

# PROCEDURAL GUIDE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
September 2003

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This *Guide* is provided as a supplement to the Local Rules of the United States Bankruptcy Court for the Southern District of Indiana. This *Guide* is meant to assist attorneys and the public in dealing with the administrative requirements of the Bankruptcy Court and the Bankruptcy Clerk's Office. Nothing herein should be construed or relied upon as legal advice.

Every effort has been made to be accurate as of the date of publication; however, for definitive guidance on procedural matters, please refer to the United States Code, Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure and the Local Rules and general orders of this Court. The information in this *Guide* does not supersede or replace any statute, rule or order. All fees mentioned herein are subject to change. For the most current version of the Bankruptcy Court's local rules, general orders and this publication, please visit the Court's website at: <http://www.insb.uscourts.gov>.

We welcome comments and suggestions for improving this publication. Please address your comments and suggestions to: Procedural Guide, Office of the United States Bankruptcy Clerk, Room 116, Birch Bayh Federal Building and United States Courthouse, P.O. Box 44978, Indianapolis, Indiana 46244.

**JOHN A. O'NEAL, CLERK**  
UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

# **I. GENERAL COURT INFORMATION**

## **A. SOUTHERN DISTRICT OF INDIANA**

The Southern District of Indiana is one of two federal judicial districts in the State of Indiana. It was created pursuant to 28 U.S.C. § 94 and is divided into four divisions: Indianapolis, New Albany, Evansville and Terre Haute. The Bankruptcy Clerk maintains and staffs an office within each of these divisions. The divisions and counties within each division of the Bankruptcy Court for this district are as follows:

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<b>Indianapolis</b>	Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne
<b>New Albany</b>	Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland and Washington
<b>Evansville</b>	Daviess, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick
<b>Terre Haute</b>	Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermillion and Vigo

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## **B. BANKRUPTCY COURT LOCATIONS**

The Bankruptcy Clerk maintains offices in four locations: Indianapolis, New Albany, Evansville and Terre Haute. Office locations and telephone numbers are as follows (Appendix, pgs. A1-4):

<b>Indianapolis</b>	Birch Bayh Federal Building and United States Courthouse 46 East Ohio Street, Rm. 116 P.O. Box 44978 Indianapolis, Indiana 46244 Main: (317) 229-3800 FAX: (317) 229-3801
<b>New Albany</b>	110 Federal Building 121 West Spring Street New Albany, Indiana 47150 Main: (812) 542-4540 FAX: (812) 542-4541
<b>Evansville</b>	352 Federal Building 101 N.W. Martin Luther King, Jr. Boulevard Evansville, Indiana 47708 Main: (812) 434-6470 FAX: (812) 434-6471
<b>Terre Haute</b>	207 Federal Building 30 North 7 <sup>th</sup> Street Terre Haute, Indiana 47808 Main: (812) 238-1550 FAX: (812) 238-1831

## **C. OFFICE HOURS**

### **1. Normal Business Hours**

All locations of the Bankruptcy Clerk's Office in the Southern District of Indiana are open to the public between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday, excluding legal holidays.

The prevailing time in the respective cities where court is held or where an office of the Bankruptcy Clerk is located shall govern court hours. Throughout the year Indianapolis and Terre Haute are on Eastern Standard Time. On the first Sunday of April, Evansville changes to Central Daylight Time (same time as Indianapolis) and New Albany changes to Eastern Daylight Time (one hour ahead of Indianapolis). On the last Sunday of October, Evansville changes to Central Standard Time (one hour behind Indianapolis) and New Albany changes to Eastern Standard Time (same time as Indianapolis).

## **2. After Hours Filings**

When exigent circumstances exist and counsel needs to file papers outside of normal working hours, advance contact should be made with the Bankruptcy Clerk's Office during normal business hours to arrange for after hours filings. Where a case is already pending, coordination with the assigned judicial officer's courtroom deputy clerk may be required. In any event, reasonable efforts will be made to accommodate extraordinary needs of this nature.

