

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

In re:)	Bankruptcy No.
)	
Debtor(s).)	Chapter
)	Judge Lynch
)	
Plaintiff(s),)	
)	
v.)	Adv. No.
)	
Defendant(s).)	
)	

FINAL PRETRIAL ORDER (Virtual Hearing)

The following terms shall govern the future course of this proceeding. **FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER WILL RESULT IN THE IMPOSITION OF APPROPRIATE SANCTIONS PURSUANT TO FED. R. CIV. P. 16(f), which may include waiver of claims or defenses, dismissal, default, exclusion or admission of evidence, fines or monetary sanctions or such other sanction as justice may require.**

UPON DUE NOTICE, the Court having held a Final Pretrial Conference on this date at which time all parties of record and their counsel appeared, all parties being afforded due and sufficient opportunity to present all matters necessary for the Court’s consideration, and the Court being further advised in the premises;

IT IS HEREBY ORDERED that this matter is set for _____, to begin at __: __.m. The Court has determined that a total of __ hours will be allotted. The trial shall be conducted as follows:

1. Counsel of Record. Unless permitted otherwise by the Court, argument and the examination of witnesses will be conducted by the following attorneys:
For the Plaintiff(s):
For the Defendant(s):
For the Trustee: (Optional)]

2. Continuances. No continuance of the trial date or other relief from this Final Pretrial Order will be granted except for good cause shown.

3. Discovery. All discovery is closed [shall be completed by _____].

4. Pleadings and Dispositive Motions. All amendments to pleadings and any dispositive motions must be filed by _____.

5. Stipulations. On or before _____, the parties shall jointly file their Stipulations of Fact setting forth the agreed facts in numbered paragraphs.
6. Motions in Limine. All motions *in limine* and supporting memoranda, if any, shall be filed on or before _____.
7. Exhibits. On or before _____, the parties must exchange with one another all exhibits that they anticipate offering into evidence. No other exhibits may be introduced at trial, except for rebuttal purposes. In addition, each party shall provide to the Court an electronic copy of their exhibit list and all exhibits in PDF format via email to **Lynch_Exhibits@ilnb.uscourts.gov** on or before _____. Each exhibit should be marked with an exhibit number and attached to the email as a separate PDF file. The Movant shall number its exhibits numerically and the Debtor shall number its exhibits alphabetically. Each page of each exhibit shall bear a consecutively numbered page number. These exhibits will be used at trial through the Court's evidence presentation system and counsel should familiarize themselves with that system before trial.
8. Witness List. On or before _____, the parties must identify to one another all persons whose testimony they anticipate presenting at trial. No later than _____, each party shall file with the Court their list of witnesses in which they must identify their expert witnesses if any, and the subject of the proposed expert testimony and whether the expert had prepared a written report. No other witness will be permitted to testify, except for rebuttal witnesses.
9. [Pretrial Statement. On or before _____, each party shall file a brief Pretrial Statement containing: (i) its statement as to the Court's jurisdiction to hear and enter final judgment in this matter; (ii) its statement of disputed facts; and (iii) any objection it may have to the proposed witnesses or the authenticity or admissibility of any proposed exhibit. **Objections to exhibits not raised in the Pretrial Statement are hereby deemed waived.]**
10. Virtual Connection. To appear and participate at trial, or to observe this hearing, you must use the link: <https://www.zoomgov.com>, then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is _____ and the password is _____. Interested persons are encouraged to review the *Notice Regarding Court Hearings Conducted Remotely in the Western Division* found on the Court's website for further information and tips about successful participation in this virtual hearing.
11. Sworn Testimony. Witnesses will be sworn and their testimony taken remotely pursuant to Rule 43(a), the Court finding that the current public health emergency constitutes good cause in compelling circumstances for doing so and that the videoconference platform and provisions of this Order provide appropriate safeguards. The testimony of each witness so sworn will have the same effect as if they were testifying in open court.
12. Witnesses. Each witness must testify from a quiet room, situated so that they can be clearly heard and seen on the video feed, and so that they also can clearly hear and see the video proceedings. **No person may be in the same room as the witness** who is testifying without prior leave of court. While testifying, the witness may not communicate or receive information in any fashion, other than by the questioning attorney or the judge, or as otherwise permitted by the judge. The

witness may not have any documents in the room, including on any device, except for the documents or exhibits posted on the video screen by the Court. A recess must be first granted by the Court if the witness and her attorney need to communicate.

13. [Exclusion of Non-Party Witnesses. (Optional)]
14. Deposition Transcripts and Demonstrative Exhibits. The parties may email to the email address listed in paragraph 7 above in PDF format deposition transcripts and other material for use in impeachment or to refresh recollection. Each item posted for that purpose shall be separately identified using the labeling convention “[Party] Item A, . . . Item B,” etc., and shall not be labeled in the same fashion as the trial exhibits. Demonstrative exhibits may also be posted in this fashion. Such deposition transcripts and demonstrative exhibits must be emailed to the Court at the above address for exhibits by _____. [No deposition testimony has been designated for other purposes at trial.]
15. No Recording. Any electronic, photographic or mechanical recording of these proceedings by any party, witness or observer, by any means, is strictly prohibited. Anyone who violates this provision may be subject to a Rule to Show Cause as to why they should not be held in contempt of court.
16. Courtroom Formalities. Though conducted via the virtual platform, the trial constitutes a judicial proceeding that will be conducted pursuant to Federal Rules of Civil Procedure and subject to the rules and practices of this Court. The formalities of the courtroom will be observed.

Date:

ENTER:

Thomas M. Lynch
United States Bankruptcy Judge