

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

GANDER MOUNTAIN COMPANY

**ORDER FOR EVIDENTIARY HEARING AND
FOR USE OF ELECTRONIC EVIDENCE**

Debtor(s).

BKY 17-30673-MER

IT IS ORDERED:

1. This matter is set for evidentiary hearing on the **motion of Fifth Third Equipment Finance Company to reconsider and limited objection to order authorizing sale of certain assets** in Courtroom 7 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota **on July 28, 2017 at 9:00 a.m..**

2. On or before **July 14, 2017**, all parties are expected to confer and enter into stipulations as to the following:

- a) Waiver of objections to the admissibility of exhibits on the grounds of lack of identification or foundation where the identification or foundation is not to be contested;
- b) Waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any; and
- c) Facts which are not disputed. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact.

At this conference, counsel, or if unrepresented, any party representing him or herself without counsel shall exchange copies of each exhibit intended to be introduced and relied upon at the evidentiary hearing.

3. ***Use of Courtroom Technology:*** Counsel must use the evidence presentation system available in the courtroom when examining witnesses and introducing documentary evidence.

Training is required for all parties who wish to present evidence or testimony at the trial. Please contact Susan Newsom, at 612-664-5211 on or before July 14, 2017 to schedule training.

4. No later than **July 21, 2017**, the parties shall prepare, serve and file the following:

- a) The stipulations regarding admissibility of exhibits and

depositions;

- b) The stipulation of undisputed facts;
- c) A final witness list containing the names, addresses and a brief summary of the testimony of each witness the party will call. A person not shown on this list may not testify during the party's case-in-chief;
- d) A final exhibit list containing a description of all exhibits to be offered at the hearing. Exhibits not listed on this list may not be offered during the party's case-in-chief. *The plaintiff shall designate all exhibits by number and the defendant shall designate all exhibits by letter;*
- e) A list of depositions to be offered at the evidentiary hearing;
- f) A brief containing a complete chronology of the party's version of the facts and a complete statement of the law on which the party relies;
- g) Proposed Findings of Fact and Conclusions of Law;
- h) **On or before July 21, 2017, counsel shall submit to my court recorder, Susan Newsom, at 300 S. 4th Street, Suite 301, Minneapolis, Minnesota, 55415, a full set of electronic exhibits.**
 - i. ***Acceptable media:*** The preferred medium for submission of electronic exhibits is a CD-ROM, but flash drives are also acceptable. Media should be checked for viruses before submission to the Court.
 - ii. ***Document format:*** Documentary evidence shall be submitted in .pdf format, with the exception of exhibits originally generated in Excel format, which shall be submitted in Excel format. Photographs shall be submitted in .pdf format at a resolution of 300 dpi.
 - iii. ***Naming exhibits:*** Electronic exhibits must be identified on the flash drive or CD as required in Term 4.d. above, with the submitting party's full name or abbreviated name added after the number or letter of the exhibit. Exhibit names should clearly reflect the content of the exhibit and include the date the document was signed or created. Combining exhibits in a single .pdf is not permitted.

For example:

1-ABC CORP-Amended Petition-010115.pdf
2-ABC CORP-Deposition transcript of Mr. X-020715.pdf

A-SMITH-Federal Tax Returns-2015.pdf
B-SMITH-Email from Mr. X to Ms. Y-032215.pdf

Counsel should ***not*** add the exhibit names to the pdf versions of the electronic exhibits themselves' these names are solely for use in identifying the documents on the CD or flashdrive presented to the court.

5. Private Information. To avoid the inadvertent disclosure of private data and other sensitive information, counsel and parties unrepresented by counsel shall refrain from eliciting or mentioning during the evidentiary hearing, or including in exhibits, or any other submissions required by this order, any of the following restricted information, except in the manner noted:

- a) Social Security numbers: use only the last four digits;
- b) Financial account numbers: use only the last four digits;
- c) Names of minor children: use only initials;
- d) Dates of birth: use only year of birth; and
- e) Home addresses of witnesses: use only city and state of residence.

If restricted information is mentioned in court, counsel or any party may ask to have it stricken from the record or partially redacted to conform to the judiciary's privacy policy.

6. The parties shall discuss settlement and report to the Court on the status of these discussions. Upon settlement, each party has an independent obligation to notify the calendar clerk, within 24 hours, that a settlement agreement has been reached.

7. The dates fixed in this order are mandatory. Deadlines shall not be extended except on motion, and for good cause.

8. Failure to timely comply with this order may result in the imposition of sanctions under Fed. R. Bankr. P. 7016 and Fed. R. Civ. P. 16(f).

9. Fed. R. Civ. P. 26(a)(1), (a)(2), (a)(3) and (f) do not apply in this proceeding.

Dated: *June 13, 2017*

/e/ Michael E. Ridgway

Michael E. Ridgway
United States Bankruptcy Judge