

Court has the same bar as the District Court, subject generally to the same rules of practice and discipline of attorneys. These Rules accordingly attempt to minimize the differences in practice between the District Court and the Bankruptcy Court.

These Rules reprint many of the incorporated District Court Local Civil Rules as they read on the effective date of these Local Bankruptcy Rules, and the District Court's website's Local Rules page should be consulted regarding any changes to those rules. Bankruptcy cases and proceedings are subject to the District Court Local Bankruptcy Rules (reprinted as [Appendix B](#) hereto).

Some of the District Court Local Civil Rules made applicable to bankruptcy cases by these Rules are not reprinted for the reason that they will seldom be encountered (as in the rare event of a jury trial) or for other obvious reasons.

LBR 9029-3(d) is modeled after Fed. R. Bankr. P. 9002 ("Meanings of Words in the Federal Rules of Civil Procedure When Applicable to Cases Under the Code").

RULE 9070-1. EXHIBITS AND WITNESSES

(a) Pre-Numbering, Pre-Marking, and Pre-Listing Exhibits.

- (1) Prior to any trial (including any hearing at which evidence is to be taken) exhibits to be offered at the trial (other than those created at trial) must be numbered sequentially, with movant or plaintiff to use numbers and the respondent or defendant to use letters (A, B, C, etc., followed by AA, AB, AC, etc., then BA, BB, BC, etc.).
- (2) All exhibits must be marked prior to the trial with an exhibit sticker bearing the exhibit number and the case or adversary proceeding number.
- (3) Prior to the trial the exhibits must be listed sequentially by exhibit number on a Witness and Exhibit Record in substantially the form of [Local Official Form No. 8](#). The list must describe each exhibit by title and date.
- (4) Prior to the commencement of a trial or hearing, each party shall furnish to its opponents a copy of the Witness and Exhibit Record and copies of its pre-marked exhibits.

- (b) Listing Witnesses. Prior to any trial (including any hearing at which evidence is to be taken), each party must set forth on the party's Witness and Exhibit List the full names of all witnesses the party intends to call if not earlier called by another party; a brief description of the testimony to be elicited from the witness; and an estimate of the time the party will take in eliciting such testimony. Any expert witness must be designated as such by including the designation "expert witness" after the witness's name.
- (c) Presentation of Witness and Exhibit Record and of Copies of Exhibits. At the commencement of the trial or evidentiary hearing, each party must present to the Courtroom Deputy Clerk (1) the original of the party's Witness and Exhibit Record and (2) two copies of the party's exhibits.
- (d) Binding of Numerous Exhibits. Whenever the exhibits in any trial or evidentiary hearing, to be presented by any party, exceed 15, the party intending to offer such exhibits must place them in a binder or notebook, numbered and indexed, unless otherwise ordered by the Court.
- (e) Retention of Witness and Exhibit Record. At the conclusion of the trial or evidentiary hearing, the Clerk must maintain the Witness and Exhibit Record with the sleeve for logs and tapes of electronic recordings for the last day the trial or hearing was conducted.
- (f) Retention by Parties of Exhibits.
 - (1) Requirement of Retention. All exhibits offered by a party in a proceeding, whether or not received as evidence, must be retained after trial by the party or the attorney offering the exhibit, unless otherwise ordered by the Court. The Clerk shall note the return of exhibits on the Witness and Exhibit Record.
 - (2) Appeals. In the event an appeal is prosecuted, each party or attorney retaining exhibits must, upon request of a party to the appeal, make a copy of any exhibit available to that requesting party at the usual and customary photocopying charge of the custodian party or attorney, or allow the requesting party temporarily to take custody of the exhibit to photocopy it. The originals of exhibits must be retained by the parties, who must make them available for use by the appellate court upon request.
 - (3) Period of Retention. After a judgment disposing of the proceeding becomes final, each party or the party's attorney must maintain custody of any exhibits for a period of at least 30 days after the time for appeal has expired, or, in the event an

appeal is pursued, for a period of at least 30 days after any judgment not resulting in a remand has become final and the time for seeking further appellate or Supreme Court review has expired.

(g) Disposition of Exhibits Retained by Clerk.

- (1) Thirty Day Period to Retrieve. When the Clerk has kept custody of exhibits, the exhibits must be removed by the parties who offered them within 30 days after the time for appeal has expired, or in the event an appeal is pursued, within 30 days after any judgment not resulting in a remand has become final and the time for seeking further appellate or Supreme Court review has expired.
- (2) Disposition in Case of Apparent Failure Timely to Retrieve. If the Clerk believes that a party has failed timely to retrieve exhibits from the Clerk, the Clerk may forward the exhibits to the counsel or party who offered them. Alternatively, the Clerk may give the party or attorney notice of a 30-day opportunity to remove the exhibits; if the party or attorney fails to do so within 30 days of the date of such notice, the Clerk may destroy or otherwise dispose of the exhibits.
- (3) Notation of Disposition. The Clerk shall make an appropriate notation on the Witness and Exhibit Record reflecting any disposition of exhibits.

RULE 9071-1. STIPULATIONS

DCt.LCvR 16.6 applies in the Bankruptcy Court (with the clarification that a stipulation is additionally effective if electronically recorded in a Bankruptcy Court hearing).

Note: DCt.LCvR 16.6 (Stipulations) provides:

A stipulation need not be considered by the Court unless it is in writing and signed by the parties thereto or their attorneys, or stenographically recorded in Court or during a deposition.

RULE 9072-1. PROPOSED ORDERS

(a) Submission of Proposed Orders.

- (1) Each motion, application, objection to claim, objection to exemptions, or other written request for a Court order (other than a complaint in an adversary