

Local Rules of the United States Bankruptcy Court for the Western District of Missouri

Rule 9015-1. Jury Trial

A. Jury Trial. Issues triable of right by jury shall, if timely demanded, be by jury, unless the parties or their attorneys of record, by stipulation filed with the Court or oral stipulation made in open court and entered in the record, consent to trial by the Court sitting without a jury.

B. Demand.

- 1. Time; Form.** Any party may demand a jury trial of an issue triable by a jury by serving on other parties a jury demand within 14 days after service of the last pleading directed to such issue. A demand may be endorsed on a pleading. When a jury trial is demanded it shall be designated by the Clerk in the docket as a jury matter.
- 2. Specification of Issues.** In a demand, a party may specify the issues which it wishes to try; otherwise it will be deemed to have demanded jury trial of all issues so triable. If a party has demanded a jury trial of only some issues, any other party may, within 14 days after service of the demand or such lesser time as the Court orders, serve a demand for jury trial of any other or all issues.
- 3. Determination by Court.** On motion by a party or on its own motion, the Court may determine whether there is a right to a jury trial on the issues for which a jury is demanded or whether a jury demand in a proceeding on a contested petition shall be granted.

C. Waiver. Failure to file and serve a demand as required by this Rule and Fed. R. Bankr. P. 5005 constitutes a waiver of trial by jury. A demand cannot be withdrawn without consent of the parties.

D. Trial by Court. Issues not demanded for jury trial shall be tried by the Court. Despite a party's failure to demand a jury when such demand might have been made of right, the Court on its own may order a jury trial of any or all issues.

E. Applicability of Certain Federal Rules of Civil Procedure. Rules 38, 39, 47-51, and 81 of Federal Rules of Civil Procedure apply when a jury trial is conducted.

F. Pre-trial Proceedings. In any case where a jury trial will be conducted in District Court, the adversary action or proceeding shall remain in Bankruptcy Court until conclusion of all pretrial proceedings, including discovery, pretrial conferences, and ruling of all motions, including dispositive motions, and shall be transferred to District Court on order of the Bankruptcy Court when the proceeding is ready for trial.