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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABC CORPORATION,

Plaintiff(s),

v.

XYZ CORPORATION,

Defendant(s).

No.

STANDING ORDER FOR
CIVIL CASES ASSIGNED TO
JUDGE RICHARD A. JONES

**READ THIS ORDER CAREFULLY.
IT CONTROLS THIS CASE AND DIFFERS
IN SOME RESPECTS FROM THE LOCAL RULES.**

- Plaintiff(s) must immediately serve this Order on all Defendant(s) along with the Summons and Complaint.
- If this case was assigned to this Court after being removed from state court, the Defendant(s) who removed the case must serve this Order on all other parties.

This case has been assigned to Judge Richard A. Jones. To secure the just, speedy, and inexpensive determination of this action, counsel are ordered to familiarize themselves with the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) and the Local Rules (“L.R.”) of the Western District of Washington.

- 1 1. **Courtesy Copies for Chambers:** Courtesy copies are only required for
2 filings of administrative records, and for all documents over 50 pages. The
3 paper copy of the documents (binders with tabs or other organizing aids as
4 necessary) shall be delivered to the Clerk’s Office by 12:00 p.m. on the
5 business day after filing. The chambers copy must be clearly marked with the
6 words “Courtesy Copy of Electronic Filing for Chambers.” The parties are
7 required to print all courtesy copies from CM/ECF using the “Include headers
8 when displaying PDF documents” feature under “Document Options.” This
9 requirement does not apply to pleadings filed under seal.
- 10 2. **Service of Pleadings:** Plaintiff must promptly serve the Complaint in
11 accordance with Fed. R. Civ. P. 4 and file proof of service. Any defendant not
12 timely served will be dismissed from the action. Any “Doe” or fictitiously
13 named defendant who is not identified and served within 90 days after the
14 case is filed will be dismissed pursuant to Fed. R. Civ. P. 4(m).
- 15 3. **Temporary Restraining Orders and Injunctions:** Parties seeking
16 emergency or provisional relief must comply with Fed. R. Civ. P. 65 and
17 L.R. 65.
- 18 4. **Actions Invoking Subject Matter Jurisdiction Based on Diversity:** The
19 burden of persuasion for establishing diversity jurisdiction rests on the party
20 asserting it and must be supported by competent proof. To determine a
21 corporation’s “principal place of business” for the purposes of diversity
22 jurisdiction, the Court will apply the “nerve center” test, which was adopted
23 by the U.S. Supreme Court in *Hertz Corp. v. Friend*, 559 U.S. 77 (2010).
24 The “nerve center” test looks to the single location where the “corporation’s
25 high level officers direct, control, and coordinate the corporation’s activities.”
26 *Id.* at 80. The “nerve center” will typically be the corporation’s headquarters,

1 provided that the headquarters is the actual center of direction, control, and
2 coordination, and not simply an office where the corporation holds its board
3 meetings. *Id.* at 81. Further, the court reminds plaintiffs that they must allege
4 the citizenship of each owner/member of any defendant that is a limited
5 liability company. *See Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d
6 894, 899 (9th Cir. 2006) (“We therefore join our sister circuits and hold that,
7 like a partnership, an LLC is a citizen of every state of which its
8 owners/members are citizens.”). If a party seeks to remove an action to this
9 Court on the basis of diversity in a case where it is not clear from the
10 Complaint that more than \$75,000 is in controversy, the removing party must
11 prove by a preponderance of the evidence that the amount in controversy
12 meets the jurisdictional threshold. *Matheson v. Progressive Specialty Ins.*
13 *Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003). The Court will consider facts
14 presented in the removal petition as well as any summary-judgment-type
15 evidence relevant to the amount in controversy at time of removal. *Id.*
16 Conclusory allegations as to the amount in controversy are insufficient. *Id.*
17 Parties must file an Amended Complaint or Amended Notice of Removal
18 within **fifteen days from the date the action is assigned to Judge Jones** if
19 there is a doubt as to whether they have established the citizenship of the
20 parties or whether they have established the amount in controversy. Failure
21 to comply may result in dismissal or remand.

- 22 **5. Meet and Confer Requirement:** For all cases, except applications for
23 temporary restraining orders, counsel contemplating the filing of any motion
24 shall first contact opposing counsel to discuss *thoroughly*, preferably in
25 person, the *substance* of the contemplated motion *and any potential*
26 *resolution*. The Court construes this requirement strictly. Half-hearted

1 attempts at compliance with this rule will not satisfy counsel’s obligation.
2 The parties must discuss the substantive grounds for the motion and attempt
3 to reach an accord that would eliminate the need for the motion. The Court
4 strongly emphasizes that discussions of the substance of contemplated
5 motions are to take place, if at all possible, in person. *All* motions must
6 include a declaration by counsel briefly describing the parties’ discussion and
7 attempt to eliminate the need for the motion and the date of such discussion.
8 Filings not in compliance with this rule will be stricken.

9 **6. Applications to Seal Documents:** It is the Court, not the parties, that
10 determines whether a document can be filed under seal. The Court will only
11 permit filings under seal if the party seeking to seal the information
12 demonstrates why the public’s traditional right of access to court documents
13 and the public policies favoring disclosure are outweighed by good cause (if
14 the motion is not case-dispositive) or compelling reasons (if the motion is
15 case-dispositive or the information is included in the operative complaint)
16 that support keeping the information under seal. The fact that a party has
17 designated a particular document “Confidential” is not sufficient to convince
18 the Court that good cause or compelling reasons exist to seal that document.

19 **7. Attorney’s Fees Motions:** All motions seeking attorney’s fees must be
20 accompanied by an appropriate declaration that attaches all relevant
21 timesheets and costs.

22 **8. Discovery and Initial Disclosures:** The parties shall not file initial
23 disclosures and other discovery on the court’s docket, unless such discovery
24 is the subject of a motion.

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