

**RULE 9013-2. EXCHANGE OF EXHIBITS, EXHIBIT LISTS AND WITNESS LISTS IN ALL CONTESTED MATTERS AND ADVERSARY PROCEEDINGS.**

(a). Unless otherwise directed by the Court, this rule shall apply to all contested matters and adversary proceedings in which a response is filed except for (i) hearings held during a chapter 13 panel, such as hearings on motions to dismiss chapter 13 cases; (ii) motions to modify the automatic stay in chapter 13 cases and individual chapter 7 cases to allow the foreclosure of liens on the debtor's principal residence or vehicle(s); (iii) objections to claims to which no response has been filed; or (iv) contested matters and trials covered by a separate scheduling order that specifically provides alternative deadlines for the exchange of exhibits, exhibit lists and witness list.

(b). Counsel for each party shall exchange exhibits by noon on the Day of Exchange in accordance with Table 1.

(c). Counsel for each party shall also exchange and file exhibit and witness lists with the Clerk of the Court by noon on the Day of Exchange in accordance with Table 1. Witness lists must identify whether each witness is to be called as a fact witness or as an expert. If no delineation is made, the witness will only be allowed to testify as a fact witness unless otherwise ordered by the Court, or the witness is an owner of the property at issue opining as to value.

(d). If counsel intends to use only hard copy exhibits at the hearing or trial, then counsel ~~must~~ deliver either hard-(i) a hard copy of the exhibits-exhibits to opposing counsel; or (ii) a copy of the exhibits by electronic mail to opposing counsel and-, if requested in writing from opposing counsel, a hard copy of the exhibits within 24 hours of receiving the written request. If no written request is made, counsel shall provide a hard copy of the exhibits to opposing counsel at the hearing or trial. If counsel intends to use technology in the courtroom by putting the exhibits on an electronic media so that exhibits may be shown on the screens in the courtroom, then counsel must deliver an electronic copy of the exhibits to opposing counsel and, if requested in writing, a hard copy of the exhibits within 24 hours of receiving the request. The electronic copy must contain the exhibits in the same order as they are contained on the electronic media to be used in the courtroom. Alternatively, tThe parties may agree in writing to a different manner of exchange, i.e., exchange by electronic mail, facsimile, Dropbox (or other form of internet-based distribution service), etc. Any party agreeing in writing to a different manner of exchange under this paragraph waives the right to object to the admission of any exhibit for non-compliance with this rule and to receive a hard copy of the exhibits under this paragraph.

(e). All hard copy exhibits should be clearly marked, tabbed and bound in a 3-ring notebook or utilizing another binding method that allows the exhibit book to open and lay flat on an even surface. ~~In addition to copies for opposing parties, counsel shall bring three hard copies of the exhibits to the scheduled hearing or trial—one for the court; one for the courtroom deputy; and one for witnesses.~~

(f). For exhibits that are more than 10 pages in length, each page of that exhibit must be numbered or bates labeled.

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(g). If counsel has identified expert witnesses on the witness list, then counsel must ensure that the written reports of the expert witnesses are timely provided to opposing counsel. Expert reports shall be delivered to opposing counsel by noon on the Day of Exchange in accordance with Table 1. Notwithstanding the foregoing, no expert reports shall be required for (i) owners of property opining on the value of the property; and (ii) attorneys providing expert testimony regarding the reasonableness and amount of attorney’s fees.

(h). ***Emergency Hearings.*** If a hearing is scheduled on an emergency basis and unless a specific order is otherwise issued, all of the above referenced procedures shall apply except that counsel must (i) exchange exhibits, exhibit and witness lists; and (ii) file exhibit and witness lists with the Clerk of the Court by noon of the Day of Exchange in accordance with Table 2. An emergency hearing is a hearing set (i) by order that expressly states that the hearing is an emergency hearing; or (ii) a hearing set by docket entry on less than 72 hours notice. If a hearing is set on less than two (2) days’ notice, then the exhibits must be exchanged at the earliest practicable time.

***(i). Contested Hearings in Chapter 13 and 7 Cases Involving less than TenFive Exhibits.*** In other contested matters in chapter 13 and 7 cases where a party intends to offer tenfive or fewer exhibits, counsel are not required to provide bound exhibits and may exchange exhibits with opposing counsel by electronic mail. All other requirements and deadlines will apply.

~~(j)-(i).~~ ***Contested Hearings in Complex Chapter 11 Cases.*** In contested matters in complex chapter 11 cases, counsel may deliver ~~exchange~~ exhibits via an internet-based distribution service that does not assess a charge to the party performing the download. The website address along with instructions for downloading the exhibits shall be made available in accordance with Table 1 or Table 2 as appropriate. If a party elects to deliver exhibits in accordance with this paragraph, counsel are not required to provide bound exhibits to counsel. All other requirements and deadlines will apply.

(k). The failure to timely comply with this rule may be grounds for the denial of the admission of any or all exhibits and the exclusion of witness testimony.

~~(j)-(l).~~ ***Regardless of the manner of exchange between counsel and unless otherwise instructed by the Court, counsel shall bring three hard copies of the exhibits to the scheduled hearing or trial—one for the court; one for the courtroom deputy; and one for witnesses.***

~~(k)-(m).~~ **Table 1.**

Scheduled Day for Hearing or Trial	Day of Exchange
Monday	Previous Thursday
Tuesday	Previous Friday
Wednesday	Previous Monday
Thursday	Previous Tuesday

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Friday	Previous Wednesday
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If the Day of Exchange is a legal holiday, the Day of Exchange would be the preceding Day of Exchange. For example, if the Scheduled Day for Hearing or Trial was a Wednesday and the Previous Monday was a legal holiday, the Day of Exchange would be the Previous Friday.

(+)(n). **Table 2.**

Scheduled Day for Emergency Hearing	Day of Exchange
Monday	Previous Friday
Tuesday	Previous Monday
Wednesday	Previous Tuesday
Thursday	Previous Wednesday
Friday	Previous Thursday

If the Day of Exchange is a legal holiday, the Day of Exchange would be the preceding Day of Exchange. For example, if the Scheduled Day for Emergency Hearing was a Wednesday and the Previous Tuesday was a legal holiday, the Day of Exchange would be the Previous Monday.