

**Note Regarding Use of This Order.** This is the form of order the Court typically will enter following a scheduling conference.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re: *(Name)*

Debtor(s).

Case No. *(Number)*

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*(Name)*,

Plaintiff(s),

v.

Adv. No. *(Number)*

*(Name)*,

Defendant(s).

**ORDER RESULTING FROM SCHEDULING CONFERENCE**

At the scheduling conference held on *(date and time)*, *(name)* appeared for the plaintiff(s) and *(name)* appeared for the defendant(s).

1. Filing of Consent/Refusal to Consent Forms. Within 30 days after the entry of this Order, the parties shall file a Consent/Refusal to Consent to the Bankruptcy Court Hearing and Determining Claims, using the form on the Court's webpage: [www.nmb.uscourts.gov](http://www.nmb.uscourts.gov). Failure to timely file a properly completed, signed Consent/Refusal to Consent From will constitute consent to the Bankruptcy Court hearing and determining all claims and issuing final judgments, including money judgments.

2. Discovery completion deadline. All discovery shall be completed by *(date)*. Discovery shall be timely only if served soon enough to allow the other party(ies) to respond (using the applicable response times) before the discovery completion deadline.

3. Expert reports. Fed.R.Civ.P. 26(a)(2) shall apply in this adversary proceeding. Unless the Court orders otherwise, parties intending to present expert witness testimony must provide expert reports that comply with Fed.R.Civ.P. 26(a)(2)(B) as follows:

(a) All expert reports, other than rebuttal expert reports, shall be served on opposing *[party/parties]* no later than *(Date - generally 42 to 49 days before discovery completion deadline)*, except

(b) Expert reports intended solely to contradict or rebut an expert report served by the opposing [party/parties] shall be served on the other [party/parties] no later than *(Date - generally 21 to 35 days before discovery completion deadline)*.

A party who will not present evidence under Fed.R.Evid. 702, 703, or 705 need not comply with the above requirements or deadlines.

4. Dispositive motions deadline. The deadline to file dispositive motions shall be *(date - generally 21 days after discovery completion deadline)*. Responses to any dispositive motions are due 21 days after the date of service of any such dispositive motion. Replies are due 14 days after service of a response.

5. Pretrial order.

(a) Plaintiff's portion of the pretrial order is due to Defendant by: *(Date-generally 21 days after discovery completion deadline)*.

(b) Defendant's portion of the pretrial order is due to Plaintiff by: *(Date-generally 35 days after discovery completion deadline)*.

(c) Consolidated pretrial order due: *(Date-generally 42 days after discovery completion deadline)*. Plaintiff shall submit the consolidated pretrial order to the Court by e-mail, in Word or Wordperfect format, to the assigned judge: [thumastaff@nmcourt.fed.us](mailto:thumastaff@nmcourt.fed.us) or [jacobvitz@nmcourt.fed.us](mailto:jacobvitz@nmcourt.fed.us). The pretrial order shall be in the form of, and include the information set forth in, the sample pretrial order posted on the judges' General Procedures page of the Court's website: [www.nmb.uscourts.gov](http://www.nmb.uscourts.gov).

6. Status conference. On *(date)*, a status conference will be conducted by the Court's Courtroom Deputy in the in the Court's Hearing Room located on the thirteenth floor of the Dennis Chavez Federal Building and U.S. Courthouse, 500 Gold Avenue SW, Albuquerque, New Mexico, to set dates for a pretrial conference and a trial. Counsel should anticipate a trial date approximately 45 to 60 days from this date. Counsel and unrepresented parties may appear via telephone at the status conference if requested no later than the business day before the status conference. Telephone appearance requests should be made per the Court's normal procedures, as outlined on the Court's website.

7. Pretrial conference. Following the status conference, a pretrial conference shall be held before the Court. Trial counsel and unrepresented parties shall appear in person at the pretrial conference, and must be able to represent that they have made a good faith attempt to settle the matter. However, out of town counsel and unrepresented parties may appear at the pretrial conference by telephone.

8. Failure to comply. Failure to comply with this order may result in dismissal of the action, default, the assessment of costs and attorney's fees, or other appropriate penalties.

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[NAME OF JUDGE]  
United States Bankruptcy Judge

Date entered on docket: \_\_\_\_\_

Copies to:

*(Name)*