

(updated 5/2025)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,

Plaintiff,

v.

Defendant(s).

Case No. (SI)

**ORDER FOR PRETRIAL
PREPARATION (CRIMINAL)**

Good cause appearing, **IT IS HEREBY ORDERED** that:

TRIAL DATE: On _____ at 9:00 a.m., Courtroom 1, 17th floor, and will be before the JURY.

TRIAL LENGTH is estimated to be _____ days.

MOTIONS: All motions **SHALL** be heard on _____ at **11:00 a.m.** in Courtroom 1, and **SHALL** comply with Crim. L.R. 47-2. Before filing any motion, counsel for defendant and for the government **SHALL** confer concerning any matter covered by Crim. L.R. 17.1-1(b), relevant to the case, in particular, subparagraphs (1) - (3).

The party filing any motion or opposition or other paper in this case shall show on the first page beneath the file number which, if any, of the exclusions under 18 U.S.C. § 3161 may be applicable to the action sought or opposed by the motion or other paper, and his or her calculation of the amount of excludable time to the hearing date. Crim. L.R. 47-2(c).

MOTIONS IN LIMINE: Any party wishing to have motions in limine heard prior to the commencement of trial must file and serve same no later than **fourteen days** prior to the date set for the Pretrial Conference. Any party opposing such a motion in limine shall file and serve its opposition papers no later than **seven days** prior to the Pretrial Conference (with personal service directly on chambers). No reply papers will be considered, and the motions will be heard at the Pretrial Conference or at such other time as the Court may direct.

PRETRIAL CONFERENCE: A Pretrial Conference **SHALL** be held at **1:30 p.m.** on

_____ in Courtroom 1. Not less than **seven days** before the Pretrial Conference, counsel for the government **SHALL**:

1) Serve and file a trial memorandum briefly stating the legal bases for the charges and the anticipated evidence, and addressing any evidentiary, procedural or other anticipated legal issues;

2) Serve and file a list of all witnesses who may be called, together with a brief summary of the testimony of each;

3) Serve and file proposed jury instructions on all substantive issues and on any procedural issue not adequately covered by the Court's standard instructions (which are published in the Ninth Circuit Manual of Model Jury Instructions). Counsel shall email a copy in Word format to SIPO@cand.uscourts.gov;

4) Serve and file a proposed form of verdict and proposed questions for jury voir dire; and,

5) Serve and file exhibit lists; and serve copies of all marked exhibits on all parties. Counsel will email electronic Word versions of the lists to sicrd@cand.uscourts.gov. See below for more details.

Not less than **seven days** before the Pretrial Conference, defense counsel **SHALL** comply with subparagraphs (3) and (4) above, and, to the extent consistent with the defendant's right to an effective defense, with subparagraphs (1), (2) and (5) above.

Counsel **SHALL** confer in advance and be prepared to discuss with the Court any anticipated evidentiary objections and any means for shortening and simplifying the trial (e.g., by stipulating to such matters as chain of custody, nature of substances, use of the mails, etc.).

Counsel should submit an agreed upon set of additional requested voir dire questions to be posed by the Court. Any voir dire questions on which counsel cannot agree shall be submitted separately. Voir dire by counsel will not be permitted absent leave of Court.

CASE DESCRIPTION: No later than **seven days** before the pretrial conference, the parties should jointly file, and send in Word format to sicrd@cand.uscourts.gov, a short (2-4 sentences) proposed description of the case. The description will be read to prospective jurors when they come to the courtroom. If the parties cannot agree on a description, they may submit one document with competing descriptions (but without any argument). The description of the case should not refer to the indictment or to the United States Code unless there is a compelling reason to do so.

EXHIBITS: Each exhibit **SHALL** be pre-marked; with sequential numbers (not lettered). Blocks of numbers should be assigned to fit the needs of the case (e.g., the Government has 1 to 100, Defendant has 101 to 200). The exhibits **SHOULD NOT** be filed with the Court; only the exhibit lists must be filed with the Court. However, counsel shall lodge with the Court two copies of the exhibits in binders *along with an electronic copy of the*

exhibits the Tuesday before trial, for the Court's use and witnesses use during trial. The original exhibits admitted by the Court shall be collected by the Court during trial.

A single exhibit should be marked only once. The Court will not accept competing numbers from the parties for the same exhibit. Photographs will be individually marked.

The parties shall meet and confer before submitting exhibit lists and shall submit a list of which exhibits are stipulated as to authenticity.

Each exhibit shall be tagged as follows:

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
TRIAL EXHIBIT 100
Case No. _____
Date Entered _____
By _____ Deputy Clerk

Counsel will only fill in Exhibit and case numbers.

JURY QUESTIONNAIRE: In advance of the trial, the Jury Office will send prospective jurors an online questionnaire. The questionnaire includes standard questions that are asked in every case, as well as a maximum of ten (10) supplemental questions specific to a given case. One of those questions will ask about scheduling conflicts, so the parties can propose as many as nine other questions. At least 21 days before the pretrial conference, the parties shall email their proposed supplemental questions to sicrd@cand.uscourts.gov. The parties may agree on proposed questions (nine total) or submit competing lists (no more than five per side). However, no argument may be included in this submission. The Court will decide the final set of questions after giving the parties a chance to object. For a copy of the standard questionnaire, please see the "Jury Criminal Questionnaire for Prospective Jurors" found under the "Attorneys" tab on the District's website.

COURTROOM TECHNOLOGY: The parties should contact the Courtroom Deputy at sicrd@cand.uscourts.gov 10 days before trial to discuss any questions regarding the courtroom and to schedule a **joint** technology check before trial.

COURTESY COPIES: Each document filed or lodged with the Court must be accompanied by paper courtesy copies to the Court in the manner and by the deadline specified in Judge Illston's Standing Order ¶ 4. In addition, one copy of the witness and exhibit lists should be furnished to the court reporter.

TRANSCRIPTS: If transcripts will be requested during or immediately after trial, arrangements must be made with the court reporter at least one week before trial commences. If a daily transcript and/or real-time reporting is needed, the parties shall make arrangements with Kristen Melen, Court Reporter Supervisor, at (415) 522-2079 or Kristen.Melen@cand.uscourts.gov at least fourteen days before trial commences.

CHANGE OF PLEA: Counsel **SHALL** give prompt notice to the United States Attorney and to the Court of any intention to change a previously entered not guilty plea.

FILING OF EXHIBITS: Within 10 days of the Verdict being rendered Counsel will meet and confer and agree upon one party to file all admitted exhibits pursuant to Civil L.R. 5-1(g).

IT IS SO ORDERED.

Dated:

SUSAN ILLSTON
United States District Judge