

Superior Court of California

County of San Francisco

Department 606 - Judge Jeffrey S. Ross

Complex Litigation – Procedures

Department 606 Staff:

- **Attorneys:** Megan Beshai (Staff Attorney); Elizabeth Silva (Legal Research Assistant)
- **Clerk Phone:** 415-551-3830
- **Dept. 606 E-mail:** Department606_complex@sftc.org

Communications with the Court and Reserving Hearing Dates:

- **All motion hearing dates must be reserved with the clerk of Department 606 prior to filing.** Parties may not file a motion without the court's approval of the hearing date and time.
- Please use the Department 606 email to communicate with the clerk: Department606_complex@sftc.org. The emails must include all counsel. Ex parte communications with the court will not be considered.
- The Department606_complex@sftc.org email address is used for administrative purposes only. Counsel should not include legal argument or threads that include communication among counsel in emails to Department606_complex@sftc.org.

Hearings, Appearances and Court Reporters:

- Counsel may appear for hearings in person or remotely. Remote appearances must be on **Zoom**.
- The ZOOM meeting identification for all cases is:

Meeting ID: 161 690 8732

Passcode: 377652

- No later than one court day before the hearing, during business hours, counsel must send one, joint email advising the clerk by email of the (a) attorney(s) who will appear in person (please list name, firm, and party affiliation) and (b) attorney(s) who will appear remotely, including name, firm, and party affiliation.

Court Reporters:

- The court does not provide court reporters for hearings.
- The court recommends that the parties obtain court reporters for substantive motions.
- One court day before the hearing, the parties must email the clerk with the name, phone number, CSR number, and email address for the court reporter and indicate

whether the reporter will appear in person or remotely. When the reporter is participating via Zoom, the parties must confirm that they provided the Zoom link.

Courtesy Copies:

- Counsel must deliver **one** paper courtesy copy of all e-filed documents (e.g., joint case management statements, motions, oppositions, replies, etc.) to Department 606.
- No courtesy copies are needed for the following filings:
 - CourtCall confirmations/Notices of Intent to Appear by Telephone
 - The redacted version of a document lodged under seal
 - 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
- Counsel must email electronic courtesy copies of proposed orders—in both Word and PDF format—to department606_complex@sftc.org contemporaneously with e-filing.

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 or by calling File&ServeXpress at 888-529-7587. Counsel and/or their staff shall not email the Department 606 inbox regarding processing filings or other matters appropriately directed to customer service for File&ServeXpress.
- All court orders will be e-served through File&ServeXpress. All counsel must add their office to the **ELECTRONIC** 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.).
- Evidence filed electronically, including (for example) PDF compendiums of evidence for summary judgment and class certification motions, shall be bookmarked and hyperlinked.

Continuances:

- If the parties agree 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, proposing three alternative dates and times for the motion hearing or conference, and indicating that all parties agree to the continued date/time.

Hearing Date Vacated by Party:

- The court reviews moving papers long in advance of the hearing date. Therefore, to

vacate a hearing date, at least ten court days before the hearing date, the moving party must email the court and copy all parties to withdraw the motion.

- 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.

Case Management Conferences and Statements:

- Before the initial case management conference, the parties are ordered to comply with California Rules of Court, Rule 3.750(d) and to meet to address the items in California Rules of Court, Rule 3.750 (b).
- After the meeting, at least **five court days** before the initial case management conference, the parties shall submit a joint case management statement identifying those issues in California Rules of Court, Rule 3.750 (b), which are agreed upon and those which the court must rule on at the conference. The statement should provide a description of the major factual and legal issues pursuant to California Rules of Court, Rule 3.750(d).
- For all subsequent case management conferences, the parties must meet to discuss and attempt to resolve the issues to be addressed at the CMC. Then they must file a joint case management conference statement identifying those issues agreed upon and those which must be decided and deliver one copy to Department 606, no later than **five court days** before the conference.
 - If the parties fail to file a timely joint case management conference statement, the CMC may be continued.
- Unless ordered by the court, case management statements shall not exceed 15 pages, excluding exhibits, without court approval.
- 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.

Discovery:

- The procedures outlined below apply only to parties. For 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 an informal discovery conference with the court and the court has authorized the motion(s).**
- Counsel must have completed all meet and confer obligations and reached impasse before scheduling an informal discovery conference. The court strongly encourages counsel to meet and confer in person or by videoconference. The exchange of emails is rarely the most effective means to resolve discovery disputes.
- To request an informal discovery conference with the court, counsel must contact the Department 606 clerk. The court will not entertain legal arguments or debates

regarding the merits in conjunction with or in response to an Informal Discovery Conference request.

- Once an informal discovery conference is scheduled, counsel are responsible for setting up a Zoom link or telephone conference line and providing it to the court.
- At least three court days before the informal discovery conference, counsel must email a **joint** letter outlining the discovery dispute, not exceeding 5 pages, single-spaced. Please include the Zoom link or telephone conference login/dial-in information in this email.
- If the discovery dispute is not resolved following the informal discovery conference **and** the court has authorized the filing of a motion.
- The parties are relieved of the requirement to file a separate statement with 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.

