MELINDA HAAG (CSBN 132612)
United States Attorney

MIRANDA KANE (CSBN 150630)
Chief, Criminal Division

ARVON J. PERTEET (CSBN 242828)
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450 Golden Gate Avenue, 11th Floor
San Francisco, CA 94102
Telephone: 415.436.7200
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Email: arvon.perteet@usdoj.gov

Attorneys for United States of America

ORIGINAL
FILED
2013 MAY -2 A 11:47
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NC

NORTHERN DISTRICT OF CALIFORNIA

CV 13 2027

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY AND IMPROVEMENTS LOCATED AT 2366 SAN PABLO AVENUE, BERKELEY, CALIFORNIA,

Defendant.

No. CV 13-

NOTICE OF FORFEITURE ACTION

RECEIVED
2013 MAY -3 AM 11:18
NORTHERN DISTRICT OF CALIFORNIA
UNITED STATES MARSHAL

A civil complaint seeking forfeiture pursuant to 21 U.S.C. § 881(a)(7) was filed on May 2, 2013 in the United States District Court for the Northern District of California by the United States of America, plaintiff, against the *in rem* defendant real property.

In order to contest forfeiture of the *in rem* defendant real property, any person who asserts an interest in or right against the property, must file a verified statement identifying the interest or right within 35 days after the date of service of the complaint in accordance with Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims or within 60 days after the first day of publication on the official internet government forfeiture website, www.forfeiture.gov, of the Notice of Forfeiture Action, whichever is earlier. Additionally, a

claimant must serve and file an answer to the complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 20 days after filing the claim.

An agent, bailee or attorney must state the authority to file a statement of interest or right against the property on behalf of another.

Statements of interest and answers should be filed with the Office of the Clerk, United States District Court for the Northern District of California, 450 Golden Gate Avenue, 16th Floor, San Francisco, California 94102, and copies should be served on Arvon J. Perteet, Assistant United States Attorney, 450 Golden Gate Avenue, 11th floor, San Francisco, California 94102.

Respectfully submitted,

MELINDA HAAG
United States Attorney

Dated: 5/2/13

ARVON J. PERTEET
Assistant United States Attorney

MELINDA HAAG (CSBN 132612)
United States Attorney

MIRANDA KANE (CSBN 150630)
Chief, Criminal Division

ARVON J. PERTEET (CSBN 242828)
Assistant United States Attorney

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Attorneys for United States of America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. REAL PROPERTY AND IMPROVEMENTS LOCATED AT 2366 SAN PABLO AVENUE, BERKELEY, CALIFORNIA, Defendant. NAHLA DROUBI, Owner of Record.	**No. CV 13-2027 NC** **NOTICE OF PENDENCY OF ACTION (LIS PENDENS)**

RECEIVED
UNITED STATES MARSHAL
2013 MAY -3 AM 11:13
NORTHERN DISTRICT
OF CALIFORNIA

NOTICE IS HEREBY GIVEN that an action has been commenced in the above-entitled Court pursuant to a Complaint, a copy of which is attached hereto as Exhibit A, filed by the United States of America on May 2, 2013 to secure a judicial forfeiture of real property and improvements located at 2366 San Pablo Avenue, Berkeley, California (Assessors Parcel Number 056-1933-024-03), and further described in Exhibit B, which is attached hereto.

///

In the Complaint, plaintiff alleges that the said real property is subject to forfeiture pursuant to Title 21, United States Code, Sections 881(a)(7).

The owner of record to the said real property is Nahla Droubi, sole owner.

Dated: May 2, 2013

Respectfully submitted,

MELINDA HAAG
United States Attorney

ARVON J. PERTEET
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

- NOTICE OF PENDENCY OF ACTION (LIS PENDENS)

to be served this date via certified mail delivery and first class mail delivery upon the person(s) below at the place(s) and address(es) which is/are the last known address(es):

Nahla Droubi
22 Echo Hill Lane
Moraga, CA 94556

American Contractors Indemnity Company
9841 Airport Blvd., 9th Floor
Los Angeles, CA 90045

Berkeley Patients Group
2366 San Pablo Avenue
Berkeley, CA 94702

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd day of May, 2013, at San Francisco, California.

Carolyn Jusay

CAROLYN JUSAY
Paralegal
Asset Forfeiture Unit

EXHIBIT A

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

ARVON J. PERTEET (CABN 242828)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
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Attorneys for United States of America

ORIGINAL
FILED
2013 MAY -2 A 11:47
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CV 13 2027

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY AND IMPROVEMENTS LOCATED AT 2366 SAN PABLO AVENUE, BERKELEY, CALIFORNIA,

Defendant.

