

RULE 7016-1 - PRETRIAL PROCEDURES

Initial Pretrial Conference and Schedule Order. The Clerk will set a date and time for an initial pretrial conference upon issuance of the summons. If the Court issues a scheduling order prior to the initial pretrial conference, then the initial pretrial conference may be canceled. If, during the initial pretrial conference, the Court directs the parties to submit a proposed scheduling order, that proposed order must substantially conform to Maine Bankruptcy Form 5.

~~(a) — Initial Pretrial Conference Set. The Clerk will set a date and time for an initial pretrial conference upon issuance of the summons. If the initial pretrial conference is to be conducted telephonically, the plaintiff shall be responsible for placing the call to all parties and chambers.~~

~~(b) — Conference of Counsel In Advance of Initial Pretrial; Proposed Pretrial Order; Pretrial Order.~~

~~(1) — *Conference of Counsel.* As soon as practicable and in any event at least fourteen (14) days before the initial pretrial conference is held, counsel (or a pro se party) shall confer to determine the content of a proposed scheduling order. Counsel for the plaintiff shall initiate the conference of counsel. If plaintiff's counsel fails to initiate the conference, counsel for any other party shall initiate the conference and shall indicate as such on the submission to the Court pursuant to subparagraph (2) below.~~

~~(2) — *Proposed Pretrial Order.* No later than seven (7) days prior to the initial pretrial conference, the parties shall file a proposed joint pretrial order. Counsel shall use the form Joint Pretrial Statement/Pretrial Order which is available on the Court's Website under the category of Forms. If the parties cannot agree upon a proposed joint order, the parties shall submit a proposed joint order on so much as is agreed upon; they shall identify those areas on which there~~

~~is disagreement; each party shall submit proposed language on those areas in dispute. The proposed pretrial order shall include the following.~~

~~(i) Report on compliance with initial disclosures or a deadline for completing initial disclosures pursuant to Fed. R. Bankr. P. 26(a)(1);~~

~~(ii) Deadline(s) to join other parties and to amend the pleadings;~~

~~(iii) Deadline(s) to disclose experts and to complete discovery pursuant to Fed. R. Bankr. P. 26(a)(2) and (3);~~

~~(iv) Deadline(s) for the filing of anticipated procedural and/or dispositive motions;~~

~~(v) Any proposals for ADR or the involvement of another judge as settlement mediator;~~

~~(vi) The need for any further pretrial conference(s); and~~

~~(vii) Any other matter that the Court may consider pursuant to Fed. R. Bankr. P. 16(e).~~

~~(c) — Representation at Pretrial Conference. Unless excused for good cause, counsel (or a pro se party) appearing at any pretrial conference shall have primary responsibility for the conduct of the case and full authority to act on all procedural and substantive issues, including settlement. Appearance at any pretrial conference without such authority is grounds for imposition of sanctions upon the party, counsel or both.~~

~~(d) — Initial Pretrial Order. Upon completion of the initial pretrial conference, the Court may adopt the parties' proposed pretrial order or may issue any other pretrial order as may be appropriate.~~

~~(e) — Further Pretrial Procedures. The Court may conduct such further pretrial conferences and/or may issue such further pretrial orders without a conference as may be necessary or advisable to expedite the conduct of trial. In the absence of an order of Court, the plaintiff shall be responsible for placing the call for any telephonic further pretrial conference.~~

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

<p>In re:</p> <p>[Debtor Name(s)]</p> <p style="text-align: right;">Debtor(s)</p> <hr/> <p>[Plaintiff Name(s)]</p> <p style="text-align: right;">Plaintiff(s)</p> <p style="text-align: center;">v.</p> <p>[Defendant Name(s)]</p> <p style="text-align: right;">Defendant(s)</p>	<p>Chapter [XX]</p> <p>Case No. [XX-XXXXXX]</p> <p>Adv. Proc. No. [XX-XXXX]</p>
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Pretrial Scheduling Order

After [receiving the parties' report under Fed. R. Civ. P. 26(f) [Dkt. No. XX]] or [consulting with the parties at a scheduling conference on [DATE]], the Court issues this pretrial scheduling order, and establishes the following provisions and deadlines to govern the future course of this proceeding:

- I. Required Contents.
 - A. The deadline for joining other parties to this action is [date].
 - B. The deadline for amending the complaint under Fed. R. Civ. P. 15(a)(1)(B) is [21 days after service of the answer or 21 days after service of a motion under Rule 12(b), (e), or (f) – whichever is earlier]. The deadline for amending the answer under Fed. R. Civ. P. 15(a)(1) is [21 days after service of the answer]. [If there are counterclaims or third-party claims, address the time for amending those pleadings here.]
 - C. Discovery must be completed by [date].
 - D. The deadline for filing a motion under Fed. R. Civ. P. 12(b) or (e) is [30 days after the issuance of the summons, unless the defendant is the United States or an officer or agency thereof, in which case such motions are due within 35 days after the issuance of the summons]. The deadline for filing a motion under Fed. R. Civ. P. 12(c) is [30 days after service of the answer].

II. Permitted Contents.

- A. Initial disclosures under Fed. R. Civ. P. 26(a)(1):
 - a. must be made no later than [date]; or
 - b. will not be made because this proceeding is exempt from initial disclosure under Fed. R. Civ. P. 26(a)(1)(B)([identify applicable subpart of rule]).
- B. Expert disclosures under Fed. R. Civ. P. 26(a)(2):
 - a. must be made no later than [date].
- C. Pretrial disclosures under Fed. R. Civ. P. 26(a)(3):
 - a. must be made no later than [date].
- D. [Include any orders relating to the disclosure, discovery, or preservation of ESI here.]
- E. [Include any orders relating to claims of privilege or of protection as trial-preparation materials, including any orders under Fed. R. Evid. 502, here.]
- F. [Include any limitations on discovery, in addition to or contravention of those imposed by the Federal Rules here.]
- G. [Include any protective orders here.]
- H. [Include summary judgment provisions here.]
- I. [Include any other orders under Fed. R. Civ. P. 16(b) and (c) here.]

III. Further Proceedings.

- A. The Court will conduct a further pretrial conference in this matter on [date] for the purpose of [describe purpose here].

Date: _____

[Judge Name]
United States Bankruptcy Judge
District of Maine