

**UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

<p>In re:</p> <p><Debtor's Name – Upper and lower case and bold>, Debtor<s>.</p>	<p>Chapter <Number></p> <p>Case No. <Number> (TNAP)</p> <p>Judge Tiiara N.A. Patton</p>
<p><Plaintiff(s) – Upper and lower case and bold>, Plaintiff<s>, v. <Defendant(s) name – Upper and lower case and bold>, Defendant<s>.</p>	<p>Adv. Pro. No. <Number> (TNAP)</p>

**ORDER SCHEDULING TRIAL DATE
AND SETTING OTHER RELATED DEADLINES**

The Court held an initial pretrial in this matter on <DATE>. Appearances were made by the following at the hearing:

<Attorney's Name>, Esq. for	<Party's Name>, hereinafter "Plaintiff"
<Attorney's Name>, Esq. for	<Party's Name>, hereinafter "Defendant"
<Name>, <i>Pro Se</i>	<Plaintiff or Defendant>

The terms "counsel" and "parties," as used in this Order, include the case attorney, any other attorney designated or authorized to appear in this adversary proceeding, and any individual appearing *pro se*. Based upon the matters discussed during the initial pretrial hearing,

IT IS HEREBY ORDERED THAT:

1. Corporate Ownership Statement. Any party that is subject to Rule 7007.1 Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") shall file the required disclosure on or before <Date>.
2. Disclosure of Experts. No later than <Date>, all expert witnesses shall be identified and a copy of each expert's report shall be provided to every other party, in accordance with Rule 26(a)(2) of the Federal Rule of Civil Procedure ("Federal Rule"), incorporated and made applicable to this proceeding by Bankruptcy Rules 7026 and 9014.
3. Discovery Completion Date. Unless otherwise ordered by the Court, all discovery, including depositions of fact and expert witnesses, shall be completed on or before <Date> ("Discovery Completion Date"). Any request(s) to extend the Discovery Completion Date shall (a) be made by motion; (b) include a reason for the requested extension; and (c) be filed prior to the Discovery Completion Date.

4. Dispositive Motions. The deadline for filing dispositive motions is <Date>. Briefs in opposition are due <Date>, and optional reply briefs are due <Date>. No other briefs may be filed without leave of the Court.

5. Discovery Disclosures.

- a. All discovery disclosures pursuant to Federal Rule 26(a)(3) shall be served on opposing parties and filed with the Court on or before <Date >.
- b. Any objections to Federal Rule 26(a)(3) disclosures shall be served on opposing parties and filed with the Court on or before <Date >.

6. Joint Pretrial Statement. On or before <Date >, the parties shall file with the Court a joint pretrial statement consistent with the form set forth in Paragraph 7 below. The joint pretrial statement shall be signed by all counsel. It is the obligation of Plaintiff's counsel to initiate, assemble, and submit the proposed joint pretrial statement. Plaintiff's counsel shall submit a proposed joint pretrial statement to Defendant's counsel not less than seven (7) days prior to the deadline for its submission. Counsel are expected to make a diligent effort to prepare a proposed joint pretrial statement that includes all issues, both disputed and undisputed. Amendments will be allowed only in exceptional circumstances and to prevent manifest injustice.

7. The joint pretrial statement shall be in the following form:

- a. Basis of Jurisdiction. A statement setting forth the basis of jurisdiction and whether the matter is a core or non-core proceeding. If the matter is a non-core proceeding, the parties shall state whether they consent to the Court's entry of a final order pursuant to 28 U.S.C. § 157(c)(2). If the parties disagree, they shall each cite the relevant authority to support their positions.
- b. Statement of uncontested facts. A statement of the uncontested facts.
- c. Statement of facts which are in dispute. A statement of the facts in dispute.
- d. Statement of damages claimed, or relief sought. A party seeking damages shall provide, for each cause of action being pursued, (i) a

detailed description of each item of damages claimed; (ii) the legal authority for such damages; and (iii) the specific amount of damages claimed. A party seeking relief other than damages shall provide, for each cause of action being pursued, (y) a list of the exact form of relief sought with precise designation of the persons, parties, places and things expected to be included in any order for relief; and (z) the legal authority for such relief.

- e. Legal Issues. For the causes of action being pursued, identify: (i) the constitutional, statutory, regulatory, and decisional authorities being relied upon for each cause of action; and (ii) which party bears the burden of proof on each element. Also list any additional legal issues (e.g., affirmative defenses) that will be relevant to the Court's disposition of the matter, the authority pertinent to each legal issue, and the party that bears the burden on the issue.
- f. Witnesses. A list of witnesses in the order in which they will be called, together with a statement of the issues about which the witness is expected to testify. Witnesses who are not properly listed will not ordinarily be permitted to testify at trial, except for those called solely for impeachment or rebuttal.
- g. A list of all exhibits. A list of all exhibits, including joint exhibits, to be offered into evidence shall be serially numbered and physically marked before trial. Plaintiff's exhibits shall be marked with numbers and Defendant's exhibits shall be marked with letters. Where there are multiple plaintiffs or defendants, the exhibits shall be marked as ordered above, but with the surname of the particular plaintiff or defendant added (for example, "Pl. Smith 1" or "Def. Jones A"). Exhibits not disclosed will not ordinarily be admitted into evidence at trial, except those that are offered solely for the purpose of impeachment or rebuttal.
- h. Certification. A certified statement indicating that the parties have attempted good faith settlement discussions without success.