No.

COMPLAINT FOR FORFEITURE

In this *in rem* forfeiture action, the United States alleges:

JURISDICTION AND VENUE

1. This *in rem* forfeiture action is brought pursuant to Title 21, United States Code, Section 881(a)(7).

2. This Court has jurisdiction under Title 28, United States Code, Sections 1345 and 1355.

3. Venue lies in the Northern District of California pursuant to Title 28, United States Code, Sections 1355(b) and 1395(a) and (b), as the acts giving rise to this *in rem* action occurred in this district and the defendant real property is located in this district.

4. Intra-district venue is appropriate in either San Francisco or Oakland.

PARTIES AND INTERESTED PERSONS

5. Plaintiff is the United States of America.

6. Defendant is real property and improvements located at 2366 San Pablo Avenue Berkeley, California, Alameda County. The defendant real property is identified by assessor's parcel number 056-1933-024-03, and further described in Attachment A, affixed hereto and incorporated herein ("defendant real property").. The defendant real property is a multi-parcel lot, with a single-story commercial building with on-site parking. The defendant real property is the business address for Berkeley Patients Group ("BPG"), a retail marijuana store.

7. According to the lien report issued by LSI Title Company, Nahla Droubi is the owner of record for the defendant real property. The lien report also reflect deeds of trust to secure indebtedness in the amount of $250,000.00 and $200,000.00 were recorded in the Alameda County Recorder's Office on June 14, 1999 and June 16, 2000, respectively both for the benefit of American Contractors Indemnity Company. Additionally, a lien in the amount of $97,230.32, plus any other amount owing was recorded in the Alameda County Recorder's Office on December 2, 2010, by the State of California Department of Toxic Substances Control.

8. BPG is believed to have a leasehold interest in the defendant property.

FACTS

9. Plaintiff incorporates by reference the allegations of paragraphs one through eight as though fully set forth herein.

10. At all times relevant in this complaint, the defendant real property was the business location of BPG, a marijuana store which distributes marijuana, and facilitates the

distribution of marijuana, to its customers and accepts money for the distribution of said marijuana. BPG operates its marijuana business out of the defendant real property.

11. Color Me Children Preschool is located on Bancroft Way, in Berkeley, California. BPG, which is located at 2366 San Pablo Avenue, Berkeley, California, is within 1000 feet of Color Me Children PreSchool.

12. The Nia House Learning Center, a Montessori toddler and preschool program is located on 9th Street, in Berkeley, California. The defendant real property is within 1000 feet of the Nia House Learning Center.

13. According to BPG's website (www.mybpg.com), BPG is open seven days a week – from 9:00 a.m. to 9:00 p.m.

14. Since at least 2012 and continuing until the present, BPG has operated a marijuana store engaged in the distribution of marijuana at the defendant real property.

15. The defendant real property is owned by Nahla Droubi.

16. On November 21, 2012, the United States Attorney's Office for the Northern District of California sent Nahla Droubi a letter notifying her that the office was aware of BPG's plan to open and operate a marijuana dispensary at the defendant real property and that the dispensary would be operating within 1000 feet of two pre-schools. The letter further advised her that the operation of a marijuana store was in violation of federal law and could result in criminal and civil penalties, including forfeiture of the defendant real property.

17. In February 2013, the United States Attorney's Office for the Northern District of California sent American Contractors Indemnity Company, the lienholder of the defendant real property, a letter notifying it that BPG was operating a marijuana dispensary at the defendant real property in violation of federal law. The letter further advised that continued operation of a marijuana store at this property could result in criminal and civil penalties, including forfeiture of the defendant real property.

//

CLAIM FOR RELIEF
21 U.S.C. § 881(a)(7)
(Forfeiture of property used to facilitate cultivation, sale or distribution of marijuana)

18. The United States incorporates by reference the allegations in paragraphs one through 17 as though fully set forth.

19. Title 21, United States Code, Section 841(a) prohibits the manufacture, distribution or dispensing and possession with the intent to manufacture, distribute or dispense a controlled substance, to wit: marijuana.

20. Title 21, United States Code, Section 856 makes it unlawful to rent, lease, profit from or make available for use, with or without compensation, a place for the purpose of unlawfully manufacturing, storing distributing or using a controlled substance, to wit: marijuana.

