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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

_____,

Plaintiff,

vs.

_____,

Defendants.

Case No. _____

CASE MANAGEMENT ORDER NO. 1
(For Complex Cases Only)

Assigned for All Purposes to
Hon. Michael L. Mau, Dept. 20

Action Filed: _____
Trial Date: none set

Pursuant to the order assigning this complex case for all purposes to Judge Michael L. Mau in Department 20, the Court issues the following ORDERS:

GENERAL MATTERS

1. All parties are expected to be familiar with the San Mateo County Superior Court Local Rules, the California Rules of Court (CRC), and the Deskbook on the Management of Complex Civil Litigation.

2. All counsel are expected to adhere to the provisions of the California Attorney Guidelines of Civility and Professionalism (State Bar of the State of California, adopted July 20, 2007, available at http://www.calbar.ca.gov/Portals/0/documents/ethics/Civility/Atty-Civility-Guide_Revised_Sept-2014.pdf).

3. The Court expects all counsel to communicate regularly with each other about hearing dates, progress of the case, and settlement possibilities. Meeting and conferring with opposing counsel, either in person or by remote video technology, on procedural and substantive issues is required.

4. Continuances of hearing and trial dates are discouraged. If a continuance is necessary, it must be approved by this Court. Continuances by stipulation are not permitted without prior approval of the Court, and only to a date pre-approved by the Court. If submitted without prior approval, the Court will select a date based on its calendar needs. Please email Department 20 at dept20@sanmateocourt.org and complexcivil@sanmateocourt.org for available dates before contacting opposing counsel. If preliminary approval is given, a written stipulation must be e-filed before the hearing or trial date. Electronic signatures on stipulations are permitted.

5. If a case settles before a hearing or trial date the parties must notify Department 20 by telephone at (650) 261-5120 and email (dept20@sanmateocourt.org and complexcivil@sanmateocourt.org) as soon as the disposition is agreed upon and must file a Notice of Settlement, Request for Dismissal, Stipulation for Dismissal or Entry of Judgment, etc. that is ready for the Court's signature. In cases where the Court must approve the

1 settlement, *e.g.*, in matters such as class actions, shareholder derivative actions, or PAGA
2 cases, the parties must notify Department 20 of the settlement; file preliminary and/or final
3 settlement approval papers, and email all settlement papers to dept20@sanmateocourt.org and
4 complexcivil@sanmateocourt.org; and contact the Clerk of Department 20 to request a
5 preliminary and/or final approval hearing, as appropriate.

6 **FILINGS AND CORRESPONDENCE**

7 6. All appearances may be made in person or by Zoom, unless otherwise ordered by
8 the Court. The Zoom credentials can be found on the Judge's webpage. Please follow the
9 requirements on the website for Zoom appearances.

10 7. All papers including pleadings, motions, applications, and briefs, except those
11 exempted by statute or rule, shall be filed in compliance with San Mateo County Superior
12 Court Local Rules 2.1.7 and 2.1.8. (*See also* Code Civ. Proc., § 1010.6, subd. (c); Cal. Rules of
13 Court, rules 2.251(c) and 2.253(c).) The submission of proposed orders is governed by
14 paragraph 30 of this Order.

15 8. Except where another method of service is required by statute or rule, all parties
16 and counsel shall serve and shall accept service of all documents electronically, in conformity
17 with Code of Civil Procedure, section 1010.6 and the California Rules of Court. The
18 documents (other than exhibits) must be text searchable. Please visit www.sanmateocourt.org
19 for more information on e-filing. Please note that any exhibits to electronically filed briefs,
20 declarations, or other documents must be electronically "bookmarked" as required by Cal.
21 Rules of Court, rule 3.1110(f)(4). **ALL PARTIES ARE REMINDED TO BOOKMARK**
22 **ONLY THE FIRST PAGE OF EACH EXHIBIT AND NOT TO BOOKMARK EVERY**
23 **PAGE OF EACH FILED DOCUMENT.**

24 9. The parties must also email copies of all pleadings, motions, and briefs to
25 complexcivil@sanmateocourt.org and include this email address on their proof of service.

26 10. Correspondence to Department 20 may be submitted electronically, rather than
27 by paper or telephone, by e-mail addressed to dept20@sanmateocourt.org and
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1 complexcivil@sanmateocourt.org. Department 20 does not have a dedicated fax line. All e-
2 mails must be sent in at least 12-point type and copied to all parties or their counsel of record.
3 This email address is to receive correspondence and is not a venue for back-and-forth
4 communications with the Judge. Communications to these email addresses are not part of the
5 official court files – just like a paper letter, they are not “filed” documents – and will be
6 retained for at least 30 days and then be subject to deletion (destruction) thereafter.

