

## INITIAL DISCLOSURES

This template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used in certain civil lawsuits in the Northern District Court of California. Using this template does not guarantee any result in your case.

### ★ HOW TO GET LEGAL INFORMATION & ADVICE

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This packet provides general guidance about preparing Initial Disclosures. Before serving this document, make an appointment for free legal information and advice at one of the Legal Help Centers.

#### **APPOINTMENTS – Based on the Courthouse where your Judges is Assigned**

- ★ SAN FRANCISCO, OAKLAND, OR EUREKA-MCKINLEYVILLE  
Federal Pro Bono Project | [fedpro@sfbbar.org](mailto:fedpro@sfbbar.org) | (415) 782-8982  
**NOTE:** Contact for scheduling only – no legal advice is given when scheduling.
  
- ★ SAN JOSE  
Federal Pro Se Program | (408) 297-1480  
Drop-in hours Tuesday and Thursday from 9:00 a.m. to 4:00 p.m.  
280 South 1st Street, 2nd Floor, Room 2070, San Jose

### ★ UNDERSTANDING LAWS & RULES

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You are responsible for knowing the rules that apply to your case. The Legal Help Centers (see above) are the best resource for people without lawyers. Below are other resources for understanding the laws and rules of the Court. You should have these resources available and refer to them throughout your case:

1. **Handbook for Pro Se Litigants** – The Handbook is a procedural guide for people who are representing themselves. It was prepared by the Court and is available at the Clerk’s Office or on the Court’s website at: <https://www.cand.uscourts.gov/pro-se-handbook/>.
2. **Legal Research Guide for Pro Se Litigants** – The Guide provides information for people who are representing themselves about how to do legal research, like finding statutes and decisions in other cases. It was prepared by the Justice & Diversity Center and is available at the Legal Help Centers and at: <https://www.cand.uscourts.gov/pro-se-litigants/legal-help-center-templates-packets/>.
3. **Federal Rules of Civil Procedure** – These Rules explain the procedures from filing through trial for all civil cases in the federal courts across the country, and are available at: <https://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf>.
4. **Civil Local Rules** – The Civil Local Rules follow the same numbering as the Federal Rules of Civil Procedure, but generally provide more detail. They apply in this District only, and are available at: <https://www.cand.uscourts.gov/rules/civil-local-rules/>.

5. **Judge's Standing Orders** – An individual judge's orders setting out rules and procedures, in addition to those found in the Federal Rules of Civil Procedure and the Civil Local Rules, that apply in all cases before that judge. You can find them on the judge's webpage at: <https://www.cand.uscourts.gov/judges/>.

## ★ WHEN TO PREPARE INITIAL DISCLOSURES

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1. **Figure out the due date** – When the case was filed, the Clerk issued an Initial Scheduling Order, which set the date for exchanging Initial Disclosures. They are normally due before the Case Management Conference, but you should look at the Scheduling Order for the exact date.
2. **Begin working at least a week before** – While the template is not long, it may take time to gather the information you need to complete it.

## ★ HOW TO COMPLETE THE INITIAL DISCLOSURES TEMPLATE

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1. **Understand Initial Disclosures** – Disclosures are lists that tell the other parties what evidence will be used in the case. It is important that your Disclosures are complete. Provide all the information that you currently know and that you can figure out. Disclosures are required by Federal Rule of Civil Procedure 26, available here: <http://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf>.
2. **Complete case information** – Fill in all the blanks on the first page. If this is the first set of Disclosures you sent out, check the box for Original on the first page.
3. **Complete Section 1: List of Witnesses** – Before writing, count the number of people you might want to testify or whose written statements you might want to use at trial. Make copies of the Section 1 page so you have room for each person. List the name and, if you know it, the contact information of the person. Briefly describe what the person knows about the case.
4. **Complete Section 2: List of Documents and Things** – The term “Document” here is used broadly and can include photos, audio recordings, emails, and other electronically-stored information. Before writing, count the number of categories of documents you might want to use. Make copies of the Section 2 page so that you have room for each. Describe categories of documents that you have that you might use to support your claims or defenses. Then describe where those documents are located such as “plaintiff” or “Dr. Jones, 1234 Street, City.”
5. **Complete Section 3: Damages Computation (Plaintiff/Claimant)** – Write down each category of damages you are seeking, and any dollar totals or estimates. For example, if you were forced to miss work, list a category like “lost wages,” and write out your calculation (“40 hours x \$15 per hour = \$600”). Keep any documents that you use to make your calculations because the other side may ask you for them.
6. **Complete Section 4: Liability Insurance (Defendant)** – Defendants must state whether they have any insurance for the claims in the lawsuit.

7. **Page numbering** – Count the number of pages in your final Disclosures. On each page, write in the case number, page number and the total number of pages.
8. **Review and sign** – Read the entire document to make sure everything is complete and correct. It is a good idea to look back at your Disclosures regularly to make sure you have not missed anything. If you need to add or change information - a person, a document, or damages information - you can use this template again. In that instance, check the box for Supplemental or Amended on the first page.
9. **Prepare the Certificate of Service** – This document must be “served” on each party, usually by sending it in the mail. A Certificate of Service lets the Court know that you served a certain document. To prepare the Certificate, follow the instructions. If all parties (including you) are registered ECF filers, you do not need to prepare or file a Certificate of Service.

## ★ FILING & SERVING YOUR DOCUMENTS

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1. **Copies** – Once the documents are complete, make one copy for each party in the case. Keep a copy for yourself.
2. **Serve the disclosures** – Be sure the Disclosures and Certificate are served on each party. Do NOT send a copy to the Court.

## ★ STAY UP TO DATE

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1. **Communications** – Check your mail and tell the Court if you move. You must file a notice with the Clerk right away if your mailing address, email, or phone number changes or you may miss important deadlines, causing you to lose your case.
2. **Tracking** – Keep track of your case. A list of the documents that have been filed, and (usually) the documents themselves can be viewed online. Review the ProSe Handbook Chapter 7 and contact the Legal Help Center to learn to access documents.
3. **Guidance** – Visit the Legal Help Center for more information about what happens next.

