

1 (updated 5/2023)
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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 UNITED STATES,

7 Plaintiff,

8 v.

9 Defendant(s).
10
11

Case No. (SI)

**ORDER FOR PRETRIAL
PREPARATION (CRIMINAL)**

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

13 **TRIAL DATE:** On _____ at 8:30 a.m., Courtroom 1, 17th floor, and will be before the
14 JURY.

15 **TRIAL LENGTH** is estimated to be _____ days.

16 **MOTIONS IN LIMINE :**

17 Any party wishing to have motions in limine heard prior to the commencement of
18 trial must file and serve same no later than **five court days** prior to the date set for the
19 Pretrial Conference. Any party opposing such a motion in limine shall file and serve its
20 opposition papers no later than **two court days** prior to the Pretrial Conference (with
21 personal service directly on chambers). No reply papers will be considered, and the
22 motions will be heard at the Pretrial Conference or at such other time as the Court may
23 direct.

24 **PRETRIAL CONFERENCE:** A Pretrial Conference **SHALL** be held at **3:00/3:30 p.m.** on
25 _____ in Courtroom 1. Not less than **three court days** before the Pretrial
26 Conference, counsel for the government **SHALL:**

27 (1) Serve and file a trial memorandum briefly stating the legal bases for the
28 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;

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

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

8 (5) Serve and file exhibit lists; and serve copies of all marked exhibits on all
9 parties. Each item **SHALL** be pre-marked; generally, the government **SHALL** use
10 numbers, the defendant, letters. The exhibits **SHOULD NOT** be filed with the Court, only
11 the exhibit lists must be filed with the Court. However, counsel shall lodge with the Court
12 two copies of the exhibits in binders the Friday before trial, for the Court's use and
13 witnesses use during trial. The original exhibits admitted by the Court shall be collected
14 by the Court during trial.

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

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

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

26 **MOTIONS:** All motions **SHALL** be heard on _____ at **11:00 a.m.** in Courtroom
27 1, and **SHALL** comply with Crim. L.R. 47-2. Before filing any motion, counsel for
28 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 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.

The party filing an opposition or other paper shall also 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)

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COPIES: Each document filed or lodged with the Court must be accompanied by an unstapled, **three-hole punched** copy for use in the Judge’s chambers. 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](mailto: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.

EXHIBITS: Upon the conclusion of the trial, the admitted exhibits are filed by the Court. The exhibits not admitted are returned to counsel.

IT IS SO ORDERED.

Dated:

SUSAN ILLSTON
United States District Judge