

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re)	
)	Chapter
)	
)	Case No.
Debtors[s].)	
_____)	
)	
)	
)	
Movant[s],)	
)	
vs.)	ORDER RE: FINAL EVIDENTIARY
)	HEARING FOR § 362 RELIEF
)	
)	
Respondent[s].)	
_____)	

The Movant filed a Motion for Relief from the Stay or related relief. The debtor or an interested party objected. IT IS ORDERED THAT:

Final Hearing

1. A Final Hearing on the Motion shall be held on the ____ day of _____, at __ .m., at the United States Bankruptcy Court, James A. Walsh Courthouse, 38 South Scott Avenue, Courtroom 446, Tucson, Arizona 85701, to last no longer than ____ minutes/hours.

2. Should the parties require more time than has been allotted by the Court, the parties may request additional time by motion, setting forth the cause justifying such additional time.

3. Once the Final Hearing has been commenced, and if the allotted time is consumed, the Clerk will search the calendar for additional time to continue the hearing, in order to accommodate conclusion of the matter within the shortest possible time.

List of Witnesses and Exhibits

4. Unless the Court orders otherwise, no later than 14 days prior to the Final Hearing, the parties are to exchange a list of witnesses and exhibits, together with copies of all exhibits to be utilized at the Final Hearing, including impeachment evidence, and are to file the list of witnesses and exhibits with the Court (but not the documents themselves). The pleadings filed with the Court shall bear the date and time of the Final Hearing and case number. The Court requires use of electronic exhibits (pro se parties excluded). Debtors shall identify their exhibits using letters (i.e. Exhibit A, Exhibit B, and so on) and opposing parties shall identify their exhibits as numbers (i.e. 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 along with further details please refer to the Judge's Procedures page on the Bankruptcy Court's website).

5. Any witness not so timely disclosed, or any exhibit not so timely exchanged, will not be considered by the Court at the Final Hearing, except upon a showing of good cause.

Declarations

6. Unless a party objects in writing 14 days before the Final Hearing, direct testimony of all or some of the witnesses may be submitted by declaration. The following procedures will govern submission of testimony by declaration:

a) All declarations will be made under penalty of perjury and will be subject to

the Federal Rules of Evidence.

- b) If a witness' testimony is submitted by declaration, the witness must be available at the hearing to be cross examined by the other parties unless the other parties waive such appearance and the Court approves such waiver.
- c) If a witness' direct testimony is submitted by declaration, the only oral testimony such witness may give will be limited to rebuttal testimony.
- d) If a part of a witness' declaration concerns an exhibit to be admitted into evidence at the Final Hearing, the exhibit must be attached to the declaration.
- e) 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.
- f) 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 List of Witnesses & Exhibits.
- b) All evidentiary objections to declarations must be filed five (5) calendar days before the Final Hearing.
- c) The Court will rule on evidentiary objections to the declarations at the time of the Final Hearing.

- d) After the List of Witnesses & Exhibits is submitted, no other declarations will be allowed except by order of the Court.

Settlement Notification

8. If the matter settles, the parties shall immediately notify the Court of said fact by communicating with the Judge's law clerk, courtroom deputy or judicial assistant, so that the Final Hearing scheduled in this matter may be vacated.

Continuation Of The Stay

9. Based on the initial review of the record in the pending case and all the pleadings, the Court finds it appropriate to continue the stay in full force and effect pending further order of this Court.

Dated: December 9, 2014

BY THE COURT