

these rules. Procedures for the presentment of evidence at trial are listed in Rule 7016 of these rules.

RULE 7016

PRETRIAL PROCEDURE: SCHEDULING CONFERENCES, SETTLEMENT CONFERENCES AND ALTERNATIVE DISPUTE RESOLUTION

(a) Scheduling. Scheduling conferences may be conducted in adversary proceedings brought pursuant to Fed.R.Bankr.P. 7001 and in contested matters brought pursuant to Fed.R.Bankr.P. 9014. As soon as the case or proceeding is at issue, the Court may schedule any conference it deems appropriate. Whether or not any such conference is held, the Court may enter a scheduling order governing amendments, dispositive motions, discovery, the final pretrial order, trial or hearing dates, and any other appropriate matters.

(b) Preparation for Conferences. Prior to any conference, trial counsel for each of the parties must meet and exchange all then known exhibits and other material which may be offered in evidence, and a list of all then known witnesses. It is the duty of counsel for plaintiff or movant to arrange this meeting. All other counsel must provide full cooperation for this and any subsequent meetings of counsel. Additional exhibits or witnesses must be exchanged promptly once they become known.

(c) Agenda at Conferences. Counsel who will conduct the trial or hearing and *pro se* parties must attend all conferences and be prepared to discuss, to the extent appropriate, all of the following:

- (1) Whether or not the proceeding is a core proceeding;
- (2) If it is not a core proceeding, whether or not the parties consent that the bankruptcy judge hear and determine the matter and enter appropriate orders and judgments;
- (3) Elimination of unnecessary claims or defenses;
- (4) Possibility of stipulations and admissions of facts;
- (5) Elimination of unnecessary and cumulative evidence;
- (6) Identification of witnesses and documents, the scheduling of pretrial motions, discovery cut-off, trial briefs, proposed findings of fact and conclusions of law, and the trial date;
- (7) The possibility of settlement;
- (8) Disposition of any pending matters;
- (9) Need for specific procedures in difficult or protracted cases;
- (10) Any unusual or unique legal issues; and
- (11) Any other appropriate matters.

(d) Preparation of the Final Pretrial Order. Unless otherwise ordered, counsel for the plaintiff or movant is responsible for initially preparing, circulating and submitting to the Court the final pretrial order in adversary proceedings. Opposing counsel shall cooperate fully in the preparation of the order. The final pretrial order shall be submitted to the appropriate judge for approval no later than five working days prior to the scheduled trial or hearing, unless otherwise provided for in any scheduling order.

(e) Sanctions. Failure to appear at a conference, appearance at a conference unprepared, or failure to cooperate in good faith with opposing counsel, may result in the imposition of sanctions. Possible sanctions include, without limitation, dismissal of complaints; the striking of pleadings, motions or responses; entry of preclusion orders; orders staying the proceeding; default judgment or order; assessment of expenses, costs and fees against either a party or counsel; or such other order as the Court may deem appropriate.

(f) Settlement Conferences and Alternative Dispute Resolution. The Court recognizes that alternative dispute resolution (ADR) procedures may facilitate compromise or narrowing of issues in contested matters and adversary proceedings. Any party may file a request for alternative dispute resolution. Opposing parties shall have ten days to file written objections stating the basis for their objections. After reviewing the request, any objections and, if appropriate, conducting a conference with the parties, the Court may refer any adversary proceeding or contested matter for appropriate non-binding ADR. Unless the parties agree upon the sharing of the costs of the ADR procedure, such costs shall be borne by the requesting party.

In the alternative, the judge to whom the case is assigned may sua sponte or upon request direct the parties to participate in a settlement conference before a judge other than the judge to whom the case is assigned.

To facilitate settlement or resolution of any adversary proceeding or contested matter, the judge may stay the pending matter, in whole or in part, in order to allow time to complete the ADR procedure.