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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NEWSOM, et al.,  
Plaintiff,  
v.  
TRUMP, et al.,  
Defendant.

Case No. 3:25-cv-04870-CRB

**ORDER FOR PRETRIAL  
PREPARATION FOR CIVIL BENCH  
TRIAL**

**GUIDELINES FOR CIVIL BENCH TRIALS BEFORE THE HONORABLE CHARLES R. BREYER**

Bench trial set for August 11 at 10:00 a.m. Trial set for 3 days.

**I. FILED DOCUMENTS**

1. Witness Lists: Each party must separately file on **August 8, 2025** a witness list for its case-in-chief witnesses (including those appearing by deposition) providing, for all such witnesses other than an individual plaintiff and an individual defendant, a short statement of the substance of their testimony. For each witness, state an hour/minute time estimate for the direct examination (only).

2. Motions in Limine: The parties must separately file on **August 8, 2025** their motions in limine, with oppositions due **August 9, 2025**. Each motion should be filed as a separate document and numbered—for example, “Plaintiff’s Motion in Limine No. 1 to Exclude ...” For bench trials, motions in limine are rarely needed or useful.

3. Proposed Findings of Fact and Conclusions of Law: The parties must separately file on **August 9, 2025** their proposed findings of fact and conclusions of law on all material issues. The Court requests that the parties hyperlink each proposed Finding of Fact to any supporting evidence. Proposed Findings shall be brief, written in plain English, and free of pejorative language, conclusions, and argument. Parties shall deliver copies of their proposed

United States District Court  
Northern District of California

1 findings of fact and conclusions of law in Word format to Chambers at [crbpo@cand.uscourts.gov](mailto:crbpo@cand.uscourts.gov),  
2 with the subject line of the email including the name of the case, the case number, and the nature  
3 of the submission.

4 4. Exhibit List: The parties must file on **August 11, 2025** before the start of trial a  
5 joint exhibit list in numerical order, including (i) a brief description of the exhibit, (ii) a column  
6 for when it is offered in evidence, (iii) a column for when it is received in evidence, and (iv) a  
7 column for any limitations on its use.

8 II. PRETRIAL ARRANGEMENTS

9 1. Should a daily transcript and/or real-time reporting be desired, the parties shall  
10 make arrangements with the Supervisor of Court Reporting Services by email at  
11 [Transcripts@cand.uscourts.gov](mailto:Transcripts@cand.uscourts.gov) at least ten calendar days prior to the trial date.

12 2. The Courtroom is set up with equipment that allows evidence presentation. If  
13 additional equipment is necessary, the United States Marshal requires a court order to allow  
14 equipment into the courthouse. Please work with Lashanda Scott 415-522-2062 on courtroom-  
15 layout issues.

16 III. SCHEDULING

17 Trial will commence at 10:00 a.m. and go until 4:00 p.m. with two fifteen-minute breaks  
18 and between thirty minutes and one hour for lunch. Counsel must be present at least fifteen  
19 minutes prior to trial commencing.

20 IV. OPENING STATEMENTS

21 Counsel must cooperate and meet and confer to exchange any visuals, graphics or exhibits  
22 to be used in the opening statements, allowing for time to work out objections and any reasonable  
23 revisions.

24 V. WITNESSES

25 1. A witness not included in the pre-trial list may not be used without good cause.  
26 This rule does not apply to true rebuttal witnesses (other than experts). Defense witnesses are  
27



1 completeness objection. Please cross out any irrelevant portions of any additional pages. A  
2 completeness objection should normally be made only if a few extra lines will cure the problem.  
3 The parties must provide brief explanations for any additions or deletions. They must also return  
4 any counter designations at the same time.

5 4. The parties must meet and confer as reasonable. Counsel for the proffering party  
6 must then assemble a final packet, including objections and responses to objections, and provide it  
7 to the Court before the start of trial on **August 11, 2025**. Ordinarily, argument will not be needed.

8 5. When the packet is read, the examiner reads the questions (and any relevant  
9 colloquy) from the lectern and a colleague sits in the witness stand and reads the answers. When a  
10 video-taped deposition is to be played instead, the packets must still be prepared, as above, in  
11 order to facilitate rulings on objections. The video should omit any dead time, long pauses, and  
12 objections/colloquy not necessary to understand the answers.

