

CIVIL PRETRIAL STANDING ORDER
MAGISTRATE JUDGE SUSAN VAN KEULEN

Updated February 2025

I. GENERAL

The following requirements, deadlines, and procedures apply in all cases scheduled for trial before Magistrate Judge Susan van Keulen, unless the Court specifically orders otherwise.

II. MEET AND CONFERRE PREPARATION OF PRETRIAL MATERIALS

At least *30 days before the Pretrial Conference*, lead trial counsel must meet and confer either in person or by videoconference regarding:

- A. Preparation and exchange of pretrial materials required under Federal Rule of Civil Procedure 26(a)(3);
- B. Preparation of the pretrial materials the parties are required to submit jointly as part of the Joint Pretrial Statement, as discussed in Section IV of this Standing Order; and
- C. Clarifying and narrowing the contested issues for trial in order to achieve a just, speedy, and efficient resolution of the case.

III. MOTIONS IN LIMINE

The parties must meet and confer with respect to motions in limine and attempt to resolve them by stipulation. The stipulated motions in limine should be handled as set forth below regarding Trial Stipulations.

For all other motions in limine, each side may file not more than 5 motions in limine set forth in a **single document** that does not exceed 15 pages double-spaced in 12-point font. Motions in limine must be filed at least *21 days before the Pretrial Conference*. Each party's responses to motions in limine must be contained in a single document that does not exceed 15 pages double-spaced in 12-point font. Responses to motions in limine are due *14 days before the Pretrial Conference*. No party may file a reply without leave of Court. The Court will hold a hearing on the motions in limine at the Pretrial Conference.

IV. JOINT PRETRIAL STATEMENT

At least *21 days before the Pretrial Conference*, the parties must file in ECF a Joint Pretrial Statement that includes as attachments the items listed below. All items must be in text-searchable PDF format.

A. Proposed Order Re: Trial Stipulations

The Court expects that the parties will agree to a variety of stipulations regarding the conduct of the trial.

B. Jury or Bench Trial

The parties must notify the Court whether the trial will be a jury or bench trial, provided that jury was properly demanded in accordance with Fed. R. Civ. P. 38.

C. Witness List

The parties must include in the Joint Pretrial Statement a list of all witnesses likely to be called at trial (other than solely for impeachment or rebuttal), with a brief statement following each name describing the substance of the testimony to be given and a time estimate for the direct and cross examinations. This information must be presented in chart format and organized by party. Witnesses who will be testifying as experts should be identified as such and included in a separate expert witness list (see below). Witnesses not included on the list may be excluded from testifying.

D. Expert Witness List

The parties must include in the Joint Pretrial Statement a list of all expert witnesses with a summary that clearly describes each expert's theories and conclusions, as well as a curriculum vitae for each expert. Witnesses not included on the list may be excluded from testifying.

E. Exhibit List

The parties must attach to the Joint Pretrial Statement an exhibit list in chart format of all documents and other items to be offered as exhibits at the trial (other than solely for impeachment or rebuttal). The chart must be in landscape orientation, must be organized in numerical order by exhibit number, and must include columns containing the following information for each exhibit:

1. An exhibit number. To avoid duplicative numbering, counsel must meet and confer on a method for numbering exhibits. For example, the parties might agree that the plaintiff will use numbers and the defendant will use letters, or that the plaintiff will use numbers 100-199 and the defendant will use numbers 200-299.
2. A brief description of each exhibit's contents and purpose.
3. The identity of each sponsoring witness.

4. Specification of whether the Parties stipulate to admit the exhibit or grounds for any objections to the exhibit. Before submitting the list, the parties must meet and confer and attempt to stipulate as to the admissibility of each exhibit. The parties must make a good faith effort to stipulate to the admissibility of trial exhibits. If stipulation is not possible, the parties must make every effort to stipulate to authenticity and foundation absent a legitimate objection
5. A blank column for the Court's ruling on objections.
6. A blank column for the date on which each exhibit is admitted.

At the Pretrial Conference, the Court will discuss with the parties whether electronic or hard copy trial exhibits will be used at trial.

F. List of Discovery Excerpts

The parties must list in the Joint Pretrial Statement those excerpts from depositions, interrogatory answers, or responses to requests for admission (other than those solely for impeachment or rebuttal) likely to be used as trial. Prior to submitting the list, the parties must meet and confer and attempt to resolve any disagreements regarding designations or counter-designations. The Court expects the parties will resolve by agreement most disputes over discovery materials to be used at trial. For any disputes that cannot be resolved by agreement, the parties must (i) identify any remaining legal objections to the excerpts on the list itself, and (ii) attach in a separate appendix copies of the disputed excerpts so that the Court can review the disputed materials. The parties must file a single proposed order with all disputed designations which will allow the Court to rule on whether permission to use each is granted, granted with modification, or denied.

G. Voir Dire Questions (jury trials only)

The Court sends a standard questionnaire to prospective jurors in advance of jury selection. The Court allows each side to supply up to 5 additional questions. The parties must include in the Joint Pretrial Statement any questions they want to include in the jury questionnaire and any questions for the court-directed voir dire. If any questions are contested, each party must state the basis for proposing or opposing the question.

H. Jury Instructions (jury trials only)

The parties must include in the Joint Pretrial Statement a joint set of preliminary and final jury instructions. If any instructions are contested, the joint set of instructions should include each party's proposed instruction with a short (not to exceed ½ page) statement of the legal basis for proposing or opposing the instruction.

