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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

NAME(S),
Plaintiff(s),
v.
NAME(S), and DOES 1- ____, inclusive
Defendant(s).

Case No.: _____
Assigned for all purposes to the
Hon. Nicole S. Healy, Department 28
PRETRIAL ORDER NO. 1

MSC Date: _____
Trial Date: _____
Pretrial Conf.: _____
Action Filed: _____

WHEREAS the Court wishes to ensure that the Court, the parties, and the witnesses in all civil cases are prepared to begin the trial on the actual date that the trial is scheduled; and

WHEREAS the Court wishes to establish clear and uniform requirements for pretrial conferences and trials in all civil cases;

Pursuant to the Court's inherent authority, IT IS HEREBY ORDERED THAT:

1 **INTRODUCTION**

2 1. A summary of the deadlines established by this order is provided below:

3 **SUMMARY TABLE OF DEADLINES**

4

EVENT	DEADLINE
Serve (but <i>not</i> file): 1. Proposed motions in limine; 2. Proposed witness lists; and 3. Proposed exhibit lists	At least 42 days before the Pretrial Conference
Meet and confer regarding pretrial conference – including motions in limine, and witness and exhibit lists	At least 35 days before the Pretrial Conference
File and serve motions in limine and oppositions to motions in limine	At least 21 days before the Pretrial Conference
Parties must file joint pretrial conference statement, and provide to the Court one (1) set of BINDERS NO MORE THAN 2½ INCHES WIDE – with the following: 1. Witness lists; 2. Exhibit lists, including any disputed exhibits; 3. Motions in limine, oppositions, and supporting declarations or requests for judicial notice; and 4. Deposition designations and objections	At least 14 days before the Pretrial Conference
Pretrial Conference will be held	At least 14 days before the Trial Date
Deliver to the Court <i>at least three (3) sets</i> of trial exhibits in BINDERS NO MORE THAN 2½ INCHES WIDE – and on a thumb drive	At least 14 days before the Trial Date

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1 support all oppositions to motions in limine. The parties need not include a copy of the operative
2 complaint.

3 9. Each party must also submit a hard copy and a Word version of all proposed orders.
4 Each proposed order must provide enough specificity that a witness will be able to understand what
5 testimony is prohibited.

6 10. The motions will be heard at the Pretrial Conference or at such other time as the Court
7 may direct.

8 WITNESS LISTS

9 11. Each party must file a joint list of all the witnesses that the party intends to call at trial
10 with the Joint Pretrial Conference Statement.

11 12. The joint witness list must be in tabular form and contain the following:

- 12 a. Name of the witness;
- 13 b. Title of the witness, if any;
- 14 c. Brief description of the subject matter of the witness' anticipated testimony; and
- 15 d. Estimated length of the direct examination, cross-examination, and any redirect, and
16 cross-redirect.
- 17 e. The parties shall also submit their deposition designations and objections with the Joint
18 Pretrial Conference Statement. The parties must submit copies of the excerpts of the
19 designated portions of the deposition transcripts, **NOT** a list of page and line
20 numbers.
- 21 f. The parties must jointly submit one binder with a joint pleading that has the
22 designations, objections and responses followed by tabs for each witness with the
23 designation highlighted in yellow and any objections bracketed in red. The
24 designating party shall provide the opposing parties the designation(s) and
25 highlighted sections two weeks before the statement is due. The parties shall then
26 meet-and-confer about any objections at least five days before the binder is due.

27 Unless a party can demonstrate good cause, the deposition of each witness shall be
28

1 introduced only once, *i.e.*, all parties' designations will be presented together rather
2 than in each party's case.

3 13. Any witness who is not identified on a party's witness list is subject to exclusion in the
4 reasonable exercise of the Court's discretion.

5 TRIAL EXHIBITS

6 14. Each trial exhibit must be clearly pre-marked with the trial exhibit number. The back of
7 the last page of each trial exhibit must include the completed Court exhibit tag. (See Appendix A.)
8 The trial exhibit list must begin with the plaintiff's first exhibit number. Defendant's exhibit numbers
9 must be sequenced to begin after the plaintiff's exhibit numbers.

10 15. Exhibits shall be numbered sequentially. **NO** letters may be used. The parties must
11 agree on a block of numbers to fit the needs of the case (*e.g.*, the plaintiff has exhibits 1-100; the
12 defendant has exhibits 101-200), and make a good faith effort to avoid marking the same exhibit in
13 their respective blocks. If the exact same exhibit is marked by more than one party, then the defendant
14 shall withdraw the duplicative exhibit (but should not renumber its portion of the exhibit list). If there
15 is any dispute over which portions of an overlapping exhibit should be introduced into evidence, the
16 parties shall meet and confer in an attempt to informally resolve the issue. If the parties are unable to
17 informally resolve the dispute, then each party shall submit its disputed exhibit with the Joint Pretrial
18 Conference Statement and explain, in no more than one double-spaced page, why the Court should use
19 its proposed exhibit.

20 16. To avoid any party claiming "ownership" of an exhibit, all exhibits shall be marked and
21 referred to as "Trial Exhibit No. ____" – and **NOT** as "Plaintiff's Exhibit" or "Defendant's Exhibit."

22 17. The parties must file a joint exhibit list identifying all the exhibits that the party intends
23 to introduce at trial with the Joint Pretrial Conference Statement.

