

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

| | | |
|---------------|---|-------------------------------|
| In re: |) | Chapter |
| |) | |
| |) | Case No. |
| |) | |
| Debtor(s). |) | |
| _____ |) | |
| |) | Adversary No. |
| Plaintiff(s). |) | |
| vs. |) | TRIAL SCHEDULING ORDER |
| |) | |
| |) | |
| Defendant(s). |) | |
| _____ |) | |

The Rule 16 Pre-Trial Scheduling Conference was held on (date) at (time) . A (#) day/hour trial is set for (date) . Accordingly, the following deadlines apply:

| | |
|--|----------------------|
| Discovery Cut-Off: | 30 days before trial |
| Dispositive Motions Deadline: | 75 days before trial |
| Disclosure of Witnesses and Exhibits Deadline: | 14 days before trial |
| Settlement Request Deadline: | 14 days before trial |
| Objections to Use of Declaration Testimony: | 14 days before trial |
| Pre-Trial Statement Due Date: | 7 days before trial |
| Motions in Limine: | 7 days before trial |

Specifics concerning such schedule follow.

Discovery

All discovery, including answers to interrogatories and supplements to interrogatories, must be completed **no later than 30 days prior to trial**. This order contemplates that each party will conduct discovery in such a manner as to complete it within the deadline set. Motions for protective order will not be considered unless counsel attaches the required affidavit under Local District Court Rule 1.10(j), setting forth the efforts made to accomplish amicable resolution.

Dispositive Motions

All dispositive motions, for either partial or complete relief (such as Motion for Summary Judgment), shall be filed **no later than 75 days before trial**. Hearings on dispositive motions shall be set by contacting the Courtroom Deputy by e-mail or telephone. Counsel shall be responsible for filing and serving notice of such hearing. Motions will be scheduled as provided by the Rules of Procedure. A late-filed Motion will not be cause to delay or extend the trial setting.

Disclosure of Witnesses and Exhibits

Unless the Court orders otherwise, **no later than 14 days prior to any trial**, the parties are to exchange a list of witnesses and exhibits along with copies of all exhibits to be utilized at the trial, including impeachment evidence, regardless of what additional discovery is conducted, and are to file the list of witnesses and exhibits with the Court (but not the documents themselves) Any witness and exhibits not timely disclosed will not be heard or admitted into evidence.

The Court requires use of electronic exhibits (pro se parties excluded). Plaintiffs shall label their exhibits as letters (e.g, Exhibit A, Exhibit B, and so on) and Defendants shall label their exhibits as numbers (e.g., Exhibit 1, Exhibit 2, and so on). A copy of the official exhibits shall be delivered on electronic format to the Court (3) business days prior to any evidentiary hearing (for a copy of the exhibit list form along with further details please refer to the Judge' s Procedures page on the Bankruptcy Court' s website).

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 a settlement conference shall be submitted **no later than 14 days before trial**. Any settlement conference will **not** delay the trial setting.

Joint Pretrial Statement

A joint pretrial statement shall be submitted **no later than seven 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 no later than seven (7) days (including weekends and holidays) after the deadline for filing a 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.

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 five days of the trial date.

Trial

The trial on this matter is set for , (date) 20__ at (time) o'clock .m. UNITED STATES BANKRUPTCY COURT, James A. Walsh Courthouse, 38 South Scott Avenue, Courtroom 206, Tucson, Arizona 85701, before the HONORABLE SCOTT H. GAN. Continuances of the trial date may be requested by the filing of a motion which must be set for hearing.

Declarations

Unless a party objects in writing 14 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:

1. All declarations will be made under penalty of perjury and will be subject to the Federal Rules of Evidence.
2. If a witness' testimony is submitted by declaration, the witness must be available at trial to be cross examined by the other parties unless the other parties waive such appearance and the Court approves such waiver.
3. If a witness' direct testimony is submitted by declaration, the only oral testimony such witness may give will be limited to rebuttal testimony.
4. If a part of a witness' declaration concerns an exhibit to be admitted into evidence at trial, the exhibit must be attached to the declaration.
5. If a party intends to present the witness' testimony by a transcript of a deposition, a detailed summary of the testimony must be submitted with the transcript.
6. 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.
7. Time for filing declaration and objections to declarations:
 - a. All declarations must be filed with the Joint Pretrial Statement.
 - b. All evidentiary objections to declarations must be filed three (3) days before trial.
 - c. The Court will rule on evidentiary objections to the declarations at the time of trial.

d. After the Joint Pretrial Statement is submitted, no other declarations will be allowed except by order of the Court.

Estimated Trial Length

The Court estimates that the time needed for trial is not more than (est. length) . If the parties believe that additional trial time is necessary, then, within 30 days of receipt of this Scheduling Order, counsel shall file and serve a request for enlargement of the trial time setting forth the amount of time needed for trial together with a statement of the reason(s) additional time is needed.

Trial Briefs

A trial memorandum may be filed at any time through the conclusion of the trial. Filing of such a memorandum by any party shall not delay the ruling in the case, nor shall it, without the Court's permission, extend to the non-filing party any type of extension or response period.

Dated and signed above.

Notice to be sent to the following:

Atty for Plaintiff

Atty for Defendant

United States Trustee
230 North First Avenue #204
Phoenix, AZ 85003-1706

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

| | | |
|-------------------------|---|---------------------------|
| In re |) | Chapter [] Proceedings |
| |) | |
| [Name of Debtor(s)] |) | Case No. [case no]-EWH |
| |) | |
| Debtor[s]. |) | |
| _____ |) | |
| |) | |
| [Name of Plaintiff(s)] |) | Adversary No. [] |
| |) | |
| Plaintiff[s], |) | |
| |) | |
| vs. |) | --SAMPLE-- |
| |) | JOINT PRE-TRIAL STATEMENT |
| [List all Defendant(s)] |) | |
| |) | Trial Date: 00/00/20__ |
| Defendant[s]. |) | Trial Time: 00:00 __.m. |
| |) | |
| _____ |) | |

The Plaintiff(s) and Defendant(s) hereby submit this Joint Pre-trial Statement with respect to the Complaint for _____ commenced in the above-captioned proceeding.

Concise Statement of the Nature of the Action

Statement of Jurisdiction

Statement of Uncontested Issues of Material Fact

Statement of Contested Issues of Material Fact

Statement of Contested Issues of Law

List of Exhibits To Be Offered At Trial and Objections

List of Witnesses To Be Called At Trial

Dated this ___ day of _____, 20__.

Counsel for Plaintiff(s)

Counsel for Defendant(s)