For late filings other than in the Indianapolis Division, please contact the divisional Deputy-in-Charge.

The legal holidays prescribed by Fed. R. Civ. P. 6(a) are as follows:

New Year's Day	January 1
Birthday of Martin Luther King, Jr.	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

When one of these legal holidays falls on Saturday or Sunday, the Bankruptcy Clerk's Office is closed on the Friday immediately preceding or the Monday immediately following, respectively.

## **D. CASE NUMBERING SYSTEM**

The Bankruptcy Clerk maintains three categories of cases: bankruptcy, adversary proceeding and miscellaneous. Each case filed with the Bankruptcy Court is given a permanent cause number designation. The docket sheet is an index of the file.

### **1. Bankruptcy Cases**

The individualized case number assigned to a bankruptcy case is different for each division within the Southern District of Indiana. The Bankruptcy Court assigns case numbers beginning with "1" each January in all divisions as follows:

- Indianapolis cases begin with "00001"
- Evansville cases begin with "70001"
- Terre Haute cases begin with "80001"
- New Albany cases begin with "90001"

Other components of the bankruptcy case number are: (1) the year of its filing; (2) the Judge to whom the case is assigned; and (3) the chapter under which the bankruptcy case is filed. For example, the 75<sup>th</sup> bankruptcy case filed in the Indianapolis Division in the year 2003, if assigned to Judge Otte and under Chapter 13, would be depicted as follows: 03-00075-FJO-13. The case number for the 50<sup>th</sup> bankruptcy case file in the Evansville Division in the year 2003, if assigned to Judge Lorch under Chapter 7, would be depicted as follows: 03-70050-BHL-7.

## **2. Adversary Proceedings**

An adversary proceeding number consists of two components: (1) the year of its filing and (2) its reference number by division (i.e., Indianapolis cases begin with “0001”, as noted above). Both the legal bankruptcy case number and adversary proceeding number must appear on the caption for all documents filed in an adversary proceeding.

## **3. Miscellaneous Cases**

Miscellaneous case numbers are normally assigned to matters not considered regular bankruptcy cases. Miscellaneous cases are used to track administrative matters through the judicial system. However, they may be directly or indirectly related to a regular case such as: registration of judgments from another district, summons enforcement proceedings or motions to compel or quash discovery based on a foreign deposition.

Miscellaneous matters frequently are ancillary and supplementary proceedings. Because they are not defined as bankruptcy actions, the Bankruptcy Clerk may not assign a bankruptcy number to them. A \$30.00 filing fee is assessed for each new miscellaneous matter.

Matters presented as miscellaneous cases use the following format: (1) the year of its filing; (2) the category to which it belongs (MISC); and (3) its reference number. For example, the 10<sup>th</sup> miscellaneous matter filed in the year 2001 would be depicted as: 01-MISC-010.

## **E. ASSIGNMENT OF BANKRUPTCY CASES**

### **1. Distribution of Case Load**

The total case load of the Bankruptcy Judges in the Indianapolis Division shall be distributed among the active Bankruptcy Judges of the division in accordance with a random drawing system established by the Court.

### **2. Notation on Petition**

The Bankruptcy Clerk shall stamp on the petition the name of the Bankruptcy Judge to whose docket the case has been assigned.

### **3. Prohibition Against Revealing Assignment**

No clerk, deputy clerk or other employee of the Bankruptcy Court or Clerk's Office shall reveal to any person the order of assignment of cases. No clerk, deputy clerk or other employee of the Bankruptcy Court or Clerk's Office shall assign any case other than as provided herein or as ordered by the Bankruptcy Judges. No person shall directly or indirectly cause or attempt to cause any clerk, deputy clerk or other employee of the Bankruptcy Court or Clerk's Office to reveal to any person the order of the assignment of cases until after the cases have been filed and assigned. No person shall directly or indirectly cause the assignment of any case other than as provided or as ordered by the Bankruptcy Judges.

