

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

Fort Lauderdale Division

www.flsb.uscourts.gov

In re:

Case No.: _____

Chapter: _____

Debtor(s).

_____/

ORDER SPECIALLY SETTING EVIDENTIARY HEARING

Having determined that it is appropriate to schedule deadlines in order to expedite and facilitate the hearing on this matter, the Court ORDERS that:

1. The hearing on _____
_____,
docketed at [DE _____] is set for _____ (date)
at _____ (time) at the United States Bankruptcy Court, 299 East Broward Blvd.,
Courtroom 301, Fort Lauderdale, FL 33301 with _____ hrs / min (circle one) reserved.
Specially set evidentiary courtroom time is limited, so continuances will probably not be
granted, even if agreed.
2. The parties have represented to the Court that (check one):
 - 2a. _____ all discovery has been completed. Therefore, no additional
discovery will be permitted; OR
 - 2b. _____ all discovery will be completed by _____.

3. On or before five (5) business days prior to the hearing, the respective parties shall file a bilateral prehearing stipulation containing a statement of uncontested facts. The failure of counsel to prepare and submit the bilateral stipulation may result in sanctions.
4. On or before five (5) business days prior to the hearing, each side shall file, with a copy to opposing counsel:
 - (a) an exhibit list showing the exhibits, including deposition transcripts, intended to be offered as evidence at the hearing. Movants and/or Plaintiffs shall mark their exhibits numerically. Respondents and/or Defendants shall mark their exhibits alphabetically; AND
 - (b) a witness list.
5. Objections to the use of deposition transcripts or admissibility of exhibits shall be made and served by fax or e-mail on opposing counsel three (3) business day prior to the hearing.
6. On or before five (5) business days prior to the hearing, each side shall file any written opening statement the party wishes the Court to read before the hearing begins. A copy of the written opening statement shall be provided to opposing counsel by fax or e-mail. Oral opening statements will normally not be permitted.
7. The following procedures will be utilized at the hearing in this matter:
 - (a) Statement of Purpose. The purpose of this particular procedure is to streamline the presentation of direct testimony in the hearing, thus reducing the hearing time without sacrificing due process and a fair hearing;

- (b) Procedure. Except as otherwise ordered, for each witness to be called on behalf of any client's case, the attorney shall prepare a succinct written statement of the direct testimony which that witness would be prepared to give as though questions were propounded in the usual fashion. Each statement of fact shall be separate, sequentially numbered, and shall contain only facts which are relevant and material to the contested issue before the Court, avoiding redundancies, hearsay, and other obviously objectionable statements. The statement shall be signed under penalty of perjury by the declarant. Such statements may be referenced as the witnesses' "sworn declaration of fact." The original and one copy of the sworn declarations shall be marked as exhibits and a copy delivered to each party or attorney to the action on or before one (1) business day prior to the hearing. Please draft these statements as succinctly as possible;
- (c) If opposing counsel desires to object to any of the statements or portions thereof, he/she may do so at the time the sworn declaration of each respective witness is offered to the Court. The witness shall then be sworn and asked if the statement correctly reflects his/her testimony if he/she were to be asked the appropriate question. Assuming an affirmative answer, opposing counsel is then free to cross-examine the witness. At the conclusion of cross-examination, the party whose witness is on the stand may conduct oral redirect examination in the usual manner and opposing counsel may then conduct recross-examination. This procedure does not

preclude legitimate rebuttal testimony in the usual manner. Obviously, counsel will not be expected to prepare a sworn declaration of facts for an adverse or hostile witness even though he/she may call that witness to testify.

8. On the day of the hearing, the parties shall provide a set of pre-marked exhibits to the Court, the law clerk, opposing counsel, and copies of relevant exhibits to the witness(es). Furthermore, pursuant to Local Rule 9070-1(B)(2), all exhibits shall also be submitted to the Courtroom Deputy 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 (e.g., Plaintiff's Exhibit 1 or Defendant's Exhibit A).
9. At the conclusion of the hearing, the Court may in lieu of final argument request that each party submit a proposed Memorandum Opinion incorporating findings of fact and conclusions of law in Word Perfect format via e-mail to chambers at:

JKO_Chambers@flsb.uscourts.gov
10. Electronic devices, including but not limited to cameras, cellular phones, pagers, personal data assistants (PDA), laptop computers, radios, tape-recorders, etc. are not permitted in the courtroom or other environs of this court. *See* Local Rule 5073-1(C). These restrictions do not apply to attorneys permitted to practice law within the Southern District of Florida who are members of the Florida Bar with a valid Florida Bar

identification card or pro hac vice order, U.S. government or State of Florida law enforcement officers, court licensed court reporters, U.S. Trustee's Office staff and designated bankruptcy trustees. No one is permitted to bring a camera into a federal courthouse facility except with a written order signed by a Judge and verified by the U.S. Marshal's Service. Photo identification is required to gain entrance to all federal courthouse buildings.

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Completed & submitted by:

Copies furnished to: