

Successful Research in Your Summer Job

Reference Librarian

Please log in to Lexis, Westlaw, and Bloomberg Law



What we will cover

- Summer database access—Lexis, Westlaw, Bloomberg, CEB
- Librarian assistance available over the summer
- Summer research simulation using
 - Practice guides
 - Administrative law (agency materials and regulations)
 - Dockets
 - Legal analytics
- Other useful resources for summer law interns

Summer Database Access



Bloomberg Law

THOMSON REUTERS
WESTLAW

LRC databases

Low-cost options such as state
and federal government websites

Westlaw® password Summer Extension

If you are not graduating this summer and are participating in a qualified program, register here for full use of Westlaw this summer.

Select reason for extension

- ☐ Summer law school classes
- ☐ Law Review and Journal work
- ☐ Project for a professor
- ☐ Moot Court
- ☒ Unpaid non-profit public interest internship/externship or pro bono work required for graduation, **except as stated below.***

I Agree



lawschool.westlaw.com/registration/summerextension.aspx

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www.bloomberglaw.com

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Law**

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Pardee Legal Research Center

The law library exists to support the educational and scholarly activities of the USD law community.

Quick Links

- [Online Study Aids](#)
- [Study Room Reservations & LRC Access](#)
- [CALI code](#)
- [Faculty Resources & Faculty Services](#)
- [San Diego Circuit](#)
- [Printing](#)
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Hours
Wednesday, March 16, 2022

LRC Building Hours

7:00am – 12:00am

Reference Desk

9:00am – 6:00pm

[View all Hours](#)

Contact the LRC

Circulation DeskIrcirc@sandiego.edu
619-260-4542**Reference Desk**Ircrefer@sandiego.edu
619-260-4612
Zoom appointments available on request[Follow us on Instagram](#)
[@usdlaw.lrc](#)
 [Ask a law librarian!](#)

Summer Clerks Research Guide

Search this Guide

Search

Strategies and research tips for working law students

Practical Tips - The Basics

Research Basics

California Resources

Federal Resources

Policy Research

Working for a Judge

Working for an Attorney

Online Access During the Summer

1. Make a Plan

Ask Questions

Do a quick preliminary analysis, and take the time to answer **who, what, when, where (jurisdiction), why, and how**.

- For example, if you know starting out that you are looking at an issue of federal law, you can limit your preliminary research to resources that focus on federal law.

Further questions can help keep you organized and limit your work.

- "How much time do I have to complete this research?"
- What do you want for the final product - memo, contract, brief, motion, or something else?"
- "Has anyone else worked on this?"

Clarify your Questions

- If you are unclear about any part after your preliminary analysis (the who, what, when, where, why, and how), now is the time to clarify.

2. Keep a Research Log

Research Logs & Credible Research

Keep a detailed record of what you researched, what you found, and how long you spent on that issue. This is especially helpful when your entire work product is mostly an explanation of how you spent your time.

- Maintain your log so that someone else could pick up where you left off.
- Keep track of your time for client billing or funding purposes.
- Common research questions for summer jobs often ask you to prove a negative. For example:
 - "Can you make sure there's nothing new about [x]?"
 - "I don't think there's anything that says we can't do this. Can you check?"

One great way to back up your answer to these kinds of questions is to provide a summary of your research log.

Your research is more credible—your employer will be more confident in your final answer—if you show clearly that you checked authoritative secondary sources and thoroughly reviewed relevant primary law.



Ask a law librarian!

<https://lawlibguides.sandiego.edu/summer/research-basics>

Free and Low-Cost Resources

- Government websites
 - State, county, and local government websites provide a number of free resources
- CA Secretary of State website
 - Information about businesses licensed in the state
 - Forms for starting a business
- Court websites
 - Court rules, sample forms, fee and filing information, dockets
- Municipal codes
 - Many for free online at Municode and American Legal Publishing
 - Or, check the municipal website

Summer Research Questions

I want to find out if the SEC ever made any statements regarding their definition of the negligence standard, particularly around a private equity or investment context.

How can I search for cases from the Board of Immigration Appeals?

I need help finding USDA regulations for custom slaughter.

I need to find out if a case was filed in the 9th judicial district of Colorado.

Is there a way to access past court orders?

Where can I find city and county laws that apply to my research question?

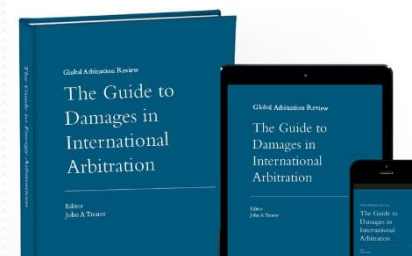
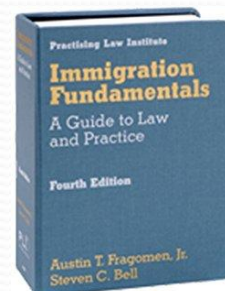
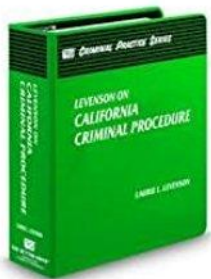
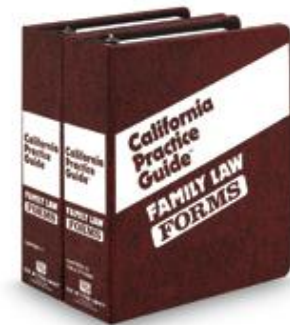
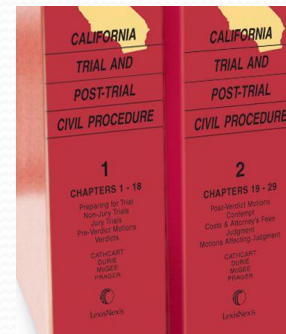
Questions to ask when you start a research project:

