

<p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA COUNTY OF TUOLUMNE 41 W. Yaney Avenue Sonora, CA 95370 Phone: (209) 533-5555</p>	<p>Space below for use of Court Clerk only</p>
<p style="text-align: center;"><b>STANDING CASE MANAGEMENT ORDER FOR CASES ASSIGNED TO THE HONORABLE KEVIN M. SEIBERT</b></p>	<p>Case Number:</p>

**INSTRUCTIONS TO PLAINTIFF(S)/CROSS-COMPLAINANT(S):**

You must serve a copy of this Standing Case Management Order on all defendants/cross-defendants at the same time the complaint/cross-complaint is served.

**I. GENERAL MATTERS**

A. It is the Court's policy to provide a dignified forum in which to resolve disputes in a professional, legally correct and expeditious manner. All of the following rules are designed to achieve these goals. It is not the Court's intention to prohibit a party from raising any issue by any means allowed by court rule or statute. If any of the rules or procedures set forth herein creates a problem, counsel should raise the matter with the Court at the earliest opportunity after the parties have appeared.

B. Unless otherwise ordered, electronic communication with the courtroom clerk is permissible for routine communications having to do with scheduling, stipulated continuances, and/or joint requests. Substantive arguments are not permitted unless approved in advance by the Court. Opposing counsel should be copied on any correspondence with the clerk in order to avoid ex parte communications. The clerk's email address is: [courtclerks@tuolumne.courts.ca.gov](mailto:courtclerks@tuolumne.courts.ca.gov).

C. Counsel should silence all audible telephones and pagers and instruct their clients and witnesses to do so when in the courtroom. Communication devices worn on the head are not permitted in the courtroom.

**II. CASE MANAGEMENT CONFERENCES ("CMCs")**

A. Unless otherwise specifically ordered, CMC statements are required to be filed in accordance with the California Rules of Court. The Court expects that counsel will be prepared to discuss the current status of the case, discovery, amenability to mediation, and any unusual factual, legal, or evidentiary issues that may need resolution. Item 16

of the Judicial Council's mandatory Case Management Statement form (CM-110) requires details on anticipated discovery, including specific dates for completion of the anticipated discovery. Descriptions such as "per code" or "ongoing" do not meet the requirement to provide details and therefore are not acceptable. Counsel who fail to appear at a CMC, or who fail to timely file and serve a CMC statement, will typically be required to appear at an OSC hearing regarding why sanctions should not be imposed. The initial sanction amount is ordinarily \$150.00.

### III. LAW AND MOTION MATTERS

A. To the extent practicable, the Court will post tentative rulings on law and motion matters in unlimited-jurisdiction civil cases on the Court's website no later than 3:00 p.m. on the day before the hearing. The Court's website is located at [www.tuolumne.courts.ca.gov](http://www.tuolumne.courts.ca.gov).

B. When parties agree to submit a matter based on a tentative ruling or to have a matter taken off calendar, counsel should promptly notify both the courtroom clerk and the Court's research attorney. Such notification is important in order to avoid unnecessary commitment of judicial resources to moot matters. The research attorney's email address is [klew@tuolumne.courts.ca.gov](mailto:klew@tuolumne.courts.ca.gov).

C. The parties are strongly encouraged to "preview" complicated law and motion matters with the Court at CMCs. This procedure may obviate or narrow the scope of summary judgment motions and other matters that depend heavily on controverted facts, and it will save time and effort of all involved.

D. Discovery Dispute Resolution Procedures: It is the Court's policy to attempt to resolve discovery disputes informally and efficiently. Accordingly, the Court has instituted special procedures for the resolution of discovery disputes through Informal Discovery Conferences, which must be scheduled on forms that are available from the clerk's office and on the Court's website. Filing a request for an Informal Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues, as detailed below. These procedures are intended to provide a fast and informal means of resolving discovery issues using limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

1. Prior to the discovery cut-off in this action, no motion under the California Civil Discovery Act (Code Civ. Proc., § 2016.010 et seq.) shall be filed or heard unless the moving party first makes a written Request for Informal Discovery Conference ("Request").
2. Following a reasonable and good-faith attempt to achieve an informal resolution of each issue to be presented (which should include both written and either in-person or telephone communication), a party may request an Informal Discovery Conference. The party requesting the Informal Discovery Conference must:

- a. File a Request with the clerk's office on the approved form TUO-CV-250;
  - b. Include a brief summary of the dispute and specify the relief requested; and
  - c. Serve the opposing party pursuant to any authorized or agreed-upon method of service that ensures the opposing party receives the Request no later than the next court day following the filing.
3. The opposition to a Request must:
- a. Also be filed on the approved form TUO-CV-275;
  - b. Include a brief summary of why the requested relief should be denied;
  - c. Be filed within three (3) court days of receipt of the Request; and
  - d. Be served on the opposing party pursuant to any authorized or agreed-upon method of service that ensures the opposing party receives the opposition no later than the next court day following the filing.
4. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted, except for a privilege log, if required (see below).
5. Where privilege is a basis for refusal to produce documents, privilege logs must be provided. The privilege log shall identify all sending and receiving persons or entities, as well as include information sufficient to apprise the opposing party and the Court of the basis for the asserted privilege.
6. Court's action on a Request for Informal Discovery Conference
- a. If the Court acts on the Request, the parties will be notified whether it has been granted or denied and, if granted, the date and time of the Informal Discovery Conference. The Informal Discovery Conference will be calendared to be held within thirty (30) days of the filing of the Request.
  - b. If the Court has not granted or denied the Request within fifteen (15) days following the filing of the Request, then it shall be deemed to have been denied at that time.
  - c. If the Informal Discovery Conference is not held within thirty (30) days of the filing of the Request, then the Request shall be deemed to have been denied at that time, unless the time for holding it has been extended by agreement of the parties and the Court.

7. At the Informal Discovery Conference, the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
8. If (a) the Court has denied the Request, (b) one of the deadlines above has expired without the Court's having acted, or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
9. The time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request until the Request is denied or deemed denied, unless extended by order of the Court.
10. Nothing herein shall preclude any party from applying ex parte for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
11. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act falls on a Saturday, Sunday, or court holiday, then the time for performing that act shall be extended to the next court day.
12. Refusal by any counsel to participate in an Informal Discovery Conference shall, in the discretion of the Court, be grounds for entry of an order adverse to the party represented by counsel so refusing or adverse to that counsel. Failure to file written opposition to the merits underlying a Request will be considered refusal to participate. When there is no written opposition to the merits of the requested relief, the Court may, in its discretion, enter an order adverse to the non-responding party or counsel.

#### IV. TRIAL

When cases are set for trial, counsel shall obtain the Department 4 Trial Management Order from the Court.

DATED: \_\_\_\_\_

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HON. KEVIN M. SEIBERT  
JUDGE OF THE SUPERIOR COURT