7 Department 20 prefers to have communication by email (**NO Ex Parte communications - all**
8 **emails to the Court MUST be copied to all parties / all counsel**) rather than by telephone.

9 11. All communications to Department 20 shall include in the header “subject line”
10 the Department Number, Case Name, Case Number, and a brief description of the email (e.g.,
11 “Dept. 20 — Smith v. Jones (CIV654321) – Smith’s Request to Set Motion Date”).

12 12. The Court is eager to assist counsel when specific problems arise that may not
13 require a formal motion. To arrange a conference with the Court that all counsel agree is
14 advisable, please contact the Clerk for Department 20 by email at dept20@sanmateocourt.org
15 and complexcivil@sanmateocourt.org to schedule a time for the conference. Informal
16 conferences will be conducted by videoconference unless otherwise indicated by the Court.
17 For these informal conferences, briefs on court pleading paper not to exceed five (5) pages –
18 which must be served – may be submitted by email to the Court at dept20@sanmateocourt.org
19 and complexcivil@sanmateocourt.org.

20 CASE MANAGEMENT CONFERENCES

21 13. The Court / Dept. 20, rather than the Civil Commissioner, conducts all case
22 management conferences for its complex cases.

23 14. At or before the initial Case Management Conference, the parties shall provide
24 the Clerk with an email service list as required by this Order and shall be prepared to indicate
25 whether they agree to email service from the Court.

26 15. Plaintiff’s counsel is responsible for maintaining and updating the email service
27 list and the Proof of Service and notifying the Clerk of Department 20 of any changes at
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1 dept20@sanmateocourt.org and complexcivil@sanmateocourt.org. Judge Mau suggests that
2 the email list include the attorneys and support staff who the parties wish to obtain
3 communications from the Court and all other parties.

4 16. After the first conference, future case management conferences are scheduled as
5 necessary to monitor the progress of the case and to assist counsel and the parties as the matter
6 progresses. Counsel thoroughly familiar with the case, and with authority to make decisions
7 regarding the case must attend all case management conferences.

8 17. Judicial Council Form CM-110, Civil Case Management Statement (required by
9 Cal. Rules of Court, rule 3.725(c)) is not well-suited for complex cases. Accordingly, the
10 parties shall e-file a joint case management conference statement no later than ten (10) calendar
11 days before the hearing for each conference that includes the following:

12 (a) A brief objective summary of the case.

13 (b) A summary of any orders from prior case management conferences and the
14 progress of the parties' compliance with those orders.

15 (c) A summary of the status of discovery, including a description of all anticipated
16 discovery and incomplete or disputed discovery issues.

17 (d) Anticipated motions, including a proposed briefing schedule when applicable.

18 (e) A summary of any significant procedural or practical problems that are likely to
19 arise in the case such as (this list is not intended to be exhaustive or applicable to
20 every case):

21 (1) unserved parties and reasons for the failure to serve;

22 (2) unserved or unfiled cross-complaints;

23 (3) related actions pending in any jurisdiction, a brief description of those
24 actions (including their current procedural posture), and the potential for
25 coordination or consolidation;

26 (4) jurisdictional or venue issues that may arise;

27 (5) severance of issues for trial; and
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(6) calendar conflicts for any attorney, witness, or party, and any other matter which may affect the setting of a trial date.

(f) Status of settlement or mediation.

(g) Suggestions for efficient management of the case, including a proposed discovery plan and timeline of key events (including proposed dates for future law and motion and trial).

(h) Any other matters that the parties believe will assist the Court in determining an effective case management plan.

(i) A proposed date for the next CMC.

EX PARTE APPLICATIONS

18. Ex parte appearances are discouraged except in unusual situations. Hearing dates for ex parte applications must be coordinated by email with the Clerk for Department 20 at dept20@sanmateocourt.org and complexcivil@sanmateocourt.org. The Court hears ex parte applications on Mondays and Thursdays at 1:30 p.m. The Court's consideration of an ex parte application will not interfere with or delay any trial in progress. Strict compliance with California Rules of Court, rules 3.1200 – 3.1207 is required.

19. Courtesy copies of all papers necessary to the determination of the application, including any proposed pleading, motion, or order, must be submitted to Department 20, preferably by email (to dept20@sanmateocourt.org and complexcivil@sanmateocourt.org), by noon at least one court day before the scheduled ex parte hearing date.

