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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**STANDING ORDER FOR CIVIL JURY PRETRIAL AND TRIAL BEFORE  
DISTRICT JUDGE TRINA L. THOMPSON**

**INTRODUCTION**

1. The parties must make every effort to raise and, if possible, resolve pretrial and trial issues early. While the Court understands that trial is not entirely predictable, the parties must frontload all evidentiary and legal disputes to the extent possible. Issues that surface unnecessarily on the eve of or during trial waste the jury’s time and are strongly disfavored.

**MEET AND CONFER**

2. At least 30 days before the final Pretrial Conference, lead counsel who will try the case shall meet and confer with respect to the following subjects: (1) settlement of the case; (2) preparation of the joint pretrial filings to be served and lodged pursuant to Federal Rule of Civil Procedure 26(a)(3); and (3) clarifying and narrowing the contested issues for trial in order to achieve a just, speedy, and efficient resolution of the case. Counsel in close geographical proximity are encouraged to meet in person.

**EXCHANGE OF EVIDENCE**

3. At least 30 days before the Pretrial Conference, each party shall provide every other party (but not the Court) with one set of all proposed exhibits, charts, schedules, summaries, diagrams, and other similar documentary materials to be used in its case in chief at trial, together with a complete list of all such proposed exhibits. These materials may be provided in electronic form if the parties so agree. Voluminous exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries. Exhibits must be marked in accordance with paragraphs 16–18 of this Order. *All exhibits not provided are subject to exclusion in the reasonable exercise of the Court’s discretion.*

1 4. At least 30 days before the Pretrial Conference, each party shall provide every other  
2 party (but not the Court) with (1) the names of all witnesses each party intends to call at trial, as  
3 well as a brief description of the subject matter of their testimony; and (2) a list containing  
4 citations to all evidence that a party might introduce at trial, other than that to be used solely for  
5 impeachment or rebuttal, that was obtained from deposition testimony, interrogatory responses, or  
6 responses to requests for admission. *All witnesses and citations not identified are subject to  
7 exclusion in the reasonable exercise of the Court’s discretion.*

8 **PRETRIAL FILINGS**

9 5. Unless otherwise ordered, the parties shall file the documents listed in paragraphs  
10 6–15 (i.e., joint pretrial statement and proposed order, proposed jury instructions, proposed voir  
11 dire questions, proposed verdict forms, proposed statement of the case, and trial briefs) no later  
12 than 14 days before the pretrial conference. Proposed jury instructions, voir dire questions, verdict  
13 forms, and proposed statements of the case should not be submitted in cases tried to the bench.  
14 No later than 14 days before the final pretrial conference, the parties shall also submit the joint  
15 proposed pretrial statement and proposed order, and any proposed jury instructions, voir dire  
16 questions, verdict form(s), and statement of the case in Word format via email to Courtroom  
17 Deputy, Bhavna Sharma, at [TLTPO@cand.uscourts.gov](mailto:TLTPO@cand.uscourts.gov).

18 6. Digital courtesy copies of these materials (as well as any motions in limine,  
19 oppositions to those motions, and/or statements of non-opposition) must be delivered to the  
20 Clerk’s office on portable media (e.g., a flash drive or CD) by noon the day after filing. All  
21 courtesy copies must be marked with the ECF stamp (case number, document number, date, and  
22 page number) on the top of each page. The portable media shall be clearly labeled with Judge  
23 Thompson’s name and the case number.

24 7. **Joint Pretrial Statement and Proposed Order.** The parties shall file a joint  
25 pretrial statement and proposed order, which must contain the following information:

- 26 a) Substance of the Action. A brief description of the parties, the substance of claims and
- 27 defenses that remain to be decided, and the operative pleadings that raise the issues.

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- b) Relief Requested. A detailed statement of all requested relief, particularly itemizing all elements of damages claimed.
- c) Undisputed Facts. A plain and concise statement of all relevant facts to which the parties will stipulate for incorporation into the trial record without supporting testimony or exhibits. The parties shall exercise good faith in stipulating to facts that are not reasonably disputable.
- d) Disputed Factual Issues. A plain and concise list of the issues of fact that are contested and remain to be litigated at trial.
- e) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.
- f) Stipulations. A statement of stipulations requested or proposed.
- g) Witnesses to be Called. A list of all witnesses likely to be called at trial, other than solely for impeachment or rebuttal, together with a brief statement following each name describing the substance of the testimony to be given. *No party shall be permitted to call any witness in its case in chief who is not disclosed in its pretrial statement unless the Court grants leave for good cause.*
- h) Exhibits, Schedules, and Summaries. A list of all documents or other items to be offered as exhibits at trial, other than solely for impeachment or rebuttal, and a brief statement following each that describes: (1) its substance or purpose; (2) the identity of the sponsoring witness; and (3) whether the parties have stipulated to its admissibility and, if they have not, the objection to its admission, the grounds for the objection, and the position of the offering party. If the list is voluminous, Section (h) should be attached as an appendix to the joint pretrial statement and proposed order.
- i) Disputed Legal Issues. Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief, citing supporting statutes and decisions.
- j) Pending Motions or Matters. A statement of any motions or other matters that must be resolved prior to trial.

