

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

KIMBERLY RUSSELL,

Debtor(s).

TERRI GEORGEN,

Plaintiff(s),

v. **ORDER FOR TRIAL**

AMENDED ORDER FOR TRIAL

ADV 04-4105

BKY 02-41020

KIMBERLY A. RUSSELL,

Defendant(s).

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IT IS ORDERED:

1. This proceeding is set for trial in Courtroom No. 7 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, on **November 30, 2004 at 10:30 a.m.**

2. No later than **ten (10) days** prior to trial, all parties are expected to confer ~~and enter into~~ a stipulation as to the following:

- a) Waiver of objections to the admissibility of exhibits on the grounds of lack of identification or foundation where the identification or foundation is not to be contested.
- b) Waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any.
- c) Facts which are not disputed. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact.

At this conference, counsel shall provide copies of each exhibit for inspection by opposing counsel and for waiver or noting of objection.

3. No later than **five (5) days** prior to trial, the parties

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shall prepare, serve and file an original of the following:

- a) The stipulations regarding admissibility of exhibits and depositions.
- b) The stipulation of facts which are not disputed.
- c) A final witness list containing the names, addresses and brief summary of the testimony of each witness the party will call. A person not listed on this list may not testify during the party's case-in-chief.
- d) A final exhibit list containing a description of all exhibits to be offered at trial. Exhibits not listed on this list may not be offered during the party's case-in-chief. Each exhibit shall be marked and the list shall identify the exhibits by their letters or numbers.

The plaintiff shall identify the plaintiff's exhibits with numbers as follows:

Plaintiff's Exhibit 1  
Plaintiff's Exhibit 2  
etc.

The defendant shall identify the defendant's exhibits with letters as follows:

Defendant's Exhibit A  
Defendant's Exhibit B  
etc.

If there is more than one plaintiff or defendant, then the parties shall confer so as to avoid duplication of exhibit identification;

- e) A list of depositions to be offered at trial.
- f) A trial memorandum containing a complete chronology of the party's version of the facts and a complete statement of the law on which the party relies.
- g) Proposed Findings of Fact and Conclusion of Law.

4. At the time that an exhibit is offered at trial, a copy shall be provided to the court recorder operator for the use of the

court.

5. Failure to comply with this order may result in the imposition of sanctions under Bankruptcy Rule 7016 and Fed. R. Civ. P. 16(f).

Dated: October 4, 2004

[/e/ Nancy C. Dreher](#)

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NANCY C. DREHER  
UNITED STATES BANKRUPTCY JUDGE

