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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. 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:

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

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

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

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

26 a. Exhibit number;

27 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 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 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;

1 the hours of 9:00 a.m. and 4:00 p.m. to the Central Courthouse, Department 11, Courtroom G, 800
2 North 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 dept11@sanmateocourt.org.

11 PRETRIAL CONFERENCE

12 28. A Pretrial Conference is scheduled for _____, 2026 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 _____, 2026 at 9:00 a.m. and will occur on
25 Mondays, Thursdays, and Fridays, and such other days as set by the Court.

26 32. A Mandatory Settlement Conference is set for _____, 2026 with a judge to be
27 determined. **PLEASE NOTE:** the MSC date may change, depending on which judge is assigned to
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1 hear the MSC. The clerk of the assigned judge's department will contact you with the information
2 concerning the date and time of the MSC, as well as whether it will be held in person or remotely,
3 approximately a week in advance.

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

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

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

22 **COURT REPORTERS**

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

1 **STATEMENTS OF DECISION**

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

12 DAVID A. SILBERMAN
13 Judge of the Superior 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