

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

**STANDING ORDER FOR CIVIL PRETRIAL CONFERENCES FOR  
MAGISTRATE JUDGE LISA J. CISNEROS**  
*(Effective June 28, 2024)*

This Standing Order is intended to allow parties to prepare for pretrial conferences in civil cases before Judge Cisneros. In most cases, the Court will also issue an order in advance of trial addressing trial procedures in greater detail.

Parties shall comply with the Federal Rules of Civil and Criminal Procedure, the Northern District of California's Local Rules and General Orders, and this Standing Order, all of which are available at [www.cand.uscourts.gov/rules/](http://www.cand.uscourts.gov/rules/). Failure to comply may result in the imposition of sanctions, including monetary sanctions, dismissal, and/or entry of judgment. *See* Civ. L.R. 1-4.

1. Civil pretrial conferences are heard on Fridays at 1:30 p.m.
2. Not less than twenty-eight days prior to the pretrial conference, counsel shall exchange (but not file or lodge) the papers described in Civil Local Rule 16-10(b)(7), (8), (9), and (10), and their motions in limine.
3. At least twenty-one days before the final pretrial conference, lead counsel who will try the case shall meet and confer with respect to:
  - (a) Preparation and content of the joint pretrial conference statement;
  - (b) Resolution of any differences between the parties regarding the preparation and content of the joint pretrial conference statement and the preparation and exchange of pretrial materials to be served and lodged pursuant to this Order for Pretrial Preparation. To the extent such differences are not resolved, the parties will present the issues in the pretrial conference statement so that the judge may rule on the matter during the pretrial conference; and
  - (c) Settlement of the action.
4. Not less than fourteen days prior to the pretrial conference, counsel shall file the following:
  - (a) **Pretrial Conference Statement.** The parties shall file a joint pretrial conference statement containing the following information:
    - (1) The Action.
      - (A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.
      - (B) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed.
    - (2) The Factual Basis of the Action.

- (A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputed.
  - (B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.
  - (C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.
  - (D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.
- (3) Disputed Legal Issues. Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief.
  - (4) Further Discovery or Motions. A statement of all remaining discovery or motions.
  - (5) Trial Alternatives and Options.
    - (A) Settlement Discussions. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.
    - (B) Bifurcation, Separate Trial of Issues. A statement of whether bifurcation or a separate trial of specific issues is feasible and desired.
  - (6) Miscellaneous. Any other subjects relevant to the trial of the action, or material to its just, speedy and inexpensive determination.
- (b) **Exhibit List and Objections.** The exhibit list shall list each proposed exhibit by its number (*see* Civil L.R. 30-2(b)), description, and sponsoring witness, followed by blanks to accommodate the date on which it is marked for identification and the date on which it is admitted into evidence. No party shall be permitted to offer any exhibit in its case-in-chief that is not disclosed in its exhibit list without leave of the Court for good cause shown. Parties shall also deliver a set of premarked exhibits to the Courtroom Deputy at the Clerk’s Office. Do not deliver these exhibits directly to chambers. The exhibit markers shall each contain the name and number of the case, the number of the exhibit, and blanks to accommodate the date admitted and the Deputy Clerk's initials. Any objections to exhibits which remain after the pretrial meeting shall be indicated in the pretrial statement.

Exhibit numbers should be assigned by block to each party to fit the needs of the case. (E.g., Plaintiff has Exhibits 1 through 100, and Defendant has Exhibits 101 through 200.) Exhibits should be labeled as “Trial Exhibit No. \_\_,” not “Plaintiff’s Exhibit” or “Defendant’s Exhibit,” to avoid any implication of “ownership” to the jury. A sample exhibit list is included at the end of this Standing Order. A sample exhibit marker is as follows:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**TRIAL EXHIBIT No.** \_\_\_\_\_