DISCOVERY

20. All discovery sought pursuant to the Code of Civil Procedure, including but not limited to notices of deposition, special interrogatories, form interrogatories, requests for production of documents, and requests for admission, must be served electronically upon counsel for the parties. All discovery responses by a party in response to discovery propounded by another party must be provided in electronic form, unless the parties agree otherwise in writing. Counsel for the parties must meet and confer regarding the possible

1 establishment of a joint electronic document depository for uploading and downloading
2 electronic document productions. The Court expects the parties to meet and confer regarding
3 the scope, format, and timing of the production of documents, including electronically stored
4 information (ESI), and to consider, among other things, proportionality and expense, in seeking
5 the production of ESI.

6 21. Discovery meet and confer obligations require an in-person or video conference
7 between counsel and, where a party is appearing in propria persona, the parties, unless
8 otherwise ordered by the Court. If a resolution is not reached, the parties must meet with the
9 Court for all discovery-related matters in an informal discovery conference (IDC) before filing
10 any discovery motion unless otherwise authorized by the Court. **No discovery motion will be**
11 **heard without an IDC.**

12 22. After the parties have conducted a meaningful meet and confer, requests for an
13 IDC may be made by sending an email copied to all counsel to Department 20 at
14 dept20@sanmateocourt.org and complexcivil@sanmateocourt.org. The Court will provide
15 proposed dates. Parties are to meet and confer as to availability of the proposed dates. If one
16 or more parties are not available on the proposed date(s), additional dates may be requested.
17 The Court will inform the parties whether the IDC will be conducted by videoconference or in
18 person. The Court may consider requests from depositions in progress. IDCs may not be
19 recorded by any party and may not be reported by any court reporter.

20 23. For the IDC, each side must serve and email to the Court at both
21 dept20@sanmateocourt.org and complexcivil@sanmateocourt.org a short brief limited to no
22 more than five (5) pages, at least three (3) court days before the IDC. If necessary to the
23 resolution of the issues, the requesting party's brief may include an exemplar of the discovery
24 requests and responses (if any) at issue. Do not attach the discovery requests and responses
25 unless leave of Court is obtained.
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24. All requests for an IDC must be made well before the expiration of the statutory time to bring a motion to compel or other discovery motion. The parties are strongly encouraged to stipulate to extend the time to file motions to compel or other discovery motions.

LAW AND MOTION

25. This Court believes that pre-filing conferences between counsel may be useful in avoiding unnecessary motions. Therefore, before the hearing of any motion, petition, or application, except applications to appear pro hac vice and motions to withdraw as counsel of record, all counsel and persons appearing in propria persona shall confer in a good faith attempt to eliminate the necessity of the hearing or to resolve as many disputes as possible. Counsel for the moving party shall arrange the conference to meet and confer at least three (3) calendar days before the hearing and shall submit to the Court at least one (1) day before the hearing a declaration establishing that the meet and confer conference occurred and describing any agreements that counsel have reached.

26. With respect to motions or other matters requiring a hearing, after the moving party has cleared the proposed hearing date(s) with the other parties, the moving party must contact the Clerk of Department 20 by email at dept20@sanmateocourt.org and complexcivil@sanmateocourt.org to obtain the hearing date. Counsel for the moving party must provide the Court with the case name and number; the type of hearing; the hearing date(s) requested; and the name, telephone number, and email address of the filing attorney.

27. So long as any reply is filed at least two (2) weeks before the hearing date, the parties may agree on any briefing schedule and submit a stipulation and proposed order with the agreed-upon schedule for the Court's signature.

28. **For all motions** – the moving party shall provide the Court with one complete set of courtesy copies of all motions and related papers filed by all parties in a binder stamped “Judge’s Copy.” All exhibits must be separated by exhibit tabs. (*See, e.g.*, Cal. Rules of Court, rule 3.1110(f).) The binder must be delivered within two court days of filing directly to Department 20 by hand or overnight mail to Courtroom G, 800 No. Humboldt St., San Mateo,

1 California 94401. Courtesy copies of any electronic exhibits must be submitted on a flash
2 drive in conformity with the requirements of the California Rules of Court, rules 2.256(b) and
3 3.1110(f)(4). The Court cannot receive documents through any type of file sharing. The
4 requirement to submit courtesy copies is separate from the requirement to email all pleadings to
5 Department 20 at complexcivil@sanmateocourt.org on the date of filing.

6 29. Judge Mau does not need courtesy copies of Case Management Conference
7 Statements or other pleadings or papers that do not relate to a motion.