#### **F. ACCESS TO CASE FILES**

##### **1. Open Bankruptcy Cases and Adversary Proceedings**

The Bankruptcy Clerk's Office keeps all open files and records in bankruptcy cases and adversary proceedings. Bankruptcy files and records are located in the divisional office where a particular bankruptcy case and/or adversary proceeding is pending.

All bankruptcy files are public record. Anyone wanting to view a bankruptcy case or adversary proceeding file must complete a file check-out card at the file room public counter. **Files may not be taken out of the public lobby area of the Bankruptcy Clerk's Office for any reason.** Papers in the file should not be removed, rearranged or altered in any way. The unauthorized removal, destruction, mutilation or obliteration of any file or document filed in the custody of the Bankruptcy Clerk is a felony under Title 18 § 2070(a) of the United States Code. The penalty for a violation of this section includes a fine, up to three (3) years in prison or both. (*See also* 18 U.S.C. § 3571.)

##### **2. Closed Bankruptcy Cases and Adversary Proceedings**

Closed bankruptcy cases and adversary proceedings are shipped to the Federal Records Center (FRC or "archives") in Chicago, Illinois. To review documents or obtain copies from a closed case or proceeding, there are three options:

(a) Obtain the shipping numbers, consisting of the accession, location and box numbers, from the Court's website (<http://www.insb.uscourts.gov>) to request that record copies be shipped directly to the requesting party. There is a \$35.00 fee for up to 70 pages of copy-work with this option. Please contact the FRC at 7358 South Pulaski Road, Chicago, Illinois 60629 (773) 581-7816. Credit cards are accepted at the archive center.

(b) Contact the FRC to schedule an appointment to review the file in the Chicago office. The FRC requires that the requesting party supply the shipping numbers for verification.

(c) Have the file shipped back to the Bankruptcy Clerk's Office via United Parcel Service. There is a \$35.00 retrieval fee due before the file can be ordered and an additional copy fee of 50 cents per page ordered. The shipping time is seven to ten days.

### **3. Payment for Copy Requests**

The Bankruptcy Court requires, in advance, exact payment for copy requests. If the copies are to be returned by mail, a self-addressed, stamped envelope should be submitted with the payment for copies. Copy work is 50 cents per page. If the number of pages is unknown, a blank check with "not to exceed \$\_\_\_\_\_" entered in the memo area of the check will suffice. Payments are accepted by cash, check, certified check, money order and credit cards. **Personal checks and credit or debit cards are not accepted from a debtor while the debtor's case is pending.**

### **G. ACCESS TO EXHIBITS**

Exhibits are kept during the pendency of bankruptcy cases or adversary proceedings in a separate exhibit file and are held until all appeal deadlines have passed. Upon notification to the Records Department of the Bankruptcy Clerk's Office, exhibits will be available for pick-up by requesting parties. Otherwise, exhibits will be discarded fourteen (14) days thereafter. (Appendix, pg. A5) For additional information regarding exhibits, please see page 41.

### **H. INFORMATION REQUESTS**

Information about pending and recently closed bankruptcy cases and adversary proceedings may be obtained by visiting the Bankruptcy Clerk's Office during normal business hours. Each of the office locations has public access computer terminals. These terminals allow users to obtain case information at no charge. General court information, local rules, Judges' calendars, court opinions and customary procedures in this district may also be obtained from the Court's website. Additionally, case information can be obtained through the Voice Case Information System (VCIS) and through the Court's Public Access to Court Electronic Records system (PACER).

#### **1. Telephone and Computer Inquiries**

There are three ways to obtain case information: (1) using a touch-tone telephone to obtain basic case information from the Bankruptcy Court's Voice Case Information System; (2) registered users may use a computer to access the Court's PACER website for case information; or (3) contacting court employees through the main telephone number of the Bankruptcy Clerk's Office at (317) 229-3800.

