

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re, , Debtor.	Case No. Adv. Pro. No. Chapter __
Plaintiff, v. Defendant.	INITIAL ADVERSARY PROCEEDING CASE MANAGEMENT ORDER

TO: ALL PARTIES TO THE ADVERSARY PROCEEDING SET FORTH ABOVE:

The above-captioned proceeding was filed with the Court on [DATE]. The issues having been joined, the Court enters this Order to expedite the disposition of this proceeding. The parties shall, **no later than twenty-one (21) days after the entry of this Order**, complete the actions as directed below and report compliance to the Court in writing by filing an adversary proceeding report addressing all the issues below on the Court docket via CM/ECF under the “Adversary Proceeding Report” event:

1. In accordance with Fed. R. Civ. P. 26, made applicable pursuant to Fed. R. Bankr. P. 7026, the parties must confer to consider the matters required in that Rule, including (a) the possibilities for a prompt settlement or resolution of the case, (b) the initial disclosures required by Fed. R. Civ. P. 26(a)(1), and (c) and the intention to use an expert witness and the name of the expert, if known. The parties shall report that compliance is complete.
2. Prior to the submission of the Adversary Proceeding Report, counsel should discuss with their client the settlement method of mediation, as contemplated in SC LBR 9019-2. The parties shall then consult regarding whether mediation would be beneficial in this proceeding and whether they consent to mediation and report whether these discussions have taken place.
3. The parties shall, for the purpose of issuance of a scheduling order due under Fed. R. Civ. P. 16(b), made applicable pursuant to Fed. R. Bankr. P. 7016, report the period of time

needed for discovery. It is not necessary to file a detailed report outlining the proposed discovery plan. **If the parties believe a detailed discovery plan is necessary, they are to advise chambers immediately, and a telephonic or in-person conference will be scheduled. Any request for a scheduling order different than the Judge's form scheduling order should be made in the Adversary Proceeding Report.**

4. All parties must ensure that they have met the requirements of Fed. R. Bankr. P. 7007.1 and report compliance. If it is the position of the party or parties that the rule is inapplicable, the report shall include a statement to that effect, summarizing any disputes.
5. All parties must ensure that they have met the requirements of Fed. R. Bankr. P. 7008(a) and confer, among other things, on whether any of the causes of action in this adversary proceeding constitute non-core proceedings under 28 U.S.C. § 157 and/or core proceedings that this Court does not have constitutional authority to finally adjudicate. If the adversary proceeding involves non-core issues, or core proceedings that the Court does not have constitutional authority to finally adjudicate, and/or if there is a dispute as to the core/non-core nature of the proceeding, the report shall summarize the dispute.
6. All parties shall review the cases of *Stern v. Marshall*, 564 U.S. 462 (2011), *Exec. Benefits Ins. Agency v. Arkison*, 573 U.S. 25 (2014), and *Wellness Int'l Network, Ltd. v. Sharif*, 575 U.S. 665 (2015) and report whether those decisions present any challenges to entry of a final order or judgment by the bankruptcy court, and the report shall summarize any disputes.¹
7. If there is a request for a jury trial on any of the causes of action in this adversary proceeding, the parties shall confer on whether they consent to this Court conducting a jury trial. See 28 U.S.C. § 157(e). If the parties do not consent to a jury trial conducted by this Court, a party will need to move, after all dispositive motions have been decided, for the withdrawal of the reference to this Court of this adversary proceeding.

AND IT IS SO ORDERED.

¹ Even if all parties do not consent to a final adjudication in this Court and in the absence of an Order by the United States District Court of the District of South Carolina granting a party's motion to withdraw the reference of this adversary proceeding to this Court, the adversary proceeding shall remain in this Court and the parties shall be expected to conform to the rules and orders of this Court. If the parties have not consented to a final adjudication in this Court of an adversary proceeding containing such causes of action and a dispositive motion is filed, this Court, when appropriate, shall prepare proposed findings of fact and conclusions of law and submit them for review by the District Court.