

SUPPLEMENTAL CERTIFICATION OF COUNSEL

[Must be attached to any notice of motion brought under L.R. 37-2]

In accordance with Judge Kim's Standing Order on Civil Discovery (Standing Order), the parties (or nonparties as applicable) and their counsel held their pre-filing conference(s) of counsel required by L.R. 37-1 before filing the discovery motion to which this Supplemental Certification of Counsel is attached.

1. The pre-filing conference(s) of counsel took place ☐ *in person* ☐ *by video* ☐ *via telephone* (because videoconference was technologically infeasible) on Click or tap to enter a date. for hour(s).

[If applicable] Additional conference(s) took place again ☐ *in person* ☐ *by video* ☐ *via telephone* on Click or tap to enter a date. for hours; and again ☐ *in person* ☐ *by video* ☐ *via telephone* on Click or tap to enter a date. for hour(s).

2. During the pre-filing conference, counsel discussed in conjunction with the merits of their discovery dispute(s) whether use of the following discovery practices or procedures [check all that apply] could eliminate or narrow the disputed issue(s):

☐ A supplemental Rule 26(f) discovery planning conference and/or an updated *substantive* discovery plan, to include a conference of counsel about witnesses and topics for Rule 30(b)(6) depositions. See Standing Order ¶ 3.

☐ Use of early informal discovery to facilitate and streamline later formal discovery, including over issues about preservation, collection, processing, review, and production of electronically stored information. See Standing Order ¶ 4.

☐ Use of formal or informal discovery methods in strategic sequences or in phases (with or without leave of court), including early limited Rule 30(b)(6) depositions, to learn predicate facts essential for later substantive discovery requests tailored to the parties' claims or defenses. See Standing Order ¶ 5.

☐ Use of jury instructions and proportionality factors listed in Rule 26(b)(1) to assess what is relevant to proving—element by element—a party's claim or defense (not just the subject matter of the case or broad topics like liability or damages) and whether, even if relevant, the disputed discovery is proportionate to the needs of the case given the balance of the proportionality factors. See Standing Order ¶ 6.

☐ Amendment (formal or informal) of document requests so that it can be understood what is being sought with reasonable particularity and/or amendment (formal or informal) of responses to document requests so that general or boilerplate objections are removed and it is clear what responsive documents are being withheld based on a specific objection. See Standing Order ¶ 7.

☐ Setting reasonable—but certain—deadlines or timetables for production of documents and associated privilege logs. See Standing Order ¶ 8.

3. On behalf of their respective client(s), each counsel of record (by its representative signature below) CERTIFIES—in accordance with Rule 26(g) and their professional obligations and ethical duties—that the remaining disputed issue(s) detailed in the attached discovery motion could not be further narrowed or eliminated even after studying the Standing Order, consulting the text and advisory committee notes for the most current applicable federal rules of discovery, and discussing the relevant matters checked above in section 2.

Each counsel of record (by its representative signature below) also ACKNOWLEDGES that failure to comply with the Standing Order, the applicable federal or local rules of discovery, and any other prior discovery order may lead to sanctions against the noncompliant (non)parties and their respective counsel of record.

SO CERTIFIED AND ACKNOWLEDGED.

Counsel for Plaintiff(s)

Signature

Dated:Click or tap to enter a date.

Counsel for Click or tap here to enter text.

Signature

Dated:Click or tap to enter a date.

Counsel for Defendant(s)

Signature

Dated:Click or tap to enter a date.

Counsel for Click or tap here to enter text.

Signature

Dated:Click or tap to enter a date.