

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re

Case No.

[Name of Debtor(s)],

Debtor(s).  
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JOINT PRE-TRIAL ORDER

TO THE HONORABLE CARLA E. CRAIG,  
UNITED STATES BANKRUPTCY JUDGE:

The parties having conferred among themselves and with the Court pursuant to Bankruptcy Rule 7016,

NOW, THEREFORE, the following statements, directions and agreements are adopted as the Pre-Trial Order herein:

**1 Nature of the Case.** [Give a succinct, non-adversarial statement of the basic nature of the case.]

**2 Jurisdiction – Venue.** [State succinctly the claimed statutory basis of federal jurisdiction and venue; whether the proceeding is a core proceeding; whether, if the proceeding is not a core proceeding, the parties consent to having the Bankruptcy Court hear and determine the proceeding; and whether there is any dispute concerning jurisdiction or venue.]

**3 Amendments – Dismissals.** [Set forth any requested amendments to pleadings, dismissals of the case as to any unserved parties, additions or substitutions of parties, or dispositions as to defaulting parties. Proposed amendments should include the basis for the amendment, the reason why the amendment is being raised at this time, and any objection.]

**4 Relief Prayed.** [State the elements of monetary damages, if any, claimed by each party involved in the case and the kind and general terms of any other type of relief prayed by each.]

**5 Undisputed Facts.** [Give a plain, concise statement in separate, numbered paragraphs of the agreed facts pertaining to (a) liability, (b) damages, and (c) any special defense, counterclaims, cross-claims or third-party claims. Counsel should include a statement as to whether presentation of the case, in whole or in part, upon a formal Agreed Statement of Facts is feasible and advisable.]

**6 Plaintiff's Contentions of Fact.** [List plaintiff's assertions on disputed factual matters.]

**7 Defendant's Contentions of Fact.** [List defendant's assertions of disputed matters of fact.]

**8 Issues of Law.** [List brief, numbered statements of any points of law (substantive, evidentiary or procedural or concerning the measure or kind of relief prayed) which are or may be reasonably expected to be in controversy, citing, without argument, the pertinent statutes, ordinances, regulations, cases and other authority mainly relied on by the party. If counsel are unable to agree on a statement of all triable issues, then those agreed shall be listed first. The remaining issues will then be listed as proposed by each party. *Legal argument is not appropriate in the pre-trial order*).]

**9 Separate Trial of Issues.** [State whether separate trial of any of the issues is feasible and advisable.]

**10 Previous Substantive Motions.** [List all previous motions to dismiss, for summary judgment, for separate trial of issues, for consolidation of cases, for change of venue, or for *pendente lite* relief and the disposition or status thereof.]

**11 Witnesses.** [Prepare a separate list for each party of all witnesses (parties, experts or others) whom the party expects to call in person or through deposition, except witnesses who may be called only for impeachment or rebuttal, with *brief* summary of testimony (one page at most). If any additional witnesses come to the attention of counsel prior to the trial, a supplemental list must be prepared, with notice to the opposing side, and filed with the Court. This supplemental list must include the reason why the witness's name was not set forth in the pre-trial memorandum.]

**12 Experts.** [List any stipulations relating to the number or nature of experts to be called by parties or the Court, and provide a brief summary of each expert's proposed testimony, consistent with the provisions of Bankruptcy Rule 7026(b)(4)(A)(I).]

**13 Exhibits.** [List (i) all exhibits stipulated to be admissible, (ii) plaintiff's proposed additional exhibits and (iii) any other party's proposed additional exhibits. Such lists shall make reference to all documents or other exhibits which the party expects to offer at the trial (except those to be used only for impeachment or rebuttal), including depositions, with reference to date and page number of transcripts, answers to interrogatories and responses to requests for admissions. Exhibits not objected to will be listed as marked in evidence, subject to the Court's approval. Additional exhibits shall be marked for identification. Each exhibit listed shall be given a proposed designation (numbers for plaintiff; letters for defendants; initials to be added if multiple plaintiffs or defendants). Whenever a subject matter will reasonably require itemization, computation, or illustrations, counsel shall prepare diagrams, photographs or other similar exhibits as may be reasonably necessary for a clear presentation of the subject matter. Whenever practicable, such exhibits should be available at the pre-trial conference.]

**14 Requested Evidentiary Rulings.** [Briefly state objections to admission of any item of evidence, exhibit or statement, with citation of the applicable Federal Rule(s) of Evidence.]

**Copies of all exhibits proposed to be offered by any party should be filed with the pre-trial order and should be exchanged by the parties prior thereto.**

**15 Trial Counsel.** Counsel who will try the case for the respective parties are: [List names and telephone numbers.]

For Plaintiff(s):

For Defendant(s):

16 **Estimate of Trial Time.** [Make careful estimate of the number of Court trial days required for presentation of each party's case to the nearest one-half day.]

17 **Trial Date.** [Set forth a suggested trial date and a statement of any anticipated problems concerning trial attendance of parties, counsel or essential witnesses or other practical problems which the judge should consider when setting the trial date.]

18 **Miscellaneous.** [Set forth any other appropriate matters which will aid in disposition of the action.]

19 **Modification of Order.** IT IS FURTHER ORDERED that the Court may in order to prevent manifest injustice or for good cause shown, at the trial of the action or prior thereto upon application of counsel for either party, made in good faith, or upon motion of the Court, modify this Pre-Trial Order upon such conditions as the Court may deem just and proper.

Dated: Brooklyn, New York  
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CARLA E. CRAIG  
Chief United States Bankruptcy Judge