13 VII. REQUESTS FOR ADMISSIONS AND INTERROGATORIES

14 Please designate responses to requests for admissions and interrogatory answers in the  
15 same manner and under the same timetable as depositions.

16 VIII. EXHIBITS

17 1. Prior to the final pretrial conference, counsel must meet and confer in person over  
18 all exhibit numbers and objections and to weed out duplicate exhibits. Please be reasonable.

19 2. Use numbers only, not letters, for exhibits, preferably the same numbers as were  
20 used in depositions. Blocks of numbers should be assigned to fit the need of the case (e.g.,  
21 Plaintiff has 1 to 100, Defendant A has 101 to 200, Defendant B has 201 to 300, etc.). A single  
22 exhibit should be marked only once. If the plaintiff has marked an exhibit, then the defendant  
23 should not re-mark it. Different versions of the same document, e.g., a copy with additional  
24 handwriting, must be treated as different exhibits. To avoid any party claiming “ownership” of an  
25 exhibit, all exhibits shall be marked and referred to as “Trial Exhibit No. \_\_,” not as “Plaintiff’s  
26 Exhibit” or “Defendant’s Exhibit.” If an exhibit number differs from that used in a deposition  
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1 transcript, however, then the latter must be conformed to the new trial number if and when the  
2 deposition testimony is used (so as to avoid confusion over exhibit numbers).

3           3.       Bench copy: Deposit your exhibits with the deputy clerk (Lashanda Scott) on the  
4 first day of trial. A bench binder containing a copy of each side’s exhibits must be provided to the  
5 Court on the first day of trial. Each exhibit must be separated with a label divider. Please use  
6 1-1/2-inch binders with locking rings. (Heavier binders are too hard to handle.)

7           4.       Counsel must consult with each other and with the deputy clerk at the end of each  
8 trial day and compare notes as to which exhibits are in evidence and any limitations thereon. If  
9 there are any differences, counsel should bring them promptly to the Court’s attention.

10           5.       At the close of evidence, counsel shall jointly provide a revised list of all exhibits  
11 actually in evidence (and no others) stating the exhibit number and a brief, non-argumentative  
12 description (e.g., letter from A. B. Case to D. E. Frank, dated August 17,1999).

13           6.       Exhibits offered and admitted during trial shall be filed on the docket within ten  
14 days of a trial verdict pursuant to Civil Local Rule 5-1 (g). The parties shall file through the  
15 CM/ECF event “Admitted Exhibits” those exhibits admitted for review by the trier of fact. These  
16 exhibits shall be accompanied by a Joint Certification of Counsel that the exhibits are true and  
17 correct copies of the exhibits submitted to the trier of fact in the matter.

18           IX.       OBJECTIONS

19           Counsel shall stand when making objections. State the legal basis only. Speak up  
20 promptly.

21           There can only be one lawyer per witness per party for all purposes, including objections.

22           X.       SETTLEMENTS AND CONTINUANCES

23           Shortly before trial or a final pretrial conference, counsel occasionally wish jointly to  
24 advise the clerk that a settlement has been reached and seek to take the setting off calendar but it  
25 turns out later that there was only a settlement “in principle” and disputes remain. Cases,  
26 however, cannot be taken off calendar in this manner. Unless and until a stipulated dismissal or  
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judgment is filed or placed on the record, all parties must be prepared to proceed with the final pretrial conference as scheduled and to proceed to trial on the trial date, on pain of dismissal of the case for lack of prosecution or default judgment. Only an advance continuance expressly approved by the Court will release counsel and the parties from their obligation to proceed. If counsel expect that a settlement will be final by the time of trial or the final pretrial conference, they should notify the Court immediately in writing or, if it occurs over the weekend before the trial or conference, by voice mail to the deputy courtroom clerk. The Court will attempt to confer with counsel as promptly as circumstances permit to determine if a continuance will be in order. Pending such a conference, however, counsel must prepare and make all filings and be prepared to proceed with the trial.

XI. CHANGE OF TRIAL DATE

Because of scheduling conflicts with other cases on the docket, the Court retains the discretion to change the trial date, either by way of advancement or continuance. In the event the trial date is changed, the parties may seek adjustment of the time limits for compliance with the requirements of this order, which shall be effective only upon Court approval.

**IT IS SO ORDERED.**

Dated: July 29, 2025



CHARLES R. BREYER  
United States District Judge