

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
\_\_\_\_\_ DIVISION

In re:

DEBTOR'S NAME, Case No. xx-xxxxx-xxx

Debtor. Chapter \_\_

PLAINTIFF'S NAME,

Plaintiff,

v. Adv. No. yy-yyyyy-yyy

DEFENDANT'S NAME,

Defendant.

**FINAL PRETRIAL ORDER AND ORDER SETTING TRIAL**

This adversary proceeding came before the Court for a final pretrial conference on [date] under Fed. R. Civ. P. 16(e), made applicable by Fed. R. Bankr. P. 7016. Upon consideration of the parties' joint pretrial stipulation,<sup>1</sup> the stipulations and admissions of counsel made at the final pretrial conference, and the record in this

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<sup>1</sup> Dkt. No. \_\_\_\_.

adversary proceeding, the Court finds that all discovery has been completed and concludes that this adversary proceeding is ready for trial. The Court therefore enters this final pretrial order under Fed. R. Civ. P. 16(e), which supersedes the pleadings, defines the legal and factual issues to be tried, and identifies the witnesses and exhibits each party intends to present as evidence. Accordingly, it is

**ORDERED** that:

1. **TRIAL DATE**. The Court will conduct the trial on:

**Date(s):**

**Time:**

**Location:**

2. **STIPULATED FACTS**. The following facts are admitted and require no proof at trial:
  - a. [list each stipulated fact in a separate-lettered paragraph]
  - b. [list each stipulated fact in a separate-lettered paragraph]
3. **MATERIAL FACTS TO BE LITIGATED**: The following issues of material fact are disputed and remain to be litigated at trial:
  - a. [list each disputed fact in a separate-lettered paragraph]
  - b. [list each disputed fact in a separate-lettered paragraph]
4. **UNDISPUTED LEGAL ISSUES**: The parties agree on the following issues of law and do not require the Court to determine them at trial:
  - a. [list each undisputed legal issue in a separate-lettered paragraph]
  - b. [list each undisputed legal issue in a separate-lettered paragraph]
5. **DISPUTED LEGAL ISSUES**: The following issues of law are disputed and must be determined by the Court:
  - a. [list each disputed legal issue in a separate-lettered paragraph]
  - b. [list each disputed legal issue in a separate-lettered paragraph]

6. **WITNESSES.**

- a. The plaintiff
  - (1) may call the following witnesses to give live testimony:
    - a. [insert name and address of witness]
    - b. [insert name and address of witness]
  - (2) may – with the Court’s prior permission under Fed. R. Civ. P. 43(a), made applicable by Fed. R. Bankr. P. 9017 – call the following witnesses to give remote testimony:
    - a. [insert name and address of witness, and location from which witness will be testifying]
    - b. [insert name and address of witness, and location from which witness will be testifying]
  - (3) expects to present the testimony of the following witnesses by deposition:
    - a. [insert name of witness whose testimony will be presented by deposition]
    - b. [insert name of witness whose testimony will be presented by deposition].
- b. The defendant
  - (1) may call the following witnesses to give live testimony:
    - a. [insert name and address of witness]
    - b. [insert name and address of witness]
  - (2) may – with the Court’s permission under Fed. R. Civ. P. 43(a), made applicable by Fed. R. Bankr. P. 9017 – call the following witnesses to give remote testimony:
    - a. [insert name and address of witness, and location from which witness will be testifying]
    - b. [insert name and address of witness, and location from which witness will be testifying]

(3) expects to present the testimony of the following witnesses by deposition:

- a. [insert name of witness whose testimony will be presented by deposition]
- b. [insert name of witness whose testimony will be presented by deposition].

# # #

Submitted by:

[Submitting attorney name]  
[Law firm name]  
[Mailing address]  
[Phone number]  
[Email address]

*[Submitting attorney] must serve a copy of this order on any party that is not represented by a registered user of CM/ECF and must file a certificate of service if required by Local Rule 9036-2.*