- Where do you suggest I start?/Where have you looked?
- How long should I spend on this project?
- Is there a preference for one database over another?
- What billing number should I use for this online research?
- Are you available for follow-up questions?

Practice Guides

Hello, do you know if Westlaw or Lexis has *The Rutter Group: Personal Injury*? A partner recommended that I look at some sample demand letters in that guide.

- Step-by-step manuals written for legal practitioners in most subjects
 - In print
 - Westlaw and Lexis
 - CEB OnLaw Pro



Practice Guides

Westlaw	<p>Rutter Group, Bancroft-Whitney, Witkin, Cal Jur</p> <p>Select Secondary Sources, then select California under By State; can narrow by Publication Type or Publication Series</p> <p>*Practical Law includes Practice Notes on narrow issues</p>
Lexis	<p>Matthew Bender, Witkin, Cal Jur</p> <p>Under Explore, select Secondary Materials in the Content tab, then select California under State; can narrow by a few large categories or pick from Top Secondary Sources</p> <p>*Practical Guidance includes Practice Notes on narrow issues</p>
Bloomberg Law	<p>Trademarks & Copyrights, Labor & Employment, Health, Environmental & Safety, Bankruptcy, Tax, and more</p> <p>For BNA materials, select Browse, then Secondary Sources. For all other publishers select Books & Treatises from the homepage.</p>
CEB OnLaw Pro	<p>California Treatises and Form Books</p> <p>Register for a CEB academic account. Link available on the LRC Databases A-Z list, under CEB Pro.</p> <p>http://www.sandiego.edu/law/library/find-resources/research-databases/</p>

CEB OnLaw Pro

research.ceb.com

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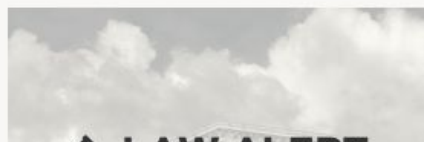


Court Rejects Gentrification-Based Fair Housing Act Claim, Allowing Redevelopment Project in the Crenshaw Corridor to Proceed

Robia Crisp March 16, 2022

After a hard-fought opposition effort undertaken by local residents, property owners and merchants (the "Coalition") to halt a neighborhood revitalization project in South Los Angeles, the Second District Court of Appeal affirmed a trial court's dismissal of the group's gentrification-based claims under the Fair Housing Act, 42 USC 3601 et seq. and California's Fair Employment and Housing Act, Gov. Code 12900, et seq.

Real Property



California Reaches \$42K Deal Over Claims That OC Company Burned Consumers by Selling 'Drinkable Sunscreen'



Secondary Sources

Litigation Practice & Procedure

- ▶ California Administrative Hearing Practice
- ▶ California Administrative Mandamus
- ▶ California Attorney Fee Awards
- ▶ California Attorney's Guide to Damages
- ▶ California Civil Appellate Practice
- ▶ California Civil Discovery Practice
- ▶ California Civil Procedure Before Trial
- ▶ California Civil Writ Practice
- ▶ California Expert Witness Guide
- ▶ California Government Tort Liability Practice
- ▶ **California Summary Judgment**
- ▶ California Trial Objections
- ▶ California Trial Practice: Civil Procedure During Trial
- ▶ Civil Litigation Reporter
- ▶ Effective Direct and Cross-Examination
- ▶ Enforcing Civil Money Judgments
- ▶ Handling Civil Appeals
- ▶ Handling Depositions
- ▶ Handling Expert Witnesses in California Courts
- ▶ Handling Motions to Compel and Other Discovery Motions
- ▶ Handling Subpoenas
- ▶ Meeting Statutory Deadlines: During and After Litigation
- ▶ Obtaining a Writ of Attachment

Contents

California Summary Judgment

1 Strategic Overview

Marshall C. Wallace

2 Availability of Relief

James Neudecker

3 Timing Requirements and Planning Strategies

4 Evidentiary Burdens and Presumptions

Michael C. Denison

5 Developing and Proffering Evidence

6 Moving Papers

7 Opposition Papers

8 Reply Papers

9 Objections to Evidence

Stephen G. Blicht

10 Hearing and Oral Argument

11 Decision and Order

12 Challenging the Decision

13 Considerations in Particular Cases: Unlawful Detainer and Employment Discrimination

14 Forms

§1.6 E. When Summary Judgment Is Appropriate

Motions for summary judgment or summary adjudication are appropriate when

- The dispositive issue in the case is one of law, not of fact;

EXAMPLE: Examples of legally dispositive issues include the court's subject matter jurisdiction (*Garofalo v Princess Cruises, Inc.* (2000) 85 CA4th 1060, 1068); statutory interpretation, including preemptive effect (*Garofalo v Princess Cruises, Inc., supra*); application of statute to undisputed facts (*Schachter v Citigroup, Inc.* (2009) 47 C4th 610); contract interpretation (*C. L. Smith Co. v Roger Ducharme, Inc.* (1977) 65 CA3d 735, 743), and existence of a duty (see, e.g., *Denton v City of Fullerton* (1991) 233 CA3d 1636, 1639).

