

Sample Trial Scheduling Order

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

Bankruptcy Case No.

Debtor,

Plaintiff,

Adversary Proceeding No.

v.

Defendant(s).

TRIAL SCHEDULING ORDER

Having conferred with the parties and counsel pursuant to Rule 16(b) FRCP, Rule 7016 FRBP, and 11 U.S.C. §105(a), it is **ORDERED** that:

1. Motions to amend pleadings or join parties must be filed by _____.
2. Initial disclosures under Rule 26(a) FRCP must be provided by _____.
3. All discovery must be completed on or before _____. Expert witness disclosures must be exchanged on or before _____.
4. Pre-trial Statements, in the format attached, must be filed **at least 14 days before trial**.
5. Stipulations (uncontested facts, admissibility of evidence, qualifications of experts, issues to be tried, etc.) must be filed **at least 14 days before trial**.
6. A list of witnesses to be called at trial (including the information required by ¶ 8 of the Pre-Trial Statement), together with copies of exhibits to be used at trial (pre-marked, indexed, in three-ring binders), must be submitted to chambers and provided to opposing counsel **at least 14 days before trial**.

7. A pre-trial conference will be held on _____. Motions *in limine*, if any, must be served and filed contemporaneously with the Pre-Trial Statement, and made returnable on the date and time of the pre-trial conference.
8. Trial is set, as a date certain, for _____ **to be continued on _____, if necessary.** Counsel are to meet in the courtroom at **8:30 a.m.** Trial will begin at **9:00 a.m.**
9. Post-trial briefs are required to be served and filed on or before _____.
10. Summary Judgment motions and other dispositive motions **will not** be entertained, as there appear to be genuine issues of material fact.
11. **The dates set out in this Trial Scheduling Order are intended as “firm deadlines.” The parties cannot attempt to amend this Order by stipulation. The Court will not amend this Order unless: (1) A motion to amend is served and filed in a timely manner so that the motion can be heard BEFORE the affected deadline(s) has expired; and (2) Any such motion must demonstrate extraordinary circumstances as cause to support the requested amendment to this Order. The failure of the parties collectively (or either party singularly) to timely and diligently undertake those steps necessary to comply with this Trial Scheduling Order will not demonstrate cause sufficient to obtain a modification of the deadlines set out in this Order. Failure to comply with this Order will result in the imposition of a sanction against the offending party, including the striking of the party’s pleadings or such other penalty as the Court deems appropriate.**

IT IS SO ORDERED.

Dated:

Rochester, New York

HON. PAUL R. WARREN
United States Bankruptcy Judge