UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:
Gary James Vad and
Charity Sue Vad,
Debtor.

SCHEDULING ORDER AND
ORDER FOR TRIAL

Northern State Bank of Gonvick,

Plaintiff,

vs.

BKY 04-50139
ADV 04-5019

Gary James Vad,
Defendant.

DATE OF SCHEDULING CONFERENCE: June 9, 2004

APPEARANCES: For Plaintiff: James Fischer

For Defendant: Seamus Duffy

UPON the Scheduling Conference held in this adversary proceeding, IT IS HEREBY ORDERED:

1. ***Inapplicability of Disclosure Requirements.*** The provisions of FED. R. CIV. P. 26(a)(1), 26(f), 26(a)(2), and 26 (a)(3) shall not apply in this adversary proceeding.

2. ***Discovery***. On or before **August 9, 2004**, counsel for each party shall *complete* all discovery proceedings authorized by FED. R. CIV. P. 26 through 37. In relation to discovery:

a. Initial discovery requests shall be served *promptly* after the entry of this order, if they have not been made to date. All discovery requests and notices shall be served enough in advance of the deadline to permit a full period for answer, absent consent of the answering party or deponent.

NOTICE OF ENTRY AND FILING
ORDER OR JUDGMENT
Filed and Docket Entry made
on June 10, 2004
Patrick G. De Wane, Clerk
By _____ Deputy Clerk

7-1

b. Motions to compel discovery may be made only after full compliance with LOC. R. BANKR. P. (D. MINN.) 7037. All such motions shall be served and filed no later than fifteen days before the deadline for completion of discovery. If necessary, such motions shall be coupled with a motion for an extension of that deadline and any related deadlines.

c. Counsel shall not file written discovery requests or responses until such time as the Court may have to consider them for substantive or impeachment purposes in connection with a pending motion or at trial.

3. ***Pre-trial Jurisdictional Motions***. All motions for abstention, remand, determination of the right to jury trial, transfer to U.S. District Court, or other relief related to this Court's jurisdiction and authority to hear and finally determine this adversary proceeding shall be served and filed within thirty(35) days of the date of this Scheduling Order.

4. ***Witness Lists***. No later than ***August 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.

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

a. By ***September 8, 2004:*** counsel shall serve 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 ***September 8, 2004:*** counsel shall exchange full copies of all exhibits identified in their lists.

c. By ***September 8, 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 ***September 8, 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.

In addition to the copy of their client's exhibits to be offered formally into evidence, counsel shall bring to trial two full additional collated and stapled copies of all exhibits (for the judge and the law clerk), plus an additional such copy for each opposing party's review and use at trial. All such copies shall be premarked according to the identification system of Term 4.a., with the proponent (plaintiff or defendant) identified in the marking. If there are multiple parties plaintiff or defendant, each such shall identify itself as a plaintiff or defendant with an additional abbreviated form of the name by which it is identified in the caption.

6. ***Stipulation of Fact***. By ***September 8, 2004,*** counsel for all parties shall jointly prepare, sign, and file a stipulation of uncontroverted facts, particularly as to basic documentary and transactional events. *For the purposes of this requirement, a* stipulation is an **express agreement among parties.** *The court does not wish to see a document entitled "stipulation of facts" that is actually one party's unilateral statement of facts that it believes are uncontroverted, or should be, and will give no weight or cognizance to such a document.*

7. ***Motions in Limine***. By ***September 17, 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.

8. ***Trial Briefs***. By ***September 17, 2004,*** counsel shall serve and file trial briefs, setting forth the factual and legal bases of their clients' positions, and with thorough citations to all statutes, court decisions, and other law on which they will rely.

9. ***Pre-trial Settlement***. Counsel and the parties are strongly encouraged to time and conduct their negotiations so as to advise the court of settlement no later than seven days before the scheduled trial, in order to allow the court's calendar to be cleared for other matters

10. ***Trial***. The court will call this matter for trial on ***October 7, 2004 at 10:00 a.m.***, in Courtroom 2, 515 W First Street, Duluth, Minnesota 55802. The court has allotted ***one-half day(s)*** for trial. Counsel and the parties shall be prepared to fully submit this matter within that time. NO FURTHER NOTICE OF THE TRIAL DATE WILL BE GIVEN.

11. ***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:

Dated: June 10, 2004

GREGORY F. KISHEL
CHIEF UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

I, Anita M. Miller, hereby certify:

That I am the Calendar Clerk to Chief Judge Gregory F. Kishel, of the United States Bankruptcy Court for the Fifth Division of the District of Minnesota at Duluth, and that on **October 14, 2003**, true and correct copies of the annexed:

SCHEDULING ORDER NO. 8

were placed by me in individual official envelopes; that said envelopes were addressed individually to each of the person(s), corporations, and firms at their last known addresses, were sealed and on the day aforesaid were placed in the United States mails at Duluth, Minnesota, to:

JAMES FISCHER
PO BOX 644
CROOKSTON MN 56716

KEVIN DUFFY
PO BOX 715
THIEF RIVER FALLS MN 56701

and this certificate was made by me.

/e/Anita Miller
Deputy Clerk

Filed on June 10, 2004
Patrick G. De Wane,
Clerk
By amm Deputy Clerk