

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**GENERAL ORDER**

**RE: PRETRIAL PROCEDURES IN ADVERSARY PROCEEDINGS  
SET FOR TRIAL BEFORE JUDGE J. KATE STICKLES**

1. The Court enters this order in an effort to expediate trial of this matter.
2. Unless otherwise set forth in a case management or scheduling order, a proposed Joint Pretrial Order, approved by all counsel and by all unrepresented parties, shall be filed no later than three (3) business days prior to the earlier of the date set for the (a) pretrial conference (if one is scheduled) or (b) trial. Contemporaneously, two (2) copies of the Joint Pretrial Order must be delivered to Chambers.
3. Counsel for plaintiff shall be responsible for initiation of the preparation of the Joint Pretrial Order in the form of order on the Court's website (the "[Form of] Joint Pretrial Order"), and for the assembly, filing and submission of the same to the Court. Counsel for plaintiff shall submit a proposed draft to counsel for all other parties and to all unrepresented parties, no fewer 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 Order is complete in all respects, and that all unresolved issues are fully, completely, and adequately disclosed therein.
5. The Joint Pretrial Order shall contain the following information:
  - (i) Identify the parties.
  - (ii) Nature of the case.
  - (iii) Basis for jurisdiction. The parties shall state whether each matter is core or noncore. If a matter is noncore, the parties shall state whether they consent to the Court's entry of a final order pursuant to 28 U.S.C. § 157(c)(2). If the parties disagree, each shall cite relevant authority to support their positions. The parties shall include a statement, and cite supporting authorities, as to personal jurisdiction over each defendant who contests personal jurisdiction, if any.
  - (iv) Statement of uncontested facts.

- (v) Statement of disputed facts. No fact shall be disputed unless opposing counsel is prepared to present contrary evidence or genuinely challenge credibility.
- (vi) Statement of relief sought or damages claimed. A party seeking damages shall list each item claimed under a separate descriptive heading, provide a detailed description of each item, and state the amount of damages claimed. A party seeking relief other than damages shall list the form of relief sought and describe persons, parties, places, and things expected to be included in any order providing relief.
- (vii) Legal issues presented and the relied upon constitutional, statutory, regulatory, and decisional authorities, including foreign law authorities. Counsel shall briefly state which party has the burden of proof on each legal issue.
- (viii) Witness list. List witnesses in the order they will be called and briefly describe any testimony the witness is expected to provide and the relationship of such witness to any exhibits. Classify witnesses as those a party expects to present and those who may be called if needed. State whether each witness will be presented by deposition, declaration, proffer, or testimony, whether cross examination will occur, and, if applicable, whether each witness will be tendered as an expert.
- (ix) Exhibit list. List all exhibits to be offered into evidence. Exhibits shall be serially numbered and physically marked before trial in accordance with the schedule. Separately identify any document that a party may offer if needed.
- (x) Demonstrative exhibits list.
- (xi) An estimate of the length of trial.

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

7. The Joint Pretrial Order 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 to prevent manifest injustice.

8. Trial briefs are optional but if a party chooses to file a trial brief, it must be filed no later than five (5) business days prior to the day scheduled for trial, with two (2) copies contemporaneously delivered to Chambers. Trial briefs should not exceed thirty (30) double-spaced pages without leave of Court.

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. Counsel is required to notify Chambers as soon as possible if a matter has settled and will not be going forward. Counsel is required to file a notice of trial adjournment stating the reason(s) for adjournment of the trial. The parties shall also immediately advise Chambers, in writing, of any occurrence or circumstances which the parties believe may suggest or necessitate the adjournment or other modification of the trial date.

Dated: May 10, 2022

/s/ J. Kate Stickles  
J. Kate Stickles  
United States Bankruptcy Judge