- The admissible evidence reveals no issue of material fact as to the matters for which the party has the burden of proof;
- There is no admissible evidence to prove any material fact as to which the other side has the burden of proof;
- No reasonable jury would accept the adversary's position on a fact issue that is a necessary element of the adversary's claim or defense;
- There is no material fact issue as to an important cause of action, defense, or issue of duty, and the elimination of that issue would significantly improve the posture of the case at trial; or
- No reasonable jury could find clear and convincing evidence of malice, fraud, or oppression, or approval/ratification by a principal against whom punitive damages are sought.

NOTE: In federal court, a motion for summary judgment is also useful because the court can issue an order establishing certain facts in the action, even if it denies the motion. Fed R Civ P 56(g). [Code of Civil Procedure §437c](#) does not permit such an order in state court.

Hypo

- September 2021
- You intern for the California Department of Fair Employment and Housing (DFEH)
- DFEH has sued Activision Blizzard (maker of World of Warcraft & Call of Duty) for company culture of sexual harassment and unequal pay
- Federal Equal Opportunity Employment Commission (EEOC) has also sued Activision for three Title VII claims: sexual harassment, pregnancy discrimination, and retaliation

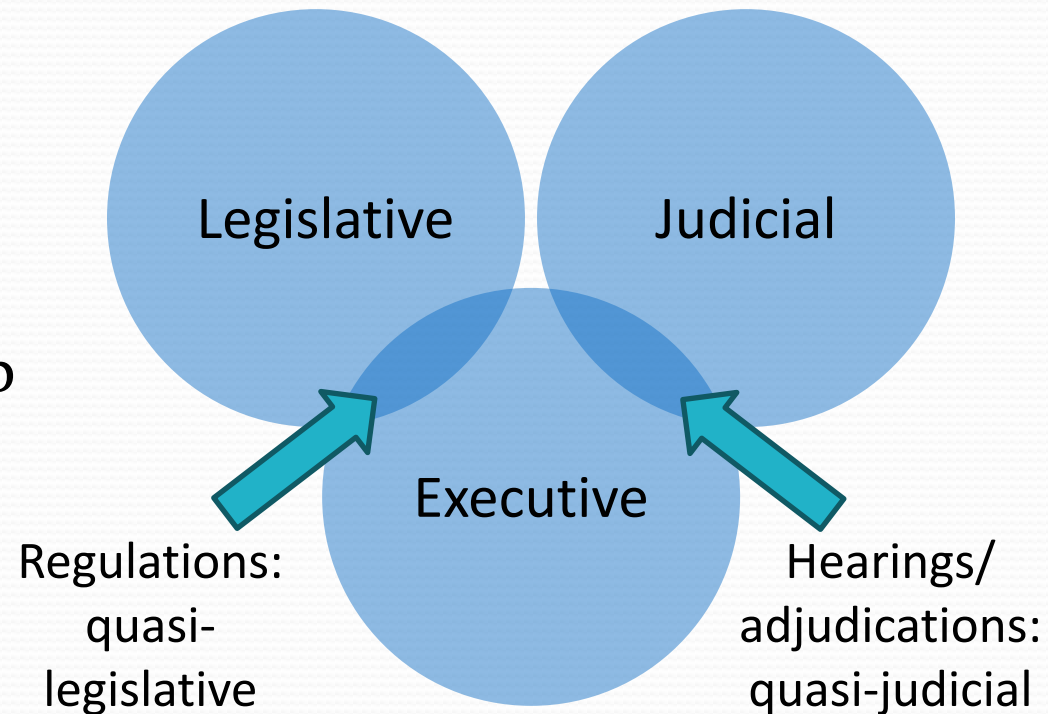
Exercise 1

Your supervisor has asked you to write a memo about the EEOC's claims so DFEH can decide whether to become involved in the federal case. Remembering the research process you learned in LWR, you decide not to jump directly into docket searching and will first seek a basic understanding of **sexual harassment, pregnancy discrimination, and retaliation claims under Title VII** in a reliable treatise or practice guide. A colleague tells you that she has often found two guides, *Sex-Based Employment Discrimination* and *Larson on Employment Discrimination* to be particularly helpful in this type of case. Locate one of these resources and find the chapters that will help you understand the EEOC's three claims.

Administrative Law: Overview

Branch of law governing the creation and operation of administrative agencies

Administrative law makes up a huge portion of “the law”



How Agencies are Created

Legislature passes a law, giving the broad strokes and “**enabling**” a government agency to implement the law.

To implement the legislature’s intent, the agency typically will have to do 2 things:

1. Promulgate **regulations** that provide more detailed rules and establish oversight processes;
2. Enforce the law through those processes, including administrative **hearings/adjudications**.

