

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

FORMAT FOR PRE-TRIAL STATEMENTS

Parties to an adversary proceeding must file a joint pre-trial statement at least seven (7) days before a trial is scheduled to begin. If the parties are not able to agree on the terms of the pre-trial statement, then each party must file and serve a separate pre-trial statement with an affirmation the party has made diligent, good faith efforts to produce a joint pre-trial statement, but was unable to do so.

The pre-trial statement must include the following information, in this sequence:

- (a) the case caption of the both the bankruptcy case and the adversary proceeding;
- (b) a brief procedural history of the case, including the dates: (i) the case was filed, (ii) the instant adversary proceeding was filed, (iii) the key pleadings and papers were filed in the case and adversary proceeding, and (iv) the pre-trial statement due date;
- (c) a list of the undisputed material facts;
- (d) a list of the disputed material facts;
- (e) an outline of the contested legal issues (including whether the Court has jurisdiction to enter final orders on each issue);
- (f) a summary of all evidentiary issues and any anticipated evidentiary objections;
- (g) an assertion that any motions *in limine* will be filed contemporaneously with the pre-trial statement or no later than 1 week prior to the trial or evidentiary hearing, whichever is earlier;
- (h) identification of witnesses, including: (i) the name of each witness who will testify, (ii) a brief summary of each witness's anticipated testimony, and (iii) the projected duration of each witness's testimony;
- (i) a list of exhibits and an affirmation that the parties will copy, mark, and exchange exhibits (and prepare exhibits for use with the Electronic Evidence Presentation System, if the parties are using that) no later than a half hour prior to the hearing, so the Court and all counsel will have a complete set available to them throughout the trial;
- (j) the estimated length of the trial;
- (k) a notation that a digital audio recording of the trial will be available on the docket, or an assertion that an application to restrict access to the recording will be filed no later than 24 hours before the trial (see Vt. LBR 5007-1(b)(2)); and
- (l) any unique circumstances the parties will ask the Court to address as part of the trial.