**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF VERMONT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In re:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Chapter \_\_\_\_\_\_\_**

**Debtor(s). Case # \_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**[***Plaintiff’s Name***],**

**Plaintiff**, **Adversary Proceeding**

**v.** # \_\_\_\_\_\_\_\_\_\_\_\_\_

**[***Defendant’s Name***].**

**Defendant.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Jointly Proposed Scheduling Order**

1. Pursuant to Fed. R. Civ. P. 26(f), made applicable by Fed. R. Bankr. P. 7026(f), a meeting of the parties to this proceeding was held on *[date]*. The participants were:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for plaintiff \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*name of attorney*] [*name of party*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*name of attorney*] [*name of party*]

1. It is agreed that the above-captioned adversary proceeding is (choose one):

\_\_\_ a core proceeding pursuant to 28 U.S.C. § 157(b)(2), over which this Court has constitutional authority to enter a final judgment; or

\_\_\_ a proceeding related to a case under Title 11 as to which all the parties have consented to the entry of final orders or judgment by this Court, pursuant to 28 U.S.C. § 157(c)(2); or

\_\_\_ a proceeding related to a case under Title 11 as to which all the parties have not consented to the entry of final orders or judgment by this Court, pursuant to 28 U.S.C. § 157(c)(2); or

\_\_\_ a core proceeding, pursuant to 28 U.S.C. § 157(c)(2), but is one over which, pursuant to Stern v. Marshall, 1325 S. Ct. 56 (2011), this Court lacks constitutional authority to enter a final judgment, and, either:

\_\_\_ the parties consent to this Court’s entry of a final order, or

\_\_\_ the parties do not consent to this Court’s entry of a final order; and instead seek proposed findings of fact and conclusions of law, analogous to those issued

pursuant to 28 U.S.C. § 157(c)(2) and Bankruptcy Rule 9033, consistent with the Amended Standing Order of Reference issued June 28, 2012. *(If this applies only to some causes of action, specify which ones.)*

1. The parties propose that the following dates govern this adversary proceeding:
   1. The parties \_\_\_\_will / \_\_\_\_will not appear at the Court’s scheduling conference.

If so, the parties request that the Court not enter a scheduling order pursuant to Fed. R. Bankr. P. 7016(b) until such scheduling conference occurs.

* 1. The parties will make their Fed. R. Bankr. P. 7026(a)(1) disclosures by [*date*].
  2. The parties will file all supplements to disclosures and responses, pursuant to Fed. R. Bankr. P. 7026(e), by [*date*].
  3. The parties will file all motions relating to joinder of parties, claims, or remedies, class certification, and amendment of the pleadings by [*date*].
  4. Depositions: [*set forth any unusual provisions re depositions, e.g., the following:*]
     1. \_\_\_ The parties anticipate they will need to take at least \_\_\_\_\_(*number*) depositions and waive the 10-deposition limit set out in Rule 30(a)(2)(A)(i).
     2. \_\_\_ All depositions will be videotaped, and the parties need to state that fact in each notice of deposition.
     3. \_\_\_ The parties agree that the deposition of \_\_\_\_\_\_ (*name of witness*) will take in excess of the seven-hour limit on depositions established by Rule 30(d)(1), and the deposition of (*name of witness*) may take up to \_\_\_ (*number*) seven-hour days.
     4. \_\_\_ The parties will identify their expert witnesses in writing, and file that writing, on or before [*date*]. Expert depositions shall be completed on or before [*date*].
  5. Interrogatories: The parties each agree to serve no more than \_\_\_\_\_ (*number*) interrogatories (rather than the 25-interrogatory limit under Rule 7033(a)(1))
  6. Production of documents. [*Set forth any unusual provisions re documents*.]
     1. \_\_\_ The parties concede that many of the documents necessary for trial preparation contain trade secrets, proprietary information, or confidential business information the parties do not wish to have disclosed to the public. No later than [*date*], the parties will negotiate the terms and procedures for a Stipulated Protective Order for the Court’s consideration.
     2. \_\_\_ Other: [*describe*].
  7. \_\_\_ The initial disclosures will merely describe relevant documents, identifying all documents the party wishes to submit under the protection of the Stipulated Protective Order. Copies of the documents identified in the initial disclosures will actually be exchanged \_\_\_\_ (*number*) days following the Court’s entry of the Stipulated Protective Order. No Request for Production of Documents under Rule 34 may be served until \_\_\_\_ (*number*) days after this voluntary exchange of documents.
  8. Electronically Stored Information (“ESI”) : The parties agree to the following provisions regarding ESI:
     1. \_\_\_ The parties agree that disclosure or production of ESI will be limited to data reasonably available to the parties in the ordinary course of business.
     2. \_\_\_ The parties agree that ESI will be produced in the following format and media: [*set forth production format(s), e.g., paper documents, image files such as PDF or TIFF, inclusion of metadata, native or near-native formats*].
     3. \_\_\_\_ The parties agree that ESI will be produced using the following procedures: [*describe the procedure for exchange of ESI*].
     4. \_\_\_ The parties agree that reasonable measures have been (or will be) taken to preserve potentially discoverable data from alteration or destruction in the ordinary course of business. [*describe* *the procedures used for preserving potentially discoverable data*].
     5. \_\_\_ The parties have identified the following issues or problems that may arise in connection with electronic or computer-based discovery: [*describe*].
  9. The parties will complete discovery by [*date*]. The parties reserve the right to seek additional time for discovery or to revise other provisions of this Schedule.
  10. Alternative Dispute Resolution \_\_\_ will / \_\_\_will not be used. If it is being used, it will commence no later than *[date]*, and the parties will file the Alternative Dispute Resolution Report by *[date]*.
  11. The parties will file all dispositive motions by [*date*].
  12. The parties will file a Stipulation of Facts and Joint Final Pre-Trial Statement by [*date*].
  13. The parties request a final pre-trial conference not earlier than [*date*].

1. The parties propose the following changes in the limitations imposed upon discovery pursuant to Fed. R. Bankr. P. 7026: [*describe*].
2. The parties request the following items be added to the scheduling or litigation procedures in this proceeding: [*describe*].

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated: Attorney for Plaintiff

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated: Attorney for Defendant

**SCHEDULING ORDER**

IT IS HEREBY ORDERED that the dates proposed by the parties, and as set out above, are approved.

IT IS FURTHER ORDERED that the parties shall appear at a final pre-trial conference on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_in the Bankruptcy Judge’s chambers at the U.S. Bankruptcy Court at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Vermont.

SO ORDERED.

\_\_\_\_\_\_\_\_\_, 20\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Burlington, Vermont Heather Z. Cooper

United States Bankruptcy Judge