8. Motions in Limine. No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court. All *in limine* requests and responses thereto shall be set forth in the proposed joint pretrial order. Each party shall be limited to three *in limine* requests, unless otherwise permitted by the Court. The *in limine* request and any response shall contain the authorities relied upon; each *in limine* request may be supported by a maximum of three (3) pages of argument and may be opposed by a maximum of three (3) pages of argument,

and the party making the *in limine* request may add a maximum of one (1) additional page in reply in support of its request. If more than one party is supporting or opposing an *in limine* request, such support or opposition shall be combined in a single three (3) page submission (and, if the moving party, a single one (1) page reply), unless otherwise ordered by the Court. No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court.

9. Final Pretrial Hearing Date. A final pretrial hearing will be held on **<Date at Time <A.M. or P.M. – TO BE DETERMINED AT INITIAL PRE-TRIAL HEARING>** (the “Final Pretrial Hearing”). The Final Pretrial Hearing will take place virtually via video conference using the Zoom® Video Communications application (“Zoom”). To participate in the Zoom hearing, participants must pre-register by emailing PattonZoom_Registration@ohnb.uscourts.gov by no later than 4:00 p.m. three (3) business days prior to the Final Pretrial Hearing.¹ All participants are required to appear by Zoom and comply with *Judge Patton’s Procedures for Appearing via Zoom® Video Communications (Effective August 21, 2023)*, which can be found on the Court’s website. Persons without video conferencing capabilities must immediately contact Evelyn Ross, Judge Patton’s Courtroom Deputy, at (330) 742-0950 to make alternative arrangements. Absent emergency circumstances, such arrangements must be made no later than three (3) business days prior to the Final Pretrial Hearing.

10. Trial Date. The trial is scheduled on **<Date at Time <A.M. or P.M.> – – TO BE DETERMINED AT INITIAL PRE-TRIAL HEARING >** (“Trial Date”) at the United States Bankruptcy Court for the Northern District of Ohio, Nathaniel R. Jones Federal Building &

¹ A participant’s registration email must include the following information: (a) case name and case number; (b) hearing date and time(s); (c) participant’s name, address, and telephone number; and (d) name of the party or parties whom participant represents.

U.S. Courthouse, 10 East Commerce Street, Third Floor Courtroom, Youngstown, Ohio 44503-1621.

11. Trial Briefs. On or before <Date — **TO BE DETERMINED AT INITIAL PRE-TRIAL HEARING** >, each party may file a trial brief. The trial brief shall include: (a) a synopsis of the facts upon which the party intends to prove its claim or defense; (b) specific citations of statutes, case law, or other legal authorities upon which the party relies; and (c) a discussion of any anticipated evidentiary issues. All trial briefs shall conform to the requirements of Rule 9013-2 of the Local Rules for the United States Bankruptcy Court for the Northern District of Ohio.

12. Service of Exhibits. The parties shall consult prior to the Trial Date and shall in good faith attempt to agree upon the exhibits that will be offered into evidence without objection. On or before <Date – **TO BE DETERMINED AT INITIAL PRE-TRIAL HEARING** >, each party shall file with the Court a copy of their exhibit list and provide: (a) a copy of exhibits to the opposing parties; (b) three (3) copies of exhibits in a binder (or bound) with tabs to chambers; and (c) an electronic copy (CD or flash drive) to chambers. Counsel shall also bring an extra exhibit binder to the trial to ensure each witness has a personal copy of each exhibit and to avoid witnesses having to share exhibit binders. Parties shall ensure that all personal identifying information, including, but not limited to, names of minors, birth dates, social security numbers, and taxpayer-identification numbers are properly redacted pursuant to Bankruptcy Rule 9037.

13. If counsel wishes to present exhibits electronically from a laptop computer or by way of other digital presentation devices, counsel must provide not less than seven (7) business days' notice to Judge Patton's courtroom deputy, Evelyn Ross

(evelyn_ross@ohnb.uscourts.gov or (330) 742-0950) to ensure security clearance and technical compatibility.

14. This Order shall not be modified except by leave of Court upon good cause shown. Failure to comply with this Order and the rules governing this matter may result in dismissal of the action, default judgment, assessment of costs and attorney's fees, and/or other sanctions the Court may deem appropriate under the circumstances pursuant to Civil Rule 37, incorporated and made applicable to this proceeding by Bankruptcy Rule 7037. See, e.g., National Hockey League v. Metropolitan Hockey Club, Inc., 427 U.S. 639, 641-43 (1976); Link v. Wabash R. Co., 370 U.S. 626, 633-34 (1962); Taylor v. Medtronics, Inc., 861 F.2d 980, 986-87 (6th Cir. 1988).

15. Parties may contact Judge Patton's courtroom deputy, Evelyn Ross (evelyn_ross@ohnb.uscourts.gov or (330) 742-0950), for all matters regarding scheduling.

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