

**HONORABLE JAN M. ADLER
U.S. MAGISTRATE JUDGE
CHAMBERS RULES**

Please Note: The Court provides this information for general guidance to counsel. However, the Court may vary these procedures as appropriate in any case.

Communications With Chambers

- A. Letters, faxes, or emails.** Letters, faxes, or emails to chambers are prohibited unless specifically requested by the Court. If letters, faxes, or emails are requested, copies of the same must be simultaneously delivered to all counsel. Copies of correspondence between counsel must not be sent to the Court.
- B. Telephone Calls.** Telephone calls to chambers are permitted only for matters such as scheduling and calendaring. Court personnel are prohibited from giving legal advice or discussing the merits of a case. Call chambers at (619) 557-5585 and address your inquiries to the law clerk assigned to the case.

Early Neutral Evaluation (“ENE”) Conferences and Settlement Conferences

Counsel seeking to reschedule an ENE or settlement conference must confer with opposing counsel prior to making the request. Such requests may be made by calling the law clerk assigned to the case at (619) 557-5585, and will be granted only upon good cause shown.

The Court requires all named parties, all counsel, and any other person(s) whose authority is required to negotiate and enter into a settlement to appear **in person** at the ENE and all settlement conferences. The individual(s) present at the conference with settlement authority must have the unfettered discretion and authority on behalf of the party to fully explore all settlement options and to agree during the conference to any settlement terms acceptable to the party, change the settlement position of a party during the course of the conference, and negotiate a settlement without being restricted by any predetermined level of authority.

Governmental entities may appear through litigation counsel only. As to all other parties, appearance by litigation counsel only is not acceptable. Retained outside corporate counsel shall not appear on behalf of a corporation as the party who has the authority to negotiate and enter into a settlement. The failure of any counsel, party, or authorized person to appear at an ENE or settlement conference as required shall be cause for the immediate imposition of sanctions. All conference discussions will be informal, off the record, privileged, and confidential.

The Court will **not** grant requests to excuse a required party from personally appearing absent extraordinary circumstances. Distance of travel alone does **not** constitute an “extraordinary

circumstance.” If counsel still wish to request that a required party be excused from personally appearing, they must confer with opposing counsel prior to making the request. Such requests may then be made by calling the law clerk at (619) 557-5585.

The Court normally allocates two hours for ENEs and settlement conferences. If parties believe more than two hours is necessary for a scheduled conference, counsel shall confer with opposing counsel and then contact the law clerk assigned to the case **in advance of the conference**.

Unless otherwise directed, settlement conference statements are due one week prior to the scheduled conference. The parties may either submit confidential settlement statements or may exchange their settlement statements.

Please see the Notice and Order for Early Neutral Evaluation Conference for information concerning the submission of statements in advance of an ENE.

Case Management Conferences (“CMC”)

The Court conducts the majority of its CMCs telephonically and, unless otherwise directed, will provide call-in information in advance of the conference. CMC statements are normally **not** required.

Case Management and Discovery Disputes

- A.** Counsel are to promptly meet and confer regarding all disputed issues, pursuant to the requirements of Civil Local Rule 26.1.a. If counsel are in the same county, they are to meet in person; if counsel practice in different counties, they are to confer by telephone. Under no circumstances may counsel satisfy the “meet and confer” obligation by written correspondence.

The Court expects strict compliance with the meet and confer requirement, as it is the experience of the Court that the vast majority of disputes can be resolved by means of that process. Counsel must **thoroughly** meet and confer and shall make every effort to resolve all disputes without the necessity of court intervention.

- B.** If the parties have not resolved their dispute through the meet and confer process, counsel shall, within **45 days of the date upon which the event giving rise to the dispute occurred (see C. below)**, file a joint statement entitled “Joint Motion for Determination of Discovery Dispute” with the Court.
1. The joint statement is to include (1) A declaration of compliance with the meet and confer requirement and (2) Points and authorities (not to exceed 10 pages per

side).¹

2. Any exhibits accompanying the joint statement shall also be filed.
 3. **Counsel shall not attach copies of any meet and confer correspondence to the joint statement.**
 4. A proposed order on the Joint Motion for Determination of Discovery Dispute need not be submitted.
- C. For oral discovery, the event giving rise to the discovery dispute is the completion of the transcript of the affected portion of the deposition. For written discovery, the event giving rise to the discovery dispute is the service of the response.
- D. The Court will either issue an order following the filing of the joint statement or will schedule a telephonic discovery conference.

