

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

In re:

Case No. 6:07-bk-00761-ABB  
Chapter 11

LOUIS J. PEARLMAN, *et al.*,

Jointly Administered Debtors.

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SONEET R. KAPILA, Chapter 11 Trustee  
of the Estates of the Debtors Louis J.  
Pearlman and Trans Continental Television  
Productions, Inc.,

Plaintiff,

vs.

Adv. Pro. No. 6:08-ap-00025-ABB

HSBC BANK USA, N.A.,

Defendant.

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**ORDER ESTABLISHING PRETRIAL  
SCHEDULE**

THE ABOVE-CAPTIONED  
ADVERSARY PROCEEDING came on for  
hearing on February 10, 2009 at which counsel  
for Soneet R. Kapila, the Chapter 11 Trustee and  
Plaintiff herein ("Plaintiff"), and counsel for  
HSBC Bank USA, N.A., the Defendant herein  
("Defendant"), appeared.

The Plaintiff made demands for a jury  
trial in his Complaint (Doc. No. 1) and Answer  
to Counterclaim (Doc. No. 9), which demands  
were timely made pursuant to Federal Rule of  
Civil Procedure 38(b) and Federal Rule of  
Bankruptcy Procedure 9015(b).

The Defendant filed an Objection (Doc.  
No. 6) stating it does not consent to this Court  
conducting a jury trial and filed a Motion for  
Withdrawal of the Reference (Doc. No. 4, 5)  
seeking to withdraw this entire matter to the  
United States District Court for the Middle  
District of Florida, Orlando Division ("District  
Court"). The District Court entered an Order  
(Doc. No. 10): (i) granting the Defendant's  
Motion for Withdrawal only as to the jury trial

and jury selection; (ii) denying the Motion for  
Withdrawal as to its immediate withdrawal; and  
(iii) directing all pretrial matters are to be  
handled by the Bankruptcy Court.

The parties were directed to submit a  
joint proposed case management order. They  
submitted competing proposed case management  
orders.

The procedures set forth below shall  
control the handling of these proceedings. No  
variations or adjustments shall be made without  
prior leave of the Court upon request made by  
written motion. Counsel and all parties shall  
comply with this Order, the Federal Rules of  
Civil Procedure, the Federal Rules of  
Bankruptcy Procedure, the Local Rules of the  
United States Bankruptcy Court for the Middle  
District of Florida, and the Administrative  
Procedures for Case Management/Electronic  
Case Filing. Noncompliance shall result in the  
imposition of appropriate sanctions.

This adversary proceeding shall be  
transferred to the District Court for jury selection  
and jury trial pursuant to 28 U.S.C. Section  
157(e) upon the conclusion of the pretrial  
proceedings.

Accordingly, it is

**ORDERED, ADJUDGED and  
DECREED** that the parties shall comply with  
the following provisions:

1. The deadline for filing motions  
to amend the pleadings and to join other parties  
is May 1, 2009.

2. The deadline for completing  
discovery is November 2, 2009.

3. The parties shall meet, in  
person or by telephone, at a mutually agreed  
location, date, and time to prepare an agreed  
Joint Statement of the Case setting forth:

- (a) The parties' claims,  
defenses, legal authorities,  
relief sought, and an  
itemization of damages  
and other relief sought;
- (b) The realistic estimated  
amount of time each party  
requires for presentation

of its evidence and argument; and

- (c) Whether the parties desire to have this matter mediated. The Court will not direct this matter be mediated unless all parties agree, in writing, to mediation. The Court will enter a mediation schedule in the event the parties agree to mediation.

The Joint Statement shall be filed by July 15, 2009. In the event the parties are unable to agree on a Joint Statement, each party shall file and serve separate statements by July 15, 2009. Objections to a statement shall be filed and served by August 3, 2009.

4. Witness lists containing the names and addresses of all witnesses, including any expert witnesses, who will be called, who may be called, or whose deposition will be used, shall be filed and served by August 3, 2009. Rebuttal expert witness lists shall be filed and served by August 24, 2009. For each expert witness, a statement setting forth the subject of each expert witness' expertise and the witness' qualifications shall be included.

Any witness not timely disclosed will be precluded from testifying absent a showing of good cause, except that each party reserves the right to call such non-expert rebuttal witnesses (who are not presently identifiable) as may be necessary.

5. Proposed voir dire questions shall be filed by November 16, 2009 and comply with the Local Rules of The United States District Court for the Middle District of Florida.

6. Agreed proposed jury instructions shall be filed by November 16, 2009 and comply with the Local Rules of The United States District Court for the Middle District of Florida. If the parties are unable to agree on jury instructions, separate proposed instructions shall be filed by November 16, 2009 and shall be numbered, identify the proponent of the instruction, and include supporting authority. Objections to any proposed instructions must be filed by November 23, 2009 and include supporting authority.

7. Each party shall file and serve a list of exhibits to be introduced at trial and any demonstrative exhibits or evidence, with a brief description of each exhibit, by November 16, 2009. Copies of all such exhibits must be served on the opposing parties on or before November 16, 2009. Any exhibit not timely disclosed will be excluded from evidence absent a showing of good cause.

Exhibits shall not be filed with this Court, but shall be filed with the District Court subsequent to transmittal of this proceeding to the District Court. The Local Rules of The United States District Court for the Middle District of Florida and any case management and/or scheduling orders issued by the District Court regarding this proceeding shall control the filing of exhibits.

8. Objections to exhibits must be served on the opposing parties and filed with the Court by December 7, 2009.

9. Objections to the calling of any witness shall be filed and served by December 7, 2009. Objections not timely made will be deemed waived absent a showing of good cause.

10. Dispositive motions, including motions for summary judgment, shall be filed and served by December 14, 2009.

Dated this 30<sup>th</sup> day of March, 2009.

/s/ Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge