



## **DISCOVERY REFERENCE PROCEDURES**

**Following the simple procedures below will ensure that your matter is processed in a timely and orderly fashion. Please follow these procedures:**

**1. Reference Order/Stipulation:**

A copy of the Court's reference order or the parties' stipulation to a discovery reference shall be provided to the Case Manager.

**2. All requests for reports, rulings, etc., must be calendared for hearing:**

(a) In order that all matters pending for decision can be accurately tracked, all requests for reports, rulings, etc., must be calendared for hearing at a specified date/time/location. This includes ex parte applications.

(b) Informal requests for reports, rulings, etc., by letter, email, FAX, etc., without the calendaring of a hearing, **will not** result in a report, ruling, etc.

(c) A hearing date/time may be obtained from the Case Manager. Efforts will be made to arrange a convenient time. Hearings will usually be telephonic. Live hearings may be set by request. Appearance may be waived by notifying the Case Manager.

**3. Original Documents Filed with the Court; Duplicate Copies for Referee**

(a) All original documents must be filed with the court clerk, accompanied by the required fee, within the time limits specified by law. It is the filing party's responsibility to provide the referee with a file-stamped copy of the documents. (CRC 2.400(b)(1).)

(b) The word "Referee" and the referee's name must be shown below the "nature of the paper or the character of the action or proceeding" on all pleadings and motion papers filed in a case pending before the referee. (CRC 2.111(8).)

**4. Motion papers to be numbered:**

(a) Every motion shall be assigned a motion number. Plaintiff's motions shall commence with motion number 101. Defendant's motions shall commence with motion number 201.

(b) If there are multiple parties, the parties shall allocate additional motion number blocks (i.e., additional blocks beginning with 301, 401, etc.).

(c) Every document pertaining to a particular motion (e.g., all documents on Motion No. 101), including all moving papers, all opposing papers, reply, exhibits, declarations, etc., shall bear on the face page the motion number noted prominently.

- Please contact the Case Manager for the appropriate manner to submit motion papers electronically.

5. Where Referee Requests Submission of Moving, Opposing and Reply Briefs Separately

(a) All moving papers shall be assembled by the moving party, numbered, and submitted to the Referee not less than 16 court days before the hearing, unless otherwise specified by the Referee.

(b) All opposition papers shall be assembled by the opposing party, numbered, and submitted to the Referee not less than 9 court days before the hearing, unless otherwise specified by the Referee.

(c) All reply papers shall be assembled by the moving party, numbered, and submitted not less than 5 court days before the hearing, unless otherwise specified by the Referee.

(d) All papers submitted by the moving and opposing party shall be complete. No papers shall be submitted in a piecemeal manner and no duplicate copies shall be submitted unless otherwise requested by the Referee.

(e) Moving and opposing party shall provide a transmittal letter to the Discovery Referee and to other counsel listing each document submitted in the packet. Moving and opposing party shall also provide a proof of service with each packet submitted.

6. Where Referee Requests Submission of all Motion Papers in One Complete Packet

(a) All motion papers shall be assembled by the moving party, numbered, and submitted in one complete packet including all motion papers: moving, opposing, reply, joinders, etc.

(b) No papers shall be submitted by parties other than the moving party. The moving party shall submit all papers in one complete packet (i.e., opposing or other parties shall not submit their papers piecemeal, submit duplicate copies, etc.).

(c) Moving party shall provide a transmittal letter to the Discovery Referee and to other counsel listing each document submitted in the packet.

(d) Moving party shall also provide a proof of service with the entire motion packet.

7. Discovery management conferences:

- (a) If counsel desire/need a discovery management conference, one may be scheduled by request to the Case Manager.
- (b) Such conferences will focus on procedural matters (e.g., briefing schedules, discovery sequencing or scheduling, anticipated discovery issues, etc.).
- (c) Substantive discovery rulings will not be made at, or as the result of, such a conference. If a discovery report or ruling is desired, a motion must be submitted.

8. Hearings:

Discovery reference hearings will normally be set for hearing by telephone. The Case Manager will organize the conference call. Live hearings may be scheduled upon request.

9. Email addresses:

- (a) Each counsel shall place his/her email address in the address block of his/her papers.
- (b) This email address may be used to provide tentative rulings, to make inquiries in advance of oral argument, etc.

10. Deposits:

- (a) ADR Services, Inc. will request a deposit in an amount estimated as adequate for the matters being submitted for determination.
- (b) If the deposit becomes depleted to a level likely to be insufficient to cover pending work, an additional deposit will be requested.
- (c) Any unused portion of a deposit will be refunded at the conclusion of the discovery reference.
- (d) It is ADR Services, Inc.'s policy that neutrals not expend time on discovery matters for which the deposit is not adequate to cover pending work. Lack of an adequate deposit may therefore delay determination of your discovery matter.