Stipulated Protective Order Provisions for Filing Documents Under Seal

All stipulated protective orders submitted to the Court need to include the following provisions:

Subject to public policy, and further court order, nothing shall be filed under seal, and the Court shall not be required to take any action, without separate prior order by the Judge before whom the hearing or proceeding will take place, after application by the affected party with appropriate notice to opposing counsel.

If the Court grants a party permission to file an item under seal, a duplicate disclosing all nonconfidential information, if any, shall be filed and made part of the public record. The item may be redacted to eliminate confidential material from the document. The 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 sealed and redacted documents shall be filed simultaneously.

All stipulated protective orders submitted to the Court must be filed as a joint motion. The party filing the joint motion must separately email a proposed order to efile_adler@casd.uscourts.gov. Please refer to Sections 2.f.4 and 2.h of the Court's [Electronic Case Filing Administrative Policies and Procedures Manual](#) for more information.

¹The Court expects counsel to be succinct and to the point in all written submissions. It is the Court's philosophy that brevity is the soul of wit.

Privilege Logs

Any party withholding documents on the basis of a claimed protection or privilege must identify the withheld documents in a manner such that the requesting party can reasonably identify and challenge the withholding of the documents. A party withholding any documents on the basis the documents are privileged or otherwise protected from production, shall number each document in a way that would lend itself to later reasonable identification, prepare an index of documents (without disclosing the substance of the document), and set forth any objection related to production of any particular document. At a minimum, the index shall include the following information:

1. Date of document
2. Author
3. Primary addressee (and the relationship of that person(s) to the client and/or author of the document)
4. Secondary addressee(s) (and the relationship of that person(s) to the client and/or author of the document)
5. Type of document (e.g., internal memo, letter with enclosures, draft affidavit, etc.)
6. Client (i.e., party asserting privilege)
7. Attorneys
8. Subject matter of document or privileged communication
9. Purpose of document or privileged communication (i.e., legal claim for privilege)
10. Whether the document or communication is withheld on the basis of work-product, attorney-client privilege, or some other asserted privilege
11. Identify each document by number or lettering system

The party withholding documents must also identify any documents it is willing to disclose to without objection and deliver any such documents to the requesting party forthwith.

Submissions to the Court

ENE and settlement statements under 20 pages in length, including attachments and exhibits, may be emailed to efile_adler@casd.uscourts.gov, faxed to (619) 702-9939, or delivered to chambers via the Office of the Clerk of Court at 333 West Broadway, Suite 420, San Diego, California. Statements exceeding 20 pages in length, including attachments and exhibits, must be delivered to chambers via the Office of the Clerk of Court.

Within 24 hours of the filing of a Joint Motion for Determination of Discovery Dispute or the submission of an ENE or settlement conference statement, parties must deliver to chambers, via the Office of the Clerk of Court, a courtesy copy of the filing or submission if it exceeds 20 pages in length including attachments or exhibits.

General Decorum

The Court expects all counsel and parties to be courteous, professional, and civil at all times to opposing counsel and parties, and the Court, including all court personnel. Professionalism and civility -- in court appearances, communications with chambers, and written submissions -- are of paramount importance to the Court. Personal attacks on counsel or opposing parties will not be tolerated under any circumstances.

Technical Questions Relating to CM/ECF

If you have a technical question relating to CM/ECF, please contact the CM/ECF Help Desk at (866) 233-7983.

Inquiries Regarding Criminal Matters

All inquiries regarding criminal matters shall be directed to Judge Adler's courtroom deputy, Rhea Andrews, at (619) 557-6412.