

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
The Honorable Michael E. Romero**

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|--|---|----------------------------------|
| In re: |) | |
| |) | |
| @, |) | Case No. @ |
| |) | |
| Debtor@. |) | Chapter @ |
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| @ |) | |
| @ |) | |
| |) | |
| Plaintiff@, |) | |
| |) | |
| v. |) | Adversary Proceeding No. @-@ MER |
| |) | |
| @ |) | |
| |) | |
| Defendant@. |) | |

ORDER FOR COMPLIANCE WITH RULE 7026, FED.R.BANKR.P. (Rule 26(f), Fed.R.Civ.P.) AND NOTICE OF STATUS AND SCHEDULING CONFERENCE

THIS MATTER comes before the Court on the Plaintiff@’s Complaint filed @ @, 200@, and Defendant@’s Answer, filed @ @, 200@. The Court, having reviewed the file and being advised in the premises,

DOES ORDER as follows:

1. A status and scheduling conference in the within adversary proceeding is hereby scheduled for @, @ @, 200@, [Set approx. 45 days from date of mailing]at @:00 @.m. in **Courtroom D**, on a trailing docket, United States Bankruptcy Court for the District of Colorado, U.S. Custom House, 721 19th Street, Denver, Colorado 80202-2508. If counsel/parties wish to appear at the hearing by telephone, they shall, **on or before @ @, 200@**, provide the Court (at (303) 844-7273) with a telephone number where they may be reached at the time set for the hearing. COUNSEL/PARTIES SHALL BE AVAILABLE AT THE TIME SET FORTH ABOVE. If a party is unavailable—which includes a “busy” signal, no answer, an answering machine “answers,” or counsel/the party is on another line or out of the office—that party **will be deemed to have failed to appear**, and be subject to imposition of sanctions as appropriate.

2. Pursuant to Rule 7026, Fed.R.Bankr.P., Rule 26, Fed.R.Civ.P., and L.B.R. 726.1, counsel shall, on or before @ @, 200@[21 days before conference]:

- A. Confer and discuss, pursuant to Rule 7026, Fed.R.Bankr.P., and Rule 26(f), Fed.R.Civ.P.,
- (i) the nature and basis of their claims and defenses; and
 - (ii) the possibilities for a prompt settlement or resolution of the case.
- B. Complete all initial disclosures required by Rule 26(a)(1), Fed.R.Civ.P.
- C. Develop a specific and firm discovery schedule and plan. This discovery plan should
- (i) contain firm deadlines for completion of discovery and a date to file dispositive motions;
 - (ii) address any pertinent matters and identify anticipated problems identified in Rule 16(b) and (c), Fed.R.Civ.P.;
 - (iii) identify the time frame for, and the expected length of, trial; and
 - (iv) comply with L.B.R. 726.1 or specify reasons why compliance should be waived.
- D. Submit a written report to the Court, on or before @ @, **200@**, [14 days before conference] which includes proposals for the following, or otherwise notify this Court by written report filed on or before the above date that the parties have resolved the issues in the within adversary proceeding and that a settlement and/or dismissal is imminent:
- (i) Amended pleadings shall be filed, and/or additional parties shall be joined, by _____.
 - (ii) Parties will provide expert disclosure under Rule 26(a)(2), Fed.R.Civ.P., by: _____.
 - (iii) All discovery shall be **completed** by: _____.
 - (iv) Dispositive motions and motions in limine shall be filed by: _____; responses shall be filed by: _____ (15 days after mailing of the motion); replies shall be filed by: _____.
 - (v) Trial briefs shall be filed by: _____; responses shall be filed by: _____ (10 days after mailing of the brief); replies shall be filed by: _____.

(vi) The parties do or do not request that a final pretrial conference be held prior to trial.

(vii) Trial is expected to take (insert amount of time, i.e., hours, days):

_____.

Submission of the report will serve as certification that all initial required disclosures, pursuant to Rule 7026(a), Fed.R.Bankr.P., have been fully and timely completed.

3. Counsel shall be prepared at the scheduling conference to discuss (a) anticipated discovery or procedural problems in the case, (b) settlement prospects, and (c) the proposed comprehensive discovery schedule.

4. Failure of the parties, or a party, to comply with, or otherwise respond to, this Order, or to appear at the status and scheduling conference, may result in the imposition of sanctions, dismissal of the within proceeding, or entry of judgment, if warranted and appropriate.

5. The parties shall commence discovery immediately after their Rule 26(f) meeting, referenced in paragraph 2(A) above, is concluded.

Dated April ____, 2004

BY THE COURT:

Michael E. Romero
U.S. Bankruptcy Judge