

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF OKLAHOMA**

**The Honorable Paul R. Thomas**

**INSTRUCTIONS GOVERNING EVIDENTIARY HEARING  
PROCEDURE IN CONTESTED MATTERS**

**PLEASE READ CAREFULLY**

**INTRODUCTION:**

This instruction sheet is intended to give guidance to counsel involved in an evidentiary hearing of a “contested matter” pursuant to Fed. R. Bankr. P. 9014. The following instructions shall govern the conduct of the parties at an evidentiary hearing as if included in the Local Rules of the Court. Neither counsel nor the parties may deviate from these mandatory instructions without leave of the Court.

**A. Evidentiary Hearing:**

The evidentiary hearing shall be conducted at the date and time prescribed by the Court.

- 1) **Seven (7) days** prior to the evidentiary hearing, counsel shall have marked the exhibits in sequential order of intended introduction. Movant’s exhibits shall be marked numerically. Respondent’s exhibits shall be marked alphabetically. Counsel shall exchange and file Witness and Exhibit Lists using Local Form 9017-1(Witness List) and 9017-2(Exhibit List) **seven (7) days** prior to the evidentiary hearing. Simultaneously, counsel shall provide all copies of the exhibits to opposing counsel and two sets of exhibits to the Judge.
- 2) During the evidentiary hearing, exhibits should be introduced into evidence using the Court’s Digital Evidence Presentation System.<sup>1</sup> Copies of the exhibits shall be accepted by the Court Recording Deputy upon admission and will not be returned to counsel.
- 3) If the parties have stipulated to the admission of exhibits, the parties shall so inform the Court at the evidentiary hearing. Stipulations are encouraged by the Court.
- 4) If a delay in the evidentiary hearing should occur due to counsel’s failure to properly prepare for the hearing, sanctions against counsel may result.

---

<sup>1</sup>The Digital Evidence Presentation System (“DEP”) allows parties to present evidence in several forms:

1. Paper documents may be displayed on the system using a document camera;
2. Documents which have been stored electronically may be presented by connecting a laptop computer with the DEP;
3. Audio and DVD may be played on the system.

In each instance, the parties must provide the Courtroom Recording Deputy with one copy of the exhibits (other than a DVD) in paper form. Training will be made available on an appointment basis if necessary. To request training please contact the court at 918-549-7200.

**B. Record of the Evidentiary Hearing:**

The official record of the evidentiary hearing is taken by digital media (FTR) recording. Microphones are placed at the lectern and witness chair in the Courtroom. Counsel should facilitate the making of the record as follows:

- 1) Give a business card to the person operating the electronic recording equipment (the Court Recording Deputy).
- 2) When speaking on the record, make certain that you do not address the Court from the attorney tables. You must address the Court from the microphone at the lectern.
- 3) At the beginning of the evidentiary hearing, identify yourself at the microphone positioned at the lectern and spell your name for the record.
- 4) Make certain that all witnesses called to testify identify themselves clearly and spell their names once seated in the witness chair.
- 5) Make certain that verbal responses are elicited from witnesses.
- 6) If any witnesses will present testimony containing unusual or technical vocabulary, prepare a list of such names and terms for the Court Recording Deputy.

For the convenience of counsel, a digital time counter is located on the Bench. Counsel may write down the time as an aid to locating a portion of the record to refer to or playback as needed. The time counter may be used to identify portions of the record which counsel may want duplicated or transcribed for appeal purposes or otherwise.

Copies of the digital recordings or of a transcript of the record may be obtained from the Court Recording Deputy by submitting the appropriate order forms. These forms are available from the Court Recording Deputy or on the Court's website.

This Court uses Digital Evidence Presentation System which allows parties to present paper documents using a document camera. Documents which have been stored electronically may be presented by connecting a laptop computer directly to the Digital Evidence Presentation System or by playing audio and DVD on the system.