

Superior Court of California

County of San Francisco

Department 304 - Judge Ethan P. Schulman

Complex Litigation – Procedures

Department 304 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 304. Parties may not file a motion without Court approval of the hearing date and time.
- Generally, the clerk of Department 304 prefers email communications. If a party emails the clerk, they must include all counsel on the email.

Continuances:

- If the parties wish to continue a motion or a CMC, the parties may (1) submit a stipulation and proposed order; or (2) email the Court (copying all parties) at least three court days prior to the scheduled matter requesting a continuance and indicating that all parties agree to the continued date/time.

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.

Appearances:

- Counsel may appear for hearings in person, via Zoom, or via CourtCall. Should the parties wish to appear via Zoom, they are to jointly email the Complex Litigation Department to make that request. The request must include each attorney's name, firm, address, telephone number, and email address and the name(s) of the client(s) each is representing. Upon receipt, the clerk will send a Zoom link for the conference. The parties may not split an appearance via Zoom and CourtCall due to sound interference.

Discovery:

- The procedures outlined below apply only 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.
- All deadlines for filing motions to compel discovery pursuant to the Civil Discovery Act, Code of Civil Procedure section 2016.010 *et seq.*, are vacated and suspended. No party may move to compel discovery, or file any other discovery motion, until the parties have had a discovery conference with the Court.
- Counsel must have completed all meet and confer obligations before scheduling a discovery conference.
- To request a discovery conference with the Court, counsel must contact the clerk of Department 304. Once a conference is scheduled, counsel are responsible for setting up a Zoom link or telephone conference line.
- At least three court days before the conference, counsel must email a **joint** letter outlining the discovery dispute, not exceeding 5 pages, single-spaced.
- If the discovery dispute is not resolved following the conference, any party may proceed to file a motion. Any such motion must be filed within 10 court days of the conference.
- The parties are relieved of the requirement to file a separate statement in discovery motions.
- For discovery motions, the Court prefers streamlined papers in which counsel state the discovery request and response followed by a discussion of whether a further response is or is not required. In lieu of the usual discovery motion briefing, the parties may instead provide one single filing that includes the question, the response and why more information is owed or not owed. The Court is open to the parties agreeing to an expedited briefing schedule where one side files a 5-page motion, the other side files a 5-page response, the moving party a 3-page reply and a hearing date is set 10 days out from the last filing.

E-Filing:

- The e-filing vendor for the San Francisco Superior Court Complex Department is File&Serve*Xpress*. 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 or by calling File&Serve*Xpress* at 888-529-7587.
- All court orders will be e-served through File&Serve*Xpress*. All counsel must add their office to the service list at File&Serve*Xpress*.
- 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.).
- Pursuant to Code of Civil Procedure section 1010.6(b)(3), any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be

deemed filed that day; any document received by a court on a non-court day will be deemed filed on the next court day.

- Pursuant to Code of Civil Procedure section 1010.6(a)(5), any document served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day will be deemed served that day; any document electronically served on a non-court day will be deemed served the next court day.

Courtesy Copies:

- Counsel are directed to deliver two hard copies of all e-filed documents to Department 304, which includes proposed orders.

Challenging Confidentiality Designations:

- If the parties enter into a stipulation for a protective order, the protective order must include the language found in Attachment 1 governing the process for any party to challenge the confidentiality designation.

Sealing Motions:

- Regarding motions to seal, the Court reminds counsel to follow California Rules of Court, rules 2.550-2.551. These requirements do not apply to discovery motions but do apply to all other types of motions. Please do not submit sealed documents unless the parties need the Court to consider them. Please read *Overstock.Com, Inc. v. Goldman Sachs Grp., Inc.* (2014) 231 Cal.App.4th 471. The Court is required to follow the California Rules of Court and make specific findings.
- 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:

- For most motions, tentative rulings will be emailed directly to counsel prior to the hearing.

Court Reporters:

- The Court does not provide court reporters for hearings.
- The Court recommends that the parties obtain court reporters for substantive motions.
- The Court requests that the parties arrange for the Court to be provided with hearing transcripts following substantive motions. This is not required.

CMC Statements:

- A joint case management conference statement must be filed, and two copies delivered to Department 304, no later than five court days prior to the case management conference.

Individual statements will not be considered. Do not use the Judicial Council form for case management conference statements.

- The purpose of the joint statement is that it requires counsel to confer. It shows the Court that the parties have been in direct communication.
- CMC statements are not advocacy statements. They are an agenda for a discussion. CMC statements should explain where the case is, where it is going, and how it can most efficiently reach its destination.