



1           **TRIAL.** The trial or hearing ("Trial") on the above matter  
2 will commence on the Date and Time of Trial, set forth below, at  
3 the United States Bankruptcy Court, 450 Golden Gate Avenue, 16th  
4 Floor, Courtroom 17, San Francisco, CA 94102. The Time Reserved  
5 For Trial is also set forth below.

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

9           **DISCOVERY.** Discovery shall be completed by the Discovery  
10 Deadline shown below. Completion means that depositions must be  
11 concluded, although not necessarily transcribed. As to written  
12 and production discovery, responses must be due before the  
13 Discovery Deadline. The court will attempt to resolve all  
14 discovery disputes on an expedited basis via telephonic  
15 conference, which any party may initiate by request to the court's  
16 Calendar Clerk/Courtroom Deputy (Ms. Lorena  
17 Parada, Courtroom Deputy/Calendar Clerk, at 415-268-2323 or  
18 Lorena\_Parada@canb.uscourts.gov) and notice to the other party  
19 after they have met and conferred and made a good faith effort to  
20 resolve the dispute. The party requesting the conference should  
21 submit a brief letter or e-mail to Ms. Parada explaining the  
22 issues to be presented; the other party may submit a brief letter  
23 or e-mail in the same manner.

24           The Discovery Deadline may be extended by the parties by  
25 agreement, without an order of the court.

1           **PRE-TRIAL SUBMISSIONS.**   Not later than 7 days before the  
2 Date and Time of Trial, each party shall:

3           (a) File, serve (**and provide chambers copies**) of a  
4 trial brief, which shall include a summary of the facts to be  
5 proven and the legal theories on which the party relies. Briefs  
6 shall not exceed 15 pages without prior permission of the court.  
7 The court will not normally request or permit post-trial briefs.

8           (b) File and serve (**but do not provide chambers copies**)  
9 a witness list, including a brief summary of the anticipated  
10 testimony from each witness. If a party to the matter will be  
11 called as a witness (even as an adverse witness) that party's name  
12 must be included on the witness list. The presence of a witness'  
13 name on the witness list is to alert the court and the other side  
14 that the witness may be called. It does not mean that that person  
15 will be called. Accordingly, each party is responsible for  
16 ensuring the attendance of every witness the party intends to  
17 call, whether or not named by the other side. Except in  
18 exceptional circumstances, and absent consent by the other side, a  
19 party will not be allowed to call a witness not named on that  
20 party's witness list. This subparagraph shall not apply to expert  
21 witnesses or their testimony.

22           The requirement of advance identification and production of  
23 exhibits does not apply to witnesses presented for purposes of  
24 impeachment or rebuttal.

25           (c) File and serve all supporting papers (**and provide**

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1 **chambers copies**), including certified real estate appraisals and  
2 declarations of the appraisers in support thereof.

3 (d) File and serve (**and provide chambers copies**) a list  
4 of exhibits (other than those to be used for impeachment or  
5 rebuttal) and exchange, **but do not file**, copies of all exhibits  
6 the party intends to introduce into evidence. Any paper(s) in the  
7 court's file of which a party intends the court to take judicial  
8 notice must be copied and included as an exhibit(s). Copies of  
9 the declarations filed and served shall be marked as exhibits in  
10 the manner described herein.

11 Exhibits are to be premarked for identification. Debtor's  
12 exhibits should be marked by number. Creditor's exhibits should  
13 be marked by letter. Each page of any exhibit that has more than  
14 one page is to be numbered consecutively.

15 The parties shall bring to Trial copies of all exhibits for  
16 opposing counsel, the witnesses and the court, together with an  
17 exhibit list. If a party has more than **10** exhibits, the exhibits  
18 should be placed in a three-ring binder with a tab for each  
19 exhibit and the exhibit list placed at the front of the binder.

20 **EXPERTS.** The presentation of expert testimony at Trial shall  
21 be governed by the following:

22 (a) Direct evidence shall be presented by a declaration  
23 that authenticates the report of the expert. See FRCP  
24 26(a)(2)(B), incorporated via Fed. R. Bankr. P. 7026. Each party  
25 shall file and serve declarations of experts and other documentary

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1 evidence related thereto no later than **14** calendar days prior to  
2 the Discovery Deadline.

3 (b) To cross-examine an opposing party's expert  
4 declarant, a party shall notify the opposing party in writing or  
5 by e-mail at least **3 court** days before the Date and Time of Trial,  
6 in which case the declarant will be required to attend the Trial.  
7 Any party who fails to notify the opposing party will not be  
8 permitted to cross-examine the opposing party's expert. Any party  
9 who requests the right to cross-examine an expert and then does  
10 not do so will be expected to reimburse the opposing party no less  
11 than the expenses incurred in producing the expert at the Trial.

12 **PRE-TRIAL OBJECTIONS.** Promptly after receipt of the items  
13 mentioned in **PRE-TRIAL SUBMISSIONS**, each party must advise the  
14 opposing party of any objections to the introduction of testimony  
15 or exhibits. Parties must meet and confer before Trial to attempt  
16 to reach agreement regarding admissibility. The court expects the  
17 parties to make good faith efforts to resolve all evidentiary  
18 issues.

19 **DEMONSTRATIVE EVIDENCE.** The court does not want charts,  
20 power point presentations, whiteboards, or similar large display  
21 items to be used during trial. Parties desiring to summarize,  
22 reproduce or display evidence should use normal 8-1/2" x 11"  
23 sheets of paper to be provided to the court, witnesses and  
24 opposing counsel. Any exceptions to this policy should be  
25 requested well in advance of trial.

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

5           **DATE AND TIME OF TRIAL:**

6           **TIME RESERVED FOR TRIAL:**

7           **DISCOVERY DEADLINE:**

8           **OTHER PROVISIONS:**

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\*\*END OF ORDER\*\*