21. Title 21, United States Code, Section 881(a)(7) provides for the forfeiture of all real property, including any right, title, and interest, which is used or intended to be used, in any manner or part to commit, or facilitate the commission of any violation of Title 21, United States Code, Chapter 13, Subchapter I, to include sections 841 and 856.

22. In light of the foregoing, plaintiff alleges that the defendant real property is subject to forfeiture, pursuant to Title 21, United States Code, Section 881(a)(7), as property which was used or intended to be used, to commit or facilitate the commission of the distribution, cultivation and possession with the intent to distribute and cultivate marijuana.

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23. With respect to the defendant real property, the United States has not seized said property. Rather, the United States will, as provided in Title 18, United States Code, Section 985(b)(1) and (c)(1):

a. Post notice of this action and a copy of this Complaint for Forfeiture at the defendant real property;

b. Serve notice of this action together with a copy of the Complaint for Forfeiture and related documents, on the owners of record of the defendant real property; and

c. Record a *lis pendens* in the county records to demonstrate the status of the defendant real property in this *in rem* action.

****

WHEREFORE, plaintiff United States of America requests that due process issue to enforce the forfeiture of the defendant real property; that notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that the Court enter judgment for forfeiture of the defendant real property to the United States; and that the United States be awarded such other relief as may be proper and just.

Respectfully submitted,

MELINDA HAAG
United States Attorney

Dated: 4/30/13

ARVON J. PERTEET
Assistant United States Attorney

VERIFICATION

I, DAVID WHITE, state as follows:

1. I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration. As the agent assigned to this case I am familiar with the facts and investigation leading to the filing of this Complaint for Forfeiture.

2. I have read the Complaint, and based upon my personal knowledge, discussions with persons involved in the investigation and my review of relevant investigative reports and other documentation, I believe the allegations contained in it to be true.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 2 day of ~~April~~ May, 2013 in San Francisco, California.

DAVID WHITE
Special Agent
Drug Enforcement Administration

ATTACHMENT A

LEGAL DESCRIPTION

PARCEL 1:

BEGINNING AT A POINT ON THE EASTERN LINE OF 10TH STREET DISTANT THEREON NORTHERLY 150 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHERN LINE OF CHANNING WAY, ACCORDING TO THE MAP HEREINAFTER REFERRED TO; THENCE NORTHERLY ALONG SAID LINE OF 10TH STREET 50 FEET; THENCE AT RIGHT ANGLES EASTERLY 135 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 18 FEET, THENCE AT RIGHT ANGLES EASTERLY 135 FEET TO THE WESTERN LINE OF SAN PABLO AVENUE, AN SHOWN ON SAID MAP; THENCE SOUTHERLY ALONG SAID LINE OF SAN PABLO AVENUE 30 FEET; THENCE AT RIGHT ANGLES WESTERLY 135 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 2 FEET; AND THENCE AT RIGHT ANGLES WESTERLY 135 FEET TO THE POINT OF BEGINNING.

BEING THE SOUTHERN 30 FEET OF LOT 13, THE NORTHERN 2 FEET OF LOT 20 AND THE SOUTHERN 48 FEET OF LOT 21, BLOCK 121, AS SAID LOTS AND BLOCK ARE SHOWN UPON THAT CERTAIN MAP ENTITLED, "CORRECTED MAP OF THE RAYMOND TRACT, 1887", FILED SEPTEMBER 21, 1887, MAP BOOK 10, PAGE 12, ALAMEDA COUNTY RECORDS.

PARCEL 2:

BEGINNING AT A POINT ON THE WESTERN LINE OF SAN PABLO AVENUE, DISTANT THEREON NORTHERLY 127 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHERN LINE OF CHARMING WAY, AN SAID AVENUE AND WAY ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID LINE OF SAN. PABLO AVENUE, 25 FEET; THENCE AT RIGHT ANGLES WESTERLY 135 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 25 FEET; THENCE AT RIGHT ANGLES EASTERLY 135 FEET TEE THE POINT OF BEGINNING.

BEING THE NORTHERN 25 FEET OF LOT NO. 14, BLOCK NO. 121, AS SAID LOT AND BLOCK ARE DELINEATED AND SEE DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "CORRECTED MAP OF THE RAYMOND TRACT, 1887", TILED SEPTEMBER 21, 1887, MAP BOOK 10, PAGE 12, ALAMEDA COUNTY RECORDS.

