

Rule 7016-2 **Pretrial Conference.** A pretrial conference shall be held if scheduled in a scheduling order issued under Local Rule 7016-1(b) (the "Scheduling Order") or if requested by a party under this Local Rule.

- (a) Request for Pretrial Conference. Any party may request that a pretrial conference be held following the completion of discovery, as provided in the Scheduling Order, by contacting the Court. At least fourteen (14) days' notice of the time and place of such pretrial conference shall be given to all other parties in interest by the attorney for the party requesting the pretrial conference.

- (b) Failure to Appear at Pretrial Conference or to Cooperate. Unless otherwise permitted by the Court under Local Rule 7016-3, all counsel who will conduct the trial are required to appear before the Court for the pretrial conference. Should an attorney for a party fail to appear or to cooperate in the preparation of the pretrial order specified in Local Rule 7016-2(d), the Court, in its discretion, may impose sanctions, such as costs and fines. The Court may further hold a pretrial hearing, ex parte or otherwise, and, after notice, enter an appropriate judgment or order.

- (c) Attorney Conference Prior to Pretrial Conference. The parties shall meet and confer in good faith so that the plaintiff may file the pretrial order in conformity with this Rule.

- (d) Pretrial Order. At least seven (7) days prior to the final pretrial conference, the attorney for the plaintiff shall file with the Court an original and one (1) copy of a proposed pretrial order, signed by an attorney for each party, that covers the following items, as appropriate:
 - (i) A statement of the nature of the action, the pleadings in which the issues are raised (e.g., third amended complaint and answer) and whether counterclaims, crossclaims, etc., are involved;

 - (ii) The constitutional or statutory basis of federal jurisdiction, together with a brief statement of the facts supporting such jurisdiction;

 - (iii) Whether the proposed order addresses the subject matters required to be addressed by Fed. R. Bankr. P. 7016(b);

- (iv) A statement of the facts that are admitted and that require no proof;
- (v) A statement of the issues of fact that any party contends remain to be litigated;
- (vi) A statement of the issues of law that any party contends remain to be litigated, and a citation of authorities relied upon by each party;
- (vii) A list of premarked exhibits, including designations of interrogatories and answers thereto, requests for admissions and responses, and depositions that each party intends to offer at trial, with a specification of those that may be admitted into evidence without objection, those to which there are objections and the Federal Rule of Evidence relied upon by the proponent of the exhibit. Copies of the exhibits, premarked and separated by tabs, shall be furnished to opposing counsel and submitted to the respective Judge's chambers in binders at least seven (7) days before the pretrial conference or trial (if no pretrial is requested). Copies of the exhibits should not be electronically filed with the Court;
- (viii) The names of all witnesses a party intends to call to testify, either in person or by deposition, at the trial and the specialties of experts to be called as witnesses;
- (ix) A brief statement of what the plaintiff intends to prove in support of the plaintiff's claims, including the details of the damages claimed or of other relief sought;
- (x) A brief statement of what the defendant intends to prove as defenses;
- (xi) Statements by counterclaimants or crossclaimants comparable to that required of the plaintiff;
- (xii) Any amendments of the pleadings desired by any party with a statement whether it is unopposed or objected to and, if objected to, the grounds thereon;

- (xiii) A certification that the parties have engaged in a good faith effort to explore the resolution of the controversy by settlement;
- (xiv) Any other matters that the parties deem appropriate; and
- (xv) The concluding paragraph of the draft of the pretrial order shall read:

**THIS ORDER SHALL CONTROL THE SUBSEQUENT COURSE
OF THE ACTION UNLESS MODIFIED BY THE COURT TO
PREVENT MANIFEST INJUSTICE.**