

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

GENERAL ORDER

**RE: PRETRIAL PROCEDURES IN ADVERSARY PROCEEDINGS SET FOR TRIAL
BEFORE JUDGE PAUL B. LINDSEY**

1. The Court enters this order in an effort to expedite the trial of this matter.
2. The parties shall file, no later than ten (10) days prior to the date set for the trial, their Joint Pretrial Memorandum, approved by all counsel and by all unrepresented parties, and shall contemporaneously deliver two (2) copies thereof to Judge Lindsey's chambers.
3. Counsel for plaintiff shall be responsible for initiation of the preparation of the Joint Pretrial Memorandum and for the assembly and timely filing and submission of the same to the court. At the very least, counsel for plaintiff shall submit a proposed draft to counsel for all other parties and to all unrepresented parties no less than seven (7) days prior to the deadline for its filing and submission.
4. All counsel and all unrepresented parties are expected to make a diligent effort to ensure that the Joint Pretrial Memorandum is complete in all respects, and that all unresolved issues are fully, completely and adequately disclosed therein.
5. The Joint Pretrial Memorandum shall govern the conduct of the trial and shall supersede all prior pleadings in the case. Amendments subsequent to its filing and submission shall be permitted only in exceptional circumstances and only in order to prevent manifest injustice.
6. The Joint Pretrial Memorandum shall contain the following as to each party:
 - (A) A list of all witnesses whose testimony the party intends to present at trial, either in person or by deposition, identifying which, if any, of such witnesses will be called as experts;
 - (B) A list of all documents and other exhibits intended to be offered, appropriately identified by number or letter designation, and in the approximate order in which they are intended to be offered;
 - (C) A recitation of any objection, together with the grounds therefor, to the admissibility of any testimony, document or exhibit, proposed to be offered by another party;
 - (D) Confirmation that lists of all witnesses and exhibits have been provided to and received by all parties;

- (E) Stipulations of all facts which are admitted and which therefore require no proof;
- (F) A recitation of the issues of fact remaining to be litigated;
- (G) A recitation of the issues of law remaining to be litigated, together with citations of authority relied upon as to each;
- (H) An estimate of the length of the trial.

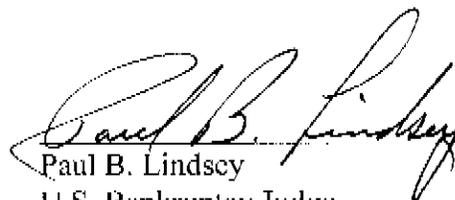
7. Each party shall bring to trial sufficient copies of all exhibits, assembled in binders and appropriately tabbed or otherwise identified, so that the Court, the Courtroom Deputy, the witness and all counsel will have a copy.

8. Any party may, but is not required to, file a trial brief, no less than seven (7) days prior to trial. If filed, two (2) courtesy copies of each such brief shall be delivered to Judge Lindsey's chambers contemporaneously with its filing. No trial brief shall be more than 25 double-spaced pages in length.

9. Failure to strictly comply with all of the provisions of this order may result in the imposition of sanctions, the entry of a dismissal or a default as the circumstances warrant, in accordance with Fed. R. Civ. P. 16, made applicable to this proceeding by Fed. R. Bankr. P. 7016.

10. The trial shall take place in the United States Bankruptcy Court, District of Delaware, at 824 Market Street, Courtroom location to be determined, Wilmington, Delaware on _____, 2004 at _____ m.

At Wilmington, Delaware this 10th day of June, 2004.


Paul B. Lindsey
U.S. Bankruptcy Judge