PARCEL 3:

BEGINNING AT A POINT ON THE EASTERN LINE OF 10TH STREET; DISTANT THEREON NORTHERLY 100 FEET FROM THE POINT OF INTERSECTION THEREOF, WITH THE NORTHERN LINE OF CHANNING WAY, AS PER MAP HEREINAFTER REFERRED TO; RUINING THENCE NORTHERLY ALONG SAID LINE OF 10TH STREET 50 FEET; THENCE AT RIGHT ANGLES EASTERLY 135 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 23 FEET; THENCE AT RIGHT ANGLES EASTERLY 135 FEET TO THE WESTERN LINE OF SAN PABLO AVENUE, AS SHOWN AN SAID MAP; THENCE SOUTHERLY ALONG SAID LINE OF SAN PABLO AVENUE 27 FEET; THENCE AT RIGHT ANGLES WESTERLY 270 FEET TO THE POINT OF BEGINNING.

BEING THE SOUTHERN 27 FEET LOT 14 AND THE SOUTHERN 50 FEET OF LOT 20, BLOCK 121, AS SAID LOT AND BLOCK ARE DELINEATED UPON THAT CERTAIN MAP ENTITLED, "CORRECTED MAP OF THE RAYMOND TRACT, 1887", FILED SEPTEMBER 21, 1887, MAP BOOK 10, PAGE 12, ALAMEDA COUNTY RECORDS.

EXCEPTING FROM PARCELS 1, 2 AND 3 THAT PORTION CONTAINED IN THE DEED FROM JULIUS CHASE, AN UNMARRIED MAN, RECORDED JUNE 23, 1980, SERIES NO. 80-106229, ALAMEDA COUNTY RECORDS.

PARCEL 4;

AN ENCROACHMENT CASEMENT APPURTENANT TO PARCEL 1 ABOVE AS DESCRIBED IN THE DOCUMENT RECORDED JULY 5, 1985, SERIES NO. 85133671, ALAMEDA COUNTY RECORDS.

PARCEL 5:

COMMENCING AT A POINT ON THE WESTERLY LINE OF SAN PABLO AVENUE, DISTANT THEREON 182 FEET NORTHERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE NORTHERLY LINE OF CHARMING WAY; RUNNING THENCE NORTHERLY ALONG SAID WESTERLY LINE OF SAN PABLO AVENUE, 25 FEET; THENCE AT A RIGHT ANGLE WESTERLY 135 FEET; THENCE, AT A RIGHT ANGLE SOUTHERLY 25 FEET; AND THENCE AT A RIGHT ANGLE EASTERLY 135 FEET TO THE POINT OF COMMENCEMENT.

BEING THE SOUTHERLY 5 FEET OF LOT NO. 12 AND THE NORTHERLY 20 FEET OF LOT NO. 13 IN BLOCK NO. 121 AS THE SAID LOTS AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN. MAP ENTITLED, "CORRECTED MAP OF THE RAYMOND TRACT, BERKELEY, ALAMEDA CO. 1887", FILED SEPTEMBER 21, 1887 IN THE OFFICE OF THE COUNTY RECORDER OF SAID ALAMEDA COUNTY.

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT OF CASE

TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL

Pursuant to General Order 44, the Assignment Plan of the United States District Court for the Northern District of California, this case has been randomly assigned to Magistrate Judge Nathanael Cousins.

Pursuant to Title 28 U.S. C. § 636(c), with written consent of all parties, a magistrate judge may conduct all proceedings in the case. Attached is a form to complete if you consent to proceed before the assigned magistrate judge and a form to complete if you decline to proceed before the assigned magistrate judge. Electronic versions of both forms are also available at the Court's Internet site: http://www.cand.uscourts.gov. Click on Forms-Civil. A party is free to withhold consent without adverse consequences. If a party declines to consent, the case will be randomly reassigned to a district judge and a case management conference will be scheduled on the district judge's calendar as close as possible to the date presently scheduled before the magistrate judge.

Plaintiffs or removing parties must file a consent or declination within 14 days of the filing of the complaint or removal. All other parties must file a consent or declination within 14 days of appearing in the case.

The plaintiff or removing party shall serve a copy of this notice and all attachments upon all other parties in the action pursuant to Federal Rules of Civil Procedure 4 and 5.

FOR THE COURT,

RICHARD W. WIEKING, CLERK

Simone Voltz

By: Deputy Clerk

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

v.

Defendant(s).
_____/

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: _____

_____
Signature

Counsel for _____
(Plaintiff, Defendant or indicate "pro se")

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s),

v.

