



BANKRUPTCY TRIALS AND EVIDENTIARY HEARINGS

• PROCEDURES REGARDING EXHIBITS

Unless the court orders otherwise in a particular matter, the following procedures apply to trials and evidentiary hearings held in the bankruptcy court. This document is intended to provide additional information not detailed in the scheduling order. Effective January 1, 2023, all exhibits shall be presented digitally on courtroom monitors. Note: Exhibits used to support the written testimony of a witness filed in preparation for trial may be attached to the witness's declaration.

1. EXHIBIT DEADLINES

- 28 days before trial - Exchange exhibits
- 14 days before trial - Meet and confer regarding admissibility/objections
- 7 days before trial - File PDFs of exhibits with court

2. PREPARATION OF EXHIBIT SET

2.1 Digital Format

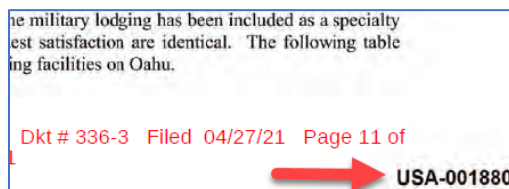
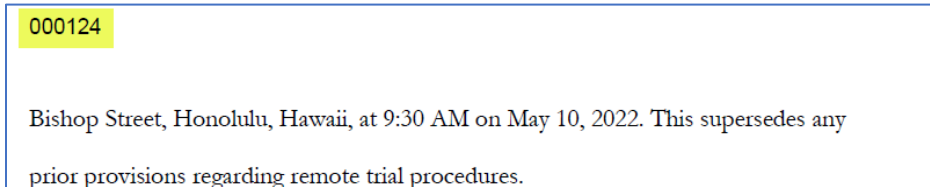
All documentary exhibits to be filed with the court and presented at trial must be converted to a digital (PDF) format. During an examination, counsel must be prepared to navigate through the exhibits (scrolling, zooming in, etc.). The courtroom deputy will schedule a pretrial test session in the courtroom to ensure compatibility with the technology used in the courtroom.

2.2. Marking

- 2 parties:
 - Plaintiff/Movant: Use numbers starting at "1"
 - Defendant/Respondent: Use letters starting at "A" (Contact courtroom deputy if more than 26 exhibits)
- More than 2 parties: Contact courtroom deputy for marking instructions
- Location: Exhibit markings may be noted either on an exhibit cover page or at the bottom of each exhibit page

2.3 Continuous Pagination of Exhibit Set

To facilitate reference to specific pages of a document, each set of exhibits must be continuously paginated (“Bates-stamped”). This pagination should be placed in the upper left corner (see top figure below) of the documents to avoid any confusion with a Bates-stamp number on a document used in a deposition or other proceeding, typically placed in the lower right corner (shown by the arrow in the second figure below).



2.4 Exhibit List Form

Parties must attach their exhibits to the court’s form **Exhibit List for Trial / Evidentiary Hearing**. The form may be downloaded from the forms page at the court website: www.hib.uscourts.gov.

H7016e (11/20)			
Filer's Name, Address, Phone, email & Signature:			
Filed by: /s/ _____			
UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII			
Debtor(s):		Case No.:	
Plaintiff(s)/Movant(s):		Adversary Proceeding No.:	
<i>(Use "et al." for multiple parties)</i> Defendant(s)/Respondent(s):		Trial/Hearing Date:	
<i>(Use "et al." for multiple parties)</i>			
EXHIBIT LIST FOR TRIAL / EVIDENTIARY HEARING			
Instructions: Leave blank <i>Marked & Admitted</i> columns. Add continuation sheets as needed.			
Exhibit No./Ltr.	Marked	Admitted	Description

2.5. Bookmarking Exhibit PDFs

The PDFs in a party's digital set of exhibits must be bookmarked for easy reference, as shown below.

The screenshot shows a PDF viewer interface. On the left is a 'Bookmarks' sidebar with a list of bookmarks from 'Exhibit List' to 'Exh Z-21'. The main document area displays a page with a redacted header 'Z-005001' and a table titled 'EXHIBIT LIST FOR TRIAL /'. The table has columns for 'Exhibit No./Ltr.', 'Marked', 'Admitted', and a description. The table content is as follows:

Exhibit No./Ltr.	Marked	Admitted	
Z-1			Subcontra
Z-2			Teaming A
Z-3			Profit and
Z-4			Initial Bid for TO 6

3. **FILING OF EXHIBITS**

3.1. **Online Filing of Exhibits**

Parties must file their final, comprehensive set of digital exhibits (PDFs) 7 days before trial. ECF Users should select the CM/ECF menu item **Miscellaneous Documents > Trial Exhibits**. Use of this menu item will restrict public access to the exhibits prior to their being admitted at trial. The exhibits must be attached to the local form **Exhibit List for Trial/Evidentiary Hearing** and marked, bookmarked, and paginated as noted above in these procedures.

3.2 **Voluminous Sets of Exhibits**

Contact the Clerk's Office if there is difficulty in uploading a voluminous set of exhibits. Online filing may require more than one docket entry if the PDF files exceed a certain size.

3.3. **Submission of Exhibits by Non-ECF Users**

Attorneys or non-represented litigants who do not have access to online filing must submit their set of exhibits on paper not later than 7 days before trial. The exhibits should be marked and continuously paginated as noted above in these procedures.

4. **USE OF EXHIBITS AT TRIAL**

4.1. **Admitting Exhibits**

The scheduling order will have provided deadlines for filing objections to exhibits. Parties should be prepared to stipulate into evidence all exhibits to which there are no objections. The court discourages motions in limine but if such a motion is required, it must clearly identify the subject matter and be filed not later than 14 days before trial. A response to a motion in limine may be filed not later than 7 days before trial.

4.2. **Presentation of Exhibits by Counsel**

At trial, the parties' attorneys are responsible for presenting exhibits during examination of witnesses. Attorneys may wish to have an assistant with a laptop computer at the counsel table charged with presenting the exhibits while lead counsel speaks from the podium. Attorneys should be prepared technologically to use their software to present digital images, scroll through them, and zoom in and annotate as necessary.

4.3. Technical Considerations

Images of the exhibits will appear on various monitors in the courtroom. These are located on the bench, witness stand, podium, counsel tables, and courtroom deputy's desk, as well as a large free-standing monitor viewable primarily by the Judge. Prior to trial, the courtroom deputy will schedule a courtroom test session with each party to ensure that each party is able to present exhibits effectively. Further details:

- PC laptops using Windows appear to perform better than MacBooks.
- PDFs of the exhibits should be saved on the laptop's hard drive; a backup set on a portable drive is also suggested.
- HDMI and VGA connections to the courtroom A/V system are located at the podium and at the two counsel tables.
- Connecting a laptop at the counsel tables requires a separate cable; attorneys presenting digital exhibits are responsible for providing a compatible cable for their use.

➤ **Questions?** Contact the courtroom deputy at calendar@hib.uscourts.gov or (808) 522-8113.