

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**INSTRUCTIONS FOR PREPARING AND FILING
WITNESS AND EXHIBIT LISTS**

Witness Lists (See Attachment A)

Unless otherwise ordered by the court upon a written motion on behalf of the witness, in addition to the full name and complete address of the witness, a brief one or two sentence synopsis of the testimony of the witness shall be provided on the witness list—e.g., "Will testify concerning the loan balance at the time of transfer"; "Expert witness—will testify to the fair market value of debtor's real property."

Leave to call a witness not listed on a party's filed witness list may, in exceptional circumstances, be granted by the court. An attorney seeking such leave must file and serve upon all other attorneys, within twenty-four (24) hours after the need to call such witness becomes known, a Motion To Add Witness which shall include the name, address and an offer of proof of the testimony of the proposed witness. This requirement does not apply to a rebuttal witness whose testimony could not be reasonably anticipated.

The witnesses need not be called by the party who listed them and need not be called in the order listed.

Inability to obtain the attendance of a witness at trial shall not be cause for continuing a trial, unless counsel has written proof that opposing counsel agreed to have the witness available for testimony or a subpoena for the attendance of the witness had been issued at least seven (7) days prior to the trial date.

Exhibit Lists (See Attachment B)

Exhibit lists shall be typed double spaced and shall attach copies of each proposed exhibit, separately labeled. Joint exhibits shall use Roman numerals; plaintiff or movant's exhibits shall use Arabic numbers; defendant or respondent's exhibits shall use alphabetic letters. If there are multiple plaintiffs or defendants, exhibit labels shall also identify the party by name, such as plaintiff trustee's exhibit 1. In contested matters, the exhibit numbers shall be preceded by an identifying name of the offering party such as trustee's exhibit 1, Bank U.S.A.'s exhibit B or Debtor's exhibit 3.

The originals of all exhibits to be introduced at trial shall be presented by counsel in open court during the trial.

Each exhibit shall be labeled to correspond to the designation on the exhibit list by a plain white adhesive label affixed to the lower right hand corner of the exhibit.

If an exhibit is a document smaller than 8-1/2" x 11", it must be stapled to the center of an 8-1/2" x 11" sheet of paper. A group of photographs, checks or similar items, and the accompanying sheet to which it is attached must bear a separate affixed label designated by small alphabetized letters, such as Joint Ex. I-a, plaintiff's exhibit 2-b, defendant's exhibit C-b. If an exhibit document is larger than 8-1/2" x 11", it should be copied and reduced to 8-1/2" x 11", provided it remains readable. Copies of exhibits are subject to the provisions of LBR 9004-1. Disposition of exhibits is governed by LBR 9070-1.

