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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

	,	) Case No.	
<b>Plaintiff,</b>		) <b>PRETRIAL ORDER</b>	
<b>v.</b>		) <b>Pretrial Conf.:</b>	<b>at 2:00 p.m.</b>
		) <b>MSC:</b>	<b>at 9:00 a.m.</b>
		) <b>Trial Date:</b>	<b>at 9:00 a.m.</b>
	, <i>et al.</i>	)	
<b>Defendants.</b>		)	

WHEREAS the San Mateo County Superior Court switched to a direct calendar system for all civil cases beginning on January 1, 2021;

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:

**INTRODUCTION**

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

**SUMMARY TABLE OF DEADLINES**

**PRETRIAL CONFERENCE**

<b>EVENT</b>	<b>DEADLINE</b>
Serve (but <u>not</u> file): 1. Proposed motions in limine; 2. Proposed jury instructions; 3. Proposed verdict form(s); 4. Proposed witness lists; and 5. Proposed exhibit lists	At least 42 days before the Pretrial Conference
Meet and confer regarding pretrial conference – including motions in limine, proposed jury instructions, proposed juror questionnaire (if any), proposed verdict forms, proposed statement of the case, 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
File joint pretrial conference statement with: 1. Proposed jury instructions; 2. Proposed verdict form(s); 3. Proposed voir dire and juror questionnaire (if any); 4. Proposed statement of the case; 5. Witness lists; 6. Exhibit lists, including any disputed exhibits; and 7. Binders with motions in limine, oppositions, and supporting declarations or requests for judicial notice 8. Deposition designations and objections	At least 14 days before the Pretrial Conference
Pretrial Conference	At least 14 days before the Trial Date
Deliver set of trial exhibits in binders and on thumb drive to the Court	At least 7 days before the Trial Date





1 19. If the parties wish to use a jury questionnaire, the parties must file a joint proposed jury  
2 questionnaire or, if they disagree, separate proposed jury questionnaires with the Joint Pretrial  
3 Conference Statement. The Court's preference is not to have a questionnaire.

#### 4 **PROPOSED STATEMENT OF THE CASE**

5 20. The parties must file a joint proposed statement of the case to be read to the jury during  
6 voir dire with the Joint Pretrial Conference Statement. Unless the case is very complex, this statement  
7 should not exceed one-page double spaced. The statement should be neutral rather than argumentative.  
8 The parties shall also include the names of attorneys and witnesses to be read to the jury. See Standards  
9 of Judicial Administration § 3.25(b).

#### 10 **WITNESS LISTS**

11 21. Each party must file a joint list of all the witness that the party intends to call at trial with  
12 the Joint Pretrial Conference Statement.

13 22. The joint witness list must be in tabular form and contain the following:

14 a. Name of the witness;

15 b. Title of the witness, if any;

16 c. Brief description of the subject matter of the witness' anticipated testimony; and

17 d. Estimated length of the direct examination, cross-examination, redirect, and cross-  
18 redirect.

19 e. The parties shall also submit their deposition designations and objections with the Joint  
20 Pretrial Conference Statement. They shall jointly submit one binder with a joint pleading that has the  
21 designations, objections and responses followed by tabs for each witness with the designation  
22 highlighted in yellow and any objections bracketed in red. The designating party shall provide the  
23 opposing parties the designation(s) and highlighted sections two weeks before the statement is due. The  
24 parties shall then meet-and-confer about any objections at least five days before the binder is due.  
25 Unless a party can demonstrate good cause, the deposition of each witness shall be introduced only  
26 once, *i.e.*, all parties' designations will be presented together rather than in each party's case.

27 23. Any witness who is not identified on a party's witness list is subject to exclusion in the  
28 reasonable exercise of the Court's discretion.

#### **TRIAL EXHIBITS**

24 24. Each trial exhibit shall be clearly pre-marked with the trial exhibit number. The  
25 defendant's exhibit numbers shall be sequenced to begin after the plaintiff's exhibit numbers.



1 witnesses, or exhibits – may be subject to denial or exclusion in the reasonable exercise of the Court’s  
2 discretion.