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. The required language is included on the [Complex Civil Litigation website in a separate hyperlink entitled “Challenging Confidentiality Designations.”](#)

Sealing Motions:

- When materials are lodged under seal, the unredacted versions of documents shall be highlighted to show the proposed redactions that the party moving to seal is requesting.
- Designations of deposition transcripts or other illustrations (such as for a summary judgment motion) shall be made using a different identifier or different color highlighting so as to avoid ambiguity between the proposed redactions and material the parties simply seek to draw attention to.
- When a motion to seal is granted in part and denied in part, counsel shall re-file a conforming redacted document within 5 court days so as to conform the public filing with the court's order unless the party simply seeks to withdraw the document from consideration under California Rules of Court, rule 2.551(b)(6).
- Counsel are expected to be familiar with and comply with the sealed record rules, namely California Rules of Court rules 2.550-2.551, so as to avoid burdening the court with overbroad motions and repetitive, curative motions.

***Ex parte* applications:**

- Most *ex parte* matters will be addressed on the papers, where a hearing is necessary the court will hear the matter either at the end of the morning calendar or in the afternoon.
- Any party seeking *ex parte* relief shall file their *ex parte* application and e-mail a courtesy copy, including the proposed order—in both PDF and Word formats—to Department 606. In the email include a proposed day and time for making an appearance on the application if the court deems it necessary.

Tentative Rulings:

- When the court considers it useful, the court will issue tentative rulings.
- Tentative rulings will be served via File&ServeXpress or emailed directly to counsel before the hearing.

Judicial Council Coordination Proceedings:

- Counsel intending to add a case to an existing JCCP are expected to do so promptly and in an organized fashion to ensure that hearings and case management conferences can be coordinated; this avoids duplication of effort and confusion from multiple concurrent settings on the calendar for individual, trailing cases.
- Hearings must be reserved in advance with Department 606 for all motions, including administrative or unopposed motions (motions to substitute, dismiss, or be relieved as counsel). Hearing dates are necessary for tracking purposes given the volume of requests submitted for processing. Motions to substitute, motions to dismiss, and motions to be relieved as counsel may not be filed with the hearing date “TBD”; if there is no proposed hearing date the request will be rejected by the clerk’s office.
- A spreadsheet showing all pending motions to substitute, all pending motions to be relieved as counsel, and all pending motions to dismiss must be appended to each case management conference statement with a courtesy copy of the spreadsheet in native format (e.g. Excel) emailed to Department 606 when the CMC statement is filed. The spreadsheet must be formatted as follows: (1) Last Name, First Name, (2) Original Case Name, (3) Original Case Number, (4) Firm Name, (5) Firm Contact (Telephone and Email), (6) Motion Filing Date, and (7) Transaction Number.
- A Petition for Compromise of a Minor’s Claim must be filed with Department 505 and the parties must notify the clerk in Department 505 of the petition when it is filed.
- Motions to Substitute:
 - Once a file-endorsed copy of the motion to substitute and related papers is available, the moving party must email stamped copies of the following pleadings to the Department 606 email inbox: (1) motion to substitute, (2) memorandum of points and authorities; (3) declaration(s); and (4) proposed order for each plaintiff. Please make sure your email is complete with all attachments before sending.
 - The subject line for the email must state as follows: “[Case Number] - [Case Name] - Motion to Substitute - [PLAINTIFF NAME]” (For example, CJC-23-012345 - Eggshell Plaintiff v. ABC Company - Motion to Substitute - JOHN SMITH)
 - Please send one email with briefing per plaintiff; do not group substitution

- motions for multiple plaintiffs into one email.
- Please do not email copies of the briefing (motion, points and authorities, declaration(s), and proposed order) that are not yet stamped as file-endorsed/accepted.
- Please ensure that declarations and their exhibits are complete and have been accepted; missing exhibits (such as death certificates) will result in processing delays.
- In the body of the email, the party must state whether the motion is unopposed or opposed and provide the transaction number for the filing.
- Motions to Be Relieved as Counsel:
 - Motions to be relieved as counsel must comply with California Rules of Court, rule 3.1362.
 - Motions and their accompanying orders and declarations shall have complete and accurate service information and contain updated information on upcoming hearings and case management conferences.
 - For example, if a client is deceased and next of kin are unresponsive, service information for the next of kin should be clearly indicated on the form, such as in Box 13 on MC-053.
 - When emailing electronic courtesy copies to the department, please ensure that you include the proof of service for the motion to be relieved as counsel as well as the transaction number.
- When termination of the JCCP is contemplated or requested by the parties in connection with a status conference or CMC, a spreadsheet shall be submitted along with the status report or CMC statement. The spreadsheet shall set forth the following information for each case in the coordinated proceeding: (1) case name; (2) original case number; (3) county of origin; (4) operative add-on petition and order; (5) date dismissal(s) filed; (6) transaction number for dismissal(s); (7) processing status of dismissal request; and (8) law firm.
- In the event the parties seek termination of the JCCP before all cases have been fully and finally resolved, they shall present to the Court (along with their spreadsheet) a plan for disposition of the remaining cases consistent with the California Rules of Court, including rule 3.542. This plan should include, if applicable, a stipulation for remand of any remaining case(s).

Discovery Disputes During Depositions:

- If a dispute arises during a deposition, the parties are to contact the court immediately via the Dept. 606 telephone number: 415 551-3830.
- If the parties cannot reach Judge Ross through Dept. 606, the parties may contact Dept. 206, who will then attempt to contact Judge Ross via his personal cell phone. Below are the two telephone numbers for Dept. 206:
 - 415-551-3705
 - 415-551-3693