

<p><b>UNITED STATES BANKRUPTCY COURT</b>                  SOUTHERN DISTRICT OF CALIFORNIA                  325 West F Street, San Diego, California 92101-6991</p>	
In Re   Debtor.	BANKRUPTCY NO.
Plaintiff(s)	ADVERSARY NO.
v.  Defendants(s)	Date & Time of Pre-Trial Status Conference:  Name of Judge:

**CERTIFICATE OF COMPLIANCE WITH EARLY CONFERENCE OF COUNSEL  
 [LOCAL BANKRUPTCY RULE 7016-2]**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The parties submit the following CERTIFICATE OF COMPLIANCE WITH EARLY CONFERENCE OF COUNSEL requirements in accordance with Local Bankruptcy Rule 7016-2(c):

**A. PLEADINGS/SERVICE:**

1. Have all parties been served?  Yes  No
2. Have all parties filed and served answers to the complaint, counter-complaints, etc.?  Yes  No

**B. DISCOVERY PLAN:**

1. Fed. R. Bankr. P. 7026 and Local Bankruptcy Rule 7016-2 require the parties to meet within thirty (30) days after all defendants have appeared or, in cases having multiple defendants, within forty-five (45) days after the first defendant appears. The parties to this case met on \_\_\_\_\_.
2. The parties have agreed to make the disclosures required by Fed. R. Bankr. P. 7026(a)(1) by \_\_\_\_\_.
3. **(Check one)**
  - A. The parties have agreed on the discovery plan attached as Exhibit A.
  - or
  - B. The parties cannot agree on a discovery plan and scheduling order. The attached Exhibit A sets forth the parties' disagreements and reasons for each party's position.

**C. SETTLEMENT OR MEDIATION:**

- 1. What is the status of settlement efforts?
- 2. Has this dispute been formally mediated? If so, when?
- 3. Has mediation been discussed with your client? (See Local Bankruptcy Rule 7016-4.)  

<u>Plaintiff</u>		<u>Defendant</u>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- 4. The parties desire to go to voluntary, non-binding mediation. (See Local Bankruptcy Rule 7016-6.) They have reviewed the list of mediators on the court’s website ([www.casb.uscourts.gov](http://www.casb.uscourts.gov)) or obtained the list from the court and have selected the following persons subject to availability as first, second, and third choices for mediator:  
 First Choice: \_\_\_\_\_  
 Second Choice: \_\_\_\_\_  
 Third Choice: \_\_\_\_\_  
 Parties are requested to notify the courtroom deputy of their preferences at the time a pre-trial status conference date is obtained.

**D. READINESS FOR TRIAL:**

- 1. When will you be ready for trial in this case?  

<u>Plaintiff</u>		<u>Defendant</u>
------------------	--	------------------
- 2. If your answer to the above is more than five (5) months after the summons issued in this case, give reasons for further delay.  

<u>Plaintiff</u>		<u>Defendant</u>
------------------	--	------------------
- 3. When do you expect to complete your discovery efforts?  

<u>Plaintiff</u>		<u>Defendant</u>
------------------	--	------------------
- 4. What additional discovery do you require to prepare for trial?  

<u>Plaintiff</u>		<u>Defendant</u>
------------------	--	------------------

**E. TRIAL TIME:**

- 1. What is your estimate of the time required to present your side of the case at trial (including rebuttal stage, if applicable)?  

<u>Plaintiff</u>		<u>Defendant</u>
------------------	--	------------------
- 2. How many witnesses do you intend to call at trial (including opposing parties)?  

<u>Plaintiff</u>		<u>Defendant</u>
------------------	--	------------------
- 3. Are any of the witnesses considered expert witnesses (Fed. R. Evid. 702)? If so, the parties agree to identify their expert witnesses by \_\_\_\_\_.  
 (See Fed. R. Bankr. P. 7026(a)(2)(C))

4. How many exhibits do you anticipate using at trial?  
Plaintiff Defendant

5. Are any special accommodations required for witnesses (e.g., assisted listening devices, etc.)? Check one:  
 No  Yes - Please specify:

6. Is any special equipment required for presentation of evidence? Check one:  
 No  Yes - Please specify:

F. **ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL:** *(Use additional page if necessary.)*

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Firm Name

By: \_\_\_\_\_  
Name:

By: \_\_\_\_\_  
Name:

Attorney for: \_\_\_\_\_

Attorney for: \_\_\_\_\_

**Local Bankruptcy Rule 7016-2(c) requires this form to be filed no later than seven (7) days after early conference of counsel together with the *NOTICE OF PRE-TRIAL STATUS CONFERENCE* (Local Form CSD 3019).**

**EXHIBIT A**

1. **DISCOVERY PLAN.** The parties jointly propose to the court the following discovery plan: [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects: (brief description of subjects on which discovery will be needed)

All discovery commenced in time to be completed by \_\_\_\_\_. [Discovery on (issue for early discovery) to be completed by \_\_\_\_\_.]

Maximum of \_\_\_\_\_ interrogatories by each party to any other part. [Responses due \_\_\_\_\_ days after service.]

Maximum of \_\_\_\_\_ requests for admission by each party to any other party. [Responses due \_\_\_\_\_ days after service.]

Maximum of \_\_\_\_\_ depositions by plaintiff(s) and \_\_\_\_\_ by defendant(s).

Each deposition [other than of \_\_\_\_\_] limited to maximum of \_\_\_\_\_ hours unless extended by agreement of parties.

Reports from retained experts under Fed. R. Bank. P. 7026(a)(2) due:

a) from plaintiff(s) by \_\_\_\_\_

b) from defendant(s) by \_\_\_\_\_

Supplementations under Fed. R. Bank. P. 7026(e) due (time(s) or interval(s) \_\_\_\_\_).

2. **OTHER ITEMS.** [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Plaintiff(s) should be allowed until \_\_\_\_\_ to join additional parties and until \_\_\_\_\_ to amend the pleadings.

Defendant(s) should be allowed until \_\_\_\_\_ to join additional parties and until \_\_\_\_\_ to amend the pleadings.

All potentially dispositive motions should be filed by \_\_\_\_\_.

Final lists of witnesses and exhibits under Fed. R. Bank. P. 7026(a)(3) should be due

a) from plaintiff(s) by \_\_\_\_\_

b) from defendant(s) by \_\_\_\_\_

Parties should have \_\_\_\_\_ days after service of final lists of witnesses and exhibits to list objections under Fed. R. Bank. P. 7026(a)(3).

[Other matters.]