

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

**PRETRIAL AND TRIAL STANDING ORDER
FOR MAGISTRATE JUDGE AJAY S. KRISHNAN**

Updated April 7, 2026

I. Trial

Jury trial will be held in the Oakland Federal Courthouse, 1301 Clay Street, Oakland, California. Trial will be conducted from 8:30 a.m. to 1:00 p.m., depending on the availability of witnesses, Monday through Friday. Counsel must arrive by 8:00 a.m., or earlier as needed, for any matters to be heard outside the presence of the jury. The jury will be called at 8:30 a.m.

The Court will advise the parties of the courtroom to be used for trial at the Final Pretrial Conference.

II. Pretrial Conference

The Court typically holds in-person Civil Pretrial Conferences on the second and fourth Thursdays at 1:30 p.m. The parties shall consult Judge Krishnan's calendar on the morning of the scheduled Conference to determine the courtroom. Lead trial counsel for each party shall attend.

At least seven days prior to the date of the Final Pretrial Conference the parties shall do the following:

1. In lieu of preparing a Joint Pretrial Conference Statement, the parties shall meet and confer, and then prepare and file a jointly signed Proposed Final Pretrial Order that contains:
 - a. a brief description of the substance of claims and defenses which remain to be decided;
 - b. a statement of all relief sought;
 - c. all stipulated facts;
 - d. a joint exhibit list in numerical order, including a brief description of the exhibit and Bates numbers, the anticipated sponsoring witness or witnesses, a blank column for when it will be offered into evidence, a blank column for

when it may be received into evidence, and a blank column for any limitations on its use; and

- e. each party's separate witness list for its case-in-chief witnesses (including those appearing by deposition), including, for all such witnesses, a short statement of the substance of his/her testimony and, separately, what, if any, non-cumulative testimony the witness will offer. For each witness, all parties should state an hour/minute time estimate for examination (e.g., defense counsel should also provide time estimates for plaintiff's case-in-chief witnesses). Items (d) and (e) should be submitted as appendices to the proposed order. The proposed order should also state which issues, if any, are for the Court to decide, rather than the jury. The Court will identify the amount of time each side will have for jury presentation at the Final Pretrial Conference.
2. File a joint set of proposed instructions on substantive issues of law arranged in a logical sequence. If undisputed, an instruction shall be identified as "Stipulated Instruction No. ____ Re _____," with the blanks filled in as appropriate. If disputed, each version of the instruction shall be inserted together, back-to-back, in their logical place in the overall sequence. Each such disputed instruction shall be identified as, for example, "Disputed Instruction No. ____ Re _____ Offered by _____," with the blanks filled in as appropriate. All disputed versions of the same basic instruction shall bear the same number. For each disputed instruction, the parties shall highlight the differences of the versions presented and provide brief argument—not to exceed one (1) page—in support of their preferred version. Any modifications to a form instruction are discouraged and must be plainly identified (preferably, if the modifications are limited, by redline in the text of the proposed instruction itself, accompanied by a note in the argument section so explaining). If a party does not have a counter version and simply contends that no such instruction in any version should be given, then that party should so state (and explain why) on a separate page inserted in lieu of an alternate version. With respect to form preliminary instructions, general instructions, or concluding instructions, please simply cite to the numbers of the requested instructions in the current edition of the Ninth Circuit Model Jury Instructions. Other than citing the numbers, the parties shall not include preliminary, general, or concluding instructions in the packet.
 3. File trial briefs not to exceed ten (10) pages that shall address controlling issues of law and any other issues that may arise during trial.
 4. File proposed verdict forms, joint or separate.
 5. File and serve any objections to exhibits.

6. File a joint simplified Statement of the Case to be read to the jury during voir dire as part of the proposed jury instructions. Unless the case is extremely complex, this statement should not exceed one (1) page.

