

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

Debtor.

Case No. xx-xx-xxxxx Sx

Plaintiff(s),

v.

Adversary No. xx-xxxx S

Defendant(s).

ORDER RESULTING FROM FINAL PRETRIAL CONFERENCE

This matter came before the Court for a final pretrial conference on _____, 2003. Counsel for the parties are listed in the service section below.

Discovery

Discovery is complete (or, has been extended to _____).

Trial

IT IS ORDERED that trial of this matter has been set for _____ on _____, with __ days reserved for trial. Trial will be conducted by the Honorable James S. Starzynski in the Animas Courtroom, Thirteenth Floor, Dennis Chavez Federal Building and United States Courthouse, 500 Gold Avenue SW, Albuquerque, New Mexico (or other location).

Exhibits

IT IS ORDERED that the parties exchange the exhibits they intend to use at trial by _____. By 4:30 p.m. on _____, parties shall submit three (3) sets of exhibits to the Court's chambers, for the use of the Court, the Court's staff attorney and the witness. No later than the same date the parties shall have delivered a set of the exhibits to counsel for each party and to any unrepresented party. Parties must also submit a list by _____, signed off

on by all parties, of exhibits that the parties stipulate are admissible. By stipulating to the admission of an exhibit, a party is not waiving his or her right to argue relevance, weight, or materiality of the exhibit, including the right to argue that the exhibit in question should be treated as if it had not been admitted. (The purpose of this ruling is to minimize trial time spent authenticating exhibits for admission.) All exhibits will be offered and received in evidence as the first item of business at the trial. Exhibits not listed will generally not be allowed, except for rebuttal exhibits which could not be anticipated.

Witnesses

IT IS ORDERED that the parties exchange lists of witnesses they intend to or may call by _____. By _____, the parties shall submit this list to the Court's chambers. Witnesses not listed will generally not be allowed, except for rebuttal witnesses the need for whose testimony could not be reasonably anticipated. The failure to list an individual party (as used in 11 U.S.C. § 101 to mean a human being) will not preclude that party from being called as a witness, although neither this order nor listing a witness on a witness list shall be deemed to have compelled the witness to appear for trial.

Remedies for Noncompliance

IT IS ORDERED that failure of a party or counsel to comply with the provisions of this order may result, in the discretion of the Court, in the imposition of sanctions or corrective measures in addition to those described above.

Honorable James S. Starzynski
United States Bankruptcy Judge

Submitted by:

xxxxxxx
Counsel for xxxx
Address
Phone

Approved by:

xxxxxxx

Counsel for xxxx

Address

Phone