

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

In re:

Case No:

Debtor(s)

Adv. Pro. No:

Chapter

Plaintiff(s)
(Movant(s))

Judge

vs.

Defendant(s)
(Respondent(s))

PRELIMINARY PRETRIAL STATEMENT

This is the pretrial statement of: _____
(name of party)

I. Appearances:

The trial attorney for _____
(name of party)

shall be _____, Esq., who is admitted to practice before this Court.

II. Nature of Action, Jurisdiction and Venue:

A. This is an action for _____ and is brought
pursuant to _____
(cite statute(s) and (rule(s)))

B. Jurisdiction of this Court is/is not disputed and is invoked under _____.

C. Venue of this Court is/is not proper.

D. This action is a core/non-core proceeding.

E. If a non-core proceeding is alleged, consent is/is not given for the bankruptcy judge to enter final orders and judgments.

F. If this is a core proceeding, such allegation is based upon 28 U.S.C. §157(b)(2)(_____).

G. Are any of the following motions filed or to be filed:

	Yes	No
1. Abstention	___	___
2. Remand	___	___
3. Withdrawal of the Reference	___	___

H. If a jury demand has been timely filed, consent is/is not given for trial by jury by the bankruptcy judge.

III. Statement of the Case:

The evidence will show that _____ is entitled to judgment because _____
(Name of party)

IV. Amendments/Motions: (check one)

____(a) The attorney states that all amendments to pleadings and all pretrial motions, including all motions listed above, and all motions pursuant to Bankruptcy Rule 7012 and Bankruptcy Rule 7056, or motions which convert to a motion under Bankruptcy Rule 7056, have been filed, or

____(b) If all amendments and pretrial motions have not been filed, the attorney states that the following amendments and motions are contemplated; (list or attach as an exhibit the specific amendments and motions and the proposed date(s) by which such will be filed.)

V. Issues of Fact and Law:

A. The contested issues of fact are:

- 1.
- 2.
- 3.

B. The contested issues of law are:

- 1.
- 2.

VI. Discovery:

A. Initial Disclosures.

The initial disclosures required by Civil Rule 26(a)(1) have been or will be made on _____.
(date)

B. Civil Rule 26(f) Conference.

The conference required by Civil Rule 26(f) occurred on _____.
(date)

C. Discovery Plan.

In compliance with Civil Rule 26(f), the following constitutes the parties' discovery plan (use separate paragraphs or subparagraphs if parties disagree):

- (a) Discovery will be needed on the following subjects: (brief description of subjects on which discovery will be needed)
- (b) All discovery commenced in time to be completed by (date). [Discovery on (issue for early discovery) to be completed by (date).]
- (c) Maximum of _____ interrogatories by each party to any other party. [Responses due _____ days after service.]
- (d) Maximum of _____ requests for admission by each party to any other party. [Responses due _____ days after service.]
- (e) Maximum of _____ depositions by plaintiff(s) and _____ by defendant(s).
- (f) Each deposition [other than of _____] limited to maximum of _____ hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) due:
from plaintiff(s) by (date)
from defendant(s) by (date)
- (h) Supplementations under Rule 26(e) due (time(s) or interval(s)).

(D) Other Agreed Upon Items. [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

- (a) Plaintiff(s) should be allowed until (date) to join additional parties and until (date) to amend the pleadings.
- (b) Defendant(s) should be allowed until (date) to join additional parties until (date) to amend the pleadings.
- (c) All potentially dispositive motions should be filed by (date).
- (d) The parties (are) (are not) amenable to mediation under LBR 9019-2 at the appropriate time.
- (e) The proceeding should be ready for trial by (date) and at this time is expected to take approximately _____ hour(s)/trial day(s).

VII. Stipulations:

- A. The parties have entered into written stipulations, a copy of which is attached hereto.

VIII. Miscellaneous Matters:

- A. Settlement —

1. No litigant is required to settle this proceeding; however, all litigants are required to engage in good faith settlement efforts which shall consist of at least one offer and one counteroffer by a party authorized to settle this proceeding. Without disclosing the contents of any settlement efforts, all parties shall set forth below: (a) the date(s) such settlement efforts were conducted, (b) the method(s) of communication employed and (c) the result(s) obtained:

_____.

2. Any settlement which occurs prior to the trial date shall be communicated promptly to the judge's courtroom deputy. Failure to make such communication may result in the imposition of costs.

