

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA**

**STANDING ORDER FOR ALL CRIMINAL CASES BEFORE  
DISTRICT JUDGE NOËL WISE**

**A. Conformity with Rules**

The parties must follow the Federal Rules of Criminal Procedure, the Criminal Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court's standing orders.

**B. Court Schedule**

All criminal motions must be noticed for a hearing in accordance with Criminal Local Rule 47-1. All proceedings shall be conducted in person. The parties may jointly request that a status conference or non-evidentiary motion be held over Zoom.

Judge Wise hears criminal motions ***by reservation only*** on Tuesdays at 1:30 p.m. in Courtroom 3, 5th Floor, United States District Court, 280 South First Street, San Jose, California. Motions filed without a previously arranged hearing date will be set aside, and parties may not refile until they obtain a reservation from Ms. Warren.

Parties must consult Judge Wise's weekly calendar and scheduling notes, available at <https://www.cand.uscourts.gov/judges/wise-noel-nw/>, for the most recent information regarding when and where hearings will be held. After reviewing the website, counsel or unrepresented parties shall meet and confer to identify mutually agreeable dates. Parties shall jointly contact Judge Wise's Courtroom Deputy, Allie Warren, at (408) 535-5332 or [nwcrd@cand.uscourts.gov](mailto:nwcrd@cand.uscourts.gov) to reserve a hearing date. When reserving a hearing date, parties must inform Ms. Warren of the number and type(s) of motions to be filed. No party will be given reservations for more than two motions without leave of Court, nor will the Court hear more than two motions per party at a particular hearing without leave of Court or a Court order. Any party wishing to exceed this limit must file a motion with the Court and demonstrate good cause for the request.

Once a party reserves a hearing date, the party shall file their motion(s) within fourteen days. If a party fails to file any motion within fourteen days, the hearing reservation will expire without further notice to the parties, and the moving party must obtain a new reservation before filing the motion(s). The Court may reset noticed hearing dates as its calendar requires.

The Court may determine a matter is suitable for disposition without oral argument and vacate the hearing on the matter.

To request a continuance of a scheduled hearing, counsel must file a proposed order, preferably by stipulation, including whether time under the Speedy Trial Act should be excluded, no later than three court days before the scheduled hearing.

The Court conducts pre-trial hearings on Wednesdays at 2:00 p.m.

Bench and jury trials commence on Mondays at 9:00 a.m. and continue through Thursday of each week. Depending on the projected length of the trial, the Court will utilize a 4.5 hour, half day schedule (9:00-1:30 with two 15-minute breaks), or a 6.5 hour, full-day schedule (9:00-4:30 with a thirty-minute lunch break, and two 15-minute breaks, one in the morning and one in the afternoon).

All filing deadlines are at 5:00 p.m. unless otherwise ordered.

**C. Invitation to Self-Identify Pronouns and Honorifics**

Litigants and lawyers are invited to indicate their pronouns or honorifics by adding the information in the name block or signature line of a court filing or informing the Court when making an appearance.

**D. Motions**

All motions shall comply with Criminal Local Rule 47-2. Unless otherwise ordered, the parties may stipulate to any mutually agreeable briefing schedule so long as all briefing is complete at least seven days in advance of the hearing date. In the absence of a stipulation, motions (except those pertaining to sentencing) shall be filed at least 21 days in advance of the hearing date. Opposition briefs shall be filed at least fourteen days in advance of the hearing date. Reply briefs shall be filed at least seven days in advance of the hearing date.

Any party wishing to have motions in limine heard prior to the commencement of trial must file and serve them at least fourteen days prior to the pretrial conference. All motions in limine must be contained in one document, limited to 25 pages, with each motion listed as a subheading.

Oppositions to the motions in limine must be contained in one document, limited to 25 pages, with corresponding subheadings, and must be filed and served no later than seven days prior to the pretrial conference. The Court will not consider reply briefs absent prior order on a showing of good cause. The motions in limine will be heard at the pretrial conference, unless the Court sets another time.

