ORDER REGARDING EXHIBITS AND WITNESS LISTS

The following provisions govern all documentary exhibits to be used in the trial of the adversary proceeding, and identification of all witnesses that may be called, except exhibits used solely for purposes of impeachment or rebuttal, and witnesses called solely for rebuttal.

(a) Marking, exchanging, and providing exhibits

(1) Each party shall identify a proposed documentary exhibit by marking it, if practicable, in the lower right hand corner of its first page. Unless there are more than two parties, the plaintiff shall identify exhibits by consecutive number starting with 100 (100, 101, 102, 103, etc.), and the defendant shall identify exhibits by consecutive number starting with 200 (200, 201, 202, 203, etc.).

(A) If there are more than two parties, or if parties anticipate a number of exhibits greater than this protocol will accommodate, the parties shall address that matter with the courtroom deputy and comply with such orders as the Court may enter as to exhibit identification and numbering. Ordinarily subsequent number ranges (300, 301, 302, 303, etc.; 400, 401, 402, 403, etc.) will be assigned to the additional parties.

(2) Any party intending to offer an exhibit in evidence shall provide pre-marked copies thereof to opposing parties, and provide the original and one copy to the courtroom deputy, no later than forty-eight (48) hours prior to the scheduled commencement of trial unless otherwise ordered by the Court. Failure to do so may be grounds for not admitting an exhibit in evidence.

(3) Where a party intends to offer ten (10) or more exhibits, that party shall place its pre-marked exhibits in tabbed binders prior to exchanging exhibits with other parties and providing them to the courtroom deputy.

(b) Identification and disclosure of witnesses

(1) Each party shall disclose the names and addresses of all witnesses proposed to be called at trial, except for rebuttal witnesses. Such witness lists shall be provided to opposing parties and the courtroom deputy no later than forty-eight (48) hours prior to the scheduled commencement of trial unless otherwise ordered by the Court. Failure to do so may be grounds for not allowing the testimony of a witness.

(2) Parties designating a witness shall have the responsibility, subject to the Bankruptcy Rules, of assuring the presence of the witness at trial.

(c) Discretion of the Court.

Notwithstanding the foregoing, the Court may enter such orders concerning exhibits or witness lists as may be necessary or appropriate, including modification or waiver of the requirements of this Order.

BY ORDER OF THE COURT