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

**STANDING ORDER FOR ALL CIVIL CASES BEFORE DISTRICT JUDGE NOËL WISE**

## A. Conformity with Rules

The parties must follow the Federal Rules of Civil Procedure, the Civil Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court's standing orders.

## B. Service of This Order

Within five days of the filing of the complaint, the reassignment of a case to this Court, or the addition of a new party, the plaintiff must serve on all parties a copy of this order and the Standing Order for All Judges of the Northern District of California: Contents of Joint Case Management Statement.

## C. Court Schedule

All civil motions must be noticed for a hearing in accordance with Civil Local Rule 7-2(a) except: (1) motions for leave to appear *pro hac vice*; (2) motions to enlarge or shorten time pursuant to Civil Local Rule 6-1; and (3) motions for administrative relief pursuant to Civil Local Rule 7-11. The Court does not hold hearings for these administrative motions.

Judge Wise hears civil motions ***by reservation only*** on Wednesdays at 9:00 a.m., in Courtroom 3, 5th Floor, United States District Court, 280 South First Street, San Jose, California. Motions filed without a previously arranged hearing date will be stricken, and parties may not refile until they obtain a reservation. Parties must consult Judge Wise's weekly calendar and scheduling notes, available at https://www.cand.uscourts.gov/judges/wise-noel-nw/, for the most recent information regarding when and where hearings will be held. After reviewing the website, counsel or unrepresented parties shall meet and confer to identify mutually agreeable dates. Parties shall jointly contact Judge Wise's Courtroom Deputy, Allie Warren, at (408) 535-5332 or nwcrd@cand.uscourts.gov to reserve a hearing date. When reserving a hearing date, parties must inform Ms. Warren of the number and type(s) of motions to be filed. No party will be given reservations for more than two motions without leave of Court, nor will the Court hear more than two motions per party at a particular hearing without leave of Court or a Court order. Any party wishing to exceed this limit must file a motion with the Court and demonstrate good cause for the request.

Once a party reserves a hearing date, the party shall file their motion(s) no later than three business days (Saturdays, Sundays, and court holidays are excluded) following the date of the reservation confirmation email. If a party fails to timely file any motion, the hearing reservation

will expire without further notice to the parties, and the moving party must obtain a new reservation before filing the motion(s).

The Court may reset noticed hearing dates as its calendar requires. The Court may determine a matter is suitable for disposition without oral argument and vacate the hearing on the matter.

Case management conferences are held on Tuesdays at 9:00 a.m. If a matter is set for a hearing, the Court may elect to hold a case management conference in conjunction with that hearing.

The Court conducts pre-trial hearings on Wednesdays at 2:00 p.m.

Bench and jury trials commence on Mondays at 9:00 a.m. and continue through Thursday of each week. Depending on the projected length of the trial, the Court will utilize a 4.5 hour, half day schedule (9:00-1:30 with two 15-minute breaks), or a 6.5 hour, full-day schedule (9:00-4:30 with a thirty-minute lunch break, and two 15-minute breaks, one in the morning and one in the afternoon).

All filing deadlines are at 5:00 p.m. unless otherwise ordered.

## D. Remote Hearings

The Court holds case management conferences via Zoom webinar unless otherwise noted. All other hearings before the Court shall be held in person unless otherwise noted or if leave is granted.

Parties wishing to appear via Zoom shall file and serve an administrative request to appear via Zoom and a proposed order at least one week prior to the scheduled hearing date. If all parties wish to appear via Zoom, the parties should file a joint administrative request or indicate that the request is unopposed. If a request is granted, the parties must follow the directions provided on the Court's website for remote participation (https://www.cand.uscourts.gov/wise-noel-nw/). To ensure the quality of the record, any party appearing remotely must have a good connection and must avoid participating from a public space or any other environment with background noise that could disrupt the proceedings.

## E. Invitation to Self-Identify Pronouns and Honorifics

Litigants and lawyers are invited to indicate their pronouns or honorifics by adding the information in the name block or signature line of a court filing or informing the Court when making an appearance.

## F. Joint Case Management Statement and Initial Case Management Conference

Parties are required to file a joint case management statement not less than fourteen (14) calendar days before a scheduled case management conference, unless the Court sets a different deadline.

Parties shall not deliver courtesy copies of their joint case management statement to the Court unless requested.

Unless otherwise ordered, the parties' statement must comply with the terms of the Standing Order for All Judges of the Northern District of California: Contents of Joint Case Management Statement and Civil Local Rule 16-9. Parties must not incorporate prior case management statements by reference.