Promulgation of Regulations

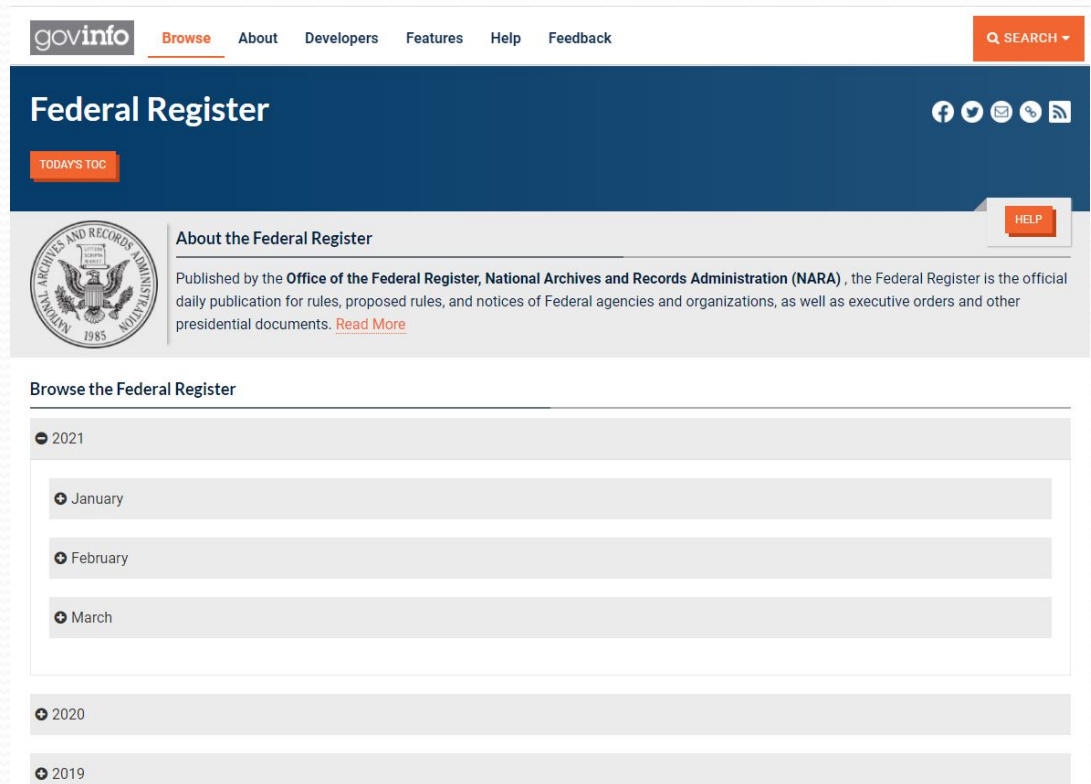
Strict rules about what the agency must do (simplified):

1. Agency drafts and publishes proposed regulations in the Federal Register (Fed. Reg.)
2. Opportunity for public comment
3. Agency reviews comments, drafts and publishes final version in Fed. Reg.
4. Codify the final regulations in the Code of Federal Regulations (C.F.R.)

Federal Register

“[T]he official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents”

Available via govinfo.gov
(free; 1994–present);
Westlaw, Lexis, and
Bloomberg Law (from
inception (1936)–present)



Code of Federal Regulations

Codified version of agency rules; updated annually on a rolling schedule

Available via govinfo.gov (free; 1996–present); Westlaw, Lexis, and Bloomberg Law (historical scope varies)

The screenshot shows the govinfo.gov website interface for the Code of Federal Regulations (Annual Edition). The header includes the govinfo logo, navigation links (Browse, About, Developers, Features, Help, Feedback), and a search bar. The main heading is "Code of Federal Regulations (Annual Edition)". Below this, there is a section titled "About the Code of Federal Regulations" with a detailed paragraph explaining the CFR's structure and update cycle. A link "Click here" points to the e-CFR. The "Browse the Code of Federal Regulations" section lists titles for the year 2020, including Title 1 - General Provisions, Title 2 - Grants and Agreements, Title 3 - The President, and Title 4 - Accounts. Each title entry includes a dropdown arrow, the title name, a subtitle indicating parts and effective date, and buttons for PDF, TEXT, XML, DETAILS, and SHARE.

govinfo Browse About Developers Features Help Feedback SEARCH

Code of Federal Regulations (Annual Edition)

HELP

About the Code of Federal Regulations

The Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The 50 subject matter titles contain one or more individual volumes, which are updated once each calendar year, on a staggered basis. The annual update cycle is as follows: titles 1-16 are revised as of January 1; titles 17-27 are revised as of April 1; titles 28-41 are revised as of July 1; and titles 42-50 are revised as of October 1. Each title is divided into chapters, which usually bear the name of the issuing agency. Each chapter is further subdivided into parts that cover specific regulatory areas. Large parts may be subdivided into subparts. All parts are organized in sections, and most citations to the CFR refer to material at the section level. [Read More](#)

[Click here](#) to access the e-CFR (Electronic Code of Federal Regulations), the regularly updated online version of the CFR.