- 1 k) Bifurcation or Separate Trial of Issues. A statement of whether either party requests  
2 bifurcation or a separate trial of specific issues and why.
- 3 l) Use of Discovery Responses. A list containing citations to all evidence that a party  
4 might introduce at trial, other than that to be used solely for impeachment or rebuttal,  
5 that was obtained from deposition testimony, interrogatory responses, or responses to  
6 requests for admission. Counsel shall state any objections to the use of these materials,  
7 the grounds for the objections, the position of the offering party, and shall certify that  
8 the parties have conferred regarding such objections. If the list is voluminous, Section  
9 (l) should be attached as an appendix to the joint pretrial statement and proposed order.
- 10 m) Estimate of Trial Time. An estimate of the number of court days needed for the  
11 presentation of each party's case, indicating possible reductions in time through  
12 proposed stipulations, agreed statements of facts, or expedited means of presenting  
13 testimony and exhibits.
- 14 n) Settlement Discussion. A brief summary of the status of settlement negotiations,  
15 without indicating specific dollar amounts, and an indication of whether further  
16 negotiations are likely to be productive and what, if anything, would facilitate  
17 settlement.
- 18 o) Miscellaneous. Any other matters that will facilitate the just, speedy, and efficient  
19 resolution of the action.

20 8. **Binding Effect of the Joint Pretrial Statement.** The joint pretrial statement and  
21 proposed order shall include the following language directly above the signature lines:

22 *The foregoing admissions having been made by the parties, and the*  
23 *parties having specific the foregoing issues of fact and law*  
24 *remaining to be litigated, this order shall supplement the pleadings*  
*and govern the course of trial of this case, unless modified by the*  
*Court to prevent manifest injustice.*

25 9. **Proposed Jury Instructions.** The parties shall meet and confer and file a joint set  
26 of proposed jury instructions, arranged in the order the parties propose the Court give the  
27 instructions. The parties should use the Ninth Circuit Model Jury Instructions where possible or  
28 the California Civil Jury Instructions (CACI) where applicable. Any modifications to a form

1 instruction must be plainly identified to the Court. Any language a party proposes to be removed  
2 from a model instruction must be designated with a ~~striketrough~~ and language proposed to be  
3 added to a model instruction must be underlined.

4 10. The parties should include proposed text for all proposed jury instructions, even for  
5 any form preliminary instructions, general instructions, or concluding instructions on which they  
6 agree. Instructions upon which the parties agree shall be identified as “Stipulated Instruction No.  
7 \_\_ Re \_\_\_\_\_,” with blanks filled in as appropriate.

8 11. If, after meeting and conferring in good faith, the parties cannot agree on a  
9 proposed jury instruction, each party’s proposed version shall be provided and identified as  
10 “Disputed Instruction No. \_\_ Re \_\_\_\_\_, Offered by \_\_\_\_\_,” with blanks filled in as  
11 appropriate. All proposed versions of the same instruction shall bear the same number. Following  
12 each set of proposed versions of a disputed instruction, each party shall explain, in no more than  
13 one page, why the Court should give that party’s proposed instruction, including supporting case  
14 citations. If the parties dispute whether a particular instruction should be given at all, the  
15 proponent of the instruction shall provide proposed language, identified as “Disputed Instruction  
16 No. \_\_ Re \_\_\_\_\_, Offered by \_\_\_\_\_,” with blanks filled in as appropriate. Following the  
17 disputed instruction, each party shall explain, in no more than one page why the instruction should  
18 or should not be given.

19 12. **Proposed Voir Dire Questions.** In cases tried before a jury, the parties are  
20 expected to meet and confer and file a joint set of proposed voir dire questions for the Court to  
21 ask. Unless otherwise indicated, the Court will conduct voir dire.

