

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY



In the matter of:

Debtor

Plaintiff(s)

Case No. _____

v.

Adversary No. _____

Defendant(s)

**ALIAS SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

Address of Clerk

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address
of Plaintiff's Attorney

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address	Courtroom

	Date and Time

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

James J. Waldron, Clerk

Date: _____

By: _____
Deputy Clerk

Case No.: _____

Adv. No.: _____

The pre-trial conference in this matter has been scheduled for:

Date: _____

Time: _____

Courtroom: _____

Address: _____

PLAINTIFF SHALL SERVE ALL PARTIES WITH A COPY OF THESE INSTRUCTIONS AND THE PROPOSED *JOINT ORDER SCHEDULING PRETRIAL PROCEEDINGS AND TRIAL WHEN SERVING THE SUMMONS AND COMPLAINT.*

All parties are directed to exchange initial discovery under Fed. R. Civ. Proc. 26(a) within 10 days of the date the answer is filed.

Parties are to submit a Joint Proposed Scheduling Order in the attached form, establishing a discovery and pre trial motion schedule, and an estimated length of trial. If the parties agree to pursue mediation to resolve disputed matters, a separate mediation order selecting a mediator and providing for a mediation schedule shall be submitted within ten (10) days of the submission of the scheduling order. The court will fix a trial date and enter the scheduling order **without the necessity of an appearance.**

If the Joint Proposed Scheduling Order is not filed, each party must file a pre-trial memorandum with the court and serve a copy on every party 10 days prior to the scheduled pre-trial date. The pre-trial memorandum must include the following numbered items:

1. A concise statement of the nature of the action, including the statutory basis for the relief sought.
2. A report on the status of discovery conducted to date and a description of the type and extent of the discovery anticipated.
3. A list of the factual issues to be determined at trial.
4. A list of the legal issues to be determined at trial.
5. An itemized statement of damages sought.
6. A statement why a Joint Proposed Scheduling Order was not submitted.
7. An estimated date for trial readiness.
8. An estimated length for trial.
9. A witness list.
10. Any other information of which the court should be aware prior to scheduling the matter for trial.

Pre-trial Conferences, if necessary, are conducted in the courtroom, on the record, and are not conducted by telephone. Failure to appear will result in pleadings being stricken.

THE PLAINTIFF'S FAILURE TO TIMELY FILE A REQUEST TO ENTER DEFAULT, IF AN ANSWER HAS NOT BEEN FILED, MAY RESULT IN DISMISSAL FOR LACK OF PROSECUTION AT THE PRE TRIAL CONFERENCE.