Case No.: \_\_\_\_\_

Date Admitted \_\_\_\_\_

By: \_\_\_\_\_, Deputy Clerk

- (c) **Witness List.** In addition to the requirements of Fed. R. Civ. P. 26(a)(3)(A), parties must also submit a brief joint statement describing the substance of the testimony to be given by each witness who may be called at trial, as well as an estimated duration for direct examination of each witness. No party shall be permitted to call any witness in its case-in-chief who is not disclosed in its pretrial statement without leave of Court for good cause shown.
- (d) **Use of Discovery Responses.** In addition to the requirements of Fed. R. Civ. P. 26(a)(3)(A), parties must identify any designations of excerpts from interrogatory answers or from responses for admissions intended to be offered at trial. Within seven days from when the disclosures are filed with the Court, counsel shall indicate any objections to use of these materials and that counsel have conferred respecting such objections.
- (e) **Trial briefs.** Briefs on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, which remain after the pretrial meeting.
- (f) **Motions in Limine.** Any motions in limine that could not be settled at the pretrial meeting shall be filed with the pretrial statement. All motions in limine shall be contained within one jointly filed document, limited to twenty-four pages, with each motion listed as a subheading. Opposition to the motions in limine shall be contained within one document, limited to twenty-four pages, with corresponding subheadings, and filed seven days thereafter.
- (g) **Joint Proposed Voir Dire** (jury trials only). The attached voir dire questionnaire will be given to the venire members, and copies of the responses will be made available to counsel at the beginning of voir dire. Counsel may submit a set of additional requested voir dire, to be included in the questionnaire or posed by the Court, to which they have agreed at the pretrial meeting. Any voir dire questions on which counsel cannot agree shall be submitted separately. Counsel may be allowed brief follow-up voir dire after the Court's questioning.

- (h) **Joint Proposed Jury Instructions** (jury trials only). As applicable, jury instructions 1.2 through 1.21, 2.1 through 2.13, and 3.1 through 3.3 from the Manual of Model Civil Jury Instructions for the Ninth Circuit (most recent edition) will be given absent objection. Counsel shall jointly submit one set of additional proposed jury instructions, to which they have agreed at the pretrial meeting. The instructions shall be ordered in a logical sequence, together with a table of contents. Any instruction that is based on a form or model instruction (including but not limited to Ninth Circuit model jury instructions and Judicial Council of California Civil Jury Instructions (CACI)) must indicate the number of the form instruction and any alterations made by the parties. Any instruction on which counsel cannot agree shall be marked as “disputed,” and shall be included within the jointly submitted instructions and accompanying table of contents, in the place where the party proposing the instruction believes it should be given. Argument and authority for and against each disputed instruction shall be included as part of the joint submission, on separate pages directly following the disputed instruction. The parties shall email to [ljcpo@cand.uscourts.gov](mailto:ljcpo@cand.uscourts.gov) a copy of their proposed jury instructions in Word format. The subject of the email should include the case name, the case number and a description of the document.
- (i) **Proposed Verdict Forms**, Joint or Separate (jury trials only).
- (j) **Proposed Findings of Fact and Conclusions of Law** (bench trials only). Each party shall file proposed findings of fact and conclusions of law, presenting in numbered paragraphs all findings of fact followed by all conclusions of law. The parties shall email to [ljcpo@cand.uscourts.gov](mailto:ljcpo@cand.uscourts.gov) a copy of their proposed findings of fact and conclusions of law in Word format. The subject of the email should include the name of the case, the case number and a description of the document. The Court requests that the parties hyperlink each proposed Finding of Fact to any supporting evidence, and arrange for either electronic file transfer or delivery of a USB drive containing the hyperlinked exhibits.

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NORTHERN DISTRICT OF CALIFORNIA**

**Trial Exhibit List for Magistrate Judge Lisa J. Cisneros**

Case Name: \_\_\_\_\_

Case No.: \_\_\_\_\_

Trial Date: \_\_\_\_\_

Plaintiff’s Exhibit Range: \_\_\_\_\_

Defendant’s Exhibit Range: \_\_\_\_\_

Exhibit Number	Description	Sponsoring Witness	Date Marked for Identification	Date Admitted in Evidence