UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF FLORIDA

Miami Division

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| IN RE:  Debtor(s).\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ | CASE NO. -BKC-LMIChapter 13 |

 **ORDER SPECIALLY SETTING EVIDENTIARY HEARING**

*[USE FOR CHAPTER 13 ROUTINE EVIDENTIARY HEARINGS (THE ONE HOUR LIST)]*

The Court having determined that it is appropriate to set the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for an evidentiary hearing and to schedule deadlines in order to expedite and facilitate such hearing upon this matter, it is hereby,

**ORDERED AND ADJUDGED** as follows:

1. The ­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been scheduled for Final Evidentiary Hearing on at .m. at the C. Clyde Atkins Building, United States Bankruptcy Court, 301 North Miami Avenue, Courtroom 8, Miami, Florida. ***No continuances will be granted for any reason on this matter absent compelling, unforeseen circumstances.*** ONE HOUR has been set aside for the hearing. If you need more time you must immediately contact the Courtroom Deputy, Noemi Sanabria, (305) 714-1877, to make appropriate arrangements. Since other contested matters may be scheduled for the same date and time, counsel and witnesses must be available for the entire morning or afternoon.

2. All discovery shall be completed no later than **fourteen (14)** days prior to the hearing. All expert reports shall be exchanged and all experts identified no later than the conclusion of discovery, unless the parties agree otherwise.

3. The time for responding to interrogatories, requests for admission or requests for production is shortened to fourteen (14) days from service of the discovery.

4. The parties shall meet and confer no later than **seven (7)** days prior to the hearing and prepare a written stipulation substantially in the form of Local Form 63C, setting forth the following (a) undisputed facts; (b) disputed facts to be litigated; and (c) issues of law to be litigated. The stipulation is to be signed by the attorneys for all parties. The fully executed joint stipulation must be filed **no later than one business day prior to the hearing**. The Court will not accept unilateral statements and will strike *sua sponte* any such submission. The failure of any party to cooperate in the preparation of the joint stipulation may result in sanctions. **This paragraph does not apply if any party is self-represented.**

5. On or before noon **two (2) business days** prior to the hearing each side shall submit to chambers by e-mail at LMI\_chambers@flsb.uscourts.gov and opposing counsel by fax or e-mail, the following:

(a) An exhibit list **CONFORMING TO LOCAL FORM 49** (see attached) identifying the exhibits, including deposition transcripts, intended to be offered as evidence at the hearing. Movants shall mark their exhibits numerically. Respondents shall mark their exhibits alphabetically;

(b) A witness list that includes a brief statement summarizing the testimony each witness is expected to present;

(c) Any written opening statement the party wishes the Court to read before the hearing begins. Oral opening statements will normally not be permitted.

6. On or before noon **seven (7) days** prior to the hearing each side shall deliver to the opposing party **(BUT NOT DELIVER TO CHAMBERS OR FILE)** a set of pre-marked exhibits intended to be offered as evidence at the evidentiary hearing. The exhibits shall be bound in one or more notebooks contained in one or more folders, with tabs marking each exhibit, with the Exhibit List conforming to Local Form 49. **Absent compelling circumstances, the Court will not consider exhibits or the testimony of any witnesses not listed on a timely witness list or Exhibit List.**

7. Parties shall, in addition to the original exhibit binder for the Court, also bring an exhibit binder for the law clerk and one exhibit binder for the witness box. Pursuant to Local Rule 9070-1(B)(2) the parties shall bring a copy of exhibits in electronic Portable Document Format (PDF) and stored on a USB flash drive or compact disc. Each individual PDF file shall be limited to a single exhibit of a file size no greater than 10MB and shall contain a unique identification name. The hard drive should be delivered to the Court at least one full business day prior to the hearing. Parties interested in using the courtroom electronic display system should contact the Courtroom Deputy at least **two business days** prior to the hearing to arrange for assistance from the Court’s IT staff.

8. Objections to the use of deposition transcripts or admissibility of exhibits must be made prior to commencement of the hearing or shall be deemed waived, except for an objection under Federal Rule of Evidence 402 or 403 – unless excused by the Court for good cause.

9. At the conclusion of the hearing the Court, in lieu of final argument, may request that each party submit a proposed Memorandum Opinion incorporating findings of fact and conclusions of law in hard copy to chambers.

10. **COMPLIANCE WITH FEDERAL JUDICIARY PRIVACY POLICY**. All papers, including exhibits, submitted to the court must comply with the federal judiciary privacy policy as referenced under Local Rule 5005-1(A)(2).

11. **SANCTIONS.** Failure to appear at the evidentiary hearing or to comply with any provision of this order may result in appropriate sanctions, including the award of attorney’s fees, striking of papers, exclusion of exhibits or witnesses, or the granting or denial of the Motion.

 10. **ALL REQUIRED DOCUMENTS MUST BE FILED AND EXCHANGED IN ACCORDANCE WITH THE DEADLINES SET FORTH IN THIS ORDER UNLESS PRIOR TO THE DEADLINE THE PARTIES HAVE UPLOADED AN AGREED ORDER RESOLVING THE MATTER AND HAVE NOTIFIED THE COURTROOM DEPUTY THAT THE MATTER IS SETTLED. IF AN AGREED ORDER IS NOT DELIVERED, ALL COUNSEL SHOULD BE PREPARED TO GO FORWARD WITH THIS HEARING.**

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Copies furnished to:

Attorney shall serve a copy of this order upon all interested parties and shall file a Certificate of Service of same with the Clerk of the Court.

(Rev. 4/2017)