8 30. Proposed Orders must be submitted electronically through the Clerk's office with
9 the information required by California Rule of Court, rule 3.1312. You must also email an
10 editable version of the Proposed Order in Word format (not PDF) to
11 dept20@sanmateocourt.org and complexcivil@sanmateocourt.org so that the judge can modify
12 it prior to signing, if needed.

13 31. Motions or applications to seal must be heard no later than any motion relying on
14 the materials sought to be sealed. Upon denial of a motion or application to seal, the moving
15 party must notify the Court that the materials are to be filed unsealed (Cal. Rules of Court, rule
16 2.551(b)) or refrain from relying on the materials, which will not be part of the record.

17 32. When the Court sustains a demurrer or grants a motion to strike with leave to
18 amend and an amended pleading is filed, the plaintiff or cross-complainant must file with its
19 opposition to any successive demurrer or motion to strike a redline comparing the amended
20 pleadings to the previous version of the pleading unless otherwise ordered by the Court.

21 33. With respect to discovery motions, the parties are relieved of their obligation
22 under rule 3.1345 of the California Rules of Court to file a separate statement. Instead, the
23 parties must (1) attach the discovery request(s) or deposition question(s) at issue and the
24 written response(s), if any, to the declaration submitted in support of the discovery motion; and
25 (2) submit a concise outline of the discovery request and each response in dispute pursuant to
26 Code of Civil Procedure section 2030.300, subdivision (b)(2).
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1 34. Counsel for the moving parties must notify Department 20 by telephone and by
2 email at dept20@sanmateocourt.org and complexcivil@sanmateocourt.org as soon as possible
3 regarding any matter to be taken off calendar or continued. Notices of withdrawal or
4 continuance of any hearing must be filed and served by the moving party.

5 35. Pursuant to Cal. Rule of Court, rule 3.113(i), Department 20 does not require an
6 appendix of non-California authorities in connection with any memoranda submitted in
7 connection with any motion unless otherwise ordered by the Court with the following
8 exception: Because the Court only has access to non-California authorities via WESTLAW –
9 and NOT via LEXIS – any authorities that are not reported in an official reporter and that are
10 cited must either be: (1) cited using the WESTLAW citation or a citation accessible through
11 WESTLAW; or (2) provided to Department 20 by email at dept20@sanmateocourt.org and
12 complexcivil@sanmateocourt.org.

13 36. The Court strongly believes in the importance of training the next generation of
14 trial lawyers. This training needs to include substantive speaking opportunities in court. The
15 Court therefore encourages the parties and senior attorneys to allow the participation of junior
16 lawyers in all court proceedings, particularly in arguing motions where the junior lawyer
17 drafted or contributed significantly to the motion or opposition.

18 37. The Court typically issues tentative rulings or a list of issues that the Court would
19 like the parties to address at the hearing. The Court will post its tentative ruling or list of issues
20 by 3:00 p.m. at least one court day before the scheduled hearing. If any party intends to contest
21 the tentative ruling at the hearing, that party must notify the other parties and Department 20 by
22 email at both dept20@sanmateocourt.org and complexcivil@sanmateocourt.org by 4:00 p.m. at
23 least one court day before the scheduled hearing. Otherwise, the tentative ruling will become
24 the order of the Court.

1 **SETTLEMENT CONFERENCES AND MEDIATIONS**

2 38. No case will be tried before a good faith effort is made to settle. The Court
3 strongly encourages the parties to engage in discussions to resolve the matter throughout the
4 litigation, including voluntary mediation.

5 **MISCELLANEOUS**

6 39. Any recording of a court proceeding held by video or audio conference, including
7 “screen-shots” or other visual or audio copying of a hearing or conference **IS STRICTLY**
8 **PROHIBITED**. Violation of these prohibitions may result in sanctions, including restricted
9 entry to or denial of entry to future hearings and conferences, removal of Court-issued media
10 credentials, or any other sanctions deemed appropriate by the Court.

11 40. The Court may not be able to provide a court reporter for the Pretrial Conference
12 or Trial. Any party that wishes to have a court reporter for the Pretrial Conference or Trial may
13 bring their own reporter if the Court is unable to provide one. Before a party may bring
14 its/his/her/their own court reporter to a proceeding, however, that party **MUST** comply with
15 Local Rule 2.12. Otherwise, a court reporter is **WAIVED**.

16 41. Plaintiff(s) shall serve a copy of this order upon all parties or their designated
17 counsel, who have not yet appeared in this case, including any and all parties added to this
18 action and/or cross-action(s) after the issuance of this order, and shall file a proof of service.
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20 Dated: _____, 20__

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22 MICHAEL L. MAU
23 Judge of the Superior Court of California
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