

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov

IN RE:

CASE NO.

Debtor.

Chapter

_____ /

ADV. CASE NO.

Plaintiff,

vs.

Defendant.

_____ /

**ORDER [GRANTING MOTION TO CONTINUE PRETRIAL], SETTING FINAL
PRETRIAL CONFERENCE AND TRIAL
[ONLY USE FOR ADVERSARY PROCEEDINGS]**

This matter came on before the Court on for consideration of
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX ["XXXXX"], and the Court, having reviewed the
file, noting the that the parties have yet to conclude discovery, finding good cause shown and based
upon the record, does hereby

ORDER that:

1. The Final Pretrial in this matter is set for **Month Day, Year at Time a/p.m.**, at the
United States Bankruptcy Court, Courtroom #8, 301 North Miami Avenue, Miami, Florida 33128.
**NO FURTHER CONTINUANCES WILL BE GRANTED ABSENT EXTRAORDINARY
UNFORESEEN CIRCUMSTANCES.**

2. All requirements and deadlines set forth in the Court's *Order Setting Filing And
Disclosure Requirements* are continued to coincide with the new Pretrial Date, unless modified as
set forth below.

3. No later than seven (7) days from the date of this Order, all Parties must

a) unless each party has timely filed a statement of consent under Local Rule 9015-
1(B), each party requesting a jury trial on any issue in this proceeding shall file with this
Court pursuant to Local Rule 5011-1 a motion for withdrawal of the reference of this
proceeding (*see paragraph 1(a) of this Court's Order Setting Filing and Disclosure
Requirements for Pretrial and Trial – ECF # ____*); and

b) file any objection to the entry of any final order or judgment by this Court on
any issue in this proceeding, whether or not designated as “core” under 28 U.S.C. §157(b)
(*see paragraph 1(b) of this Court's Order Setting Filing and Disclosure Requirements for
Pretrial and Trial – ECF # ____*).

4. All Parties (Plaintiff and Defendant) shall comply with all applicable discovery
rules and procedures and conclude discovery by **____, 201x.** *If a discovery dispute occurs,*

the parties must first, as required by Fed. R. Civ. P. 37(a)(1) (incorporated by Fed. R. Bankr. P. 7037 and 9014), confer in a good faith to attempt to resolve the issues. If the parties are unable to resolve the dispute, any party may file a short (not to exceed five pages) motion briefly summarizing the discovery dispute and requesting an expedited telephonic hearing to resolve the discovery dispute. Any motion must certify that, prior to filing the motion, the parties, did, in fact, meet and confer.

5. Any and all depositions of witnesses and parties shall be conducted by mutual agreement as to time and date between the Parties.

6. Any and all motions for summary judgment (or other case dispositive motion) must be filed and served by no later than , 201x. Should either party, or both, file and serve a motion for summary judgment (or other case dispositive motion), the moving party shall immediately inform the Court's Courtroom Deputy and advise to have this matter removed from the trial and pretrial calendar, pending ruling on said motion.

7. By , 201x, each Party shall exchange between themselves the following documents:

- (a) A set of pre-marked exhibits (including summaries) intended to be offered as evidence at the evidentiary hearing. Presentation and exchange of exhibits must conform to Local Rule 9070-1. **Please note that under this rule all parties represented by counsel must file exhibits via CM/ECF.**
- (b) If any party intends to offer in evidence at the evidentiary hearing a summary, chart or calculation to prove content as permitted by Federal Rule of Evidence 1006, that party must provide to the other parties a notice of the location(s) of the books, records, and the like, from which each summary has been made, and the reasonable times when they may be inspected and copied by adverse parties. **More voluminous documents may require earlier notice of intent to use a summary.**
- (c) A witness list identifying all fact and expert witnesses each party intends to call at the evidentiary hearing (other than rebuttal or impeachment witnesses), which witness list must incorporate the information about each witness, any expert report(s), and any expert's opinion, as required by

Federal Rules of Civil Procedure 26(a)(2) and (3), as incorporated by
Federal Rule of Bankruptcy Procedure 7026.

8. Unless otherwise ordered, each party must file and deliver, so as to be received no later than 4:00 p.m. two (2) business days prior to the evidentiary hearing, any objection to the admissibility of any proposed exhibit, including any deposition transcript or recording (audio or video) or any summary. The objection must (i) identify the exhibit, (ii) briefly state the grounds for the objection, and (iii) provide citations to case law and other authority in support of the objection. An objection not so made - except for one under Federal Rule of Evidence 402 or 403 - is waived unless excused by the Court for good cause.

9. **PRETRIAL STIPULATION.** The parties shall meet and confer no later than **two (2) days** prior to the hearing and prepare a written stipulation substantially in the form of Local Form 63(c) 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 *sua sponte* strike 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.**

10. Any Party wishing to make a written opening statement may submit same as well to the Court (and file and serve same on opposing counsel) prior to the Trial being conducted.

11. On the day of trial, parties shall bring a copy of their exhibits on a USB flash drive in electronic Portable Document Format (PDF) so that exhibits may be displayed on the courtroom monitors. Unrepresented parties who cannot bring an electronic copy of their exhibits must bring two paper copies of their exhibits – one for the court and one for the witness.

12. Parties who are represented by counsel are expected to use the courtroom electronic display system. Anyone who has not already used the system, or anyone needing a reminder on

operation of the 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.

13. At the conclusion of the Trial, the Court may, in lieu of final argument, request that each party submit proposed Memorandum Opinion(s) incorporating findings of fact and conclusions of law in Word format to the Court's chambers via its email address by a date certain (with copies to each side).

###

Submitted by:
Lawyer X, Esq.

Copies to (via ecf in pdf format):
Plaintiff's Counsel
Defendant's Counsel

(Rev. 6-2020)