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. David A. Silberman, Department 11 **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:

INTRODUCTION

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

SUMMARY TABLE OF DEADLINES

EVENT	**DEADLINE**
Serve (but *not* 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 ***at least three (3) sets*** of trial exhibits in **BINDERS *NO MORE THAN 2½ INCHES WIDE* –** and on a thumb drive	At least 14 days before the Trial Date

2. 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 trial or during trial waste time and are strongly disfavored. With this understanding, **ALL DEADLINES AND REQUIREMENTS IMPOSED BY THIS ORDER ARE SUBJECT TO MODIFICATION AT THE DISCRETION OF THE COURT**.

MOTIONS IN LIMINE

3. The parties are encouraged to resolve trial issues with one another as soon as possible. The parties shall meet and confer no later than thirty-five (35) 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 the opposing party.

4. Motions in limine and their oppositions must be e-filed with the Clerk' Office no later than twenty-one (21) days before the Pretrial Conference. No replies will be permitted without leave of the Court.

5. Each party must submit a tabbed binder with its motions in limine in numerical order with the opposition immediately behind the motion within the same tab. Any declarations or requests for judicial notice submitted by the parties in support of or in opposition to the motions in limine along with any attached exhibits must be submitted in a separate tabbed binder. The binders must be submitted to the Court with the Joint Pretrial Conference Statement.

6. Each motion in limine should address a single, separate topic and shall be limited to five (5) pages in length unless otherwise permitted by the Court. Each motion should be clearly identified as "_____'s Motion in Limine No. ___ Re: _____," with the blanks filled in as appropriate.

7. Each opposition is also limited to five (5) pages unless otherwise permitted by the Court.

8. Each party shall file only one (1) declaration and/or one (1) request for judicial notice to support all motions in limine, and one (1) declaration and/or one (1) request for judicial notice to

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

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

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

WITNESS LISTS

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

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

a. Name of the witness;

b. Title of the witness, if any;

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

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

e. The parties shall also submit their deposition designations and objections with the Joint Pretrial Conference Statement. The parties must submit copies of the excerpts of the designated portions of the deposition transcripts, ***NOT*** a list of page and line numbers.

f. The parties must jointly submit one binder with a joint pleading that has the designations, objections and responses followed by tabs for each witness with the designation highlighted in yellow and any objections bracketed in red. The designating party shall provide the opposing parties the designation(s) and highlighted sections two weeks before the statement is due. The parties shall then meet-and-confer about any objections at least five days before the binder is due. Unless a party can demonstrate good cause, the deposition of each witness shall be

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

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

TRIAL EXHIBITS

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

15. Exhibits shall be numbered sequentially. **NO** letters may be used. Neither party shall use letters — e.g., the exhibits must be numbered 1, 2, 3, **NOT** 1(a), 1(b), 1(c). The parties must agree on a block of numbers to fit the needs of the case (*e.g.*, the plaintiff has exhibits 1-100; the defendant has exhibits 101-200), and make a good faith effort to avoid marking the same exhibit in their respective blocks. If the exact same exhibit is marked by more than one party, then the defendant shall withdraw the duplicative exhibit (but should not renumber its portion of the exhibit list). If there is any dispute over which portions of an overlapping exhibit should be introduced into evidence, the parties shall meet and confer in an attempt to informally resolve the issue. If the parties are unable to informally resolve the dispute, then each party shall submit its disputed exhibit with the Joint Pretrial Conference Statement and explain, in no more than one double-spaced page, why the Court should use its proposed exhibit.

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

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

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

a. Exhibit number;

b. Brief description of the exhibit (with any bates numbers if they exist);

c. Sponsoring witness;

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 videoconferenc***e. 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 California Attorney Guidelines of Civility and Professionalism available at https://www.calbar.ca.gov/legal-professionals/ethics-compliance-practice-resources/ethics/attorney-civility-and-professionalism.