In their joint case management statement for the initial case management conference, the parties must propose a full litigation schedule, including a deadline to complete ADR, regardless of whether they have received a ruling on any motion to dismiss.

Target dates and deadlines are set forth below, including ranges to account for the complex nature of the case. Parties' must explain proposals that deviate from the timeline set forth below. The Court may vacate a case management conference and issue a scheduling order based on the parties' written submission.

| **Case Stage** | **Deadline** |
|---|---|
| Close of Fact Discovery | 227 days before trial |
| Opening Expert Reports | 199 days before trial |
| Rebuttal Expert Reports | 171 days before trial |
| Close of Expert Discovery | 150 days before trial |
| Deadline to File Dispositive/*Daubert* Motions | 129 days before trial |
| Last Day to Hear Dispositive/*Daubert* Motions | 75 days before trial |
| Joint Pretrial Conference Statement | 26 days before trial |
| Pretrial Conference | 12 days before trial |
| Trial | Within 12 to 20 months of the initial case management conference |

In the section of the joint case management statement addressing "Other References," the parties must indicate whether all parties consent to the jurisdiction of a magistrate judge.

## G. Electronically Stored Information

Parties must review in detail the Northern District's electronically stored information ("ESI") guidelines and checklist for Rule 26(f) conferences, which are available at https://cand.uscourts.gov/eDiscoveryGuidelines. The Court discourages deviation from the ESI guidelines absent good cause. Failure to meet and confer regarding the required topics prior to the initial case management conference, including alternative dispute resolution and ESI, may, in the reasonable exercise of the Court's discretion, result in sanctions or disciplinary action.

## H. Stipulated Protective Orders and Orders Re: Discovery of Electronically Stored Information (ESI)

Parties who seek a protective order or order re: discovery of ESI must, where practicable, use one of the model stipulated orders available at https://cand.uscourts.gov/model-protective-orders or https://cand.uscourts.gov/eDiscoveryGuidelines. Parties must file one of the following with any proposed protective order or order re: discovery of ESI: (a) a declaration stating that the proposed order is identical to one of the model orders except for the addition of case-identifying information or the elimination of language denoted as optional; (b) a declaration explaining each modification to the model order, along with a redline version comparing the proposed order with the model order; or (c) a declaration explaining why use of one of the model orders is not practicable. Proposed orders that are not accompanied by one of the required declarations will be denied without prejudice.

## I. Discovery Matters

Discovery in all cases will be referred to a magistrate judge. The parties must follow the magistrate judge's procedures. Case scheduling orders will not be shifted to accommodate pending discovery motions. Parties are advised to file discovery motions in a timely manner.

## J. Motions to Seal

Parties are reminded that court proceedings are presumptively public, and no document shall be filed under seal without request for a court order that is narrowly tailored to cover only the document, the particular portion of the document, or the category of documents for which good cause exists for filing under seal.

## K. Motions for Summary Judgment

Absent good cause, the Court will consider only one motion for summary judgment per party and only two *Daubert* motions per party. Any party wishing to exceed these limits must request leave of court and must show good cause. The Court construes "party" in this context to include affiliates.

Unless otherwise ordered, the parties must meet and confer to determine if they will file cross-motions for summary judgment. If so, only four briefs will be allowed: (1) opening brief by the plaintiff side; (2) opening/opposition brief by the defense side; (3) opposition/reply brief by the plaintiff side; and (4) reply brief by the defense side. The parties may agree to reverse the order, and have the defense file its opening brief first, without order of the Court. The first two briefs are limited to 25 pages; the third brief is limited to 20 pages; and the fourth brief is limited to 15 pages. Before the first brief is filed, the parties must submit a stipulation and proposed order setting a briefing schedule for the cross-motions. The fourth brief must be filed at least 21 days before the hearing date.

## L. Cross-Motions under Rule 52 of the Federal Rules of Civil Procedure

If parties intend to resolve a case under cross-motions for judgment brought under Rule 52 of the Federal Rules of Civil Procedure, they must follow the same briefing and scheduling guidelines set forth above regarding cross-motions for summary judgment.

## M. Class Action Settlements

Any motion for preliminary or final approval of a class action settlement must address the respective guidelines in the Northern District of California's Procedural Guidance for Class Action Settlements, available at https://cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/, in the order the guidelines are presented on the website.

