

1 Attorney Name
Address
2 City, State
Telephone
3 State Bar #

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5 **UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

6	In re)	BK-
7)	Chapter
8)	Adv. No.
9	Debtor(s).	)	STANDARD DISCOVERY PLAN
10		)	OR
11		)	REQUEST FOR WAIVER OF
12		)	FILING DISCOVERY PLAN
13	vs.	)	(Circle One)
14		)	AND
15	Plaintiff(s),	)	SCHEDULING ORDER RE:
16		)	PRE-TRIAL MATTERS
		)	AND TRIAL
		)	<u>PRE-TRIAL</u>
		)	Date:
		)	Time:
		)	<u>TRIAL</u>
		)	Date:
		)	Time:
	Defendant(s))	

17 **1. Discovery Plan**

18 **Request for waiver of requirement to prepare and file a formal discovery**
19 **plan.**

20 The parties certify that all discovery can be completed informally, without the need of
21 court intervention and in conformance of the Standard Discovery Plan, and that the matter will
22 be ready for trial within 120 days, or

23 **A discovery plan is needed or useful in this case. Check one:**

24 The parties agree to the standard discovery plan and scheduling order.

25 The first defendant answered or otherwise appeared on _____. Discovery shall
26 be completed within _____ days, measured from the date the first defendant answered or
27

1 otherwise appeared. Discovery will close by _____.

2 _____ The parties jointly propose to the court the attached discovery plan and
3 scheduling order. (Use Official Form 35 to the Federal Rules of Civil Procedure.)

4 _____ The parties cannot agree on a discovery plan and scheduling order. The
5 attached sets forth the parties' disagreements and reasons for each party's position. (Use Official
6 Form 35 of the Federal Rules of Civil Procedure.)

7 **Complete parts 2 - 6.**

8 **2. Nature of the Case.** Brief description of the nature of the case, i.e., dischargeability,
9 denial of discharge, turn-over, contract, etc. _____
10 _____

11 **3. Jury Trials:** Check one:

12 _____ A demand for a jury trial has not been made

13 _____ A demand for a jury trial has been made pursuant to Fed. R. Civ. P. 38(b), and in
14 conformity with LR 9015, but one or more of the parties does not consent to a jury trial pursuant
15 to 28 U.S.C. § 157(e).

16 _____ It is expressly understood by the undersigned parties they have demanded a jury
17 trial pursuant to Fed. R. Civ. P. 38(b), and in conformity with LR 9015, and have consented to a
18 jury trial pursuant to 28 U.S.C. § 157(e).

19 An original and two (2) copies of all instructions requested by either party shall be
20 submitted to the clerk for filing on or before _____.

21 An original and two (2) copies of all suggested questions of the parties to be asked of the
22 jury panel by the court on voir dire shall be submitted to the clerk for filing on or before
23 _____.

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1 **4. Additional Pleadings.** Are there any counterclaims, cross claims or amendments to the
2 pleadings expected to be filed?

3 _____ Yes

4 _____ No

5 **5. Settlement Conference**

6 _____ A settlement conference is requested.

7 If checked, a settlement conference is requested no earlier than _____.

8 _____ Settlement cannot be evaluated prior to additional discovery. The parties
9 may later request a settlement conference.

10 **6. Trial**

11 The case should be ready for trial by _____ and should take
12 _____ day(s).

13 **7.** All parties (consent/do not consent) to this court entering final judgment. (Circle one).

14

15 Dated: _____

Dated: _____

16

17 _____
Signature of Counsel for Plaintiff(s)

Signature of Counsel for Defendant(s)

18 Type Name of Counsel

Type Name of Counsel

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**ORDER RE: PRE-TRIAL MATTERS; TRIAL;
AND SETTLEMENT CONFERENCE**

The parties having filed a discovery plan or a request for waiver in this case, and for good cause appearing,

IT IS HEREBY ORDERED that the provisions checked below are hereby adopted by this court as its order.

The request for waiver is granted and no formal discovery plan is required to be filed.

The discovery plan filed by the parties shall govern the matters set forth therein.

Discovery shall be completed by the date shown in the Standard Discovery Plan.

The scheduling conference set with the issuance of the summons (or the continued scheduling conference) is hereby vacated.

The parties shall participate with their clients in a settlement conference in accordance with the Settlement Conference Order (a copy of which will be sent by the court).

The court may at a later time, either upon its own motion or at the request of counsel, order a settlement conference.

A pre-trial conference will be held on _____ at _____.

TRIAL STATEMENTS

No trial statement is required.

Each party shall file a trial statement (or counsel may meet and file a joint trial statement)

The parties shall file a joint trial statement.

Trial statements shall contain the information as shown on, and in the form of, Part "A" attached hereto. Trial statements shall be filed on or before fourteen days before the pre-trial conference, or if no pre-trial conference is set fourteen days before trial.

1 Any objections made pursuant to Fed. R. Bank P. 26(a)(3) shall be made no later than
2 five days after the opposing party files its Trial Statement.

3 **PRETRIAL MOTIONS**

4 _____ Motions in Limine must be filed _____ days prior to the pre-trial conference, or
5 if no pre-trial conference is set, _____ days before trial. Responses are due no
6 later than five days thereafter.

7 _____ Trial of this matter is set before a visiting judge in Las Vegas. Any motions
8 regarding this adversary shall be set by contacting the Courtroom Deputy,
9 Harriette Whitehouse, at 388-6710.

10 _____ Trial of this matter is set before a visiting judge in Reno. Any motions regarding
11 this adversary shall be set by contacting Linda Duffy at (775) 784-5023, ext.
12 3111.

13 **EXHIBITS/WITNESS LISTS**

14 Each party shall lodge and meet with the Courtroom Deputy Clerk not later than the day
15 before the trial the following:

16 (1) The original and 1 copy of all exhibits, bound and tabbed. All exhibits shall
17 be marked with stickers on the lower right corner of the exhibit whenever possible.

18 Log forms may be obtained from the Courtroom Deputy Clerk.

19 All exhibits to which there are no objection shall be admitted by stipulation.

20 Counsel may stipulate to an exhibit on one ground (e.g., foundation) while preserving an
21 objection on another ground (e.g., relevance).”

22 (2) List of witnesses with correct spelling of the witnesses’ full name.

23 **Counsel must make an appointment with the respective Courtroom Deputy to meet**
24 **with them to lodge the exhibits.**

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PART "A"
(Trial Statements)

The trial statement(s) shall contain the following items:

1. The disclosures required by Fed. R. Civ. P. 26(a)(3), as adopted by Fed. R. Bank. P. 7026 and LR 7026.
2. A concise statement of the nature of the action and contentions of the parties.
3. A statement as to the core or non-core jurisdiction of the Court, with legal citations.
4. Stipulated facts.
5. Contested issues of law with concise memorandum of authority.
6. Log of exhibits which may be offered in evidence, including any exhibits for impeachment or to refresh the memory of a witness.
7. Any special trial issue which requires the Court's attention.
8. The list of witnesses, with their addresses, expected to be called..