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8	IN THE UNITED STATES BANKRUPTCY COURT	
9	FOR THE DISTRICT OF ARIZONA	
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11		Chapter Proceeding
12		Case No
13	Debtor.	
14		Adv. No
15	Plaintiff,	TRIAL SCHEDULING ORDER
16	VS.	
17	vo.	
18	Defendant.	
19		
20	The Rule 16 Pre-Trial Scheduling Conference was held on The trial on	
21	this proceeding is set for, at United States Bankruptcy Court,	
22	Accordingly, IT IS HEREBY ORDERED:	
23	Discovery	
24	<u>All</u> discovery must be completed no later than days prior to trial. This order	
25 26	contemplates that each party will conduct discovery in such a manner as to complete it within the	
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deadlines set. Motions for protective order will not be considered unless counsel attaches an
 affidavit setting forth the efforts made to accomplish amicable resolution.

Dispositive Motions

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All dispositive motions, for either partial or complete relief (including motions for summary judgment), shall be filed no later than _____ days prior to trial. Hearings on dispositive motions shall be set by contacting the Courtroom Deputy by telephone. Counsel filing the motion shall be responsible for filing and serving notice of such hearing. A late-filed Motion will not be cause to delay or extend the trial setting.

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Disclosure of Witnesses and Exhibits

Unless the Court orders otherwise, no later than **days prior to any trial**, the parties 11 are to exchange a list of witnesses and exhibits along with copies of all exhibits to be utilized at 12 the trial, including impeachment evidence, regardless of what additional discovery is conducted, 13 and file the list of witnesses and exhibits with the Court (but not the documents themselves). Any 14 witness and exhibits not timely disclosed will not be heard or admitted into evidence. The Court 15 requires use of electronic exhibits (pro se parties excluded). Plaintiffs shall label their exhibits as 16 letters (e.g., Exhibit A, Exhibit B, and so on) and Defendants shall label their exhibits as numbers 17 (e.g., Exhibit 1, Exhibit 2). A copy of the official exhibits shall be brought to the Court at the time 18 of the commencement of any trial in USB flash drive format. Unless otherwise directed, you are 19 not required to bring hard copies of the exhibits for the Court.

Settlement Conference

If the matter is suitable for reference to a settlement judge, a joint letter or motion to the Court containing a request for settlement conference shall be submitted no later than ______ days prior to trial. Any settlement conference will <u>not</u> delay the trial setting.

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Joint Pretrial Statement

A joint pretrial statement shall be submitted **no later than _____ days before trial**. If a joint pretrial statement cannot be submitted, unilateral pretrial statements, which shall include an affidavit of counsel setting forth the unsuccessful efforts to obtain and complete a joint pretrial statement, shall be filed at the deadline set for the filing of the joint pretrial statement. If dispositive motions have been filed, then the pretrial statement(s) shall be due as indicated or 30 days following resolution of the motions, whichever is later. A form of joint pretrial statement is attached for ease of reference.

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Disclosure of Experts and Expert Reports

Any party wishing to retain a testifying expert must disclose the name(s) of such expert(s)
 no later than ____ days prior to trial. Also, any report of the expert must be provided to
 opposing counsel no later than ____ days prior to trial.

13 **Extension For Good Cause and Requests for a Pretrial Conference**

All of the deadlines above may be extended for good cause shown. The deadlines set forth in this order may only be extended by approval of the Court. The Court will consider a request for a pretrial conference to adjust the dates and procedures set forth in this order. Any request for a pretrial conference must be made by motion and must set forth why the deadlines and procedures in this order need to be extended or otherwise adjusted. Absent exceptional circumstances, no motion for extension of trial date will be considered if filed within 5 days of the trial date.

21 Use of Declarations

Unless a party objects in writing no later than _____ days before trial, direct testimony of
 all or some of the witnesses may be submitted by declaration. The following procedures will
 govern submission of testimony by declaration:

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All declarations will be made under penalty of perjury and will be subject to the
 Federal Rules of Evidence.

3 2. If a witness' testimony is submitted by declaration, the witness must be available at
4 trial to be cross-examined by the other parties unless the other parties waive such appearance and

5 the Court approves such waiver.

6 3. If a witness' direct testimony is submitted by declaration, the only oral testimony
7 such witness may give will be limited to rebuttal testimony.

8 4. If a part of a witness' declaration concerns an exhibit to be admitted into evidence
9 at trial, the exhibit must be attached to the declaration and must also be included on the exhibit
10 list filed with the Court.

5. Notwithstanding the parties' agreement that a witness' testimony will be submitted
by declaration, the Court may require any witness' testimony to be provided by direct
examination. The Court will timely notify the parties if a witness' testimony may not be
submitted by declaration.

6. After the Joint Pretrial Statement is filed, no other declarations will be allowed
except by Order of the Court.

17 Length of Trial

18 The Court estimates that the time needed for trial is no more than ____ days. If the parties 19 believe additional trial time is necessary, then, within 30 days of receipt of this Order, counsel 20 shall file and serve a request for enlargement of the trial time setting forth the amount of time 21 needed for trial together with a statement of the reason(s) additional time is needed.

22 Trial Briefs

Any pretrial briefs must be filed **no later than** ____ **days prior to trial**. Any briefs to be
filed after the filing of the pretrial brief will be allowed only by permission of the Court.

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DATED AND SIGNED ABOVE.