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

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

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

PRETRIAL CONFERENCE STATEMENT

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

a. Substance of the Action: A brief description of the parties, the claims and defenses that remain to be decided, 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.

c. Undisputed Facts: A plain and concise statement of all relevant facts to which the parties will stipulate for incorporation into the record without supporting testimony or exhibits or that are undisputed.

d. Settlement Discussions: A brief description of the efforts the parties have made to settle the case and a brief statement about whether the parties believe that further negotiations are likely to be productive and what, if anything, would facilitate settlement.

e. Estimate of Trial Length: An estimate of the number hours needed for the presentation of each party's case.

f. Miscellaneous: Any other matters that will facilitate the just, speedy, and efficient resolution of the case.

26. The parties shall include the following documents in accordance with this order with their Joint Pretrial Conference Statement and provide courtesy copies to the Court delivered between

the hours of 9:00 a.m. and 4:00 p.m. to the Central Courthouse, Department 11, Courtroom G, 800 North Humboldt St., San Mateo, California 94401:

a. Joint witness list;

b. Joint deposition designation binders (see paragraph 12(e), above);

c. Joint exhibit list, including any disputed exhibits; and

d. Binders containing the party's motions in limine, any oppositions, and any supporting declarations or requests for judicial notice in support of or in opposition to the motions.

27. The parties must also email the proposed orders in **Word format** to the Court at dept11@sanmateocourt.org.

PRETRIAL CONFERENCE

28. A Pretrial Conference is scheduled for _____**, 2026 at 10:00 a.m. Lead trial counsel for each party must attend in person.**

29. **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 court reporter fees.

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

a. Motions in limine;

b. Witnesses, including objections to deposition designations;

c. Exhibits;

d. Stipulations; and

e. Any other issues relating to the trial.

TRIAL

31. An in-person non-jury trial is set for _____**, 2026 at 9:00 a.m.** and will occur on Tuesday, Wednesday, and Fridays, and such other days as set by the Court.

32. A Mandatory Settlement Conference is set for _____**, 2026** with a judge to be determined. **PLEASE NOTE:** the MSC date may change, depending on which judge is assigned to

hear the MSC. The clerk of the assigned judge's department will contact you with the information concerning the date and time of the MSC, as well as whether it will be held in person or remotely, approximately a week in advance.

33. Once the trial begins, each party shall inform the other parties by 4:00 p.m. *the prior business day* of the identity of witnesses that the party anticipates presenting at trial the next court day, regardless of whether the witness will be presented live (including by remote technology), by video deposition, or through a deposition transcript.

34. The purpose of this Order is to have the case ready for trial so trial can proceed as efficiently as possible. If the parties wish to modify the schedule because of the specific facts of their case, they may do so. If they wish to change any of the dates that documents are due to the Court, they should submit a proposed order specifying the reasons why they want to change the deadlines. The Court needs sufficient time to review the submissions. Therefore, the Court suggests that if the parties seek to change a deadline of when documents are submitted to the Court, they only seek to extend the deadlines for specific documents. For example, if there is an issue regarding certain expert(s), the parties should seek to only seek to extend the deadline to file and oppose the specific expert motion(s) in limine and then file the other motions in limine based on the deadlines set in this Order. For further information about the procedures in Judge Silberman's courtroom, look at his webpage at https://www.sanmateocourt.org/court_divisions/civil/dept11.php.

35. If counsel or any staff members have questions about these procedures, please email Department 11 at dept11@sanmateocourt.org and include counsel for all represented parties and pro per parties in the email.

COURT REPORTERS

36. The court has changed its policy regarding providing court reporters for Pretrial Conferences and Trials. Check Judge Silberman's webpage and the court's website for further information.

STATEMENTS OF DECISION

37. If the trial will be concluded in more than one calendar day or eight (8) hours and the parties want the court to issue a statement of decision, they should identify the principal controverted issues. (See Code Civ. Proc., § 632, subd. (a).) Each party should prepare a proposed statement of decision within forty-five (45) days after the close of the evidence, which deadline may be re-set upon request of one or more parties. The court will serve its tentative decision and proposed statement of decision within sixty (60) days thereafter. After the time has either lapsed for objections, or the court has considered and ruled on any objections, the court will issue its final statement of decision. (See Code Civ. Proc., § 632; Cal. Rules of Court, Rule 3.1590.)

Dated: _____

_____
DAVID A. SILBERMAN
Judge of the Superior Court

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