24 18. The joint exhibit list must be in tabular form and contain the following:

- 25 a. Exhibit number;
 - 26 b. Brief description of the exhibit (with any bates numbers if they exist);
 - 27 c. Sponsoring witness;
- 28

- d. Date marked for identification (left blank); and
- e. Date admitted into evidence (left blank).

19. Each party must provide the Court with at least three (3) complete sets of hard copy exhibits in tabbed **BINDERS NO MORE THAN 2½ INCHES WIDE** that the party intends to introduce at trial and one (1) complete set of exhibits on a thumb drive at least fourteen (14) days before the Trial Date. The binders **MUST NOT** be identified as “plaintiff’s exhibits” or “defendant’s exhibits.” Each party will be expected to place the official exhibit tag on the back of the last page of each document; the exhibit tags may be obtained from the courtroom clerk, or the parties may copy the template at Appendix A. The Court may require additional copies of those exhibits for trial, including separate exhibit binders for each witness.

20. Any exhibit that is not identified on a party’s exhibit list is subject to exclusion in the reasonable exercise of the Court’s discretion.

MEET AND CONFER

21. At least forty-two (42) days before the Pretrial Conference each party must serve on all other parties (but NOT file) its proposed motions in limine, proposed witness list, and proposed exhibit list. Anything that is not included in these served documents – i.e., motions in limine, witnesses, or exhibits – may be subject to denial or exclusion in the reasonable exercise of the Court’s discretion.

22. All parties must meet and confer regarding motions in limine, witness and exhibit lists, a pretrial conference statement (if required), and any other issues that may arise at trial no later than thirty-five (35) days before the Pretrial Conference. ***The meet and confer must take place in person or by videoconference.*** If the parties wish to meet and confer by telephone, they must obtain permission from the Court. The Court expects meaningful meet and confer in accordance with the following guidelines available at http://www.calbar.ca.gov/Portals/0/documents/ethics/Civility/Atty-Civility-Guide-Revised_Sept-2014.pdf.

23. During the meet and confer, the parties must engage in a good faith effort to:

- a. Resolve any issues raised in the motions in limine;
- b. Resolve any disagreements re witnesses and exhibits to be introduced at trial; and

1 c. Stipulate to any relevant facts that can be incorporated into the record without
2 supporting testimony or exhibits.

3 24. Wherever possible, the parties shall stipulate to the admissibility of any exhibits. If a
4 stipulation is not possible, then the parties shall make every effort to stipulate to the authenticity and
5 foundation for an exhibit absent a legitimate objection.

6 **PRETRIAL CONFERENCE STATEMENT**

7 25. The parties shall e-file with the Court a Joint Pretrial Conference Statement at least
8 fourteen (14) days before the Pretrial Conference that contains the following:

- 9 a. Substance of the Action: A brief description of the parties, the claims and defenses
10 that remain to be decided, and the operative pleading, including the date of filing,
11 that raises these claims and defenses.
- 12 b. Relief Requested: A detailed statement of all requested relief that itemizes all
13 elements of damages that are claimed.
- 14 c. Undisputed Facts: A plain and concise statement of all relevant facts to which the
15 parties will stipulate for incorporation into the record without supporting testimony
16 or exhibits or that are undisputed.
- 17 d. Settlement Discussions: A brief description of the efforts the parties have made to
18 settle the case and a brief statement about whether the parties believe that further
19 negotiations are likely to be productive and what, if anything, would facilitate
20 settlement.
- 21 e. Estimate of Trial Length: An estimate of the number hours needed for the
22 presentation of each party's case.
- 23 f. Miscellaneous: Any other matters that will facilitate the just, speedy, and efficient
24 resolution of the case.

25 26. The parties shall include the following documents in accordance with this order with
26 their Joint Pretrial Conference Statement and provide courtesy copies to the Court delivered between
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1 the hours of 9:00 a.m. and 4:00 p.m. to the Central Courthouse, Department 28, Courtroom I, 800 North
2 Humboldt St., San Mateo, California 94401:

- 3 a. Joint witness list;
- 4 b. Joint deposition designation binders (see paragraph 12(e), above);
- 5 c. Joint exhibit list, including any disputed exhibits; and
- 6 d. Binders containing the party's motions in limine, any oppositions, and any
7 supporting declarations or requests for judicial notice in support of or in opposition
8 to the motions.

9 27. The parties must also email the proposed orders in **Word format** to the Court at
10 dept28@sanmateocourt.org.

11 PRETRIAL CONFERENCE

12 28. A Pretrial Conference is scheduled for _____, **2025 at 10:00 a.m. Lead trial**
13 **counsel for each party must attend in person.**

14 29. **The Pretrial Conference is deemed to be the commencement of trial for all**
15 **purposes**, including but not limited to discovery and motion cutoff, disclosure of witnesses and expert
16 witnesses, and commencement of all trial-related fees, such as court reporter fees.

17 30. At the Pretrial Conference, each party should be prepared to argue and discuss:

- 18 a. Motions in limine;
- 19 b. Witnesses, including objections to deposition designations;
- 20 c. Exhibits;
- 21 d. Stipulations; and
- 22 e. Any other issues relating to the trial.

23 TRIAL

24 31. An in-person non-jury trial is set for _____, **2025 at 9:00 a.m.** and will occur on
25 Mondays, Thursdays, and Fridays, and such other days as set by the Court.

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APPENDIX A

The tag must be attached to the back of the last page of each exhibit

EXHIBIT: _____

Case Number: _____

Marked _____

Identified _____

Admitted _____

By: _____

Clerk of the Superior Court