

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
BRIDGEPORT DIVISION**

GUIDELINES FOR EVIDENTIARY PROCEEDINGS

1. Definitions

(a) A short evidentiary matter is defined as an adversary proceeding or a contested matter (hereafter “ short evidentiary matter ”) that will require no more than two hours of trial time. All short evidentiary matters will be scheduled for a hearing on Tuesday afternoon on motion calendar days and are *not* included in these guidelines.

(b) All other contested matters and adversary proceedings (hereafter “evidentiary proceedings ”) will be scheduled for trial on Wednesday, Thursday, and/or Friday trial dates.

2. Procedure. Trial Date

(a) Upon filing of papers commencing an evidentiary proceeding, the clerk’s office will mail a Summons, if applicable, a Pretrial Order Form, and these Guidelines to the plaintiff or movant. Unless otherwise ordered, a trial date (“TRIAL DATE”) no earlier than four months after the papers were filed, will be stated on the Pretrial Order.

(b) The plaintiff or the movant shall serve a copy of the Summons, if applicable, these Guidelines, and the Pretrial Order Form on all defendants or respondents and certify such service.

3. Pretrial Order

(a) A Pretrial Order Due Date is stated on the Pretrial Order form. If a completed Pretrial Order Form is not filed by that due date and a motion for an extension of the due date is not timely filed, a hearing may be scheduled on the court’s motion to dispose of the evidentiary proceeding for failure to prosecute.

(b) No version of the Pretrial Order other than the current form

supplied by the clerk's office may be utilized.

(c) The plaintiff or movant shall communicate with the defendant or respondent in an attempt to agree on the completion of a Pretrial Order Form. In the event that such an agreement is not reached, any party may file a proposed completed Pretrial Order and certify service. The court will enter such a Pretrial Order as it deems appropriate.

(d) Unless otherwise ordered, all discovery shall be closed and completed no later than 30 days before the TRIAL DATE.

4. CONTINUANCE, TRIAL CONFIRMATION, FINAL MARKINGS

(a) **CONTINUANCE.** Any telephone or written request for a continuance and a new trial date by a party with the express permission of all other parties shall be made to the judge's chambers no later than 10:00 a.m. the Friday before the scheduled TRIAL DATE. The request shall state that all parties have expressly consented. An **AMENDED TRIAL DATE** shall be scheduled by the further order of the court.

(b) **TRIAL CONFIRMATION.** *The plaintiff or movant shall ascertain whether it is likely that the scheduled trial will proceed on the TRIAL DATE or, if applicable, the AMENDED TRIAL DATE, and shall report that information to the judge's chambers no later than the Friday before that date. The trial will not commence unless there has been compliance with this subparagraph.*

(c) If appropriate, a pretrial conference will be conducted in an attempt to settle or narrow the issues.

THE LISTING OF AN EVIDENTIARY PROCEEDING ON A TRIAL LIST IS NOT AN ASSURANCE THAT IT WILL BE REACHED FOR TRIAL AS SCHEDULED. THE PARTIES ARE ENCOURAGED TO CHECK THE TRIAL LIST POSTED BY THE CLERK'S OFFICE AND COMMUNICATE WITH EACH OTHER PRIOR TO THAT DATE, SO THAT THEY AND THEIR WITNESSES WILL NOT BE INCONVENIENCED BY ANY DELAY BEFORE THEIR MATTER IS REACHED FOR TRIAL.

**Alan H. W. Shiff
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
BRIDGEPORT DIVISION**

In re:

Debtor

Chapter
Case No.
Adv. No.
Docket Id. No.

Pretrial Order Form Due Date _____

v.

TRIAL DATE: _____

PRETRIAL ORDER

APPEARANCES:

Attorney for plaintiff / movant

Attorney for defendant /respondent

1. ISSUES

Provide a short statement of the issue(s) presented in this evidentiary proceeding:

2. DISCOVERY

Unless otherwise ordered, all discovery shall be *completed and closed* by
_____ (“Discovery Bar Date”).

3. WITNESSES AND EXHIBITS

(a) Unless ordered, all witness and exhibit lists filed in compliance with prior pretrial orders in *this* evidentiary proceeding are subsumed in this pretrial order.

(b) A list of witnesses with a short statement of the testimony of each and a list of exhibits shall be exchanged and filed, with *two* copies delivered to chambers no later than 10 days after the

Discovery Bar Date. A copy of each exhibit, corresponding to the appropriate exhibit list, shall be exchanged but not filed or delivered to chambers. In complying with this paragraph, plaintiff's / movant's exhibits shall be marked alphabetically, and defendant's / respondent's exhibits shall be marked numerically. *A party may not call a witness who is not on that party's list of witnesses.*

(c) Each party shall utilize the discovery provided in paragraph 2 to anticipate the witnesses and exhibits, including those that might be offered for rebuttal and / or impeachment purposes. No witness may testify and no exhibits shall be admitted into evidence unless there has been compliance with this paragraph.

(d) No expert witness may testify unless a detailed and signed statement of that expert's opinion has been exchanged, filed, and two copies delivered to chambers no later than 10 days after the Discovery Bar Date.

(e) Each party shall deliver to the bench *three* copies of each exhibit exchanged pursuant to this paragraph which is offered in evidence.

(f) The filing of lists of witnesses and exhibits and experts' reports in compliance with this paragraph shall be accompanied by a certification of service.

4. TRIAL MEMORANDA

Unless ordered, no pretrial or post trial memoranda shall be filed. All memoranda that are ordered shall be no longer than ten pages (double spaced on 8½"x 11" paper with 12 pt. font) and shall be exchanged and filed, with *two* copies delivered to chambers no later than the date ordered. A certificate of service shall be filed with each memorandum.

5. TRIAL CONFIRMATION

THE PLAINTIFF / MOVANT SHALL ASCERTAIN WHETHER IT IS LIKELY THAT THE TRIAL WILL PROCEED AS SCHEDULED AND SHALL REPORT THAT INFORMATION TO THE JUDGE'S CHAMBERS NO LATER THAN THE FRIDAY BEFORE THE TRIAL DATE.

6. SETTLEMENT CONFERENCE

If appropriate, the court will conduct a pretrial conference at which an attempt will be made to settle the controversy or narrow the issues. Counsel shall attend fully authorized to make a final demand or offer and shall either be accompanied by the person or persons authorized and competent to accept or reject a settlement proposal or such persons shall be available by telephone.

CONSENT:

For the Plaintiff / Movant

_____ (date _____)

For the Defendant / Respondent

_____ (date _____)

Dated:

Alan H. W. Shiff
United States Bankruptcy Judge