

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

_____	:	Case No. _____-TPA
_____	:	
<i>Debtor(s)</i>	:	Chapter _____
_____	:	
_____	:	Related to Doc No. _____
_____	:	
<i>Movant/Plaintiff(s)</i>	:	
	:	
v.	:	
_____	:	
_____	:	Hearing:
<i>Respondent/Defendant(s)</i>	:	

ORDER SETTING EVIDENTIARY HEARING AS TO VALUE

AND NOW, this ___ day of _____, 201__, after hearing on the Plaintiff’s *Complaint Pursuant to* _____, filed at Document No. 1, and Defendant’s *Answer* filed at Document No. ___ in response thereto, and the agreement of counsel that the only issue for the Court to decide is the value of property referenced in the *Complaint*,

It is hereby ***ORDERED, ADJUDGED and DECREED*** that an evidentiary hearing to determine value of (subject of Motion/Complaint) is scheduled on _____, 201__, at *.M.* in Courtroom “C”, 54th Floor, U.S. Steel Building, 600 Grant Street, Pittsburgh, PA. *Discovery shall close on* _____.

It is ***FURTHER ORDERED*** that *on or before* ___ (2 weeks after discovery closes) , 201__:

(1) Each Party shall e-file their respective Witness Lists and expert reports (including a color copy of the appraisals) as well as any other proposed exhibits and hand deliver a courtesy, *original, color copy of the appraisal* to the Court for use by the Court at the time of pretrial conference (which, if not scheduled herein may be scheduled by separate order) or the evidentiary hearing, whichever first occurs. The documents referenced in this Paragraph shall be provided to the Court at least three (3) full business days prior to the date set for the scheduled hearing.

(2) The Parties shall cooperate in the exchange of all documents incidental and related to the matter at issue and file an Exhibit List identifying all exhibits to be offered at the time of the evidentiary hearing. ***In addition to the instructions, set forth below regarding exhibits, for a more detailed description of instructions for processing exhibits in Judge Agresti cases, the Parties are directed to Judge Agresti's webpage at <http://www.pawb.uscourts.gov/procedures>:***

- (a) The Parties shall provide the Court with a single courtesy copy of the cumulatively marked exhibits, in paper form (see Paragraph 3, below), as well as a USB drive containing all exhibits at the time of the pretrial conference or evidentiary hearing whichever first occurs;
- (b) The Parties shall make three (3) additional sets of exhibits for use by Court staff and witnesses and provide them to the Court at least three (3) full business days prior to the date set for the scheduled hearing;
- (c) Unless an objection is noted on the Exhibit List, exhibits will be admitted without further testimony. Any objections noted on the Exhibit List as to the admissibility of a specific exhibit will be resolved prior to use of the exhibit;
- (d) All exhibits upon which there is an agreement as to admissibility shall be pre-marked as "Court Exhibits" in numerical fashion ("CR-1", "CR-2", etc.) with subcategories

of exhibits pre-marked alphabetically (“CR-1(a)”, “CR-1(b)”, etc.);

- (e) The Movant/Plaintiff’s exhibits to which there is any objection shall be pre-marked *alphabetically* with subcategories of exhibits pre-marked *numerically* (“A(1)”, “A(2)”, etc.);
- (f) The Respondent/Defendant’s exhibits to which there is any objection shall be pre-marked *numerically* with subcategories of exhibits pre-marked *alphabetically* (“1(a)”, “1(b)”, etc.); and,
- (g) ***No other documents will be admitted at the time of the evidentiary hearing unless counsel shows cause for their prior non-disclosure pursuant to this Order. Mere inability to timely locate documents shall not constitute cause.***

(3) Exhibits cumulatively numbering in excess of 20, single-sided, total pages (not including an “Exhibit List” cover page index) shall be bound in some manner, i.e., in looseleaf notebook or hard binding (with binding on the left, not the top), at the time of presentation to the Court and for use during any proceeding. Each exhibit page contained in the Exhibit Book shall be collectively numbered in the lower right hand corner of each page of the collective exhibit document (Bates stamp), from the first page to the last page, independent of any exhibit identification numbers previously placed on a respective exhibit.

(4) To the extent the Parties agree to present their case upon stipulated facts and without live testimony, all or in part, a Stipulation to that effect shall be filed setting forth all of the agreed upon facts to be relied upon by the Court in rendering its decision. A copy of the Stipulation shall also be identified as a Courtroom Exhibit and listed as an exhibit according to Paragraph 2, above.

(5) The Court has found through experience that material appearing in color on an original expert report, for example photographs of the property in an appraisal report, is

important and helpful for the Court's consideration. Therefore, any expert report with material in color shall be filed in color. Any courtesy copy hand-delivered to Chambers prior to the evidentiary hearing shall also be reproduced in color.

It is **FURTHER ORDERED** that **Failure by any Party to comply with any terms of this Order** will result in the imposition of sanctions on said Party by, *inter alia*, reprimand, fine, prohibition against said Party from offering testimony and/or dismissal.

Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:
Debtor
Counsel for Debtor/Plaintiff
Counsel for the Defendant
Chapter 13 Trustee