically. These printed copies shall be marked “Chambers Copy” and shall be submitted to the Clerk’s
27 Office, in an envelope clearly marked with the judge’s name, case number and “E-Filing Chambers Copy.”
28 Parties shall not file a paper copy of any other document with the Clerk’s Office that has already been filed
electronically.