3 32. All parties must meet and confer regarding motions in limine, jury instructions, verdict  
4 form(s), jury questionnaire (if any), a statement of the case, witness and exhibit lists, a pretrial  
5 conference statement (if required), and any other issues that may arise at trial no later than 35 days  
6 before the Pretrial Conference. The meet and confer must include discussions in person or by  
7 videoconference. If the parties wish to meet and confer by telephone, they must obtain permission from  
8 the Court. The Court expects meaningful meet and confer in accordance with the following guidelines  
9 available at [http://www.calbar.ca.gov/Portals/0/documents/ethics/Civility/Atty-Civility-Guide-](http://www.calbar.ca.gov/Portals/0/documents/ethics/Civility/Atty-Civility-Guide-Revised_Sept-2014.pdf)  
10 [Revised\\_Sept-2014.pdf](http://www.calbar.ca.gov/Portals/0/documents/ethics/Civility/Atty-Civility-Guide-Revised_Sept-2014.pdf).

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

- 12 a. Resolve any issues raised in the motions in limine;
- 13 b. Resolve any disputes over the jury instructions;
- 14 c. Resolve any disputes over the verdict form(s);
- 15 d. Agree on a proposed jury questionnaire (if any);
- 16 e. Agree on a proposed statement of the case to be read to the jury during voir dire;
- 17 f. Resolve any disagreements over witnesses and exhibits to be introduced at trial; and
- 18 g. Stipulate to any relevant facts that can be incorporated into the record without supporting  
19 testimony or exhibits.

20 34. Wherever possible, the parties shall stipulate to the admissibility of any exhibits. If a  
21 stipulation is not possible, then the parties shall make every effort to stipulate to the authenticity and  
22 foundation for an exhibit absent a legitimate objection.

### 23 **PRETRIAL CONFERENCE STATEMENT**

24 35. The parties shall file a Joint Pretrial Conference Statement at last 14 days before the  
25 Conference that contains the following:

- 26 a. Substance of the Action: A brief description of the parties, the claims and defenses that  
27 remain to be decided (including whether any issues are for the Court to decide rather than  
28 the jury), and the operative pleading, including the date of filing, that raises these claims  
and defenses.
- b. Relief Requested: A detailed statement of all requested relief that itemizes all elements of  
damages that are claimed.

- 1 c. Undisputed Facts: A plain and concise statement of all relevant facts to which the parties  
2 will stipulate for incorporation into the record without supporting testimony or exhibits or  
3 that are undisputed.
- 4 d. Settlement Discussions: A brief description of the efforts the parties have made to settle  
5 the case and a brief statement about whether the parties believe that further negotiations  
6 are likely to be productive and what, if anything, would facilitate settlement.
- 7 e. Estimate of Trial Length: An estimate of the number hours needed for the presentation of  
8 each party's case.
- 9 d. Miscellaneous: Any other matters that will facilitate the just, speedy, and efficient  
10 resolution of the case.

11 36. The parties shall include the following documents in accordance with this order with their  
12 Joint Pretrial Conference Statement and provide courtesy copies to the Court delivered to Central  
13 Courthouse, Department G, 800 North Humboldt St., San Mateo, CA 94401:

- 14 a. Proposed jury instructions
- 15 b. Proposed verdict form(s)
- 16 c. Proposed jury questionnaire (if any)
- 17 d. Proposed statement of the case
- 18 e. Joints witness list;
- 19 f. Joint deposition designation binders
- 20 g. Joint exhibit list, including any disputed exhibits; and
- 21 h. Binders container the party's motions in limine, any oppositions, and any supporting  
22 declarations or requests for judicial notice in support of or opposition to the motions.

23 37. The parties shall also email the proposed jury instructions, proposed verdict form(s),  
24 proposed jury questionnaire (if any), proposed statement of the case, and proposed orders in Word  
25 format to the Court.

### 26 PRETRIAL CONFERENCE

27 38. A Pretrial Conference is scheduled for \_\_\_\_\_ at 2:00 p.m. Lead trial counsel  
28 for each party must attend in person.

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



1 procedures in Judge Fineman’s courtroom, look at her webpage at  
2 <https://www.sanmateo.courts.ca.gov/dept4>

3 **COURT REPORTERS**

4 44. The Court has changed its policy regarding providing court reporters for Pretrial  
5 Conferences and Trials. Check Judge Fineman’s webpage and the Court’s website for further  
6 information.

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8 Dated:

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10 NANCY L. FINEMAN  
11 Judge of the Superior Court  
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