22 13. If, after meeting and conferring in good faith, there are proposed questions about  
23 which the parties do not agree, each party may submit a list of disputed proposed questions they  
24 wish to be put to the venire. The proponent of each disputed question shall provide proposed  
25 language, identified as “Disputed Question No. \_\_, Offered by \_\_\_\_\_,” with blanks filled in as  
26 appropriate. No argument concerning why a disputed proposed question should or should not be  
27 asked shall be submitted.

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20. Exhibits shall be identified with tags in the format shown here;

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

21. At least 21 days prior to the Pretrial Conference, the parties shall make a good faith effort to stipulate to exhibits' admissibility. If stipulation is not possible, the parties shall make every effort to stipulate to at least authenticity and foundation absent a legitimate (not tactical) objection.

22. Unless otherwise ordered, at least seven days before trial, the parties must deliver three sets of all pre-marked exhibits in clearly labeled three-ring binders to the Clerk's office, marked for the attention of the Courtroom Deputy, Bhavna Sharma. 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.

23. At least three days prior to the first day of trial, the parties shall file form exhibit and witness lists. The form exhibit list should include the following columns: (1) Exhibit Number; (2) Brief Description; (3) Sponsoring Witness; (4) Date Marked for Identification (left blank); and (5) Date Admitted Into Evidence (left blank). The form witness list should include the following columns: (1) Witness Name; (2) Brief Summary of Testimony; and (3) Exhibits (left blank).

24. The parties are encouraged to resolve as many trial issues by stipulation as possible. The parties shall meet and confer no later than 21 days before the pretrial conference to determine whether any evidentiary issues may be resolved by stipulation. No party may file a motion in limine without first making a good faith effort to resolve the evidentiary issue with opposing counsel.

1           25. Motions in limine must be filed with the Court no later than 21 days prior to the  
2 date set for the Pretrial Conference. Each party is limited to bringing five motions in limine.  
3 Motions in limine cannot be used to request summary judgment or raise *Daubert* challenges unless  
4 the Court has specifically granted prior approval. Each motion shall be no longer than five pages  
5 and should address a single, separate topic. Motions should be clearly identified as  
6 “\_\_\_\_\_’s Motion in Limine No. \_\_ Re: \_\_\_\_\_.” If the content of an exhibit is  
7 necessary to the resolution of a motion in limine, that exhibit must be attached to a declaration in  
8 support of the motion. No party filing a motion in limine should submit digital courtesy copies of  
9 their motions to the Court until the parties file their pretrial filings 14 days before the Pretrial  
10 conference.

11           26. Any party filing a motion in limine must first seek a stipulation from the opposing  
12 party or parties to the relief requested in the motion. The Court ordinarily does not grant leave to  
13 file motions in limine under seal.

14           27. Any party opposing a motion in limine shall file its opposition papers (or statement  
15 of non-opposition) no later than 14 days prior to the Pretrial Conference. Each opposition is  
16 limited to five pages; the moving party shall not file a reply brief. Courtesy copies of all motions  
17 in limine and oppositions must be included in the binder containing the parties’ pretrial filings in  
18 the format described in paragraph five of this Order.

19           28. The motions will be heard at the Pretrial Conference or at such other time as the  
20 Court may direct.

21   **CONTINUANCES**

22           29. Trial dates are firm once set by the Court. Continuances are disfavored. No  
23 continuance of a scheduled trial date will be granted except by order of the Court in response to a  
24 motion made in accordance with the provisions of Civil Local Rule 7. The Court will rarely  
25 continue a trial because the parties have “settled in principle.” Unless otherwise ordered by the  
26 Court, a stipulated dismissal will be required. Failure of a party to proceed with the trial on the  
27 scheduled trial date may result in the assessment of jury costs and the imposition of appropriate  
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1 sanctions, including dismissal or entry of default. Jury costs may be also assessed for failure to  
2 provide the Court with timely notice of a settlement in accordance with Civil Local Rule 40-1.

3 **TRIAL**

4 30. Trial will be conducted from 8:30 a.m. to 1:30 p.m. on Mondays through  
5 Thursdays. Counsel must arrive by 8:00 a.m. each day, or earlier if directed by the Court, to  
6 discuss any matters that need to be heard outside the presence of the jury. The jury will be called  
7 at 8:30 a.m.

8 31. Should a daily transcript and/or real-time reporting be desired, the parties shall e-  
9 file a transcript order form (CAND 435), at least 14 days before trial, and make arrangements with  
10 Richard Duvall, Supervisor of the Court Reporting Services at (415) 522-2079, at least ten  
11 calendar days prior to the trial date.