As reflected in the Guidance, the Court will require a post-distribution accounting within 21 days after the distribution of settlement funds. In addition to the information contained in the Guidance, the post-distribution accounting must discuss any significant or recurring concerns communicated by class members to the settlement administrator or counsel since final approval, any other issues in settlement administration since final approval, and how any concerns or issues were resolved.

The Court will typically withhold between 10% and 25% of the attorney's fees granted at final approval until after the post-distribution accounting has been filed. The final approval motion should specify what percentage class counsel believes it is appropriate to withhold and why. Class counsel must file a proposed order releasing the remainder of the fees when they file their post-distribution accounting.

## N. Skills Development

The Court welcomes and encourages oral argument by less-experienced attorneys on any matters argued before the Court.

## O. Requests to Extend Deadlines or Continue Hearing Dates

Requests to extend deadlines or continue hearing dates will generally only be granted if there is an unforeseen emergency, or the parties have reached a written agreement regarding settlement. Any request should be filed at least three business days prior to the deadline or hearing sought to be extended or continued. If the request is made by administrative motion rather than stipulation, any opposition must be filed (a) no later than 12:00 p.m. one business day before the deadline or hearing in question or (b) within the time allowed by Civil Local Rule 7-11, whichever is sooner.

## P. Briefing and Filing Guidelines

### 1. Requests to Enlarge Page Limits

Requests to enlarge page limits will rarely be granted, but any such requests must be filed at least three business days prior to the filing deadline. If the request is made by administrative motion rather than stipulation, any opposition must be filed (a) no later than 12:00 p.m. one business day before the deadline in question or (b) within the time allowed by Civil Local Rule 7-11, whichever is sooner.

### 2. Footnotes

Footnotes are often unnecessary and must be employed sparingly. When used, they must appear in no less than 12-point type. Excessive footnotes will be disregarded.

### 3. Citations

The Court prefers Westlaw citations for unpublished opinions that are not included in the Federal Supplement, Federal Rules Decisions, or the Federal Appendix.

### 4. Format of Electronic Filings

Electronically filed documents must be text-searchable PDFs whenever possible. This requirement is waived for self-represented litigants who are proceeding without a lawyer.

### 5. Amended Pleadings

If a party files an amended pleading, they shall concurrently file a redlined or highlighted version comparing the amended pleading to the prior operative pleading.

### 6. Courtesy Copies and Proposed Orders

The parties are required to submit **two** courtesy copies of (1) electronic media that is manually filed, (2) pretrial filings, including papers associated with motions *in limine*, (3) all briefs that exceed 10 pages; and, (4) all supporting materials for dispositive motions, *Daubert* motions,

motions for class certification or approval of a class settlement, and motions to seal. The Court may request courtesy copies of other documents but discourages their unsolicited submission.

Courtesy copies must be lodged with the Clerk's office in San Jose and must be double-sided and three-hole-punched at the left margin. Courtesy copies of e-filed documents must bear the ECF stamp (case number, document number, date, and page number) on the top of each page. Side tabs, rather than bottom tabs, should be used to separate exhibits.

If the filing includes exhibits over two-inches thick, the parties shall provide the courtesy copies in a binder. The quality, condition, and labeling of binders, when used, should be such that the Court can easily identify, review, and transport the binders' contents. Whenever possible, the spine of a binder should not exceed three inches in width, even if that limitation results in the use of more than one binder.

Courtesy copies shall be provided to the Court in envelopes, boxes, or other packaging clearly marked with (1) the case name and number, (2) "Judge Wise," and (3) "Courtesy Copy." Courtesy copies shall be mailed for receipt or delivered to the Clerk's Office within **two** court days after the materials are filed.

Electronic copies of proposed orders must be sent in Word format to nwpo@cand.uscourts.gov.

### 7. Electronic Filings After Hearings or Case Management Conferences

Any materials used during a hearing or case management conference shall be electronically filed within seven days of the hearing or case management conference.

## Q. Requests for Settlement Conferences with a Magistrate Judge

The Court receives more requests than it can accommodate for magistrate judge settlement conferences. As a result, with limited exceptions, the Court generally does not refer cases for settlement with a magistrate judge unless the parties have already completed one of the other processes set forth in ADR Local Rule 3-4: Early Neutral Evaluation, Mediation, or Private ADR. Parties who complete one of these processes without reaching a settlement may request referral to a magistrate judge at that time. If the parties believe their case merits an exception to this rule, they should discuss their views in the initial case management statement. If they seek a referral before the initial case management conference, they may file a joint request for an early case management conference.

Dated: May 6, 2025

NOËL WISE
United States District Judge