I. Verdict Form (jury trials only)

The parties must attach to the Joint Pretrial Statement an agreed-upon proposed verdict form or, if the parties are unable to agree on a verdict form, separate proposed verdict forms.

J. Summary of Case Statement

In all cases, the parties must include in the Joint Pretrial Statement an agreed-upon summary of the case, not to exceed one page. If the parties cannot agree on such a statement, each party must submit its own summary, not to exceed one page. In jury trials, this statement of the case will be read to the jury at jury selection.

K. Relief Requested

The parties must include in the Joint Pretrial Statement a detailed statement of all requested relief, including an itemization of all damages claimed.

L. Pending Motions or Matters

The parties must include in the Joint Pretrial Statement a statement identifying any motions or other matters that must be resolved prior to trial.

M. Estimate of Trial Time

The parties must include in the Joint Pretrial Statement an estimate of the number of hours or days needed for the trial.

N. Proposed Findings of Fact and Conclusions of Law (bench trials only)

For bench trials, each party must include in the Joint Pretrial Statement proposed findings of fact and conclusions of law on all material issues. The proposed findings must be brief, written in plain English, and free of pejorative language, conclusions, or argument. Conclusions of law must be supported by appropriate citation to legal authority.

O. Trial briefs not required

The parties are not to file trial briefs unless requested by the Court.

V. **CHAMBERS COPIES TO BE DELIVERED TO THE COURT**

A. *On the day the Joint Pretrial Statement is filed in ECF*, the following documents must be emailed in Word format to the Courtroom Deputy (svkcrd@cand.uscourts.gov):

1. The exhibit list chart.
2. PDFs of all disputed exhibits, labeled to conform to the exhibit list
3. Proposed orders on the motions in limine.
4. The proposed order re trial stipulations.
5. Proposed orders on objections to discovery designations.

6. The joint set of proposed jury instructions.
 7. The proposed verdict form(s).
 8. For bench trials, each party's proposed findings of fact and conclusions of law.
- B. *By 12 p.m. on the day after the Joint Pretrial Statement is filed in ECF*, the parties must deliver two (2) paper copies of the following items to the San Jose Courthouse directed to the attention of Judge van Keulen:
1. The Joint Pretrial Statement with all attachments, organized in binders containing an index and copies of filed documents with the ECF header reflecting the item's docket number and filing date.
 2. Copies of the exhibit list and all disputed exhibits, organized in binders with tabs numbered to correspond to the exhibit numbers.

VI. **TRIAL PROCEDURES**

A. Trial Schedule

The Court's usual schedule for jury trials is Monday-Friday, 8:30 a.m. to 1:30 p.m. with two 15-minute breaks. Counsel must be available to arrive earlier or stay later to address any matters that must be heard out of the presence of the jury.

In jury trials, the jury may be selected during the week in advance of trial or on the first day of trial, depending upon the District's overall trial schedule. If selected on the first day of trial, trial will begin immediately following jury selection.

B. Trial Time Limits

At the Pretrial Conference the Court will set time limits for each party to present its case. The Court's usual practice is to set fixed time limits for presentation of each party's evidence, including direct and cross examination and any sidebars requested by that party. Time limits for opening statements and closing arguments will be set separately. The Courtroom Deputy will track each party's time, but the parties are encouraged to track their own time and consult with the Courtroom Deputy at the end of each day to avoid discrepancies.

C. Trial Exhibits

Each trial exhibit (whether electronic or hard copy) must be pre-marked with a trial exhibit sticker (not a deposition exhibit sticker) in a color other than white placed in the top right corner of the first page of a document. The sticker must be in the following format:

United States District Court, Northern District of California Case No. _____ Case Name _____ Plaintiff(s)/Defendant(s) Exhibit # _____
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D. Deposition transcripts used at trial

A party using a deposition transcript at trial for any purpose must provide three (3) paper copies of the transcript: one for the Court, one for the opposing party, and one for the witness.

E. Electronic Equipment

If a party wishes to use electronic equipment or other large items (such as bookshelves), the party must file a request and proposed order with the Court no later than 5 days prior to trial. Equipment not provided by the Court must be tested in the courtroom prior to the day when it will be used. Arrangements for such testing may be made with the Courtroom Deputy.

F. Conduct of Trial

No additional motions may be filed during trial without meet and confer with opposing counsel and leave of Court.

The parties are expected to agree on a procedure for exchanging information about the order and timing of witnesses, the exhibits to be used with each witness (other than solely for impeachment), and demonstratives to be used with each witness, including demonstratives to be used in opening statements and in closing arguments. The agreed-upon notice procedure must allow opportunity for any objections to be raised and resolved by the Court without delaying the conduct of trial.

Absent further Court order, each side must select one attorney for each trial task. For example, a witness examination or argument may not be divided between attorneys. Additionally, only the same attorney who examines the witness will be allowed to object during the adversary's examination of that witness.

The Court may require submission of a photograph of each witness prior to the witness's testimony to assist the trier of fact with recalling the testimony.

G. Trial Transcripts

If a party wishes to order a trial transcript, they must follow the instructions on how to file a transcript order at www.cand.uscourts.gov/transcripts

VII. Post-Trial Exhibit Procedures

After trial, the parties must comply with the requirements for filing trial exhibits set forth in Civil Local Rule 5-1(g). Each party must retain its exhibits through the appellate process. It is each party's responsibility to make arrangement with the Clerk of Court to file the record on appeal.

SO ORDERED.

February 12, 2025



SUSAN VAN KEULEN
United States Magistrate Judge