

B-7016-1
Pre-Trial Procedure

(a) The court, upon its own initiative or upon the request of a party in interest, may schedule any adversary proceeding, contested matter or other dispute for a pre-trial conference.

(b) The requirements of Fed. R. Bankr. P. 7016 shall apply to all adversary proceedings, contested matters and other disputes scheduled for a pre-trial conference.

(c) As a result of the pre-trial conference, the court may direct the parties to file a joint proposed pre-trial order, which, unless notified to the contrary, shall identify or contain:

(1) a statement concerning the court's subject matter jurisdiction which shall also state whether or not the parties consent to the bankruptcy judge hearing and determining the matter and entering any final judgment or orders therein;

(2) a statement identifying the pleadings, motions, objections or other requests upon which the matter is at issue;

(3) the status of any pending motion filed within the adversary proceeding, contested matter, or other dispute;

(4) a separate statement by each party specifically identifying the theory of each claim or defense and a summary of the facts which each party will endeavor to prove in support thereof;

(5) stipulations as to any and all relevant and undisputed facts;

(6) a statement identifying the contested facts, if any;

(7) a statement identifying the contested legal issues, if any;

(8) a list of the exhibits which each party will offer into evidence at trial, except those to be used solely for impeachment or rebuttal, together with a stipulation concerning which, if any, exhibits may be received into evidence without further proof;

(9) a list of the names of the witnesses each party anticipates calling at trial, except those to be called solely for impeachment or rebuttal. The witness list shall specify the general qualifications of any witness who is to be called as an expert; and

(10) the estimated amount of time required for trial.

(d) The parties shall exchange copies of any exhibits listed in the pre-trial order on or before the date the pre-trial order is filed with the court. If no pre-trial order is required, exhibits shall be exchanged no later than fourteen (14) days prior to trial.

(e) In any non-core matter in which all parties have not consented to the bankruptcy judge hearing and determining the issue and entering any final judgment or orders thereon, each party shall file along with any joint proposed pre-trial order proposed findings of fact and conclusions of law, including citations for each conclusion of law, if available.

HISTORICAL AND REGULATORY NOTES

By Order Amending Local Bankruptcy Rules dated December 8, 2017, this rule was amended to delete the reference to core or non-core in paragraph (c)(1).

By Order Amending Local Bankruptcy Rules dated November 18, 2009, this rule was amended effective December 1, 2009, to conform with the time computation changes in the Federal Rules of Bankruptcy Procedure.