

Sample Pre-Trial Statements Requirements and Format

Pre-Trial Statements

Parties to an adversary proceeding **must** file a “Joint Pre-Trial Statement” **at least 14 days before a trial is scheduled to begin**. If the parties are not able to agree on the terms of the Joint Pre-Trial Statement, then each party must file and serve a separate Pre-Trial Statement **at least 14 days before trial**, which must include an affirmation that the party has made diligent, good faith efforts to produce a Joint Pre-Trial Statement, but was unable to do so.

The Pre-Trial Statement must include the following information, under separately numbered headings, and in the following order:

1. The case caption of both the bankruptcy case and the adversary proceeding.
2. A brief procedural history of the case, including the dates: (a) the case was filed, (b) the adversary proceeding was filed, (c) the key pleadings and papers were filed in the case and adversary proceeding, and (d) the pre-trial statement due date.
3. A list of all undisputed material facts.
4. A list of all disputed material facts.
5. A concise statement of each contested legal issue (including whether the Court has jurisdiction to enter final orders on each issue).
6. A summary of all evidentiary issues and any anticipated evidentiary objections.
7. An acknowledgment that any motions *in limine* must be filed contemporaneously with the Pre-Trial Statement and made returnable on the date and time set for the pre-trial conference.
8. Identification of witnesses, including: (a) the name of each witness who will testify, (b) a brief summary of each witness’s anticipated testimony, and (c) the projected duration of each witness’s testimony.
9. The estimated length of the trial.
10. Any unique circumstances the parties will ask the court to address as part of the trial.