

Instructions: Initial Disclosures

This template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used in certain civil lawsuits in the Northern District Court of California. *This template provides guidance only. Using this template does not guarantee any result in your case.*



HOW TO GET LEGAL INFORMATION AND ADVICE

This packet provides general guidance about preparing Initial Disclosures. *Before serving this document*, make an appointment for free legal information and advice at one of the Legal Help Centers.



If the case is assigned to a judge in the San Francisco, Oakland, or Eureka federal courthouse, do one of the following:



Call the appointment scheduling line for the Federal Pro Bono Project: 415-782-8982



Sign up in the appointment book at either:

450 Golden Gate Ave., 15th Floor, Room 2796, San Francisco or
1301 Clay Street, 4th Floor, Room 470S, Oakland



Email us at federalprobonoproject@sfbar.org

This email is to schedule appointments only-no legal advice is given over email.



If the case is assigned to a judge in the San Jose federal courthouse, do one of the following:



Call the appointment scheduling line for the Federal Pro Se Program: 408-297-1480



Monday to Thursday 9:00 am - 12:00 pm, drop in at

The Law Foundation of Silicon Valley, 152 North 3rd St., 3rd Floor, San Jose

Monday to Thursday 1:00 pm - 4:00 pm, drop in at

280 South 1st Street, 2nd Floor, Room 2070, San Jose



WHEN TO PREPARE INITIAL DISCLOSURES

1. **Figure out the due date.** When the case was filed, the Clerk issued an Initial Scheduling Order, which set the date for exchanging Initial Disclosures. They are normally due before the Case Management Conference, but you should look at the Scheduling Order for the exact date.
2. **Begin working at least a week before.** While the template is not long, it may take time to gather the information you need to complete it.



HOW TO COMPLETE THIS INITIAL DISCLOSURES TEMPLATE

- Understand “Initial Disclosures.”** These lists tell the other parties what evidence will be used to prove the claims and defenses in the case. It is important that your Disclosures are complete. You are required to provide all the information that you currently know and that you can reasonably figure out. It is a good idea to look back at your disclosures regularly to make sure you have not missed anything. If you need to add or change information - a person, a document, or a description - you can use this template again. Check the box for Supplemental or Amended on the first page.
- Fill in the case information.** Fill in all the blanks on the first page.
- Complete Section 1 “List of Witnesses.”** Before writing, count the number of people you *might* want to testify or whose written statements you *might* want to use at trial. Make copies of the Section 1 page so you have room for each person. List the name and, if you know it, the contact information of the person. Briefly describe what the person knows about the case.
- Complete Section 2 “List of Documents and Things.”** The term “Document” here is used broadly and can include photos, audio recordings, emails, and other electronically-stored information. Before writing, count the number of categories of documents you might want to use. Make copies of the Section 2 page so that you have room for each. Describe categories of documents that you have that you *might* use to support your claims or defenses. Then describe where those documents are located such as “plaintiff” or “Dr. Jones, 1234 Street, City.”
- If you are the Plaintiff or Claimant, complete Section 3 “Damages Computation.”** Write down each category of damages you are seeking, and any dollar totals or estimates. For example, if you were forced to miss work, list a category like “lost wages,” and write out your calculation (“40 hours x \$15 per hour = \$600”). Keep any documents that you use to make your calculations because the other side may ask you for them.
- If you are a Defendant, complete Section 4 “Liability Insurance.”** Defendants must state whether or not they have any insurance for the claims in the lawsuit.
- Number the pages.** Count the number of pages in your final Disclosures. On each page, write in the case number, page number and the total number of pages.
- Review and sign.** Read the entire document to make sure everything is complete and correct.
- Prepare the Certificate of Service.** Each document that you file must be “served” on each party, usually by sending it in the mail. Follow the instructions on the Certificate of Service.



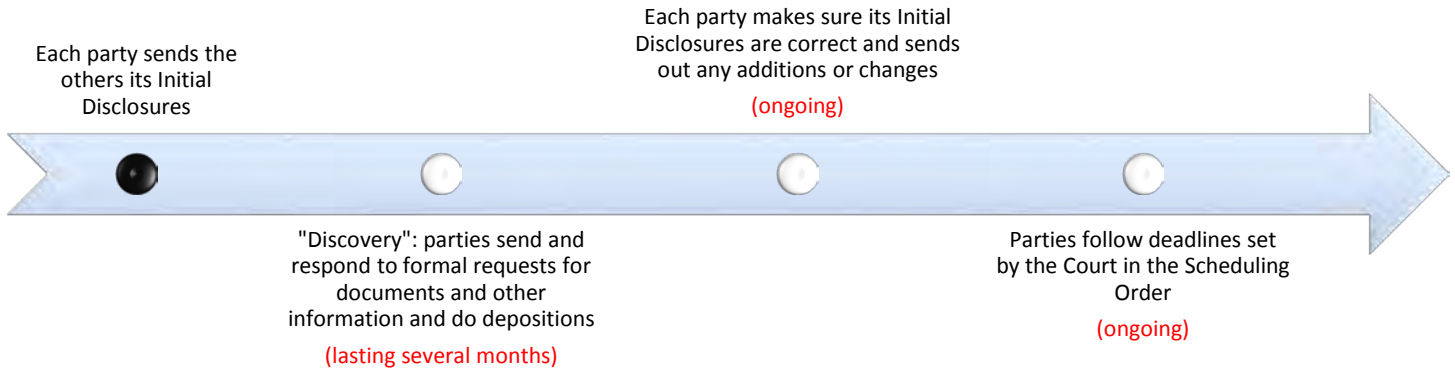
SERVING YOUR INITIAL DISCLOSURES

1. **Make copies.** Once the documents are complete, make one copy for each party in the case.
2. **Serve the Disclosures.** Be sure the Disclosures and Certificate are served on each party. *Do not send a copy to the Court.*



TIMELINE: AFTER INITIAL DISCLOSURES

The timeline below lists what generally happens after Initial Disclosures are exchanged. The Legal Help Centers (see page 1) can provide guidance about these steps and have many other templates for you to use.



