



MEMORANDUM

To: Bankruptcy Practitioners in the Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Revision of LBR 3012-1 (b)

November 8, 2016

1. LBR 3012-1 (b), Expert Witnesses on Valuation, contains an inconsistency in regards to when to file the statement disclosing the identity of any expert witness a party may use at trial or in a hearing to present evidence under F.R.Evid. 702, 703, or 705. The judges of the court propose the following change, which eliminates the word “working” in the first sentence, thus harmonizing the rule and other technical amendments:

LBR 3012-1. Valuation of Collateral

(a) (Intentionally omitted)

(b) **Expert Witnesses on Valuation.** In all actions involving valuation of property by an expert witness, seven ~~working~~ days prior to the ~~time-of-the~~ hearing or trial, the party wishing to introduce the testimony of an expert witness shall file with the Court and serve on all parties in interest a statement disclosing the identity of any expert witness it may use at trial or hearing to present evidence under F.R.Evid. 702, 703, or 705. Any such disclosure shall be accompanied by any written reports required under FRBP 7026 and F.R.Civ.P. 26(a)(2). This disclosure and any written reports required by FRBP 7026 and ~~FRBP F.R.Civ.P.~~ 26(a)(2) ~~apply applies~~ to contested matters, are due seven days prior to the ~~time-of-the~~ hearing or trial, and ~~are is~~ not subject to the 90-day disclosure deadline provided in FRBP 7026 and F.R.Civ.P. 26(a)(2)(D). The expert witness shall give oral testimony at the time of a hearing or trial, but not testify on direct examination except with leave of Court. The party wishing to introduce the valuation of property by an expert witness may, at the time of a hearing or trial, make a summary of the appraisal. The witness shall be sworn for the purposes of cross-examination by the adverse parties.

2. I would very much appreciate comments back to me via email no later than December 8, 2016. My email address is Kyle_George@gamb.uscourts.gov. Your assistance in this matter is greatly appreciated.