

Superior Court of California  
County of San Francisco  
Department 613 - Judge Andrew Y.S. Cheng  
Complex Litigation – Procedures

**Department 613 Staff:**

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**Communications with the Court and Reserving Hearing Dates:**

- Prior to filing any motion, all motion hearing dates must be reserved with the clerk of Department 613 via telephone at 415-551-3840. Parties may not file a motion without Court approval of the hearing date/time.
- Generally, unless otherwise noted in these procedures, the Clerk of Department 613 prefers e-mail communications. The Clerk's e-mail address is [Department613ComplexLit@sftc.org](mailto:Department613ComplexLit@sftc.org). If a party e-mails the Clerk, they must include all counsel on the e-mail communication. *Ex parte* communications with the Court will not be considered.

**Continuances:**

- If the parties wish to continue a **motion**, the parties may (1) submit a stipulation and proposed order; or (2) email the Court (copying all parties) requesting a continuance and indicating that all parties agree to the continued date/time.
- If the parties wish to continue a **CMC**, the parties must submit a stipulation and proposed order. The Court will no longer entertain continuance requests made via email, or in the parties' CMC statements.

**Hearing Date Vacated by Party:**

- If a moving party removes a motion from the Court's calendar (either on its own, or by submitting to the Court's tentative ruling on the motion), the party must notify all other parties by email or telephone.
  - The Court will not typically issue an order vacating motion hearing dates.
  - Please **DO NOT** copy the Court on any e-mail correspondence on vacated hearing dates.

**Appearances:**

- **Due to COVID-19, all hearings will be conducted telephonically until further notice. Parties should make arrangements to appear via CourtCall.**

## Discovery:

- All deadlines for filing motions to compel discovery pursuant to the Civil Discovery Act, Code of Civil Procedure sections 2016.010 *et seq.*, are vacated and suspended until otherwise ordered by the Court. No party may move to compel discovery, or file any other discovery motion, until the parties have had a discovery conference with the Court.
- All discovery conferences shall be held through CourtCall in Department 613.
- Counsel must have completed all meet and confer obligations, **either in person or by phone**, at least one week before scheduling a discovery conference.
- To request a discovery conference with the Court, please send an email (copying all counsel) to [Department613ComplexLit@sftc.org](mailto:Department613ComplexLit@sftc.org).
- Each party must submit a letter outlining the discovery dispute, not exceeding 5 pages, single-spaced. At least **one week** before<sup>1</sup> the conference, counsel must email their letters to [Department613ComplexLit@sftc.org](mailto:Department613ComplexLit@sftc.org) and deliver one hard copy of their letters outlining the discovery dispute.
- If the discovery dispute is not resolved following the conference, any party may proceed to file a motion.
- This procedure applies to parties. With regard to discovery disputes with non-parties, the interested parties may elect to participate in this procedure but are not required to do so.

## Ex parte applications:

- The Court is not setting *ex parte* applications for hearing at this time. Any party seeking *ex-parte* relief shall file their *ex parte* application and e-mail a courtesy copy to Department 613. Oppositions are due by the close of business on the **third court day** after the application is filed. Absent permission from the Court, replies are not permitted.
- Once briefing is complete, the matter will be deemed submitted.

## E-filing:

- The e-filing vendor for the San Francisco Superior Court Complex Department is File&ServeXpress. Counsel must register with and submit all filings through said vendor. Counsel must also add themselves to the vendor's e-service list. Customer Service for e-filing registration, training information, and service list assistance can be found at [support@fileandservexpress.com](mailto:support@fileandservexpress.com) or by calling File&ServeXpress at 888-529-7587.
- All court orders will be e-served through File&ServeXpress. All counsel must add their office to the service list at File&ServeXpress.
- Pursuant to California Code of Civil Procedure section 1010.6, California Rules of Court, rule 2.251 *et seq.*, and San Francisco Superior Court Local Rule 2.11, all discovery requests and responses, not filed with the court, must be electronically served, unless it is not feasible to do so (e.g., drawings, charts, etc.).

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<sup>1</sup> Unless it's a holiday, in which case the letters are due six court days before the conference.

### **Courtesy Copies:**

- Counsel are directed to deliver two hard copies of all e-filed documents (e.g., joint case management statements, motions, oppositions, replies, etc.) to Department 613.
- No courtesy copies are needed for the following filings:
  - CourtCall confirmations/Notices of Intent to Appear by Telephone
  - **Redacted** filings only
  - Matters set before a discovery referee, EXCEPT for proposed orders requiring the judge's signature
  - Complaints
  - Requests for Dismissal on Judicial Council Form CIV-110

### **Challenging Confidentiality Designations:**

- With respect to challenging confidentiality designations, the parties must stipulate to the Court's language governing the process for any party to challenge the confidentiality designations moving forward. The parties must promptly submit a stipulation, and proposed order, to the Court concerning the Court's language. Such language is included on the **Complex Civil Litigation website in a separate hyperlink entitled "Challenging Confidentiality Designations."**

### **Sealing Motions:**

- For motions to seal (and accompanied unredacted versions of documents conditionally lodged under seal with the Court,) the parties must highlight in yellow the proposed sealing request in the unredacted documents.

### **Tentative Rulings:**

- In general, Tentative Rulings will only be issued for preliminary and final approval of settlements.
- The Court may also issue a Tentative Ruling if the parties need to clarify certain issues for the Court.

### **Court Reporters:**

- The Court does not provide court reporters for hearings.
- Thus, the Court recommends that the parties obtain court reporters for substantive motions, such as motions for class certification, summary judgment motions, motions to compel arbitration, and the like.

### **CMC Statements:**

- A joint case management statement must be filed, and two copies delivered to Department 613, no later than five COURT days prior to the conference.
  - If the parties fail to file a timely joint case management conference statement, the CMC will be continued.

- Case management statements are not to exceed 15 pages, excluding exhibits, without Court approval. The only exception to the 15-page limitation is for previous orders from this Court that will be useful to the Court in reviewing the CMC statement.
- The parties must call the Court Clerk if any positions and/or circumstances have changed from the filing of the joint statement.

**Discovery disputes during depositions:**

- If a dispute arises during a deposition, the parties are to contact the Court immediately via the Dept. 613 telephone number.
- If the parties cannot reach Judge Cheng through Dept. 613, the parties may contact Dept. 206, who will then attempt to contact Judge Cheng via his personal cell phone. Below are the two telephone numbers for Dept. 206:
  - 415-551-3705
  - 415-551-3693

**Trial**

- For trials longer than four weeks in length, they will be held Monday-Thursday from 9:00 a.m. to 4:00 p.m.
- For trials less than four weeks in length, they will be held Monday-Thursday from 8:30 a.m. to 1:00 p.m.
- If time permits, during trial, case management conferences or other lighter matters will be set from 2:30pm-3:30 p.m.