Browse the Code of Federal Regulations

2020

- Title 1 - General Provisions
Parts 1 - 603. January 1, 2020
PDF TEXT XML DETAILS SHARE
- Title 2 - Grants and Agreements
Parts 1 - 5999. January 1, 2020
PDF TEXT XML DETAILS SHARE
- Title 3 - The President
Parts 100 - 102. January 1, 2020
PDF TEXT XML DETAILS SHARE
- Title 4 - Accounts
PDF TEXT XML DETAILS SHARE

Administrative Adjudications

- Differ widely among agencies
 - Informal/formal
 - Bind only parties/precedential effect
 - Whether and how they're published
-
- Agency websites are often a good place to start
 - Westlaw (restricted summer access), Lexis, Bloomberg Law and other specialty databases have selected agency adjudications
 - HeinOnline has historical agency materials

Guidance Documents

- Some agencies put out informal documents that lay out current thinking on issues
- Avoids strict requirements for promulgating regulations
- Not legally binding, but can be a good indicator of an agency's position
- May not be formally published—look on agency's website



For information on the operating status of each Office, as impacted by the COVID-19 Pandemic, click [here](#).

Before visiting an NLRB office, please call to make an appointment. Please be prepared to complete a [Certification of Vaccination](#) form and if you are unvaccinated, present a negative test result from a COVID-19 PCR test administered within the previous 3 days.

Introduction to the NLRB

The National Labor Relations Board is an independent federal agency that protects the rights of private sector employees to join together, with or without a union, to improve their wages and working conditions.

[Read More](#)



[Introduction to the NLRB](#)

[What Are My Rights?](#)

[Protect Employees](#)

The NLRB My Account Portal is an NLRB website that allows individuals to view cases and inquiries to which they are a party, e-file documents in those cases/inquiries, view their e-file history and manage their user profile.

[My Account Portal](#)

About Us

National Labor Relations Act
NLRB Process
Board Rules & Regulations
Board Rulemaking
Careers

Board Decisions



Power Clean Enterprises, Inc.
Citation Number: 371 NLRB No. 76
Case Number: 20-CA-282279
Issuance Date: 18 March 2022

AT&T Services, Inc.
Citation Number: 371 NLRB No. 82
Case Number: 07-CA-228413
Issuance Date: 18 March 2022

Quick Decisions

Get decision by volume and page / slip opinion number.

Volume# *

Example Federal Agencies

- Department of Agriculture (USDA)
- US Patent and Trademark Office (USPTO)
- Department of Housing and Urban Development (HUD)
- Occupational Safety and Health Administration (OSHA)
- Federal Trade Commission (FTC)

California Administrative Law

- California Code of Regulations (C.C.R.)
- Office of Administrative Law (OAL)
- Agency websites
- LRC's California Administrative Law Research Guide



Example California Agencies

- Department of Consumer Affairs (DCA)
- California Energy Commission (CEC)
- California Public Utilities Commission (CPUC)
- California State Transportation Agency (CalSTA)

Exercise 2

After reading the relevant sections of the employment discrimination practice guides, you now have a better understanding of the causes of action in the EEOC's lawsuit against Activision.

Remembering what you learned about federal administrative law in your legal research training, you decide to explore the materials the EEOC provides on its website about enforcement of sexual harassment laws.

What guidance can you find on the EEOC website regarding sexual harassment? What C.F.R. sections cover harassment under Title VII?

Docket Research

- A docket is a record of all documents filed by the parties or the court in a given case
- Includes pleadings, briefs, exhibits, orders, judgments, and other various documents
- Searchable by docket number or party name
- Also called Register of Actions in California courts

Where to Find Dockets

- Bloomberg
 - Includes all dockets from PACER (electronic public access to docket information from federal courts)
 - Federal dockets and selected state dockets
- Westlaw and Lexis also have docket coverage
 - Coverage is incomplete; you won't find a docket for every case in Westlaw or Lexis
- State court dockets
 - State court websites
 - Check out our guide:
<https://lawlibguides.sandiego.edu/finding-court-documents>

My Favorites 2

Click the ☆ icons to save useful pages here

Popular Links

SEARCHES

- All Legal Content
- Court Opinions
- Dockets
- Points of Law
- Litigation Analytics
- Books & Treatises
- Transactional Precedents
- EDGAR

LAW SCHOOL RESOURCES

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- Career Resources
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- Subscribe to Newsletters

Dockets Search

Results: 1

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KEYWORDS ?

Enter your keywords

Apply To: ☒ Dockets & Documents ☐ Dockets Only

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☐ Select All

▶ ☐ Combined Court Dockets ☆

▶ ☐ Federal Court Dockets ☆

▶ ☐ State Court Dockets & Case Information ⓘ ☆

▶ ☐ International Dockets ☆

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> Type to select filing types – Powered by Docket Key®

New Courts

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Browse My Favorites ▼

PARTIES ?

Search party names by keyword

Any Type ▼

Include: ☐ All of these ☒ Any of these

+ Add Another

JUDGE

Search judges by keyword

Create Alert

Add Search to Dashboard

Clear All

Search

Dockets Search

Results: 1

☆

×

JUDGE

Search judges by keyword

DOCKET # ?

