

Local Rule of Bankruptcy Procedure 7016. PRETRIAL PROCEDURES AND ORDERS.

(a) Discovery

Discovery conducted in adversary proceedings must not be filed with the Clerk.

(b) Scheduling Order

A scheduling order controls the course of an adversary proceeding and may not be amended without Court approval. To the extent that a scheduling order is inconsistent with a provision in the Local Rules of Bankruptcy Procedure, the scheduling order controls. If a scheduling order is not issued, the provisions of this rule shall apply.

(c) Pretrial Conference

A pretrial conference may be scheduled, on written motion to the Court, or on the Court's own motion. A party's request for a pretrial hearing or conference must be made no later than 30 days prior to the date scheduled for the trial.

(d) Exhibits

1. Exhibits which are to be introduced into evidence must be:
 - (A) marked for identification on the first page of the exhibit prior to hearing;
 - (B) bound in a booklet form in numerical or alphabetical sequence preceded by an exhibit list in the format prescribed by TXEB Local Form 7016; and
 - (C) separated by tabs or other appropriate dividers.
2. Exhibits for the Plaintiff shall be designated by number. In the event of multiple plaintiffs, then each exhibit shall be designated by a specific plaintiff's name, followed by a number [i.e. Smith, Inc.- 1].
3. Exhibits for the Defendant shall be designated by letter. In the event of multiple defendants, then each exhibit shall be designated by a specific defendant's name, followed by a letter [i.e. Smith, Inc.- A].
4. Copies of all exhibits must be provided to each party not less than 14 days prior to trial.
5. Counsel must provide a minimum of **four (4)** copies of the exhibit binder for trial: two for the Court, one for the witnesses, and one for opposing

counsel. Additional exhibit binders must be furnished for each additional party.

6. Failure to comply with the exhibit requirements in this Local Rule may result in the refusal of the Court to admit exhibits into evidence or other sanctions.

(e) **Proposed Findings of Facts and Conclusions of Law**

Unless excused by the Court, each party shall prepare proposed findings of fact and conclusions of law and present them to the Court on computer disk in either Word or WordPerfect format on the day of trial. The proposed findings of fact must be presented in a detailed format based upon the evidence anticipated to be offered at trial. The proposed conclusions of law must include specific references to any controlling Bankruptcy Code section, Bankruptcy Rule, or other state or federal statute or regulation, as well as to any controlling jurisprudence.

(f) **Briefs**

Any legal brief must be filed by the pretrial order deadline and must be served on opposing counsel.

(g) **Pretrial Order**

A pretrial or joint pretrial order caption must include the date set for trial, if known, and the estimated time required for trial of the issues. Unless otherwise established by the Court, a pretrial order is due 14 days prior to trial.

(h) **Continuances in Adversary Proceedings**

A motion for continuance in an adversary proceeding will require a proper certificate of service, but will not require any negative notice language.