

APPENDIX C
TO THE LOCAL RULES OF THE SOUTHERN DISTRICT OF TEXAS

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
	§	
DEBTOR.	§	CASE NO.
	§	
	§	
PLAINTIFF,	§	ADVERSARY NO.
v.	§	
	§	
DEFENDANT.	§	

STANDARD JOINT PRETRIAL STATEMENT

Under Local Bankruptcy Rule 7016 and Rule 6 of the Local Rules of the District Court, counsel shall file a joint pretrial statement setting forth these matters. Plaintiff is responsible for filing the jointly prepared pretrial statement. All counsel shall cooperate in its preparation.

1. **Statement of the Case.** Concise statement of the case for the convenience of the court.
2. **Jurisdiction.** Indicate any jurisdictional questions; state if core or noncore. If noncore, the parties must all state whether they consent to entry of final orders or judgment by the bankruptcy judge.
3. **Motions.** List all pending motions.
4. **Contentions of Parties.** State concisely in short separate paragraphs what each party claims.
5. **Admissions of Fact.** List all facts which have been stipulated or otherwise require no proof.
6. **Contested Issues of Fact.** List all facts in controversy that are necessary to the final disposition of this case.
7. **Agreed Applicable Propositions of Law.** List the legal propositions not in dispute.
8. **Contested Issue of Law.** State briefly the issues of law in dispute. Memoranda of authorities on each shall be filed by litigants with the joint pretrial order.
9. **Exhibits.** An Exhibit List numbering and briefly describing all exhibits to be offered in evidence or referred to in trial shall be attached to the joint pretrial statement. To the

greatest extent possible, exhibits at trial should be bound with the exhibit list as in inside cover sheet. All exhibits must be marked by the parties for identification before trial, designating such exhibits by the name of the offering party, followed by an exhibit number. (For example, "Plaintiff's Exhibit 1"). ALL EXHIBITS WILL BE ADMITTED INTO EVIDENCE BY AGREEMENT OF COUNSEL AS THE FIRST ITEM OF BUSINESS AT TRIAL. Counsel for all parties are ordered to confer at their earliest convenience for the purpose of arriving at all possible stipulations and for the exchange of documents which will be offered in evidence at the trial. Documents or physical evidence not listed in the joint pretrial statement or produced to opposing counsel before the pretrial conference date will be inadmissible for any purpose during trial, except upon motion and leave. This shall not apply to rebuttal exhibits which cannot be anticipated. Objections to admissibility will be taken up at the pretrial conference. Supporting legal authorities and copies of exhibits in dispute shall be submitted to the court at least three business days before the pretrial conference. Counsel is encouraged to utilize the Court's electronics systems for the presentation of exhibits.

10. **Witnesses.** Each party should list the names and addresses of all witnesses expected to be called during trial with a brief statement of the facts expected to be proved by each witness. Counsel are expected to stipulate to the qualifications of experts. Inability to stipulate must be in the pretrial statement and specifically brought to the court's attention for resolution prior to trial. The proponent of a witness must state the amount of courtroom time needed for direct examination. The opponent must state the amount of courtroom time needed for cross examination of that witness. Failure to provide any of this information may result in counsel's inability to call or examine that witness for testimony at trial. This does not apply to rebuttal or impeachment witnesses.

11. **Settlement.** Report prospects of settlement. Counsel are expected to provide the Court with an analysis of those areas in dispute continuing to exist.

12. **Estimated Trial Time.** A statement of the estimated time to try the proceedings, and a statement as to availability of witnesses, including out of state witnesses.

13. **Attachments.** Include these required attachments for each party:

- A. Proposed findings of fact and conclusions of law, with supporting authorities in a memorandum of law;
- B. Exhibit Lists:
 - i. 5 paper copies if exhibits will not be electronically presented; or
 - ii. 1 paper copy for Court if exhibits will be electronically presented.
- C. Objections to Exhibits (2 copies); and
- D. Witness Lists (2 copies).