4:14-md-02541

DATE

Any ▼

Apply Date To: ☒ Docket ☐ Entries (Docket Key Only)

More Options

Attorney / Firm

Case name

Case status

▼

U.S. District & Appellate Options

Nature of Suit

Cause of action

Companies

Civil or Criminal

Potential class action

Patent #

▼

U.S. Bankruptcy Court Options

Nature of Suit

Chapters

Bankruptcy includes assets

▼

State Court Options

Case type

▼

PTAB & ITC Options

Patent #

Investigation #

Case Type

▼

Create Alert

Add Search to Dashboard

Clear All

Search

IN RE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ATHLETIC GRANT-IN-AID CAP ANTITRUST LITIGATION, **Docket No. 4:14-md-02541** (N.D. Cal. Jun 13, 2014), Court ...



[Update Docket](#)

[Track Docket](#)

GENERAL INFO

U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:14-md-02541-CW



IN RE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ATHLETIC GRANT-IN-AID CAP ANTITRUST LITIGATION

DOCKET INFORMATION

[Minimize](#)

DATE FILED	Jun 13, 2014
NATURE OF SUIT	410 Anti-Trust
ASSIGNED TO	Hon. Claudia Wilken
CASE IN OTHER COURT	Ninth Circuit Court of Appeals, 18-15054 Ninth Circuit Court of Appeals, 19-15566 Ninth Circuit Court of Appeals, 19-15662
CAUSE	15:15 Antitrust Litigation
DATE TERMINATED	2019-03-12
JURISDICTION	Federal Question
JURY DEMAND	None
MEMBER CASES	4:14-cv-01011-CW
REFERRED TO	Magistrate Judge Nathanael M. Cousins
RELATED CASES	4:20-cv-03919-CW
Multi-district Litigation Cases: 4:14-cv-03159-CW 4:14-cv-05126-CW 4:15-cv-00178-CW	

Current As Of
Feb. 10, 2022
3:42 PM EST

Update Docket

[What Does This Mean?](#)

Date Filed
Jun. 13, 2014
Length Of Case (Closed)
1733 Days

Average Days To Close
For Other Antitrust Cases
Claudia Ann Wilken
860
Northern District Of
California
549

Related Opinions
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[2018 BL 113463](#)
[2018 BL 49371](#)

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Any

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Print Entries



Request Entries

Reverse Entries



ENTRY	FILED	PDF	DESCRIPTION
<input type="checkbox"/> 1334	Aug. 03, 2021	View	ORDER GRANTING 1333 STIPULATION Regarding Plaintiffs' Fee and Cost Award. Signed by Judge Nathanael M. Cousins. (lmh, COURT STAFF) (Filed on 8/3/2021) (Entered: 08/03/2021)
<input type="checkbox"/> 1333	Aug. 03, 2021	Request	STIPULATION WITH PROPOSED ORDER Regarding Plaintiffs' Fee and Cost Award re 1293 Order on Stipulation filed by Shawne Alston, Don "DJ" Banks, Duane Bennett, John Bohannon, Barry Brunetti, India Chaney, Chris Davenport, Dax Dellenbach, Sharrif Floyd, Kendall Gregory-McGhee, Justine Hartman, Nigel Hayes, Ashley Holliday, Alec James, Afuro Jemerighe, Martin Jenkins

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Feb. 10, 2022

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[Update Docket](#)[What Does This Mean?](#)

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Jun. 13, 2014

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Average Days To Close
For Other Antitrust Cases

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[2016 BL 254885](#)[2018 BL 113463](#)[2018 BL 49371](#)[Show More ...](#)GENERAL
INFOJUDICIAL
ANALYTICSATTORNEY
ANALYTICSCOMPANY
ANALYTICSDOCKET
REQUESTS

NOTEPAD

Exercise 3

DFEH did end up taking action in the federal case between the EEOC and Activision in October 2021. Search in [Bloomberg Law](#) for the docket for the case filed in the Central District of California in September 2021 and look through the docket to determine what action DFEH decided to take.

Legal Analytics: Overview

- Lexis Context
- Westlaw Litigation Analytics
- Ravel Law
 - More bells and whistles
 - Create account using USD e-mail address at <https://www.ravellaw.com/>
- Trellis
 - CA Superior Court analytics
 - Create account using USD email address at <https://trellis.law/signup>
- Gavelytics
 - Another source for analytics on CA judges, also includes mediation and arbitration rulings
 - Contact lrcrefer@sandiego.edu for access

I am looking for information about objections to evidence before Judge John Kronstadt.

Is there a way for me to search the decisions of a particular judge?

Legal Analytics: Lexis

Lexis describes Context as providing “legal language analytics”—allowing you to find language, cases, and other judges that a judge has found persuasive.


Also allows you to search for expert witnesses by name, showing the cases in which an expert has testified as well as whether the expert testimony was been admitted or excluded.

Also searchable: attorneys, courts, and companies.

