

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In Re:	)	
	)	Case No.
	)	
Debtor(s).	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Adversary No.
Defendant.	)	

**FINAL PRETRIAL ORDER**

The following provisions will govern the future course of this proceeding. **FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN WAIVER OF CLAIMS OR DEFENSES, DISMISSAL, DEFAULT, EXCLUSION OR ADMISSION OF EVIDENCE, OR OTHER SANCTION, AS JUSTICE MAY REQUIRE.**

**All submissions required by this order shall be served on all other parties.<sup>1</sup> Documents required to be submitted under this Final Pretrial Order shall not be filed with the Clerk of the Court unless the court so directs.** The “Pretrial Materials” submitted according to this Order shall consist of a **single, jointly-prepared document** which should provide a “road map” for the trial. The pretrial materials shall contain the following elements:

**I. TRIAL EXHIBITS**

A complete list of trial exhibits with objections identified and supported with authorities the parties wish the court to consider and a copy of each exhibit. The list of exhibits shall be identified by number, brief description, and, if dated, the date (*e.g.*, "Debtor's Ex. 5, Letter from debtor to ABC Bank, 12/5/97"). The copies of each exhibit shall be clearly numbered by tabs, in the probable order of presentation at the hearing.

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<sup>1</sup>The parties may agree, however, that voluminous exhibits and depositions which are readily identifiable by all parties need not be served. Proffering counsel has responsibility to solicit and obtain such agreement and shall so recite within its list of exhibits.

To prepare the exhibit list the parties shall proceed as follows. At least 10 days before the date for submission of Pretrial Materials (“Submission Date”), each party shall serve on all other parties (1) a list of exhibits and a copy of each exhibit that the party intends to introduce, identified and pre-marked as indicated in the preceding paragraph. Any party opposed to the admission of a proffered exhibit shall serve, no less than 5 day(s) before the Submission Date, objections to exhibits specifying each ground on which admission of the exhibit is opposed, with authorities on which the party relies. The parties shall then confer and resolve as many objections as possible. The Schedule of Exhibits contained in the Pretrial Materials shall identify the unresolved objections and the authorities which each party wishes the court to consider. **Any proffered exhibit to which such an objection is not submitted will be received in evidence.**

## II. LIST OF WITNESSES

A complete list of the names of witnesses whom each party intends to call at trial. The list of witnesses should indicate “will call” and “may call” witnesses, to assist the court in estimating trial time.

At least 10 days prior to the Submission Date, each party shall serve on all other parties a list of the names of the witnesses that party intends to call at trial, with a brief statement of the subject matter of each witness’s expected testimony. Any party opposed to the admission of testimony set forth on a witness list shall serve, no less than 5 day(s) before the Submission Date, objections specifying grounds and authority therefor. The parties shall then confer in order to resolve as many objections as possible. **Any proffered witness to which such a motion is not submitted will be permitted to testify.**

The parties shall submit a list of all depositions or portions thereof to be read into evidence, with copies of the testimony to be read. Deposition testimony proffered shall be highlighted in color. Any additional testimony of the same witness proffered by another party shall be highlighted in a different color. The procedure set forth above for objecting to the admission of the testimony of a witness shall apply to objections to deposition designations.

Any expert witness must be identified on the witness lists as provided above, along with the expert witness’s report prepared under Fed. R. Civ. Pro. 26(a)(2)(B). If no such report exists, the witness list shall include a statement of the subject matter on which such expert witness shall testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. Unless otherwise ordered, the procedure set out above for objecting to the admission of the testimony of a witness shall apply to objections to expert witnesses. If an objection is made, the court will allow the testimony of an expert who has not been disclosed and made available for discovery in accordance with Rule 7026(a)(2) only if the court finds, on motion of the proffering party **made in advance of the Submission Date**, that the simplicity of the issue concerning which the expert is proffered justifies non-compliance with Rule 26(a)(2).

## II PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW

Proposed findings of fact and conclusions of law which set forth, in detail, the factual and legal propositions which the party believes require a ruling in its favor. Each proposed finding of fact shall include a reference to the exhibits and testimony that are expected to support the finding, and each proposed conclusion shall include a reference to supporting statutes and authorities. The court may, in addition, require closing arguments and/or post-hearing briefs.

**IV. PROPOSED JUDGMENT ORDER**

Proposed judgment orders, agreed to in form, if possible.

ENTER:

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\_\_\_\_\_  
Judge

Dated: \_\_\_\_\_

Form Order No. 12