FILED

JUL 24 2003

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In Re

PROCEDURES IN ADVERSARY MATTERS

ORDER RE: RULES OF PROCEDURE

An answer having been filed,

IT IS HEREBY ORDERED:

1. Except as modified or limited by this Order, Federal Rules of Civil Procedure 26 through 37 (as amended 1993), made applicable to this proceeding by Rules of Bankruptcy Procedure 7026 through 7037, shall apply to all discovery in this proceeding.

2. The parties shall hold their initial meeting pursuant to Rule 26(f) no later than fourteen days prior to the Scheduling Conference ordered hereby. At the parties' discretion and where appropriate, this meeting may be held telephonically.

3. The parties shall make the initial disclosures required by Rule 26(a) and the file the discovery plan required by Rule 26(f) not later than ten days following the Rule 26(f) meeting held pursuant to paragraph 3 of this Order.

4. At the Scheduling Conference, and after consultation with the parties and considering the nature of the claims to be resolved, the Court will decide whether further compliance with Rules of Civil Procedure 26(a), (d), (e)(1), and (g)(1) is necessary or appropriate in this proceeding. If further compliance is excused, limited or conditioned, the Court will enter such further scheduling orders at the Scheduling Conference as may be appropriate in the circumstances.

5. If an evidentiary hearing is required, the dates for discovery cut off, exchanging lists of witnesses and copies of all exhibits, filing the joint pretrialstatement and when the parties will be ready for the evidentiary hearing and the amount of time requested for the hearing will be discussed at the Scheduling Conference. Counsel are to have access to such information as they deem necessary to advise the Court of the reasonableness and convenience of the trial setting. The court may set the matter for trial at the Scheduling Conference.

6. Unless the Court orders otherwise, no later than 2 weeks prior to any evidentiary hearing, the parties are to file and exchange any witness lists and copies of all exhibits to be utilized at the hearing, including impeachment evidence, regardless of what additional discovery is conducted. The original, unmarked exhibits will be brought to court by counsel on the hearing date.

7. Any witnesses and exhibits not so timely disclosed will not be heard or admitted into evidence. Any joint pretrial statement will be filed 1 week prior to any such hearing. The failure of any party to cooperate in and/or timely comply with these procedures may result in the imposition of sanctions against such party and/or the attorney for such party.

8. A copy of this order **MUST** be attached to the notice of hearing for notice to be effective.

Dated: 7/24/3

REDFIELD T. BAUM
U.S. BANKRUPTCY JUDGE