

1    ORDER FOR PRETRIAL PREPARATION  
2    (Prisoner Cases)

3    PRETRIAL CONFERENCE

4    Not less than 28 days prior to the pretrial conference, each  
5 party shall file the pretrial conference statement required by  
6 Civil L.R. 16-10(b)(6). The pretrial statement shall contain the  
7 following information:

8    (1) The Action.

9        (A) Substance of the Action. A brief description of the  
substance of claims and defenses which remain to be decided.

10        (B) Relief Prayed. A detailed statement of all the  
11 relief claimed, particularly itemizing all elements of damages  
claimed.

12    (2) The Factual Basis of the Action.

13         (A) Undisputed Facts. A plain and concise statement of  
14 all relevant facts not reasonably disputed.

15         (B) Disputed Factual Issues. A plain and concise  
16 statement of all disputed factual issues which remain to be  
decided.

17         (C) Agreed Statement. A statement assessing whether all  
18 or part of the action may be presented upon an agreed  
statement of facts.

19         (D) Stipulations. A statement of stipulations requested  
or proposed for pretrial or trial purposes.

20    (3) Disputed Legal Issues. Without extended legal argument,  
21 a concise statement of each disputed point of law concerning  
22 liability or relief.

23    (4) Further Discovery or Motions. A statement of all  
24 remaining discovery or motions.

25    (5) Trial Alternatives and Options.

26         (A) Settlement Discussions. A statement summarizing the  
27 status of settlement negotiations and indicating whether  
further negotiations are likely to be productive.

28         (B) Consent to Trial Before a Magistrate Judge. A

1 statement whether the parties consent to a court or jury trial  
2 before a magistrate judge, with appeal directly to the Ninth  
Circuit.

3 (C) Bifurcation, Separate Trial of Issues. A statement  
4 of whether bifurcation or a separate trial of specific issues  
is feasible and desired.

5 (6) Miscellaneous. Any other subjects relevant to the trial  
6 of the action, or material to its just, speedy and inexpensive  
7 determination.

8 In addition, each party shall submit the following:

9 a. Exhibit List and Objections. The exhibit list  
10 required by Civil L.R. 16-10(b)(7) shall list each proposed exhibit  
11 by its number (see Civil L.R. 30-2(b)), description, and sponsoring  
12 witness, followed by blanks to accommodate the date on which it is  
13 marked for identification and the date on which it is admitted into  
14 evidence. No party shall be permitted to offer any exhibit in its  
15 case-in-chief that is not disclosed in its exhibit list without  
16 leave of the Court for good cause shown. Parties shall also  
17 deliver a set of premarked exhibits to the Courtroom Deputy. The  
18 exhibit markers shall each contain the name and number of the case,  
19 the number of the exhibit, and blanks to accommodate the date  
20 admitted and the Deputy Clerk's initials. Appropriate sample forms  
21 are attached and are also available on the Court's website at  
22 [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

23 b. Witness List. No party shall be permitted to call  
24 any witness in its case-in-chief that is not disclosed in its  
25 pretrial conference statement without leave of the Court for good  
26 cause shown. **Each party must arrange to subpoena and produce the**  
27 **witnesses they wish to call.**

1 c. Use of Discovery Responses. In addition to the  
2 requirements of FRCivP 26(a)(3)(B), a designation of any excerpts  
3 from interrogatory answers or from responses for admissions  
4 intended to be offered at trial. The parties shall indicate any  
5 objections to use of these materials.

6 d. Trial briefs. Briefs on all significant disputed  
7 issues of law, including foreseeable procedural and evidentiary  
8 issues.

9 e. Motions in Limine. Any motions in limine shall be  
10 filed with the pretrial conference statement. All motions in  
11 limine shall be contained within one document, limited to 25 pages  
12 pursuant to Civil L.R. 7-2(b), with each motion listed as a  
13 subheading. Opposition to the motions in limine shall be contained  
14 within one document, limited to 25 pages, with corresponding  
15 subheadings, and filed seven (7) days thereafter.

