

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

In re:	Case No.           MER
Debtor.	Chapter
Plaintiff,	Adversary No.       MER
v.	
Defendant.	

**ORDER**

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

ORDERS AS FOLLOWS:

1. A status and scheduling conference in the within adversary proceeding is hereby scheduled for \_\_\_\_\_, **at 1:30 p.m.**, in Courtroom C. on a trailing docket, United States Bankruptcy Court for the District of Colorado, U.S. Custom House, 721 19<sup>th</sup> Street, Denver, Colorado. Parties wishing to appear by telephone shall call **720-904-7499** at the scheduled time of the hearing. The User ID for the conference call is **993 536 252#**. Please stay on the line until the court operator takes the roll call and the hearing begins.
2. Pursuant to Rule 7026, FED.R.BANKR.P., Rule 26, FED.R.CIV.P. and L.B.R. 7026-1, counsel shall, on or before \_\_\_\_\_,
  - 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;
    - ii. whether the parties consent to this Court's authority to enter final judgment with respect to all claims asserted in this

- matter; and
- iii. the possibilities for a prompt settlement or resolution of the case.

The parties are encouraged to consider the use of mediation to resolve some or all of their pending dispute(s). If the parties agree, there is a mediation program administered by the Faculty of Federal Advocates that may provide mediation services. Pursuant to Local Bankruptcy Rule 9012-2, the Court will refer this matter to mediation upon written stipulation by the parties. If the parties desire to pursue mediation, they should file a motion with the Court no later than the deadline set for the completion of discovery.

- b. Complete all initial disclosures required by Rule 26(1)(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; and
  - ii. address any pertinent matters and identify anticipated problems identified in Rule 16(b) and (c), FED.R.CIV.P.
- d. Submit a written report to the Court, on or before \_\_\_\_\_, 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 \_\_\_\_\_. Expert discovery shall be completed by \_\_\_\_\_.
  - iii. All fact discovery shall be **completed** by \_\_\_\_\_.
  - iv. Dispositive motions shall be filed by \_\_\_\_\_.
  - v. The parties [consent/do not consent] to this Court's authority to enter final judgment with respect to all claims asserted in this matter.

Submission of the report will serve as certification that all initial required disclosures, pursuant to Rule 7026(a), FED.R.CIV.P., have been fully and timely completed. Parties failing to indicate in the report whether they consent shall be deemed to have consented to this Court's authority to enter final judgment with respect to all claims asserted in this matter.

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

**Failure to file the required status report on or before the due date will result in the automatic vacation and rescheduling of the status and scheduling conference. Further failure of the parties, or a party, to comply with 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.**

DATED

BY THE COURT:

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Michael E. Romero, Chief Judge  
United States Bankruptcy Court