

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3 FRESNO DIVISION

4 In re)
5) Case No.
6 [,])
7 Debtor(s).)
8 _____)
9)
10 [,]) Adv. Proceeding No.
11 Plaintiff(s),)
12 v.) [*Insert trial date(s), time, location and*
13 [,]) *presiding judge.*]
14 Defendant(s).)
15 _____)
16)

17
18 **JOINT PRETRIAL ORDER**

19 The parties having conferred among themselves and with the
20 Court pursuant to Fed. R. Civ. P. 16 (made applicable to this
21 Adversary Proceeding pursuant to F.R.B.P. 7016(a)), the
22 following statements, directions and agreements are adopted as
23 the Pretrial Order herein. Unless modified by the Court, this
24 Order controls the course of this proceeding.

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26 **I. NATURE OF THE CASE**

27 [*Set forth a brief statement of the general nature of the action and the relief*
28 *sought by each party.*]

1 **II. BASIS FOR JURISDICTION, WHETHER THE CASE IS CORE OR**
2 **NON-CORE, AND WHETHER THE BANKRUPTCY JUDGE MAY ENTER**
3 **FINAL ORDERS OR JUDGMENT**

4 *[Set forth the basis for subject matter jurisdiction and whether the case is core*
5 *or non-core, and if core, whether the court can enter final orders and judgment. If*
6 *these matters are disputed, the positions of each of the parties should be explained.*
7 *Also, state whether the parties consent to the bankruptcy judge entering final orders*
8 *or judgment.]*

9 **III. STIPULATED FACTS**

10 *[Set forth any stipulated facts.]*

11 **IV. PARTIES' CONTENTIONS**

12 The pleadings are deemed amended to embrace the following,
13 and only the following, contentions of the parties:

14 **A. Plaintiff's Contentions**

15 *[Set forth a brief statement of the plaintiff's contentions in separately*
16 *numbered paragraphs as to all ultimate issues of fact and law.]*

17 **B. Defendant's Contentions**

18 *[Set forth a brief statement of the defendant's contentions in separately*
19 *numbered paragraphs as to all ultimate issues of fact and law.]*

20 **V. ISSUES TO BE TRIED**

21 *[Set forth an agreed statement of the issues to be tried.]*

22 **VI. PLAINTIFF'S EXHIBITS**

23 **VII. DEFENDANT'S EXHIBITS**

1 Exhibits not listed by plaintiff or defendant may not be
2 used at trial except (a) for cross-examination purposes or (b)
3 if good cause for its exclusion from the pretrial order is
4 shown. Each side shall list all exhibits it intends to offer on
5 its case in chief. The list shall include a description of each
6 exhibit. All exhibits shall be pre-marked with each exhibit
7 bearing a unique number or letter (numbers for plaintiff and
8 letters for defendant), with the prefix PX for plaintiff's
9 exhibits and DX for defendant's exhibits.

10 On the date the parties deliver the Pretrial Order, each
11 party shall lodge (not file) one (1) working copy (not
12 originals) of all exhibits to be offered into evidence to the
13 clerk of the court, attention Chambers of Judge Lastreto, and
14 one (1) working copy delivered to opposing counsel. Originals
15 and copies of exhibits to be offered into evidence must be
16 brought to the trial. Working copies shall be marked and tabbed.
17 Each exhibit longer than three (3) pages must be numerically
18 Bate stamped or otherwise sequentially numbered for quick
19 reference. Further, the relevant portions of each exhibit longer
20 than three (3) pages shall be highlighted on the court's working
21 copy and the copy for opposing counsel.

22 *[Pursuant to Bankruptcy Local Rule 7090-1, if exhibits offered at trial are not*
23 *reclaimed within sixty (60) days after entry of judgment or order following*
24 *completion of trial, and the judgment or order is final and non-appealable, the Clerk*
25 *may dispose of them as the Clerk may deem fit.]*

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1 **VIII. STIPULATIONS AND OBJECTIONS WITH RESPECT TO EXHIBITS**

2 Any objections not set forth herein will be considered
3 waived absent good cause shown.

4 *[The parties shall set forth any stipulations with respect to the authenticity and*
5 *admissibility of exhibits and indicate all objections to exhibits and the grounds for*
6 *each objection.]*

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8 **IX. PLAINTIFF'S WITNESS LIST**

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10 **X. DEFENDANT'S WITNESS LIST**

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12 The witnesses listed may be called at trial. A witness not
13 identified herein shall not be permitted to testify on either
14 party's case in chief absent good cause shown. Each party shall
15 list the witnesses it intends to call on its case in chief and,
16 if a witness's testimony will be offered by deposition, shall
17 designate by page and line numbers the portions of the
18 deposition transcript it intends to offer. Each party shall set
19 forth any objections it has to deposition testimony designated
20 by the other and the basis for each objection.

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22 **XI. RELIEF SOUGHT**

23 *[The plaintiff shall set forth the precise relief sought, including each element*
24 *of damages.]*

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Dated: _____

[Signature of Plaintiff's counsel]

[Signature of Plaintiff's counsel]

Dated: _____

IT IS SO ORDERED:

René Lastreto II, Judge
United States Bankruptcy Court