

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

IN RE:

Debtor(s)

Case No.

Plaintiff(s),

v.

Adversary No.

Defendant(s).

SCHEDULING ORDER

It appearing to the Court that the parties have conferred and submitted a scheduling memorandum in accordance with Federal Rule 26(f) and Bankruptcy Rule 7026 and that this scheduling order should be entered at this time without the parties appearing in court for a pre-trial/scheduling conference.

Now, therefore, it is **ORDERED** as follows:

1. Except as provided herein, the time limits set forth in the joint scheduling memorandum are approved and shall be binding on the parties.
2. The initial pre-trial conference scheduled for _____, 20____, is canceled.
3. The deadline for filing final pre-trial disclosures and the required contents thereof shall be set by further order of the Court.
4. On or before [the first business day after the dispositive motion deadline]____, the Court will schedule a final pre-trial hearing, unless a dispositive motion has been filed, in which case any final pre-trial hearing will be set by further order of the Court.
5. The deadline for filing or responding to any final pre-trial motions and the scheduling of a hearing to consider any such motions will be set by further order of the Court.
6. At the final pre-trial hearing, the parties shall be prepared to discuss mediation, the scheduling and content of final pre-trial disclosures, procedures for any pre-trial motions, including motions in limine, the scheduling of trial, and any other matters which might make trial or other disposition of this adversary proceeding more efficient.
7. The Defendant shall have 30 days from the date of this Order within which to file a brief or legal memorandum in support of any defenses asserting insufficiency of process, insufficiency of service of process, and failure to state claims for relief. If the Defendant files a brief or legal memorandum in support of such defenses, the Plaintiff may file and serve a brief or legal memorandum in opposition within (a) 21 days after service of the Defendant's filing, or (b) 7 business days prior to any hearing scheduled to consider the Defendant's filing. If the Defendant does not file a supporting brief or legal memorandum on or before 30 days from the date of this Order, the Defendant shall be deemed to have abandoned the foregoing defenses and an order overruling and denying such defenses shall be entered.
8. [INCLUDE THE FOLLOWING TWO PARAGRAPHS ONLY IF any party does not consent to the Bankruptcy Court entering final judgment OR if any party has asserted a right to a jury trial.] Any party that does not consent to the Bankruptcy Court entering final judgment on all matters raised in the pleadings shall have 30 days from entry of this Order to file a motion to determine whether the Bankruptcy Court may enter a final judgment or order in any cause of action to which the non-consenting party does not consent to entry of a final judgment or order by the Bankruptcy Court. 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.

[INCLUDE THE FOLLOWING SENTENCE ONLY IF the above does not apply, and all parties consent to entry of final orders by the Bankruptcy Court on all matters.] All parties have consented to entry of final orders by this Court for all matters raised in the pleadings.

[END OF DOCUMENT]