

Rule 7016-1
Pretrial Procedures

(a) Initial Scheduling Conference. In any proceeding the court may in its discretion schedule an initial scheduling conference, in accordance with Fed. R. Bankr. P. 7016. At such initial scheduling conference, the court may issue a scheduling order setting dates for:

- (1) the amendment of pleadings and joinder of additional parties;
- (2) the completion of discovery;
- (3) the filing and hearing of dispositive motions; and
- (4) a final pretrial conference and/or trial.

(b) Continuance of Dates Set in Scheduling Order. The parties and their counsel are bound by the dates specified in the scheduling order and no extensions or continuances thereof shall be granted in the absence of a showing of good cause. Mere failure on the part of counsel to proceed promptly with the normal process of discovery shall not constitute good cause for an extension or continuance of any date set in the scheduling order. Motions for continuance of any date set in the scheduling order shall be filed at least seven (7) days prior to that date.

(c) Proposed Joint Pretrial Report. In all adversary proceedings, the parties will be ordered to file a proposed Joint Pretrial Report at least seven (7) days prior to the final pretrial conference, in accordance with the requirements set forth in paragraphs (1) and (2) below.

(1) Initial Draft by Plaintiff/Movant. In all instances that require the filing of a Joint Pretrial Report, it is the plaintiff/movant's responsibility to prepare the initial draft of the report and to serve its portion on opposing counsel at least four (4) days before the report is due. The opposing party must then submit its portion to the plaintiff/movant within two (2) days thereafter. If either party fails to perform as required herein, the aggrieved party must file an affidavit stating the facts which constitute the failure to cooperate by the other party.

(2) Affidavit of Noncompliance. Upon consideration of an affidavit filed in accordance with paragraph (c)(1) of this LBR and any response thereto, the court may order that the matter proceed as a defaulted matter in the following manner:

(A) If the plaintiff/movant is in default as to the filing of the Joint Pretrial Report or any of the requirements specified in subsection (c)(1) of this LBR, the court may dismiss the matter for want of diligent prosecution.

(B) If the respondent is in default as to the filing of the Joint Pretrial Report or any of the requirements specified in subsection (c)(1) of this LBR, the respondent may not be allowed to present its defense at trial, except by leave of court, for cause shown.

(d) Duty to Confer Prior to Evidentiary Hearing. At least ten (10) days prior to the commencement of an evidentiary hearing, counsel must confer in a good faith effort to resolve the dispute.