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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re) Case No. [Number] HLB
)
[DEBTOR NAME],) Chapter [Number]
)
Debtor.)
_____)

SCHEDULING ORDER FOR EVIDENTIARY HEARING ON
MOTION TO VALUE AND VOID LIEN

A hearing on Debtor(s)' motion to value and avoid lien was held on _____, 20__.

Appearances were as follows:

- [] For Debtor(s): _____ ("Debtor");
- [] For Creditor: _____ ("Creditor");
- [] Other(s): _____ .

Upon due consideration, the Court hereby enters the following scheduling order.

TRIAL. The trial or hearing ("Trial") on the above matter will commence on the Date and Time of Trial, set forth below, at the United States Bankruptcy Court, 450 Golden Gate Avenue, Sixteenth Floor, Courtroom 19, San Francisco, CA 94102. The Time Reserved for Trial is also shown below.

1 **MOTIONS**. Unless otherwise ordered, motions to join other
2 parties and to amend the pleadings must be filed not later than
3 **10 days** after entry of this scheduling order.

4 **DISCOVERY**. Discovery shall be completed by the Discovery
5 Deadline shown below. Completion means that depositions must
6 be concluded, although not necessarily transcribed. As to
7 written and production discovery, responses must be due before
8 the Discovery Deadline. The Court will attempt to resolve all
9 discovery disputes on an expedited basis via telephonic
10 conference, which any party may initiate by request to the
11 Court's Calendar Clerk/Courtroom Deputy and notice to the other
12 party after they have met and conferred and made a good faith
13 effort to resolve the dispute. The party requesting the
14 conference should submit a brief letter explaining the issues
15 to be presented.

16 The Discovery Deadline may be extended by the parties by
17 agreement, without an order of the Court.

18 **PRE-TRIAL SUBMISSIONS**. Not later than **14 calendar days**
19 before the Date and Time of Trial, each party shall:

20 (a) File and serve a trial brief, which shall include a
21 summary of the facts to be proven and the legal theories on
22 which the party relies. Briefs **shall not exceed 15 pages**
23 without prior permission of the Court. The Court will not
24 normally request or permit post-trial briefs.

25 (b) File and serve a witness list, including a brief
26 summary of the anticipated testimony from each witness. If a
27 party to the matter will be called as a witness (even as an
28 adverse witness) that party's name must be included on the

1 witness list. The presence of a witness' name on the witness
2 list is to alert the Court and the other side that the witness
3 may be called. It does not mean that the person will be
4 called. Accordingly, each party is responsible for ensuring
5 the attendance of every witness the party intends to call,
6 whether or not named by the other side. Except in exceptional
7 circumstances, and absent consent by the other side, a party
8 will not be allowed to call a witness not named on that party's
9 witness list. This subparagraph shall not apply to expert
10 witnesses or their testimony.

11 The requirement of advance identification and production
12 of exhibits does not apply to witnesses presented for purposes
13 of impeachment or rebuttal.

14 (c) File and serve all supporting papers, including
15 certified real estate appraisals and declarations of the
16 appraisers in support thereof.

17 (d) File and serve a list of exhibits (other than those to
18 be used for impeachment or rebuttal) and exchange, **but not**
19 **file**, copies of all exhibits the party intends to introduce
20 into evidence. Any paper(s) in the Court's file of which a
21 party intends the Court to take judicial notice must be copied
22 and included as an exhibit(s). Copies of the declaration filed
23 and served shall be marked as exhibits in the manner described
24 herein.

25 Exhibits are to be premarked for identification. Debtor's
26 exhibits should be marked by number. Creditor's exhibits
27 should be marked by letter. Each page of any exhibit that has
28 more than one page is to be numbered consecutively.

1 The parties shall bring to Trial copies of all exhibits
2 for opposing counsel, the witnesses and the Court, together
3 with an exhibit list. If a party has **more than 10 exhibits**,
4 the exhibits should be placed in a three-ring binder with a tab
5 for each exhibit and the exhibit list placed at the front of
6 the binder.

7 (e) Electronic Exhibits. If a party intends to present
8 exhibits electronically during trial, that party shall provide
9 the court with a CD or flash drive with all of the exhibits to
10 be presented at least 7 days prior to the trial date. The
11 electronic exhibits must be marked as exhibits in the manner
12 set forth in the above paragraph.

13 **EXPERTS.** The presentation of expert testimony at Trial
14 shall be governed by the following procedure. **For purposes of**
15 **the evidentiary hearing scheduled pursuant to this order,**
16 **appraisers and appraisal records shall be governed by this**
17 **provision.**

18 (a) Direct evidence shall be presented by a declaration
19 that authenticates the report of the expert. See FRCP
20 26(a)(2)(B), incorporated via Fed. R. Bankr. P. 7026. Each
21 party shall file and serve declarations of experts and other
22 documentary evidence related thereto no later than **14 calendar**
23 **days** prior to the Discovery Deadline.

24 (b) To cross-examine an opposing party's expert
25 declarant, a party shall notify the opposing party in writing
26 or by e-mail at least **3 court days** before the Date and Time of
27 Trial, in which case the declarant will be required to attend
28 the Trial. Any party who fails to notify the opposing party

1 will not be permitted to cross-examine the opposing party's
2 expert. Any party who requests the right to cross-examine an
3 expert and then does not do so will be expected to reimburse
4 the opposing party no less than the expenses incurred in
5 producing the expert at the Trial.

6 **PRE-TRIAL OBJECTIONS.** Promptly after receipt of the items
7 mentioned in **PRE-TRIAL SUBMISSIONS**, above, each party must
8 advise the opposing party of any objections to the introduction
9 of testimony or exhibits. Parties must meet and confer before
10 Trial to attempt to reach agreement regarding admissibility.
11 The Court expects the parties to make good faith efforts to
12 resolve all evidentiary issues.

13 **NON-COMPLIANCE.** Any failure of a party to comply timely
14 with this order may result in judgment against such party,
15 removal of the Trial from calendar, exclusion of evidence or
16 imposition of monetary or non-monetary sanctions. See Fed. R.
17 Bankr. P. 7016.

18
19 **DATE AND TIME OF TRIAL:**

20 **TIME RESERVED FOR TRIAL:**

21 **DISCOVERY DEADLINE:**

22 **OTHER PROVISIONS:**

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25

****END OF ORDER****

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Court Service List

[None]