Who would you like to analyze using language analytics?

dale s. fischer

All



Experts by Name	Dale Dennis Dalenberg (Orthopedic Surgery, Reconstructive Orthopedics M.D.) Kenneth Clyde Fischer (Neurology M.D.) Lee Alan Fischer (Family Medicine, Medical Legal Consulting, Disability Consulting M.D.) See All
Judges	Fischer, Dale S.(United States District Court, California Central) Fischer, Nora Barry(United States District Court, Pennsylvania W Dale, Candy Wagahoff(United States District Court, Idaho) See All
Attorneys	Dalen, Du Wayne John Dalen (Willis, Sackett & Dalen) Fischer, Dale (Dale L. Fischer Attorney at Law) Fischer, Dale (Pinsent Masons LLP) See All

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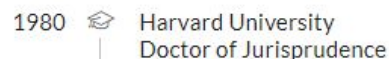
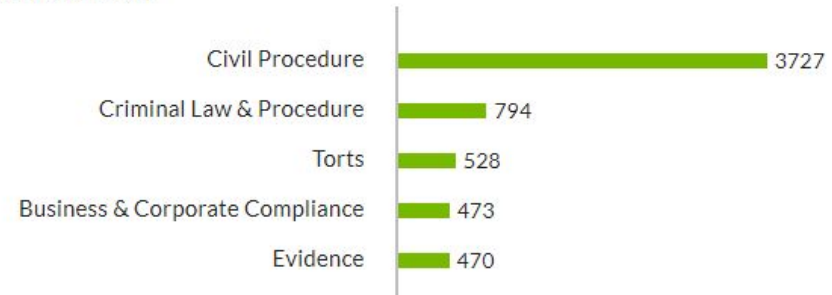
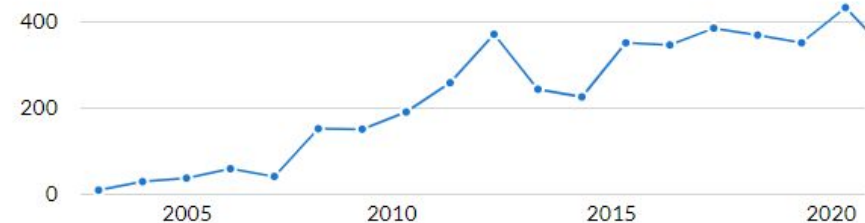
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United States District Court, California Central

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Dale S. Fischer

United States District Court, California Central

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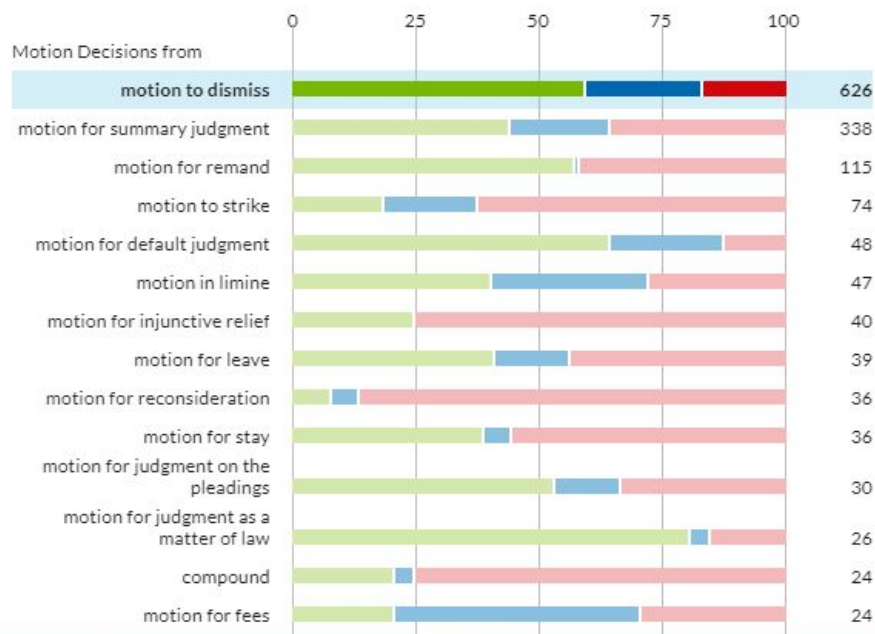
Motion Decisions from Dale S. Fischer's Cases ⓘ

Granted Partial Denied

Motion Type ⓘ

Analysis

Total



566 cases where Dale S. Fischer ruled on a motion to dismiss ⓘ

☐ 0 SELECTED

- ☐ 1. [Thomas v. Matteson](#)
United States District Court, California Central | Feb 22, 2022 |
2022 U.S. Dist. LEXIS 31219
Motions
motion to dismiss granted
Decision Language
IT THEREFORE IS ORDERED that Respondent's motion to dismiss is GRANTED and Judgment be entered dismissing this action with prejudice.
- ☐ 2. [Build Grp., Inc. v. N.R. Windows, Inc.](#)
United States District Court, California Central | Feb 17, 2022 |
2022 U.S. Dist. LEXIS 29258
Motions
motion to dismiss granted
Decision Language
Defendants' Motion to Dismiss is GRANTED.

■ Granted
 ■ Partial
 ■ Denied

Motion Type ⓘ

Analysis

Total



intervention ⓘ

☐ 0 SELECTED
 🖨️
✉️
⬇️

☐ 1. [United States Eeoc v. Activision Blizzard](#)
 United States District Court, California Central | Dec 20, 2021 |
 2021 U.S. Dist. LEXIS 250822

Motions

motion for intervention ❌ denied

Decision Language

The motion to intervene is DENIED.