**E. Requests to Extend Deadlines or Continue Hearing Dates**

Requests to extend deadlines or continue hearing dates will generally only be granted if there is an unforeseen emergency, or the parties have reached a written agreement regarding settlement. Any request should be filed at least three business days prior to the deadline or hearing sought to be extended or continued.

**F. Motions to Seal**

Parties are reminded that court proceedings are presumptively public, and no document shall be filed under seal without request for a court order that is narrowly tailored to cover only the document, the portion of the document, or the category of documents for which good cause exists for filing under seal.

For any documents submitted under seal, the parties shall provide a courtesy paper copy as required by Criminal Local Rule 56-1. Chambers copies of sealing motions shall include only unredacted documents, with any proposed redactions highlighted.

The motion must be accompanied by a proposed order that is narrowly tailored to seal only the sealable material, and lists in table format each document or portion thereof that is sought to be sealed, pursuant to Criminal Local Rule 56-1(c). Proposed orders should be sent in Microsoft Word format to [nwpo@cand.uscourts.gov](mailto:nwpo@cand.uscourts.gov).

## **G. Briefing and Filing Guidelines**

### **1. Requests to Enlarge Page Limits**

Requests to enlarge page limits will rarely be granted, but any such requests must be filed at least three business days prior to the filing deadline. If the request is made by administrative motion rather than stipulation, any opposition must be filed (a) no later than 12:00 p.m. one business day before the deadline in question or (b) within the time allowed by Civil Local Rule 7-11, whichever is sooner.

### **2. Footnotes**

Footnotes are often unnecessary and must be employed sparingly. When used, they must appear in no less than 12-point type. Excessive footnotes will be disregarded.

### **3. Citations**

The Court prefers Westlaw citations for unpublished opinions that are not included in the Federal Supplement, Federal Rules Decisions, or the Federal Appendix.

### **4. Format of Electronic Filings**

Electronically filed documents must be text-searchable PDFs whenever possible. This requirement is waived for self-represented litigants who are proceeding without a lawyer.

### **5. Amended Pleadings**

If a party files an amended pleading, they shall concurrently file a redlined or highlighted version comparing the amended pleading to the prior operative pleading.

### **6. Courtesy Copies and Proposed Orders**

Courtesy copies must be provided for: (1) electronic media that is manually filed and (2) pretrial filings, including papers associated with motions *in limine*. The Court may request courtesy copies of other documents but discourages their unsolicited submission.

Courtesy copies must be lodged with the Clerk's office in San Jose and must be double-sided and three-hole-punched at the left margin. Courtesy copies of e-filed documents must bear the ECF

stamp (case number, document number, date, and page number) on the top of each page. Side tabs, rather than bottom tabs, should be used to separate exhibits.

The quality, condition, and labeling of binders, when used, should be such that the Court can easily identify, review, and transport the binders' contents. Whenever possible, the spine of a binder should not exceed three inches in width, even if that limitation results in the use of more than one binder.

Electronic copies of proposed orders must be sent in Word format to [nwpo@cand.uscourts.gov](mailto:nwpo@cand.uscourts.gov).

#### **H. Pretrial Conference Statement, Trial Binder for the Court and Related Filings**

The parties must file a joint pretrial statement that addresses all items listed in Criminal Local Rule 17.1-1(b).

The parties must attach to their pretrial statement a joint set of jury instructions ordered in logical sequence and accompanied by a table of contents.

The parties must use the Ninth Circuit Model Jury Instructions whenever possible. Proposed deviations from the model instructions, no matter how minor, must be clearly identified by red-lined copy and supported by authority. The Court discourages the unnecessary submission of special instructions or modification of model instructions. Special instructions, if any, must be complete, accurate, balanced, clear, and non-argumentative. Any instruction to which the parties disagree must be marked as "disputed" and must be followed by concise argument and authority in support of and against the use of the instruction.

The parties also must attach to their pretrial statement a joint list of agreed-upon voir dire questions and a list of any voir dire questions on which they could not agree.

