

**EARLY MEETING OF COUNSEL, JOINT STATUS CONFERENCE  
INSTRUCTIONS FOR JUDGE THEODOR C. ALBERT**

1. A COPY OF THESE INSTRUCTIONS MUST BE ATTACHED TO THE COPY OF THE COMPLAINT SERVED UPON EACH PARTY, AND THE PROOF OF SERVICE OF THE SUMMONS AND COMPLAINT MUST INDICATE THAT SUCH COPY WAS SERVED THEREWITH.
2. These instructions apply only to parties represented by counsel. If you do not have an attorney, you must appear at the status conference in person.
3. The appearance at the status conference hearing may be made **by telephone** if arranged by calling **Court Call** at **(866) 582-6878** not later than **4:30 p.m.** the day prior to the court hearing date. Any request for telephonic appearance made after the 4:30 p.m. deadline is disfavored, and must be court approved by contacting Judge Albert's Calendar Clerk, Elizabeth Steinberg at (714) 338-5382 and be accompanied by a suitable explanation for the lateness.
4. If **Local Rule 7026-1** applies, counsel for the parties **MUST TIMELY MEET TO DISCUSS SETTLEMENT AND TO EXCHANGE DOCUMENTS, OTHER EVIDENCE, AND LISTS OF WITNESSES AND PRELIMINARY DISCOVERY SCHEDULES AS PROVIDED IN THE RULE.**
5. Unless all defendants have defaulted, the parties shall file a Joint Status Report pursuant to **Local Rule 7016-1(a)(2)** at least **fourteen (14) days** before the date of the status conference in a form substantially similar to **Local Form No. 7016-1.STATUS.REPORT**. If **Local Rule 7026-1** applies, the parties must include in the Joint Status Report a statement that they have met to discuss settlement and have exchanged documents, other evidence, lists of witnesses and preliminary discovery schedules. If cooperation in the filing of a Joint Status Report cannot reasonably be obtained, a Unilateral Status Report is expected from each appearing party with an explanation of the reasons why a Joint Status Report was not filed.
6. If no response to the complaint is timely filed, plaintiff may request entry of default by the Clerk or by the Court.
7. If the parties dispute whether the adversary proceeding is "**core**" or "**non-core**," they shall file points and authorities in support of their positions. Any party that

contends the proceeding is “**non-core**” shall file and serve its points and authorities at least **fourteen (14) days** before the status conference. Any response must be filed and served at least **seven (7) days** before the status conference.

8. Failure to comply with these instructions may subject the responsible party to **sanctions**.
9. Failure of counsel for any party to appear at a status conference or pre-trial conference may be considered an abandonment or failure to prosecute or defend diligently and the proceeding may be dismissed or judgment entered against the defaulting party.
10. Any demand for jury trial on any issue must be filed by either the plaintiff or defendant(s) within 10 days of the filing of the first pleading contesting the issue(s). Such demand must also contain a statement that the party does or does not consent to a jury trial conducted by the Bankruptcy Court. Within 10 days of the service of the demand and statement of consent or non-consent, all other parties shall file and serve a statement of consent or non-consent to a jury trial conducted by the Bankruptcy Court. See McCarthy v. Bronson, 906 F.2d 835 (2d Cir. 1990) certiorari granted in part 11 S. Ct. 578, 498 U.S. 1011, 112 L. Ed. 584, affirmed on other grounds, 111 S. Ct. 1737, 500 U.S. 136, 114 L. Ed. 2d 194. See also LBR 9015-2 (a) and (b). Failure to abide by this instruction shall be deemed a waiver of the right to a jury.

(revised 11/27/13)