III. Motions *In Limine*

Any motions *in limine* shall be submitted as follows: Opening papers shall be filed at least 20 calendar days before the conference; opposition papers will be filed at least seven calendar days before the conference. There will be no reply. No such brief may exceed ten pages. All of a party's *in limine* motions must be included in its opening brief, and each motion should address a single, separate topic. Each individual motion and opposition should be properly identified, for example, "Plaintiff's Motion *In Limine* No. 1 to Exclude" The parties are encouraged to stipulate where possible, for example, as to the exclusion of witnesses from the courtroom. The Court may modify the limits on the number of motions and pages on a case-by-case basis.

Hard-copy courtesy copies of the above documents shall be delivered by NOON the day after filing. The Joint Proposed Final Pretrial Order, jury instructions, and verdict form shall also be submitted via e-mail as Word attachments to askpo@cand.uscourts.gov. The Court requests that all hard-copy submissions be three-hole-punched.

IV. Pretrial Arrangements

Should a daily transcript and/or real-time reporting be desired, the parties shall make arrangements with the Supervisor of the Court Reporting Services, at (415) 522-2079 or transcripts@cand.uscourts.gov, at least ten calendar days prior to the trial date.

The courtroom is equipped with monitors and a sound system. Should the parties wish to utilize additional technology, the United States Marshals Service requires a court order to allow equipment into the Courthouse. The parties must file a written request and proposed order no later than seven days prior to the beginning of trial if they wish to bring any such technology into the Courthouse. Parties should be prepared to fix any equipment, if necessary. For electronic equipment, parties should be prepared to maintain the equipment or have a technician handy at all times. The parties shall tape extension cords to the carpet for safety. The parties may work with the deputy clerk, Kim Means (510-637-1296), on all courtroom-layout issues.

V. The Jury

The Jury Office asks prospective jurors to complete an online jury questionnaire in advance of their summons date. The standard questionnaire is available on the Northern District's website at https://cand.uscourts.gov/wp-content/uploads/Jury_StandardCivilTrial_SurveyMonkey2025.pdf. The parties are allowed to add ten case specific questions to the questionnaire. The parties shall meet and confer and, to the extent possible, file a joint list of proposed questions to add to the questionnaire. To the extent

that the parties cannot agree, they may submit separate proposed questions from which the Court will choose ten. The parties joint or separate submissions are due 21 days before trial. The Court will provide the parties with the survey responses the Friday before trial.

VI. Witnesses & Objections

To ensure the orderly conduct of trial and resolution of minor evidentiary disputes that arise during trial and that may consume significant jury time, require argument outside the presence of the jury, or benefit from briefing or preview, the parties shall adhere to the following schedule. (Major evidentiary disputes, however, should be addressed via motion *in limine*.)

1. Two days before a witness testifies:

- a. At 5:00 p.m. of each trial day and the two calendar days preceding trial, all counsel potentially calling witnesses shall exchange, in writing, a list of (a) witnesses (other than for impeachment) for the next two full court days, (b) the exhibits that will be used during direct examination (other than for impeachment of an adverse witness).
- b. By 8:00 p.m. that evening, all other counsel shall provide, in writing, objections to the identified witnesses or direct examination exhibits that the party intends to raise in court.
- c. Later that evening, the parties shall meet and confer in an effort to resolve all disputes. If disputes remain, the parties shall, during the meet-and-confer, identify objections/issues to be briefed with the Court, and agree on the ordering and numbering of the objections/issues so that the briefs correspond.

2. One day before a witness testifies:

- a. By no later than 6:00 p.m. on the day before a witness testifies, each party may submit up to five (5) pages of briefing on all issues left unresolved after the preceding evening's meet and confer.

3. The day a witness testifies:

- a. The Court will address the parties' five-page submissions starting at 8:15 a.m. on the day a witness is expected to testify.

