

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE:

)	
)	
Debtor(s))	Case No.
_____)	
)	
Plaintiff(s),)	
v.)	Adversary No.
)	
Defendant(s).)	
)	

SCHEDULING MEMORANDUM

A. The Rule 26(f) meeting of the parties in this adversary proceeding was held on _____.

B. The following were in attendance:

- (1) _____, attorney for _____
- (2) _____, attorney for _____
- (3) _____, attorney for _____
- (4) _____.

C. The undersigned proposes the following discovery plan:

- (1) _____, as the last day for filing motions to amend;
- (2) _____, as the last day for filing motions to join other parties;
- (3) _____, as the date within which discovery (general and expert), must be completed;
- (4) Initial disclosure of experts who may be used at trial to present evidence and the written reports of experts described in Rule 26(a)(2)(B) shall be due as follows:

From the Plaintiff(s) by _____
From the Defendant(s) by _____;

- (5) Pursuant to Rule 26(a)(2)(C), disclosures regarding rebuttal expert witnesses and evidence intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) shall be due within 30 days after the disclosure made by the other party; and
- (6) _____, as the last day for filing dispositive motions and supporting materials, including affidavits and supporting briefs.

D. Statement regarding consent to entry of final judgment or order:

_____ (1) The undersigned party expressly consents to the entry of a final order by this Court for all matters raised in the pleadings, and, therefore, waives the right, if any, to a jury trial, inasmuch as the United States District Court for the Middle District of North Carolina has not specially designated the Bankruptcy Court to conduct such trials.

_____ (2) The undersigned party does not consent to the entry of a final judgment by the Bankruptcy Court for the following claim(s) for relief:

The undersigned party agrees that as to any matter for which the party does not consent to the Bankruptcy Court entering final judgment, the undersigned party shall have 30 days from the first entry of a scheduling order by the Court to file a motion to determine whether the Bankruptcy Court may enter a final judgment or order in each cause of action to which the undersigned party does not consent. Such motion shall be accompanied by a memorandum of law in support of the motion.

THE FAILURE TO TIMELY MOVE TO DETERMINE WHETHER THE BANKRUPTCY COURT MAY ENTER A FINAL JUDGMENT OR ORDER WITH RESPECT TO ANY MATTER, ISSUE, OR CLAIM FOR RELIEF SHALL CONSTITUTE A WAIVER OF ANY RIGHT TO ADJUDICATION BY A COURT ESTABLISHED UNDER ARTICLE III OF THE UNITED STATES CONSTITUTION AND ANY RIGHT TO A JURY TRIAL, AND THE WAIVER SHALL BE DEEMED TO BE CONSENT TO HAVE THE BANKRUPTCY COURT ENTER FINAL JUDGMENT.

E. For those claim(s) for relief for which the undersigned party does not consent to the entry of a final judgment by the Bankruptcy Court:

_____ (1) A jury trial is requested.

_____ (2) A jury trial is not requested.

This _____ day of _____, 20 ____.

Signed: _____

Signed: _____

Attorney for _____

Attorney for _____