STAY UP TO DATE

1. **Update your contact information.** File a notice with the Clerk right away if your address, email, or phone number changes, or you may miss important deadlines, causing you to lose your case.
2. **Check your mail.** Be sure to check regularly for documents from the Court and opposing side.
3. A list of all of the documents that have been filed, and (usually) the documents themselves can be viewed online. See Chapter 7 of the Handbook for Pro Se Litigants (see below), and contact the Legal Help Center for information about how to access the documents (see page 1).



UNDERSTANDING THE LAWS AND RULES

The Legal Help Centers (see page 1) are the best resource for people without lawyers. There are other resources for understanding the laws and rules of the Court:

1. **Handbook for Pro Se Litigants.** The Handbook is a procedural guide for people who are representing themselves. It was prepared by the Court and is available at the Clerk's Office or on the Court's website at www.cand.uscourts.gov/prosehandbk.
2. **Legal Research Guide for Pro Se Litigants.** The Guide provides information for people who are representing themselves about how to do legal research, like finding statutes and decisions in other cases. It was prepared by the Justice & Diversity Center and is available at the Legal Help Centers and at <http://www.cand.uscourts.gov/Legal-Help-Center-Templates>.
3. **Federal Rules of Civil Procedure.** These Rules explain the procedures from filing through trial for all civil cases in the federal courts across the country, and are available at <http://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf>.
4. **Local Rules.** The Local Rules follow the same numbering as the Federal Rules of Civil Procedure, but generally provide more detail. They apply in this District only, and are available at <http://www.cand.uscourts.gov/localrules/civil>.

1 Your name: _____

2 Address: _____

3 _____

4 Phone Number: _____

5 E-mail Address: _____

6 Pro se

7

8

UNITED STATES DISTRICT COURT

9

NORTHERN DISTRICT OF CALIFORNIA

10

Division [check one]: San Francisco Oakland San Jose Eureka

11

12

_____) Case Number: _____

13

_____) [Name]

14

Plaintiff,) _____'s

15

vs.) **INITIAL DISCLOSURES [check one]**

16

_____) **Original**

17

_____) **Supplemental**

18

_____) **Amended**

19

_____)

20

_____)

21

Defendant.)

22

23

24

25

26

27

[See the Instructions for more information about preparing Initial Disclosures.]

28

INITIAL DISCLOSURES

1. List of Witnesses

Fill in the table below with the name, and if you know, the address and telephone number of each person whose testimony or written statements you might use to support your claims or defenses. Briefly write a description of what the person knows. Use additional pages as needed.

Name of Person	Person's Address and Telephone Number	Description of what the person knows
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

INITIAL DISCLOSURES

CASE NO. _____; PAGE ____ OF ____ [JDC Rev.2017]

1 **2. List of Documents and Things**

2 *Fill in the table below with a list of each category of documents, electronically-stored*
3 *information, or other item you may use to support your claims or defenses. For each category,*
4 *write in its location, such as "plaintiff" or "Dr. Jones, 1234 Street, City." Use additional pages*
5 *as needed.*

<u>Category</u> of Document, Electronically Stored Information, Item, or Tangible Thing	<u>Location</u> of Document, Electronically Stored Information, Item, or Tangible Thing
6 7 8	9 10 11
12 13 14	15 16 17
18 19 20	21 22 23
24 25 26	27 28

INITIAL DISCLOSURES

CASE NO. _____; PAGE ____ OF ____ [JDC Rev.2017]

3. Plaintiffs/Claimants: Damages Calculation

List each kind of harm you experienced. For each, calculate the amount owed and how you came up with that number.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

a) Defendants: Liability Insurance

If you have liability insurance for any of the claims in the lawsuit, write the name of the insurer and type of policy below.

Date: _____

Signature: _____

Printed name: _____

Pro Se

INITIAL DISCLOSURES

CASE NO. _____; PAGE ____ OF ____ [JDC Rev.2017]

CERTIFICATE OF SERVICE OF DOCUMENT OTHER THAN COMPLAINT

** You must serve each document you file by sending or delivering to the opposing side. Complete this form, and include it with the document that you file and serve.**

1. **Case Name:** _____ v. _____

2. **Case Number:** _____

3. **What documents were served?** Initial Disclosures

4. **How was the document served?** *[check one]*

Placed in U.S. Mail

Hand-delivered

Sent for delivery (e.g., FedEx, UPS)

Sent by fax (if the other party has agreed to accept service by fax)

5. **Who did you send the document to?** *[Write the full name and contact information for each person you sent the document. Do NOT send Initial Disclosures to the Court.]*

_____	_____
_____	_____
_____	_____
_____	_____

6. **When were the documents sent?** _____

7. **Who served the documents?** *[Whoever puts it into the mail, faxes, delivers or sends for delivery should sign, and print their name and address. You can do this yourself.]*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signature: _____

Name: _____

Address: _____