12 32. The courtroom is equipped with monitors and a sound system. Should the parties  
13 wish to utilize additional technology, the United States Marshals Service requires a court order to  
14 allow equipment into the Courthouse. The parties must file a written request and proposed order  
15 no later than seven days prior to the beginning of trial if they wish to bring any such technology  
16 into the Courthouse. Parties should be prepared to fix any equipment, if necessary.

17 33. The parties shall disclose the witnesses whom they will call and the exhibits to be  
18 introduced through those witnesses (except exhibits to be used solely for impeachment purposes)  
19 by noon the day before the parties intend to call those witnesses. Failure to have a witness ready  
20 to proceed at trial will usually constitute resting.

21 34. The Court strongly encourages the parties to permit junior lawyers to examine  
22 witnesses and to have an important role at trial.

23 35. At the end of the trial day, the parties shall meet and confer regarding all exhibits  
24 and demonstratives intended to be produced on the following day. Meeting and conferring via  
25 email is not sufficient; the parties must meet in person or over the telephone. If the parties cannot  
26 in good faith resolve all of their evidentiary disputes without the Court's involvement, each party  
27 shall file a single statement of five pages or less framing its position on the dispute(s) by midnight.  
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If deposition designations are the subject of any unresolved disputes, the relevant deposition excerpts must be attached to the parties' statements.

36. Counsel must consult with the courtroom deputy, Bhavna Sharma, at the beginning of the first day of trial regarding the procedure for tracking admitted exhibits and any limitations thereon. If there are any disagreements between the parties regarding the status of the exhibits, counsel shall bring them promptly to the Court's attention. At the close of evidence, before closing arguments, counsel must confer with the courtroom deputy to make sure the exhibits in evidence are in good order. Counsel should also be prepared to upload all admitted exhibits from a flash drive to the jury computer so that the jury may access the exhibits during deliberation.

37. Upon the conclusion of the trial, each party shall retain its exhibits through the appellate process. It is each party's responsibility to make arrangements with the Clerk of Court to file the record on appeal.

**IT IS SO ORDERED.**

Dated: August 26, 2022



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**TRINA L. THOMPSON**  
United States District Judge

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**APPENDIX A**

**CHRONOLOGICAL SUMMARY OF PRETRIAL EXCHANGES AND SUBMISSIONS**

<b>Date</b>	<b>Event</b>
30 Days Before Pretrial Conference	Lead counsel to meet and confer regarding settlement, pretrial filings, and narrowing of issues (¶ 2)
	Provide all other parties with proposed exhibits, charts, schedules, summaries, diagrams, and other similar documentary materials to be used case in chief at trial, as well as a list of those materials (¶ 3)
	Provide all other parties (1) the names of all witnesses each party intends to call at trial, as well as a brief description of the subject matter of their testimony; and (2) a list containing citations to all evidence that a party might introduce at trial, other than that to be used solely for impeachment or rebuttal, that was obtained from deposition testimony, interrogatory responses, or responses to requests for admission (¶ 4)
21 Days Before Pretrial Conference	File any motions in limine (¶¶ 24-26)
14 Days Before Pretrial Conference	File joint pretrial statement and proposed order (¶ 7)
	File proposed jury instructions (jury trial only) (¶¶ 9–11)
	File proposed voir dire questions (jury trial only) (¶¶ 12–14)
	File proposed verdict forms (jury trial only) (¶ 15)
	File proposed statement of the case (jury trial only) (¶ 16)
	File oppositions/statements of non-opposition to motions in limine (¶ 27)  Email Word versions of the proposed joint pretrial statement and proposed order, proposed jury instructions, voir dire questions, verdict form(s), and statement of the case to TLTP0@cand.uscourts.gov. (¶ 5)
13 Days Before Pretrial Conference (by Noon)	Submit two binders to the Clerk’s office containing the joint pretrial statement and proposed order, any proposed jury instructions, voir dire questions, verdict forms, statement of the case, and trial briefs, as well as all motions in limine, oppositions, and/or statements of non-opposition (¶ 6)
7 Days Before Trial	Submit a flash drive to the Clerk’s office containing the exhibits identified in Section (h) of the parties’ joint pretrial statement and proposed order (and not already excluded by the Court in limine) (¶ 7)
	File trial brief, if any party wishes to do so (¶ 17)
3 Days Before Trial	File form exhibit and witness lists (¶ 23)