

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA
ADVERSARY PROCEEDING PROCEDURES
(Judge Zive, Judge Riegler, Judge Markell, and Judge Nakagawa)

The court will electronically issue a summons for electronic filers or “e-filers.” E-filers will docket a new event under the “Adversary” category entitled “Request to Issue Summons.” Attorneys will then select the name of the party who will appear on the electronic summons. A separate summons for each defendant must be issued. The court will then docket the electronic summons and generate the usual ECF email to the e-filer. The electronic summons can then be printed and used for service.

The clerk will continue to issue a paper summons for those attorneys or parties who are not e-filers. The clerk will also provide a blank “Standard Discovery Plan or Request for Waiver of Filing Discovery Plan” document when the paper summons is issued. The paper summons will contain the date and time of the initial Scheduling Conference.

Unrepresented parties should visit the court’s website at www.nvb.uscourts.gov, and read the information under the “Don’t Have An Attorney?” section.

The Plaintiff must serve, with the Summons and Adversary Complaint, the Standard Discovery Plan or Request for Waiver of Filing Discovery, and a copy of this Adversary Proceeding Procedures sheet.

- A. ***Meet and Confer Immediately After Answering.*** Within thirty (30) days after the first defendant has answered or otherwise appeared, the parties must meet and confer as required by Fed. R. Bankr. P. 7026 and Local Rule 7026. No later than 14 days after the initial meeting, the parties must complete and submit a discovery plan or, if applicable, file a request for a waiver.
- B. ***Attendance at Scheduling Conference.*** Unless otherwise excused by order of the court, all attorneys and all unrepresented parties *must* attend all scheduling and status conferences, including the first scheduling conference. After the first scheduling conference, the court will approve, disapprove, or modify the discovery plan and enter other orders as appropriate. At any time, on request of a party or on its own, the court may order and schedule a conference of all of the parties to discuss the provisions of the discovery plan or scheduling order.
- C. ***Motions.*** All motions to amend the pleadings pursuant to Fed. R. Bankr. P. 7015 and/or to join parties pursuant to Fed. R. Bankr. P. 7019 must be filed in time to be heard no later than the close of discovery. If an amendment or joinder is allowed, and unless the court orders otherwise, discovery will be extended for an additional 45 days from the original date for the close of discovery. This type of an extension is for the limited purpose of conducting discovery only with respect to the amendment or joinder.

Unless the parties otherwise agree, and the court approves the parties’ agreement, all potentially dispositive motions with respect to any or all issues, must be filed no later than the close of discovery. It is counsel’s responsibility to ensure that, regardless of the date filed, any dispositive motion is heard before the scheduled trial date.

Unless otherwise ordered by the court, motions in limine must be filed at the time of the pre-trial conference. Any responses to the motion[s] in limine must be filed 5 business days prior to the start of trial. No reply will be permitted unless requested by the Court.

- D. ***Discovery.*** Unless the parties otherwise agree, and the court approves that agreement, all discovery must be completed no later than 120 days after the answer is filed or after the first appearance by the first defendant. All discovery must be conducted in accordance with the Federal Rules of Bankruptcy Procedure and applicable Local Rules of Bankruptcy Practice.
- E. ***Pre-Trial Conference.*** The court normally will enter an order regarding pre-trial and trial for the case. This type of order usually provides for, among other things, a pre-trial conference, as well as the content and timing for any trial statements. All attorneys and all unrepresented parties must attend any pre-trial conference.
- F. ***Trial Preparation.*** Unless otherwise ordered by the Court, no later than the day before trial, the parties will mark the exhibits and supplement any trial statements. Sanctions may be imposed if, without good cause, a party fails to stipulate to an exhibit.
- G. ***Settlement Conferences.*** The court is willing, at the parties’ request, to participate in one or more settlement conferences. Unless otherwise ordered by the court, all parties and all attorneys must be present at any settlement conference.