

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re

Invision of Duluth, Inc.

Debtor(s).

ORDER FOR TRIAL

Randall L. Seaver, Trustee

ADV 04-5027

Plaintiff(s),

BKY 02-50600

v.

SLM Financial Corp.,

Defendant(s).

IT IS ORDERED:

1. This proceeding is set for trial in Courtroom No. 2, 4th Floor, United States Courthouse, 515 West First Street, Duluth, Minnesota, on December 27, 2004 at 11:00.

2. On or before December 17, 2004, 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.

3. No later than five (5) days prior to trial, the parties shall prepare, serve and file an original and three copies of the following:

NOTICE OF ELECTRONIC FILING ENTRY ORDER OR JUDGEMENT	
Filed and Docket Entry Made on	<u>3-8-04</u>
Lori Vosejka, Acting Clerk by:	<u>A</u>

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- 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).

Dated: September 8, 2004



ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

I, Anita M. Miller, hereby certify:

That I am a Deputy Clerk for the United States Bankruptcy Court for the Fifth Division of the District of Minnesota at Duluth, and that on September 8, 2004, correct copies of the annexed:

ORDER

placed by me in individual official envelopes, postage prepaid; 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:

RANDALL SEAVER
12400 PORTLAND AVE S STE 132
BURNSVILLE MN 55337

JAMES C MACGILLIS
8000 FLOUR EXCHANGE BLDG
310 FOURTH AVE S
MINNEAPOLIS MN 55415

and this certificate is made by me.

/S/ Anita Miller
Deputy Clerk

Filed on <u>September 8, 2004</u> Lori Vosejka, Acting Clerk By amm Deputy Clerk