Counsel for the United States must file and serve a verdict form on the same day as the pretrial conference statement is due. Copies of the verdict form must also be lodged with the pretrial conference statement.

The parties must e-mail Word versions of the proposed jury instructions, voir dire, and verdict form to [nwpo@cand.uscourts.gov](mailto:nwpo@cand.uscourts.gov) on the same day they file them.

#### **I. Trial Exhibits**

1. Exchange of Exhibits. At least 21 calendar days before the final pretrial conference, the parties must exchange copies of all exhibits, summaries, charts, schedules, diagrams, and other similar documentary materials to be used in their case-in-chief, together with a complete list of all such proposed exhibits. Voluminous exhibits must be reduced by elimination of irrelevant portions or by using summaries.
2. Objections to Exhibits. Following the exchange, the parties must immediately meet and confer about the exhibits, including any objections to their use, and must make a good faith effort to stipulate to exhibits' admissibility. If the parties cannot stipulate, they must make every effort to stipulate at least to authenticity and foundation absent

a legitimate (not tactical) objection. The Court may inquire about the basis for any or all of a party's objections to another party's exhibits and/or conduct a pretrial conference to rule on such objections, to ensure that the jury's time is not wasted during trial.

3. Pre-Marking. Each exhibit must be labeled in the lower-right-hand corner with the exhibit number in a prominent, bold typeface.

The parties must mark their exhibits using non-overlapping ranges of numbers, leaving enough unused numbers that additional exhibits can be marked during trial. For example, the parties might agree that the government will use numbers 001–199 and the defendant will use numbers 200–399.

4. Delivery. Unless otherwise ordered, at least seven calendar days prior to the beginning of trial, the parties must deliver one set of all pre-marked exhibits in clearly labeled three-ring binders to the courtroom deputy. Admitted exhibits from these binders will be given to the jury during deliberations. The quality, condition, and labeling of the binders should be such that the Court can easily transport and review the binders' contents. Whenever possible, the spine of a binder should not be wider than three inches.
5. All exhibits that have not been provided as required are subject to exclusion in the reasonable exercise of the Court's discretion.
6. Following trial, the parties shall coordinate with the courtroom deputy regarding electronic filing of all admitted exhibits, which shall be the official court record.

#### **J. Witnesses at Trial**

Unless otherwise ordered, each party must notify all other parties by the close of each trial day of the witnesses that party intends to call on the following trial day. Failure to comply with this order may, in the discretion of the Court, be grounds for exclusion of any witness who was not properly disclosed.

Once the cross-examination of a witness has commenced, and until cross-examination of the witness has concluded, counsel offering the witness on direct examination must not: (a) consult or confer with the witness regarding the substance of the witness's testimony already given, or anticipated to be given, except for the purpose of conferring on whether to assert a privilege against testifying or on how to comply with a court order; or (b) suggest to the witness the manner in which any questions should be answered. Once cross-examination has concluded, counsel is permitted to confer with the witness before redirect examination begins.

#### **K. Transcripts**

Any party who would like a daily transcript or real-time reporting must follow the procedures outlined on the Office of the Clerk of Court's website: <https://cand.uscourts.gov/about/clerks-office/transcripts-court-reporters/>. Parties must submit requests for daily transcripts or real-time

reporting at least fourteen calendar days before the first day of trial. For any questions about transcripts, contact San Jose Court Reporter Supervisor Snooki Puli at (408) 535-5583 or [Snooki\\_Puli@cand.uscourts.gov](mailto:Snooki_Puli@cand.uscourts.gov).

**L. Interpreters**

If any witness will require an interpreter at trial and there is no certified court interpreter available to translate in the appropriate language, counsel must notify Judge Wise's Courtroom Deputy Allie Warren at least 30 days before the commencement at trial at (408) 535-5332 or [nwcrd@cand.uscourts.gov](mailto:nwcrd@cand.uscourts.gov).

Dated: March 12, 2025



---

NOËL WISE

United States District Judge