UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

JOHN HENRY MASONRY, INC.

Debtor(s).

ORDER FOR TRIAL

TERRI A. GEORGEN-RUNNING, TRUSTEE

Plaintiff(s),

ADV 04-4245-RJK

BKY 03-48375-RJK

v.

DAVID A. MELANSON

Defendant(s)

IT IS ORDERED:

1. This proceeding is set for trial in Courtroom 8 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, on December 3, 20 04, at 2:00 p.m.

2. On or before November 19, 20 04 all parties are expected to confer and enter into stipulations 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.

NOTICE OF ELECTRONIC FILING ENTRY ORDER OR JUDGEMENT
Filed and Docket Entry Made on SEP 22 2004
Lori Vosejpka, Acting Clerk by: CN

5-1

3. No later than five (5) days prior to trial (excluding Saturdays, Sundays and holidays), the parties shall prepare, serve and file 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.

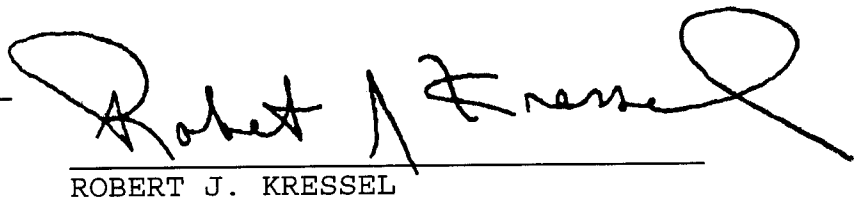
g) Proposed Findings of Fact and Conclusions of Law.

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).

6. Fed. R. Civ. P. 26(a)(1), (a)(2), (a)(3) and (f) do not apply in this proceeding.

Dated: September 22, 2004
(one-half day reserved)



ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE

STATE OF MINNESOTA
SS.
COUNTY OF HENNEPIN

I, Carrie Nordstrom, hereby certify: That I am a Deputy Clerk in the Office of the United States Bankruptcy Court for the Fourth Division of the District of Minnesota, at Minneapolis, Minnesota; That on September 22, 2004, true and correct copies of the annexed:

ORDER FOR TRIAL

were placed by me in individual franked official envelopes, that said envelopes were addressed individually to each of the persons, corporations, and firms at their last known addresses appearing hereinafter; that said envelopes were sealed and on the day aforesaid were placed in the United States mails at Minneapolis, Minnesota, to:

US TRUSTEE
1015 US COURTHOUSE
300 SOUTH FOURTH ST
MPLS MN 55415

ANDREA M HAUSER ESQ
FULLER SEAVER & RAMETTE
12400 PORTLAND AVE S STE 132
BURNSVILLE MN 55337

JOSEPH A WENTZELL ESQ
FOSTER WENTZELL HEDBACK LLC
2855 ANTHONY LN S STE 201
ST ANTHONY MN 55418

and this certificate was made by me.

Carrie Nordstrom

Deputy Clerk