

Pretrial Procedures, Evidentiary Hearings, and Trials

- Preliminary pretrial conferences:
 - When the court issues a summons it generally sets a preliminary pretrial conference. At the preliminary pretrial conference, parties should be prepared to (i) discuss the factual basis and legal theory behind their respected action(s)/defense(s) presented in their filings, including the contested issues and whether further briefing will be necessary; (ii) discuss whether summary judgment may be sought; (iii) provide the court with a timeline for discovery, if necessary; (iv) inform the court about any settlement discussions, if applicable; (v) set dates for briefing and discovery deadlines, a final pretrial conference, and an evidentiary hearing or trial.
 - Often, the court will issue a scheduling order based on the information obtained from the parties at the preliminary pretrial conference.
- Final pretrial conferences:
 - Generally, the court will hold a final pretrial conference one or two weeks in advance of an evidentiary hearing or trial. The purpose of the final pretrial conference is to determine what remains at issue and what the parties expect to present at the evidentiary hearing or trial.
- Pretrial/Prehearing Reports:
 - For most trials and evidentiary hearings, the court will issue a separate scheduling order setting forth the requirements for filing a joint pretrial/prehearing report and the deadline by which the parties must do so.
 - Unless ordered otherwise (and for matters in which the court has not issued a scheduling order), each party must file a pretrial/prehearing report at least three business days before the evidentiary hearing, which should include the following:
 - A statement of the constitutional or statutory basis for the court's jurisdiction, including whether the matter is core or noncore and, if noncore, whether the party consents to the court's entry of a final order;
 - The elements of all claims or defenses the party believes to be at issue, and whether any elements are not disputed;
 - The names of the witnesses that the party intends to call in its case-in-chief and, if the witness is an expert, a narrative of the expert's background and experience; and
 - A list of all exhibits the party expects to introduce.
- Exhibits and other evidence:
 - Unless ordered otherwise, at least three business days before the trial or hearing, the parties should file with the court and serve on all participating parties numbered copies of their exhibits. The plaintiff/moving party may use numbers 1-99, the defendant/objecting party 100-199, and the trustee

200-299. **The court encourages counsel to consider the foundational requirements for all exhibits under the Federal Rules of Evidence.**

- **The court will not review in advance any exhibits, unless stipulated by the parties as admissible.**
- Unless the parties stipulate to the admission of an appraisal, appraisers will be expected to testify when value is in dispute.
- All witness testimony must occur in open court, unless the court grants permission pursuant to Fed. R. Bankr. P. 9017, and all parties desiring to examine witnesses or present evidence must appear in the courtroom.*

*Pursuant to the District's General Order 20-5 ("AMENDED GENERAL ORDER ON CONTINUED OPERATIONS DURING COVID-19 NATIONAL EMERGENCY"), the court may schedule and conduct hearings, including evidentiary matters, via videoconference using ZoomGov, after consultation with the parties and counsel before the evidentiary hearing or trial.