**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF NEW YORK**

**---------------------------------------------------------------X**

**In re:**

**[ ] Chapter \_\_**

**Case No. \_\_-\_\_\_\_\_ (SHL)**

**Debtor(s)**

**---------------------------------------------------------------X**

**Plaintiff(s),**

**-against- Adv. Proc. No. \_\_-\_\_\_\_\_ (SHL)**

**Defendant( s ).**

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**JOINT PRE-TRIAL ORDER (PROPOSED)**

The parties having conferred among themselves and with the Court pursuant to

Fed. R. Civ. P. 16, the following statements, directions and agreements are adopted as the

Pretrial Order herein.

1. NATURE OF THE CASE

[Set forth a brief statement of the general nature of the action and the relief sought by

each party.]

1. BASIS FOR JURISDICTION, WHETHER THE CASE IS CORE OR NON-CORE,

AND WHETHER THE BANKRUPTCY JUDGE MAY ENTER FINAL ORDERS

OR JUDGMENT

[Set forth the basis for subject matter jurisdiction and whether the case is core or noncore, and if core, whether the court can enter final orders and judgment. If these

matters are disputed, the positions of each of the parties should be explained. Also,

state whether the parties consent to the bankruptcy judge entering final orders or

judgment.]

1. STIPULATED FACTS

[Set forth any stipulated facts.]

1. PARTIES' CONTENTIONS

The pleadings are deemed amended to embrace the following, and only the

following, contentions of the parties:

A. Plaintiffs Contentions

[Set forth a brief statement of the plaintiffs contentions in separately numbered

paragraphs as to all ultimate issues of fact and law.]

B. Defendant's Contentions

[Set forth a brief statement of the defendant's contentions in separately numbered

paragraphs as to all ultimate issues of fact and law.]

1. ISSUES TO BE TRIED

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

1. PLAINTIFF'S EXHIBITS
2. DEFENDANT'S EXHIBITS

Exhibits not listed by plaintiff or defendant may not be used at trial except (a) for cross-examination purposes or (b) if good cause for its exclusion from the pretrial order is shown. Each side shall list all exhibits it intends to offer on its case in chief. The list shall include a

description of each exhibit. All exhibits shall be pre-marked with each exhibit bearing a unique

number or letter (numbers for plaintiff and letters for defendant), with the prefix PX for

plaintiff’s exhibits and DX for defendant's exhibits. Two copies of each exhibit shall be

delivered to chambers with the proposed pretrial conference order.

1. STIPULATIONS AND OBJECTIONS WITH RESPECT TO EXHIBITS

Any objections not set forth herein will be considered waived absent good cause shown. [The

parties shall set forth any stipulations with respect to the authenticity and admissibility of

exhibits and indicate all objections to exhibits and the grounds therefor.]

1. PLAINTIFF'S WITNESS LIST
2. DEFENDANT'S WITNESS LIST

The witnesses listed may be called at trial. No witness not identified herein shall be permitted to

testify on either party's case in chief absent good cause shown. Each party shall list the

witnesses it intends to call on its case in chief and, if a witness's testimony will be offered by

deposition, shall designate by page and line numbers the portions of the deposition transcript it

intends to offer. Each party shall set forth any objections it has to deposition testimony

designated by the other and the basis therefor.

1. RELIEF SOUGHT

The plaintiff shall set forth the precise relief sought, including each element of damages.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Signature of Plaintiff’s counsel]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Signature of Defendant's counsel]

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IT IS SO ORDERED:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**UNITED STATES BANKRUPTCY JUDGE**