B. Pretrial Conference — The Court will order a pretrial conference if review of the Preliminary Pretrial Statement makes such appear necessary. If the Court does not order such a pretrial conference, does the attorney specifically request a pretrial conference? If so, why?

_____.

C. Other Matters — Counsel advises the Court of the following miscellaneous matters which will aid the Court in preparation of the case for trial.

Respectfully submitted,

Trial Attorney

Trial Attorney (if pretrial
statement is a joint statement)

CERTIFICATE OF SERVICE

I hereby certify that a completed copy of the foregoing amended preliminary pretrial statement was served
by _____
(method of service or delivery)
upon _____
(name and address of attorney or party served)
this _____ day of _____, 20____.

Case Attorney for _____

JOINT FILING CERTIFICATION

The above-amended preliminary pretrial statement is submitted jointly by the following parties:

_____ Case Attorney for _____	_____ _____
_____ Case Attorney for _____	_____ _____

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION**

**INSTRUCTIONS FOR PREPARING AND FILING
WITNESS AND EXHIBIT LISTS**

Witness Lists (See Attachment A)

Unless otherwise ordered by the court upon a written motion on behalf of the witness, in addition to the full name and complete address of the witness, a brief one or two sentence synopsis of the testimony of the witness shall be provided on the witness list -- e.g., "Will testify concerning the loan balance at the time of transfer"; "Expert witness - will testify to the fair market value of debtor's real property".

Leave to call a witness not listed on a party's filed witness list may, in exceptional circumstances, be granted by the court. An attorney seeking such leave must file and serve upon all other attorneys, within twenty-four (24) hours after the need to call such witness becomes known, a Motion To Add Witness which shall include the name, address and an offer of proof of the testimony of the proposed witness. This requirement does not apply to a rebuttal witness whose testimony could not be reasonably anticipated.

The witnesses need not be called by the party who listed them and need not be called in the order listed.

Inability to obtain the attendance of a witness at trial shall not be cause for continuing a trial, unless counsel has written proof that opposing counsel agreed to have the witness available for testimony or a subpoena for the attendance of the witness had been issued at least seven (7) days prior to the trial date.

Exhibit Lists (See Attachment B)

Exhibit lists shall be typed double spaced and shall attach copies of each proposed exhibit, separately labeled. Joint exhibits shall use Roman numerals; plaintiff or movant's exhibits shall use Arabic numbers; defendant or respondent's exhibits shall use alphabetic letters. If there are multiple plaintiffs or defendants, exhibit labels shall also identify the party by name, such as plaintiff trustee's exhibit 1. In contested matters the exhibit numbers shall be preceded by an identifying name of the offering party such as trustee's exhibit 1, Bank U.S.A.'s exhibit B or Debtor's exhibit 3.

The original of all exhibits to be introduced at trial shall be presented by counsel in open court during the trial.

Each exhibit shall be labeled to correspond to the designation on the exhibit list by a plain white adhesive label affixed to the lower right hand corner of the exhibit.

If an exhibit is a document smaller than 8-1/2" x 11", it must be stapled to the center of an 8-1/2" x 11" sheet of paper. A group of photographs, checks or similar items, and the accompanying sheet to which it is attached must bear a separate affixed label designated by small alphabetized letters, such as Joint Ex. I-a, plaintiff's exhibit 2-b, defendant's exhibit C-b. If an exhibit document is larger than 8-1/2" x 11", it should be copied and reduced to 8-1/2" x 11", provided it remains readable. Copies of exhibits are subject to the provisions of LBR 9004-1. Disposition of exhibits is governed by LBR 9070-1.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
_____ DIVISION

CASE NO. _____

CHAPTER _____

CONTESTED MATTER ()
ADV. PRO. NO. _____

WITNESS(ES) TO BE CALLED BY _____

NAME & ADDRESS	SYNOPSIS OF TESTIMONY

USE ADDITIONAL SHEET(S) FOR ADDITIONAL WITNESSES

