UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

IN RE:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, CASE NO. \_\_\_\_\_\_\_\_\_\_-BKC-LMI

Chapter 13

Debtor.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**ORDER SETTING EVIDENTIARY HEARING**

**AND ESTABLISHING RELATED DEADLINES**

**[short form]**

To expedite and facilitate the evidentiary hearing of \_\_\_\_\_\_\_\_\_\_\_\_\_ (ECF #\_\_\_) (the “Motion”) and \_\_\_\_\_\_\_\_\_\_\_\_\_ (ECF #\_\_\_), the Court ORDERS as follows:

1. **EVIDENTIARY HEARING; SERVICE**. The Court will hold an evidentiary hearing on the Motion on **\_\_\_\_\_\_\_\_\_\_\_commencing at \_\_\_\_\_\_ \_.m.** ﻿before the Honorable Laurel M. Isicoff at the United States Bankruptcy Court, 301 N. Miami Avenue, Courtroom 8, Miami, Florida 33128. The Court has reserved \_\_\_\_\_\_\_\_\_\_\_ for this matter. The Movant shall serve a copy of this order on all appropriate parties and file a certificate of service thereof as required by this Court’s local rules.

Although the Court will conduct the hearing in person, any interested party who is not participating in the presentation of evidence (except by unopposed proffer) may choose to attend the hearing remotely using the services of Zoom Video Communications, Inc. (“Zoom”), which permits remote participation by video or by telephone. To participate in the hearing remotely via Zoom (whether by video or by telephone), you must register in advance no later than **4:00 p.m., one business day before the date of the hearing**. To register, click the link below or manually enter the link in a browser:

[insert Zoom registration link]

Zoom will provide a password-protected link for the appropriate video conference to those who register to participate and who have been approved by the Court.

All participants (whether attending in person or remotely) must observe the formalities of the courtroom, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court. This includes appropriate courtroom attire for those participants appearing in person or by video

1. **MEDIATION**. Pursuant to Local Rule 9019-2, the Court may order the assignment of this contested matter to mediation or judicial settlement conference at any time, upon the request of a party or *sua sponte*.
2. **WITNESS LISTS.** No later than **4:00 p.m. four business days before the evidentiary hearing**, all parties must exchange and file with the Court witness lists identifying all fact and expert witnesses each party intends to call at the evidentiary hearing (other than rebuttal or impeachment witnesses).
3. **SUBMISSION AND EXCHANGE OF EXHIBITS.** No later than **4:00 p.m. four business days before the evidentiary hearing**, exhibits must be submitted and exchanged in accordance with Local Rule 9070-1,**which requires all parties to upload exhibits through CM/ECF, with some exceptions where any party is not represented by counsel**.
4. **OBJECTIONS TO EXHIBITS**. The parties must meet and confer (by telephone or video conference) to resolve, to the extent possible, any objections to exhibits. Any unresolved objections (other than objections to relevancy) will be addressed at the beginning of the evidentiary hearing.

1. **REMOTE WITNESS TESTIMONY**. In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), for good cause and in compelling circumstances a witness may be permitted to testify by contemporaneous transmission from a location other than the courtroom.

If a party wishing to present witness testimony seeks to have the witness appear remotely, the party must file a motion pursuant to Fed. R. Bank. P. 9017 no later than **21 days prior to the evidentiary hearing**. The motion must include the following:

1. The particular reason why the witness must appear remotely.
2. Her or his name and title (if applicable).
3. Matter(s) on which the remote witness will provide testimony.
4. The city, state, and country where the remote witness will be located while testifying.
5. The type of place from which the remote witness will testify, such as a home or an office. No addresses are required.
6. Whether anyone will be in the room with the remote witness during the testimony and, if so, for each such person, the person’s name, title, relationship to the remote witness, and purpose for being present with the witness.
7. Whether the remote witness will have access to any documents other than exhibits that have been provided to the Court and the parties and, if so, identifying each such document.

If the remote witness cannot testify from the office of someone who can administer the oath, the Court will administer the oath to each remote witness during the video conference and witness testimony will have the same effect and be binding upon each remote witness in the same manner as if such remote witness was sworn in by the Court in person in open court

1. **RESPONSIBILITY FOR REMOTE WITNESSES**. The party sponsoring each remote witness shall be responsible for ensuring that the remote witness has registered for the video conference, has obtained all exhibits prior to the hearing, has registered with Zoom, and has equipment and internet service sufficient to permit participation in the evidentiary hearing.
2. **SETTLEMENT**. If the contested matter is settled, the parties shall submit to the Court a stipulation approved by all parties and a motion for approval of the same prior to the date of the evidentiary hearing. If a stipulation and motion are not submitted to the Court, all parties shall be prepared to proceed with the evidentiary hearing. If the contested matter is removed from the calendar based upon the announcement of a settlement, the contested matter will not be reset for hearing if the parties fail to consummate the settlement. In such event, the Court will consider only a motion to enforce the settlement, unless the sole reason the settlement is not consummated is that the Court did not approve the settlement, in which case the matter will be reset for hearing at a later date.
3. **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.
4. **CONTINUANCES**. Continuances of the evidentiary hearing or any deadlines set forth in this order must be requested by written motion. Any request for continuance or amendment to this order must state the reasons why the party or parties seek a continuance, and must state whether the client and other parties consent to a continuance. The stipulation of all parties is not sufficient grounds, standing alone, for a continuance.

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Copy to:

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