

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

JOHN DOE and
JANE DOE,

CHAPTER 7
Case No. 00-00000-MDM

Debtors.

XYZ CORP.,

Plaintiff,

v.

Adversary No. 00-0000

JOHN DOE and
JANE DOE,

Defendants.

FINAL PRETRIAL ORDER

For good cause,

IT IS ORDERED:

1. A **final pretrial conference** will be held via telephone on **January 23, 2014, at 10:15 a.m., via telephone**. The court will initiate the conference call. At the pretrial conference the parties shall have full settlement authority.

2. The **trial** is scheduled for **February 22, 2014, at 1:30 p.m.** at the United States Courthouse, 517 East Wisconsin Avenue, Courtroom 150, Milwaukee, Wisconsin. The time allowed is **one-half day**. If settlement is reached before trial, the court shall be notified immediately. No adjournment will be granted except for compelling reasons.

3. All discovery shall be initiated in time to be completed 10 days before the final pretrial conference. Any discovery request that could be delivered by mail shall have three days added to the time to respond, even if the request is made electronically or by other mean of immediate delivery. At least 45 days before expiration of the time for discovery, each party shall disclose to the opposing party the identity of all expert witnesses expected to be called at trial, along with any reports required under Fed. R. Bankr. P. 7026. The identity of all other witnesses shall be disclosed to the opposing party at least 30 days before expiration of the time for discovery. The discovery time may be extended by agreement of the parties or upon motion of a party before expiration of the time for discovery, for good cause.

4. All motions for summary judgments shall be served and filed at least 45 days before the final pretrial conference. All motions in limine and other motions pertaining to the trial shall be served and filed 20 days before the final pretrial hearing. A brief stating the factual and legal reasons the movant is entitled to relief shall accompany the motion. Any response shall be within ten days and rebuttal within five days thereafter. Arguments on such motions shall be at the final pretrial unless scheduled earlier.

5. Prior to the final pretrial conference each party shall disclose and provide a copy to the other party all documents which may be used for any purpose, including impeachment, at the trial. A failure to disclose a document may, upon objection, result in its exclusion.

6. The parties shall meet with each other at their mutual convenience, but not later than one week before the date of the pretrial conference, to explore the possibility of settlement and to prepare the pretrial report. The burden of arranging such meeting shall rest primarily on the plaintiff.

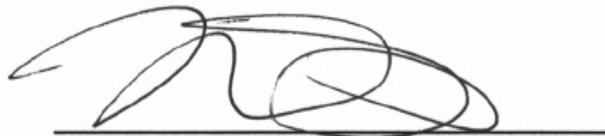
7. The parties shall together prepare and sign a brief written report, the principal burden for the composition and timely filing of which shall be on the plaintiff. The filing shall be made with the court (with a copy to each other attorney) not later than five working days before the date of the final pretrial conference.

The brief written report shall contain the following:

- a. An agreed statement of all uncontested facts. In the absence of objection to the admissibility of any such facts, such statement will be part of the record. It is contemplated that no proof will be received at trial on the matters covered by such statement.
 - b. A statement of contested facts and each party's position with respect to particular facts that must be determined by the court.
 - c. The names and addresses of each party's prospective witnesses. It is contemplated that other witnesses will not ordinarily be permitted to be called except upon a showing of surprise.
 - d. The names and addresses of each party's prospective expert witnesses, together with a stipulated narrative statement of each expert's background and experience.
 - e. An agreed itemized statement of damages or a statement of each party's position with respect to damages.
 - f. An agreed statement of all issues of law applicable to the case and a statement of each party's position with respect to contested issues of law.
 - g. A certification by each party that a good faith attempt at settlement has been made and that no settlement can be achieved.
 - h. A list of all exhibits to be admitted at trial. If there is an objection, the party objecting and the grounds shall be stated. Exhibits shall be numbered sequentially without regard to which party is submitting them. Each party shall mark his/her exhibits prior to trial. Exhibit stickers may be obtained from the court's staff. Failure to include an exhibit on the list may result in its exclusion. The proponent of the exhibits shall bring to the court the original, plus two copies, of each exhibit.
 - i. An agreed statement or statement of each party's position on the court's jurisdiction, whether the issue is core or non-core, and whether each party consents to entry of final judgment by the bankruptcy court.
8. If the parties are unable to agree on the contents of the report, each party shall submit a brief separate written report, or a partial separate report, but only after making diligent efforts to agree on a single written report.
9. Each party may, but is not required to, file with the pretrial report and serve on opposing party a short (no more than 15 pages) brief (which may be in the form of a letter) on any disputed legal and/or factual issues, stating with specificity the provisions of the Bankruptcy Code and other law upon which the party is relying. Proposed findings of fact and conclusions of law may also be submitted. Each party should be prepared to discuss relevant law at the pretrial.
10. Failure of the party who will try the case to appear at the pretrial conference will probably result in a judgment being entered upon submission of proof, or a dismissal of the complaint.
11. If any date or schedule in this order is modified, the remaining provisions of the order shall remain in effect.

By the Court:

August 6, 2013



Margaret Dee McGarity
United States Bankruptcy Judge