

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

BANKRUPTCY CAPTION

ADVERSARY CAPTION

PRETRIAL ORDER

This matter having come before the Court on *(date)*, at a pretrial conference held before the Honorable Robert H. Jacobvitz, and *(name)* having appeared as counsel for the Plaintiff and *(name)* having appeared as counsel for the Defendant, the following action was taken:

1. Jurisdiction, Venue, and Parties:

This is an action for _____.

Jurisdiction of the Court is invoked under _____ U.S.C. §_____. The jurisdiction of the Court is not disputed, and is hereby determined to be present. *(Or, if disputed:)* The question of jurisdiction was decided as follows: *(Appropriate recitation of resolution of jurisdiction issues.)*

There are no challenges to venue. *(Or, if challenged, state the nature of such challenge.)*

There is no remaining question as to propriety of the parties. *(Or, if there is, state the nature of the dispute.)*

The is a core proceeding. *(Or:) This is a non-core proceeding. (Or:) There is a dispute as to whether this adversary proceeding is a core proceeding or a non-core proceeding. (Or:) List claims the parties agree are core and claims for which there is a dispute as to whether the claims are core or non-core.*

2. General Nature of the Claims and Defenses of the Parties.

(a) Plaintiff claims: *(Set out brief summary of claims and defenses sufficient to give fair notice.)*

(b) Defendant claims: *(Set out brief summary of claims and defenses sufficient to give fair notice.)*

3. Uncontroverted Facts:

The following facts are established by admissions in the pleadings or by stipulation of counsel: *(Set out uncontroverted facts, including admitted jurisdictional facts and all other significant facts concerning which there is not genuine issue.)*

4. Exhibits.

Unless the Court determines otherwise, on or before the date that is fourteen (14) days prior to the date of the trial on the merits, the parties each shall exchange exhibits and shall provide two copies of the exhibits to the Court c/o Chris Wilson, such that the exhibits are actually received by the other party and Court by that date, except for rebuttal exhibits.

Plaintiff's exhibits are to be marked with numbers, and Defendant's exhibits with letters.

Exhibits shall be accompanied by an Exhibit List listing the exhibits by number or letter and a brief description of the document. Any counsel requiring authentication of an exhibit must so

notify in writing the offering counsel within ten (10) days prior to the date of the trial. The Court generally will exclude exhibits not exchanged as required, other than rebuttal exhibits.

5. Witnesses.

(a) Plaintiff will call or will have available at trial *(List.)* Plaintiff may call *(List.)*

(b) Defendant will call or will have available at trial *(List.)* Plaintiff may call *(List.)*

(c) The following deposition testimony will be offered at trial: *(List.)*

(d) The Court may exclude from testifying any witnesses other than those listed above, except this rule does not apply to rebuttal witnesses who cannot reasonably be anticipated.

6. Discovery.

Discovery has been completed.

7. Amendment of Pleadings.

There were no requests to amend pleadings. *(Or:) The following order was made with regard to amendment of pleadings: (Set out.)*

8. Pretrial Submissions.

The following additional matters were determined: *(set out to the extent determined by the parties any schedule for filing trial briefs, and/or proposed findings and conclusions in advance of trial.)*

9. Courtroom Evidence Presentation Technology

The Sandia Courtroom is equipped with certain evidence presentation technology. If a party fails to contact chambers (505-348-2545) at least two business days prior to trial regarding use of such evidence presentation technology at trial, use of the technology at trial may be unavailable.

10. Order is Controlling.

This order will control the course of trial, and may not be amended except by consent of the parties if approved by the Court, or other order of the Court. The claims and affirmative defenses set forth in the pleadings are superceded by this order; any claim or affirmative defense raised in the pleadings but not identified in this order is waived.

11. **Trial setting.**

This case is set for trial on (date) at (time). The estimated length of trial is _____
hours/days.

12. **Settlement.**

Counsel have made a good faith attempt to settle this matter. The possibility of settlement is considered (*good/fair/poor*).

ROBERT H. JACOBVITZ
United States Bankruptcy Judge

Submitted by:

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Attorneys for xxxx
Address
Phone
Fax
E-mail address

APPROVED:

xxxxxxx
Attorneys for xxxx
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