Defendant(s).
_____/

No. C

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: _____

Signature_____

Counsel for _____
(Plaintiff, Defendant, or indicate "pro se")

ORIGINAL
FILED
2013 MAY -2 A 11:46
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 13 2027

NC

CIVIL STANDING ORDER
MAGISTRATE JUDGE NATHANAEL M. COUSINS

SCHEDULING

Civil motions are heard on Wednesdays at 1:00 p.m.
Civil case management conferences are held on Wednesdays at 10:00 a.m.
Civil pretrial conferences are held on Wednesdays at 2:00 p.m.
Parties are not required to reserve a hearing date but should confirm the Court's availability at http://www.cand.uscourts.gov. For questions regarding scheduling, please contact courtroom deputy Lili Harrell at 415.522.2039 or Lili_Harrell@cand.uscourts.gov.

7/31/13 at 10am

CASES INITIALLY ASSIGNED TO JUDGE COUSINS

In civil cases initially assigned to this Court for all purposes, each party must file written consent to the jurisdiction of a magistrate judge or a written request for reassignment to a district judge as soon as possible but no later than the deadlines specified in Civil Local Rule 73-1(a).

COURTESY COPIES

For motion-related filings only, the parties must lodge an extra paper copy and mark it as a copy for "NC Chambers."

PROPOSED ORDERS

In all cases subject to e-filing, the parties must send via email all stipulations and proposed orders in WordPerfect format to ncpo@cand.uscourts.gov on the same day they e-file these documents.

DISCOVERY

Discovery motions referred to this Court and noticed for a hearing by a district judge will follow the briefing schedule set by the district judge, but the hearing will be rescheduled in accordance with this Court's civil motion calendar.

For all other discovery disputes in cases that have been referred to this Court, the parties must meet and confer to attempt to resolve their dispute as described below. If the parties are unable to reach a resolution through this process, they must file a joint statement of five pages or less that: (1) explains the nature and status of the dispute; (2) describes each unresolved issue; (3) summarizes each party's position with respect to each unresolved issue; and (4) states each party's proposed compromise with respect to each unresolved issue. The parties must not attach any declarations, affidavits, or exhibits to the statement. In the rare event that the parties are unable to file a joint statement, each party may file a statement of two pages or less. The statement(s) must be filed in ECF under the Civil Events category of Motions and Related Filings > Motions: General > Discovery Letter Brief. Upon review of the statement(s), the Court will advise the parties regarding the need, if any, for more briefing, a hearing, or a telephonic conference.

MEET AND CONFER REQUIREMENT

The parties must attempt to resolve their disputes informally by meeting and conferring in person. If counsel are located outside of the Bay Area, the parties must confer by telephone. A mere exchange of letters, emails, telephone calls, or facsimile transmissions does not satisfy the requirement to meet and confer.

IT IS SO ORDERED.

August 24, 2012

Nathanael M. Cousins
U.S. Magistrate Judge

STANDING ORDER FOR ALL JUDGES
OF THE NORTHERN DISTRICT OF CALIFORNIA

CONTENTS OF JOINT CASE MANAGEMENT STATEMENT

Commencing July 1, 2011, all judges of the Northern District of California will require identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. Facts: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. Legal Issues: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. Motions: All prior and pending motions, their current status, and any anticipated motions.
5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. Evidence Preservation: A brief report certifying that the parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored Information ("ESI Guidelines"), and confirming that the parties have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence relevant to the issues reasonably evident in this action. *See* ESI Guidelines 2.01 and 2.02, and Checklist for ESI Meet and Confer.
7. Disclosures: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26, and a description of the disclosures made.
8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, a brief report on whether the parties have considered entering into a stipulated e-discovery order, a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f), and any identified discovery disputes.
9. Class Actions: If a class action, a proposal for how and when the class will be certified.
10. Related Cases: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.

11. Relief: All relief sought through complaint or counterclaim, including the amount of any damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.

12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.

13. Consent to Magistrate Judge For All Purposes: Whether **all** parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment. ___ Yes ___ No

14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.

16. Expedited Trial Procedure: Whether this is the type of case that can be handled under the Expedited Trial Procedure of General Order No. 64 Attachment A. If all parties agree, they shall instead of this Statement, file an executed Agreement for Expedited Trial and a Joint Expedited Case Management Statement, in accordance with General Order No. 64 Attachments B and D.

17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.

18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.

19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.