While counsel are not expected to anticipate every issue, abuse of these rules—including by disclosing a significant number of exhibits that are not offered with the designated witness, by raising a significant number of objections that are later withdrawn, or by raising for the first time in front of the jury an objection that requires significant argument when the objection could have reasonably been raised by the above procedure—may result in restrictions on a party's use of the above procedure or in a docking of a party's time for jury presentation. Other than the above

briefs, no other motions may be filed during trial without advance permission from the Court; any such permission shall be sought outside the presence of the jury (e.g., at the beginning or at the end of a court day).

At the beginning of every direct examination and cross-examination, the questioning attorney will provide the witness a binder of all exhibits to be used during the examination, with tabs that indicate the exhibit number. Two copies of the binder will be provided to the Court and one to opposing counsel. Cross-examination binders need not include documents used solely for impeachment; and cross-examining attorneys may question a witness on exhibits from the direct examination binder.

VII. Exhibits

The parties may jointly prepare and present a Joint Exhibit List containing no more than 75 exhibits that have been agreed upon by both parties as being pre-admitted exhibits at trial. Each individual party may also serve and present its own Party Exhibit List of no more than 75 additional exhibits. Absent prior Court approval—which must typically be sought via a motion *in limine* or via the joint Proposed Final Pretrial Order—exhibits may only be introduced through a sponsoring witness with personal knowledge.

Prior to the Final Pretrial Conference, counsel must meet and confer in person to consider all exhibit numbers and objections and to eliminate duplicate exhibits and confusion over the precise exhibit. The parties shall use numbers only, not letters, for exhibits, preferably the same numbers as were used in depositions. Blocks of numbers should be assigned to fit the need of the case (e.g., Joint Exhibits are 1 to 75, Plaintiff has 76 to 150, Defendant A has 151 to 225, Defendant B has 226 to 300, etc.). A single exhibit should be marked only once. If the plaintiff has marked an exhibit, then the defendant should not re-mark the exact document with another number. Different versions of the same document, e.g., a copy with additional handwriting, must be treated as different exhibits with different numbers. To avoid any party claiming “ownership” of an exhibit, all exhibits shall be marked and referred to as “Trial Exhibit No. _____,” not as “Plaintiff’s Exhibit” or “Defendant’s Exhibit.” Exhibits tags: Exhibits must be labeled in the lower right-hand corner with the exhibit number in a prominent, bold typeface.

The parties shall provide the Court with one official set of the record exhibits seven days before the Pretrial Conference. Each exhibit must be separated with a label divider identifying the exhibit number. Spine labels should indicate the numbers of the exhibits that are in the binders. At trial, the parties shall provide individual witness exhibit binders which contain all the exhibits the parties expect to use with the witness. The parties shall provide two copies of each witness binder: one for the witness and one for the Court.

Exhibit notebooks for the jury will not be permitted without prior permission from the Court. Publication must be by poster blow-up, overhead projection, or such other method as is allowed in the circumstances. It is permissible to highlight, circle or underscore in the

enlargements as long as it is clear that such markings were not on the original.

Counsel must consult with each other and with the deputy clerk at the end of each trial day and compare notes as to which exhibits are in evidence and any limitations thereon. If there are any differences, counsel should bring them promptly to the Court's attention. Before closing arguments, counsel must confer with the deputy clerk to make sure the exhibits in evidence are in good order.

VIII. Charging Conference

As the trial progresses and the evidence is heard, the Court will fashion a comprehensive set of jury instructions to cover all issues actually being tried. Prior to the close of the evidence, the Court will provide a draft final charge to the parties. After a reasonable period for review, one or more charging conferences will be held at which each party may object to any passage, ask for modifications, or ask for additions. Any instruction request must be renewed specifically at the conference or it will be deemed waived, whether or not it was requested prior to trial. If, however, a party still wishes to request an omitted instruction after reviewing the Court's draft, then it must affirmatively re-request it at the charging conference in order to give the Court a fair opportunity to correct any error. Otherwise, as stated, the request will be deemed abandoned or waived.

IT IS SO ORDERED.

Dated: April 7, 2026



AJAY KRISHNAN
United States Magistrate Judge