

## PRE-STATUS CONFERENCE INSTRUCTIONS

1. Pursuant to Local Bankruptcy Rule 7016-1(a)(2), all parties shall file a Joint Status Report at least ten (10) days before the date set for each Status Conference. The Joint Status Report shall conform to **Exhibit "A"** attached to these instructions.
2. A copy of these instructions shall be attached to every copy of the complaint served upon a party, and the affidavit of service should state that a copy of the summons and complaint was served.
3. During the Status Conference, it will be decided whether a pre-trial order should be required or a pre-trial conference should be set.
4. During the Status Conference, the court shall set a trial or a pre-trial conference. The parties should be prepared to state whether they will agree to try the adversary proceeding by declaration in lieu of oral testimony.
5. If no response to the complaint is timely filed, plaintiff should request entry of default by the clerk and call Judge Zurzolo's Calendar Clerk, Rosemarie Martinez (213) 894-5855, to set a default judgment hearing at the time of the Status Conference, or at an earlier time.
6. If the parties dispute whether the adversary proceeding is core within the meaning of 28 U.S.C. § 157(b), they shall file and serve points and authorities and supporting evidence in support of their positions. The objecting party shall file and serve any points and authorities and supporting evidence ten (10) court days before the Status Conference. Any reply must be filed at least five (5) court days before the Status Conference. The court will resolve this dispute at the Status Conference. If any party fails to comply timely with these instructions, that failure shall be deemed a consent to a determination that the proceeding is core within the meaning of 28 U.S.C. § 157(b).
7. If the parties dispute whether a party has a right to a jury trial, they shall file and serve a memorandum of points and authorities and supporting evidence. The objecting party shall file and serve its papers at least ten (10) court days prior to the Status Conference. Any response shall be filed and served no later than five (5) court days prior to the Status Conference. The court will resolve this dispute at the Status Conference. If the objecting party does not timely file and serve its papers, that failure shall be deemed a consent to whatever determination the court makes.

VINCENT P. ZURZOLO  
United States Bankruptcy Judge



1 **If yes, go on.**

2 **If no, why not? Please explain:**

3 **B. ANSWER/DEFAULT:**

4 **1. Has each defendant responded timely? YES NO**  
5 **to the complaint?**

6 **If yes, go to Section C.**

7 **If no, then continue.**

8 **2. If any defendant has not responded timely, YES NO**  
9 **has plaintiff made a request for entry of default?**

10 **If no, why not? Please explain:**

11 **3. If default has been requested, has it YES NO**  
12 **been entered?**

13 **If no, why not? Please explain:**

14 **4. If default has been entered has plaintiff YES NO**  
15 **scheduled a motion for Default Judgment?**

16 **If no, why not? Please explain:**

17 **C. Federal Rule of Civil Procedure (“FRCP”) 26(a);**  
18 **(f); (g) and LBR 9013-1(c) COMPLIANCE:**

19 **If all defendants have answered,**

20 **1. Have all parties met and discussed YES NO**  
21 **this adversary proceeding?**

22 **If no, why not? Please explain:**

23 **2. Have all parties exchanged documents? YES NO**

24 **If no, why not? Please explain:**

25 **3. Have all parties exchanged witness lists? YES NO**

26 **If no, why not? Please explain:**

**4. Have all parties proposed a joint YES NO**

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**discovery plan?**

**If no, why not? Please explain:**

**5. Have all parties exchanged other evidence? YES NO**

**If no, why not? Please explain:**

**6. Have all parties discussed settlement? YES NO**

**If yes, see Section F.**

**If no, why not? Please explain:**

**D. DISCOVERY (FRCP 26(f)):**

**A Discovery Plan should be prepared and attached to this status report if it cannot be described below.**

**1. The form(s) of discovery each party will propound.**

**Plaintiff:**

**Defendant:**

**2. If already propounded, when are responses due?**

**DATE: TIME:**

**3. If depositions will be taken, who will be deposed and when?**

**Plaintiff:**

**Defendant:**

**E. REVIEW OF PLEADINGS (FRCP 26(f)):**

**1. Have all of the parties carefully reviewed the adequacy of the allegations?**

**YES NO**

**If no, why not? Please explain:**

**2. Are there any objectionable allegations? YES NO**

**If yes, list them:**

**F. SETTLEMENT:**

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**1. Do you request a judge to aid in settlement? YES NO**

**If no, go to question 3.**

**2. Do you want the trial judge to aid in settlement? YES NO**

**Please name the judge(s) of this court you would like to participate in settlement efforts:**

- (1)
- (2)
- (3)

**3. Do you seek any other type of mediation, YES NO**  
**i.e., arbitration, etc. . . .**

**If yes, please list them:**

**H. PRE-TRIAL:**

**In most adversary proceedings, it is necessary to prepare a joint pre-trial stipulation and appear at a pre-trial conference.**

**1. If you believe you can go directly to trial without a pre-trial stipulation and/or conference, please state why.**

**Respectfully submitted,**

**DATED: FIRM NAME: \_\_\_\_\_**

**NAME: \_\_\_\_\_**

**ATTORNEY FOR: \_\_\_\_\_**

**DATED: FIRM NAME: \_\_\_\_\_**

**NAME: \_\_\_\_\_**

**ATTORNEY FOR: \_\_\_\_\_**