**a. Voice Case Information System (VCIS)**

The Voice Case Information System (VCIS) provides basic case information. VCIS connects callers to the Court’s computer from any touch-tone telephone. Facts about the most recent bankruptcy filing by a debtor are available by entering one of the following: the debtor or co-debtor’s name, social security number, tax identification number or case number. Information from closed bankruptcy cases is also available on VCIS. Basic case information is typically available in less than two minutes. Callers may request information on up to three (3) cases per call.

**(1) Case Information Available on VCIS**

Bankruptcy case information available on VCIS includes:

- case number
- debtor
- joint debtor
- chapter
- filing date
- whether case was filed as an asset case
- name of debtor’s attorney
- name of assigned trustee
- Judge assigned to case
- date and time of Section 341 meeting
- date of discharge
- date of case closing
- phone number for debtor’s attorney

**(2) VCIS Availability and Cost**

The VCIS service is available seven days a week, with the exception of the hours between 10:30 p.m. and 6:00 a.m., and can be reached locally at (317) 229-3888 or toll free at (800) 335-8003. While there is no cost for the use of VCIS, long distance telephone toll charges may apply if dialing the local number from outside of the Indianapolis area. Questions concerning VCIS should be directed to the Court Systems staff at (317) 229-3855.

**b. Court Staff**

The Bankruptcy Clerk’s Office is staffed by both operational and administrative staff dedicated to serving the Judges, the Bar and the public in every appropriate manner to assist in the creation and maintenance of bankruptcy records and information. Reliable and accessible records are the backbone of the courts. The majority of the Bankruptcy Clerk’s staff with whom attorneys and members of the public most often come into contact are “operational” personnel, in the sense that these deputy clerks maintain extensive “hands-on” contact with the case files.

Inquiries regarding the following specific areas should be directed to the telephone numbers below:

	<u>Indianapolis</u>	<u>Evansville</u>	<u>New Albany</u>	<u>Terre Haute</u>
Administrative	(317) 229-3803	(812) 434-6473	(812) 542-4542	(812) 238-1550
Case Intake	(317) 229-3854	(812) 434-6470	(812) 542-4552	(812) 238-1550
Financial	(317) 229-3844	(812) 434-6473	(812) 542-4544	(317) 229-3844
Systems	(317) 229-3845	(812) 542-4550	(812) 542-4550	(317) 229-3845
Records	(317) 229-3839	(812) 434-6481	(812) 542-4552	(812) 238-1550
Case Administration	(317) 229-3827	(812) 434-6481	(812) 542-4543	(812) 238-1550

Inquiries regarding scheduling matters or the status of a pending case should be directed principally to the courtroom deputy for the Bankruptcy Judge under whom the case is assigned. (See page 40 for a listing of telephone numbers for the courtroom deputies.) **Inquiries should not be directed to the chambers of a judicial officer.**

Basic case information which the Bankruptcy Clerk's Office staff may retrieve for requesting parties without a search fee includes:

- whether a particular debtor has filed a bankruptcy petition and the date of filing (when requestor provides the exact name of debtor)
- name of debtor (when case number is provided)
- whether the case is voluntary or involuntary
- under what chapter a case was originally filed
- the name of debtor's attorney
- the name of the trustee
- the status of the case generally (i.e., discharge information; opened or closed)
- archive retrieval shipment information

The Bankruptcy Court will charge a search fee for any request that requires a physical search of court records and for all written requests for information beyond the basic information listed above.

## **2. Public Access to Court Electronic Records (PACER)**

The PACER system allows registered users to access case information via the Internet through personal computers. PACER case information is updated every evening and is always one calendar day behind. Registered PACER users can review or retrieve official case information on line or print information through printers attached to personal computers. Information can be searched by case number, party's name, social security number or tax identification number.

**a. Case Information Available on PACER**

The case information available through PACER includes (as appropriate for a particular case):

- docket entries (viewed in either full or selected portions)
- office where case was filed
- primary debtor, address, aliases
- joint debtor, address, aliases
- debtor’s attorney, address, phone number
- current trustee, address, phone number
- business type
- assets
- liabilities
- filing type
- case type
- chapter
- page counts from petition
- creditors
- claims

Additional PACER information may include: attorneys of record and interested parties, related cases, deadlines, case status and case history.