☐ 2. [8th Wonder Pictures v. Clear Distrubtion Llc](#)
 United States District Court, California Central | Apr 27, 2021 |
 2021 U.S. Dist. LEXIS 108533

Motions

motion for intervention ❌ denied

Decision Language

The motion to intervene is DENIED.

☐ 3. [Lockett v. Cty. of Los Angeles](#)
 United States District Court, California Central | Nov 12, 2020 |
 2020 U.S. Dist. LEXIS 250283

Motions

motion for intervention ✅ granted

Decision Language

The motion to intervene and for an order unsealing documents and modifying the protective order is GRANTED.

☐ 4. [Orient Gate Enter. v. Matrix Int'l Textiles](#)
 United States District Court, California Central | May 15, 2020 |
 2020 U.S. Dist. LEXIS 131824

Motions

motion for intervention ❌ denied

Decision Language

UCI's Motion to Intervene is DENIED.

☐ 5. [Nationstar Mortg. Lvs. Series](#)

or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest. [Fed. R. Civ. P. 24\(a\)\(2\)](#).

The interests claimed by DFEH are a general interest in upholding the rights of California citizens and an interest in protecting DFEH's ability to prosecute its own parallel state court case based on California law. Specifically, DFEH seeks to challenge the voluntary claims process that the consent decree would establish and argues that the consent decree would release California state law claims and allows, or potentially even requires, Defendants to destroy evidence relevant to DFEH's state court case.

The first interest belongs to the individuals who might make claims under the claims process, not to DFEH. DFEH's argument would allow it potentially to intervene in almost any employment action in California. [Rule 24](#) is not that broad. In any event, individual Californians have a right to settle their claims with or without counsel and without input from DFEH — or the EEOC for that matter. The interest in protecting evidence from being destroyed would be a potentially [*3] valid interest that could allow intervention, but there is no serious possibility that the Court would enter a consent decree that would purport to allow or mandate destruction of evidence relevant to litigation. EEOC also denies that any evidence destruction is intended by the terms of the consent decree. Therefore, DFEH's evidence concern is — at best — speculative.

This case will also not, as a practical matter, impair or impede DFEH's ability to protect its interests. Aside from the speculative evidence destruction argument, the proposed consent decree will not, and could not, affect DFEH's ongoing litigation against Defendants. And even if DFEH had some interest in ensuring that the proposed claims process for individuals provided adequate and just compensation, nothing in the consent decree would appear to prevent DFEH from reaching a separate agreement with Defendants in its own case to supplement the recovery to individuals who choose to take part in the claims process. [1](#)

[Rule 24](#) permits a district court to allow intervention where the intervening party "has a claim or defense that shares with the main action a common question of law or fact." [Fed. R. Civ. P. 24\(b\)\(1\)](#). DFEH has substantive claims that share [*4] a common question of at least fact, and probably law, with the EEOC's claims in this case. But DFEH is not seeking to intervene in order to raise those claims; it is litigating them in state court regardless of the outcome of this case.

The motion to intervene is DENIED. While the Court finds that formal intervention is not appropriate, DFEH has enough of a general public interest in the subject matter of this lawsuit and its resolution that the Court will allow DFEH to present its position as to the proposed revised consent decree via an amicus brief. While DFEH will not have the rights of a formal party to the action, its concerns can be expressed — succinctly — through this mechanism and will be considered by the Court.

About

Notes

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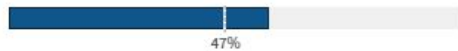
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Top 5 defendant filed motions

Grant rate

Total

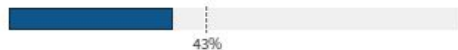
Motion to Dismiss



56%

1,656

Motion for Summary Judgment



35%

514

Motion in Limine



34%

246

Motion to Stay



77%

155

Motion to Strike



28%

118

Top 5 plaintiff filed motions

Grant rate

Total

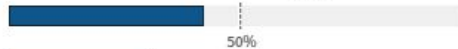
Motion for Default Judgment



62%

261

Motion to Remand



42%

232

Motion for Summary Judgment



31%

194

Motion in Limine



25%

168

Motion to Dismiss



59%

91

[See all motions](#)

Hon. Dale S. Fischer

District Judge

United States District Court, Central California

Contact

Phone (213) 894-1565

Website <https://www.cacd.uscourts.gov/>

Address

First Street Courthouse
350 West 1st Street
Courtroom 7D
Los Angeles, California 90012
Los Angeles County
U.S.A.

Career timeline

2000 - County of Los Angeles, Superior Court of California, Judge, 2000 - 2003

1997 - Los Angeles Judicial District, Municipal Court of California, Judge, 1997 - 2000

1980 - California

1980 - California, Private Practice, 1980 - 1997

Past positions

California, Private Practice, 1980 - 1997

Los Angeles Judicial District, Municipal Court of California, Judge, 1997 - 2000

County of Los Angeles, Superior Court of California, Judge, 2000 - 2003

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