**Magistrate Neaher’s Guidelines for Submitting**

**Proposed Reports and Recommendations and Orders**

Please download the template for the Report and Recommendation of General Magistrate here: <https://www.ca.cjis20.org/Documents/magistratedownloads.aspx>. Click on “View” to the right of the applicable template to open the template in Word and save the file.

Please insert the following information where noted:

* case caption,
* date of hearing,
* title of motion/petition/other matter, with date of filing,
* appearances of counsel/parties,
* date of entry (not filing) of order of referral,
* court reporter’s name, address, and telephone number, if applicable,
* selection regarding retention/waiver of exceptions period, and
* all mailing addresses for *pro se* parties who have not designated an e-mail address in the Certificate of Service (designated e-mail addresses for attorneys of record will be included automatically).

In addition to the above matters, the Report should include all information necessary to support the Magistrate’s recommended ruling. This will include identifying all pleadings, motions, responses, or other papers which are relevant to the matter being heard and the parties’ respective assertions/positions on the matter. The “Findings of Fact and Conclusions of Law” section should state what the Magistrate finds “should” happen regarding the motion/matter, and the “Recommendation” section should state what the Court “shall” order regarding the motion/matter.

Please do not make changes to the form language in the template, and note that any such changes are subject to being stricken by the Magistrate. However, you may delete paragraphs related to a live court reporter if no live court reporter was present at the hearing and other paragraphs which do not apply under the facts of the case.

Please circulate the proposed Report (and any proposed orders/letters) to all counsel and *pro se* parties prior to submitting the Report to the Magistrate. Please submit the proposed Report via either 1) e-filing through the Portal as a proposed Report and Recommendation under the Magistrate’s name or 2) e-mail to the Magistrate’s Assistant, Loretto, at [mcovarrubias@ca.cjis20.org](mailto:mcovarrubias@ca.cjis20.org) in Word, and state whether all parties are in agreement as to the form of the Report. Please note that all proposed Reports are subject to review and editing by the Magistrate, who reserves the right to make any changes to a proposed Report to ensure that it accurately reflects the Magistrate’s findings and recommendations.

The parties are encouraged to bring proposed Reports to hearings for the Magistrate’s consideration in conjunction with the hearing, which may expedite the entry of the Report and Order thereupon. You do not need to submit a proposed Order adopting the Report, as the Magistrate’s office will prepare same.

If you elect to file an exception pursuant to the applicable rule of procedure, promptly send a courtesy copy to the Magistrate’s Assistant, Loretto, at [mcovarrubias@ca.cjis20.org](mailto:mcovarrubias@ca.cjis20.org) in order to ensure that a proposed Order adopting the Report is not sent to the presiding judge in error. Please bear in mind that court personnel cannot view recently-filed documents until they are approved by the Clerk, which usually takes 48 to 72 hours.