16 f. Proposed Voir Dire. The attached voir dire  
17 questionnaire will be given to the venire members, and copies of  
18 the responses will be made available to parties at the beginning of  
19 voir dire. Each party may submit a set of additional requested  
20 voir dire.

21 g. Joint Proposed Jury Instructions. As applicable,  
22 jury instructions §1.1A, §1.1C, §1.2 through §1.17, §1.19, §2.1  
23 through §2.13, §3.1 through §3.3 from the Manual of Model Civil  
24 Jury Instructions for the Ninth Circuit (2007 Edition) will be  
25 given absent objection. Parties shall each submit one set of  
26 additional proposed jury instructions. The instructions shall be  
27 ordered in a logical sequence, together with a table of contents.

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1 Authority for each instruction shall be included as part of the  
2 submission.

3 The parties shall email to cwpo@cand.uscourts.gov a copy of  
4 their proposed jury instructions in WordPerfect or Word format.  
5 The subject of the email should include the name of the parties,  
6 the case number and a description of the document.

7 h. Proposed Verdict Forms.

8 i. Proposed Findings of Fact and Conclusions of Law  
9 (Court Trial only). The parties shall email to  
10 cwpo@cand.uscourts.gov a copy of their proposed findings of fact  
11 and conclusions of law in WordPerfect or Word format. The subject  
12 of the email should include the name of the parties, the case  
13 number and a description of the document.

14 JURY SELECTION

15 The Jury Commissioner will summon 20 to 25 prospective jurors.  
16 The Courtroom Deputy will select their names at random and seat  
17 them in the courtroom in the order in which their names are called.

18 Voir dire will be asked of sufficient venire persons so that  
19 eight (or more for a lengthy trial) will remain after all  
20 peremptory challenges and an anticipated number of hardship  
21 dismissals and cause challenges have been made.

22 The Court will then take cause challenges, and discuss  
23 hardship claims from the individual jurors, outside the presence of  
24 the venire. The Court will inform the parties which hardship  
25 claims and cause challenges will be granted, but will not announce  
26 those dismissals until the process is completed. Each party may  
27 then list in writing up to three peremptory challenges. The

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1 parties will review each other's lists and then submit them to the  
2 Courtroom Deputy.

3 Then, from the list of jurors in numerical order, the Court  
4 will strike the persons with meritorious hardships, those excused  
5 for cause, and those challenged peremptorily, and call the first  
6 eight people in numerical sequence remaining. Those people will be  
7 the jury.

8 All jurors remaining at the close of the case will deliberate.  
9 There are no alternates.

10 SANCTIONS

11 Failure to comply with this Order is cause for sanctions under  
12 Federal Rule of Civil Procedure 16(f).

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14 IT IS SO ORDERED.



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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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JUROR QUESTIONNAIRE

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Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: \_\_\_\_\_

2. Your age: \_\_\_\_\_

3. Your place of birth: \_\_\_\_\_

4. Do you rent or own your own home? \_\_\_\_\_

5. Your marital status: (circle one)  
single    married    live with partner    separated    divorced    widowed

6. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

\_\_\_\_\_  
\_\_\_\_\_

7. Who is (or was) your employer?

\_\_\_\_\_

8. How long have you worked for this employer? \_\_\_\_\_

9. Please list the occupations of any adults with whom you live.

\_\_\_\_\_

10. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

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11. Please describe your educational background:  
Highest grade completed: \_\_\_\_\_  
College and/or vocational schools you have attended:  
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\_\_\_\_\_  
\_\_\_\_\_  
Major areas of study: \_\_\_\_\_

12. Have you ever served on a jury before? \_\_\_\_\_ How many  
times? \_\_\_\_\_  
If yes: State/County Court \_\_\_\_\_ Federal Court \_\_\_\_\_  
When? \_\_\_\_\_  
Was it a civil or criminal case? \_\_\_\_\_  
Did the jury(ies) reach a verdict? \_\_\_\_\_

13. Attached is a list of the parties in this case, the law firms  
representing the parties, attorneys in this case, and persons  
who are potential witnesses in this case. Do you know, or  
think you know, any of the persons listed?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_  
If so, make a check next to their name.

Rev. 6/28/10