Instructions for Completing a Statement of Dispute

Attached are the form Joint Statement of Dispute and Separate Statement of Dispute to be used in cases assigned to Judge John E. Waites in which a contested matter is scheduled for hearing. A Joint Statement of Dispute is helpful to the Court, prompts communication between the parties, and succinctly sets out the key issues, evidence, witnesses and estimated time needed for the hearing.

Each party/counsel shall work in good faith and in a timely fashion to consult with the opposing party/counsel in order to prepare a Joint Statement of Dispute. The Court does not expect the parties to agree to all matters and issues in the Joint Statement of Dispute, and the parties should outline those disagreements within the Joint Statement.

* Separate Statements of Dispute should only be utilized in the rare circumstances when one of the parties is *pro se*, when it is impossible to complete a Joint Statement, or when the opposing side has been nonresponsive regarding the preparation of a Joint Statement. Parties submitting a Separate Statement of Dispute must specify why a Joint Statement could not be submitted.

In order to comply with Chambers Guidelines, parties and their counsel must complete all sections of the Statement of Dispute. If a section of the Statement does not apply, it should be denoted as such. The following is guidance for completing each section of the Statement:

* Issues to be decided by the Court: Parties should provide a brief but specific list of the issues in dispute between the parties that will be presented at the hearing.
* Position of Party/Parties: Each party should provide a brief but specific summary of the party’s position on each issue. **The summary should not be lengthy or repeat verbatim the parties’ prior pleadings.** If the pleadings on which the hearing is based clearly address all issues and arguments of the party, the party may simply reference the pleading in this section of the Statement in lieu of providing a summary.
* Name of Witnesses to be called at the hearing: The parties shall include a list of witnesses to be called and indicate which party plans to call the witness.
* Exhibits/Evidence to be presented: The parties shall each provide a list of the exhibits and evidence they intend to present at the hearing and indicate whether the admission is stipulated or the grounds for any objection. Parties and counsel should timely consult with each other and exchange evidence in advance of submitting the Statement.
* Statutory, Case Law or Applicable Authority: Each party shall list all authority to be discussed at the hearing. If the pleading on which the hearing is based clearly sets forth the statutory, case law or applicable authority relied upon by the party, the party may simply reference the pleading in this section in lieu of providing a list.
* Estimated Length of Hearing: Parties should provide a realistic estimate of the time needed for the hearing.

The Court treats the filed Statement of Dispute as a final document and will only permit amendment of the Statement upon a showing of cause or as otherwise ordered by the Court. **Parties and counsel submitting a Statement of Dispute may not reserve the right to materially alter or supplement the Joint Statement of Dispute.**

**Unless otherwise ordered, the deadline to submit Statements of Dispute is no later than 10:00 a.m. three (3) business days before the hearing.**

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

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| --- | --- |
| IN RE:    Debtor. | C/A No.  JOINT STATEMENT OF DISPUTE  AND STIPULATION |

The undersigned hereby certify that after consultation, the hearing on [type of hearing] originally scheduled for [date and time], after good faith efforts cannot be settled and remains contested so as to require the presentation of evidence and/or argument to the Court for determination. By entering into or filing this statement, the parties shall be limited to and bound by the positions provided herein. The following information is presented by way of stipulation of the parties:

1. Issues to be decided by the Court.

2. Position of Party/Parties (state briefly but with specificity).

3. Names of Witnesses to be called at the hearing.

4. Exhibits/Evidence to be presented (state whether admission is stipulated or any grounds for objection).

5. Statutory, Case Law or other Applicable Authority.

6. Estimated Length of Hearing.

7. Telephone and Facsimile Number, Electronic Mail address of Counsel/Party/Parties.

8. Final Authority. Unless otherwise indicated by a separately filed motion, filed simultaneously herewith, which requests that the Court determine whether this proceeding is subject to the entry of final orders or judgments by this Court, **the parties submitting this Joint Statement of Dispute consent to this Court entering final orders and judgments in this proceeding**.

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(DATED) (SIGNATURE)

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(DATED) (SIGNATURE)

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

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| --- | --- |
| IN RE:    Debtor. | C/A No.  STATEMENT OF DISPUTE |

The undersigned hereby certifies that after consultation, the hearing on [type of hearing] originally scheduled for [date and time], after good faith efforts cannot be settled and remains contested so as to require the presentation of evidence and/or argument to the Court for determination, and that the parties to this dispute made good faith efforts to enter into a joint statement of dispute and stipulation but could not because: [Insert reasons with specificity]. By entering into or filing this statement, the party shall be limited to and bound by the positions provided herein. Other issues or positions not included in the Statement of Dispute may be deemed abandoned by the Court.

1. Issues to be decided by the Court.

2. Position of Party/Parties (state briefly but with specificity).

3. Names of Witnesses to be called at the hearing.

4. Exhibits/Evidence to be presented (state whether admission is stipulated or any grounds for objection).

5. Statutory, Case Law or other Applicable Authority.

6. Estimated Length of Hearing.

7. Telephone and Facsimile Number, Electronic Mail address of submitting Counsel/Party.

8. Final Authority. Unless otherwise indicated by a separately filed motion, filed simultaneously herewith, which requests that the Court determine whether this proceeding is subject to the entry of final orders or judgments by this Court, **the parties submitting this Statement of Dispute consent to this Court entering final orders and judgments in this proceeding**.

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(DATED) (SIGNATURE)