

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION

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In re: JOEL DAVID TROSKA and  
SHERYL KAY TROSKA,  
Debtors,

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Keith Connaughty,

Plaintiff,

vs.

Joel David Troska and  
Sheryl Kay Troska,  
Defendants.

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SCHEDULING ORDER AND ORDER  
FOR TRIAL

BKY 03-33277

ADV 03-3235

The Court was advised this adversary proceeding had settled. No settlement has been received, and the deadlines from the original scheduling order are now past. Therefore, the following new deadlines, and a trial date have been set:

IT IS HEREBY ORDERED:

1. **Witness and Exhibit Lists.** No later than **September 27, 2004**, counsel for each party shall prepare, serve, and file a list of the names and addresses of all witnesses whom counsel may call at trial.

2. **Exhibits.** By the following deadlines, counsel shall take the following actions with respect to exhibits:

a. By **October 7, 2004** counsel shall service and file a list of all exhibits that counsel may offer at trial. The *plaintiff shall designate all exhibits by number and the defendant shall designate all exhibits by letter.*

b. By **October 7, 2004** counsel shall exchange full copies of all exhibits identified in their lists.

- c. By **October 17, 2004** counsel shall prepare, sign, and file a stipulation as to the admissibility of as many designated exhibits as possible. The stipulation may go to the foundation and authenticity alone (reserving objection as to relevancy), or may go to admissibility as a whole.
- d. By **October 17, 2004** counsel shall file a statement of their client's specific objections as to all exhibits not covered by the stipulation contemplated by term 4.c.

3. **Stipulation of Fact.** By **October 7, 2004**, counsel for all parties will confer and enter into a stipulation of uncontroverted facts. This stipulation will be reduced to writing and filed within ten (10) days thereafter, in a form which can be adopted by the Court as Findings of Fact.

4. **Motions in Limine.** By **October 7, 2004**, counsel shall serve and file all motions in limine. If the issues in such motions are complex, counsel shall set such motions on the calendar for a date *before* the date of the trial.

5. **Trial Briefs.** By **October 17, 2004**, counsel for each party will prepare, serve, and file a trial brief containing an outline of evidence which shall be adduced and a complete statement of points and authorities on issues of law.

6. This adversary proceeding is set for trial on **November 2, 2004 at 9:30 a.m.**, in Courtroom No. 228B, U.S. Courthouse, 316 North Robert Street, St. Paul, MN 55101. Counsel shall arrive sufficiently early before trial to stamp and mark all proposed exhibits. The Court has allotted a maximum of **one (1) day(s)** for trial; counsel and the parties shall be prepared to complete trial with the time allotted. **NO FURTHER NOTICE OF THE TRIAL DATE WILL BE GIVEN.**

7. **Effect of This Order.** All deadlines in this order are mandatory, unless extended by order. Such an extension may be obtained once, on stipulation reciting specified good cause in its terms, and otherwise only by formal motion. ***If any party is not represented by an attorney, he or she shall comply with all requirements directed to "counsel" in this order. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UPON COUNSEL OR PARTY, PURSUANT TO FED. R. CIV. P. 16(f), as incorporated by FED. R. BANKR. P. 7056.***

BY THE COURT:

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DATED: September 14, 2004

GREGORY F. KISHEL  
CHIEF UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

I, Anita M. Larson, hereby certify:

That I am the Calendar Clerk for Judge Gregory F. Kishel of the United States Bankruptcy Court for the Third Division of the District of Minnesota at St. Paul, and that on September 14, 2004 true and correct copies of the annexed:

SCHEDULING ORDER AND ORDER FOR TRIAL

were placed by me in individual official envelopes; that said envelopes were addressed to each of the person{s}, corporations, and firms at their last known addresses, were sealed and the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

THOMAS MANION ESQ  
HERRICK & MANION LAW FIRM  
600 KENILWORTH AV S BOX 420  
LANESBORO MN 55949

SCOTT SPRINGER ESQ  
ADAMS RIZZI & SWEEN  
200 FIRST ST NW  
AUSTIN MN 55912

and this certificate was made by me.

/e/ Anita Larson  
Calendar Clerk