Scanned documents in Chapter 7 asset and Chapter 11 cases can be viewed in PACER. To determine if a document has been scanned, look for an underlined docket number. Click on the underlined docket number to view the document in portable document format (PDF). Adobe Acrobat Reader is required to view PDF files.

**b. Using PACER**

PACER is available seven (7) days a week to registered users. To become a registered user, contact the PACER Service Center at (800) 676-6856. Registered users will be assigned a login ID and password. Once registered, users may obtain authorization to access any court where a PACER system is in use. The PACER Service Center handles all PACER registrations and establishes all accounts. The United States Bankruptcy Court for the Southern District of Indiana has no control over these matters. Registered PACER users may access PACER data for this Court by using the Internet address: <http://pacer.insb.uscourts.gov>. Any questions or login difficulties should be directed to the PACER Service Center at (800) 676-6856 or by e-mail at [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov). PACER can also be contacted by FAX at (210) 308-3763.

**c. PACER Costs**

The Judicial Conference of the United States has established an access fee for use of the PACER system. The fee for PACER is 7 cents per page viewed with a limit charge for a single imaged document to 30 pages. A web page consists of 54 lines of text. The PACER Service Center sends itemized statements to each registered user quarterly. Payment in full is due each quarter. Access to the system will be restricted until outstanding balances are cleared.

After becoming a registered user, any questions concerning the use of or problems with the PACER system in the Southern District of Indiana may be directed to the Court Systems staff by voice telephone at (317) 299-3855.

### **3. Reports**

Reports can be in a hard-copy format, a printout or on a diskette in ASCII DOS text. There is no additional charge for a report in either format.

#### **a. Public Reports**

Public reports are filing and/or closing reports for an office or district for a period of a month or series of months. A public report request includes: the legal case number, filing date (or closing date, depending on the type of report requested), chapter, debtor's name, filing address, city, county, county code, state and zip code. There are 54 names on a page and each page costs 50 cents per page.

#### **b. Specialized Reports**

All discharge and dismissal reports are specialized. There is a \$20.00 search fee for each specialized report per office request. Examples of specialized reports are as follows:

- Report of individual and joint cases in Indianapolis discharged in the year 2002 (The amount due would be 50 cents per page and \$20.00 search fee.)
- Report of only Chapter 7 filings for Terre Haute and New Albany for June, 2001 (The amount due would be 50 cents per page and \$40.00 [two \$20.00 search fees].)
- Report of closings for Dubois County in Evansville for March, 2002 (The charge would be 50 cents per page and \$20.00 search fee.)
- Report of dismissed cases for a specific attorney in Indianapolis and New Albany for May, 2000 (The amount due would be 50 cents per page and \$40.00 [two \$20.00 search fees].)

Report requests should be made by calling (317) 229-3846. At that time the type of report request should be mentioned whether it is for filings, closings, discharges or dismissals. The month(s) and year(s) should also be stated. Please specify as to whether the report should be in printout form or on a diskette. Any other specifics regarding the report should be stated at the time of the request so there is no delay in receiving the requested information in a timely fashion.

#### **4. World Wide Website**

The Bankruptcy Court for the Southern District of Indiana has a home page on the World Wide Web at: <http://www.insb.uscourts.gov>. The following information is available at the Court's website: local rules for the Southern District of Indiana, contact information for trustees serving in this district, general court announcements, court calendars, court employment opportunities and links to other court and government sites.

#### **I. LEGAL ASSISTANCE**

Certain events may occur in connection with a bankruptcy case or adversary proceeding that could affect an individual's rights. Please do not contact the Bankruptcy Clerk's Office personnel for legal assistance. Federal law (28 U.S.C. § 955) and state law (Indiana Code 33-1-5-1) prohibit deputy clerks from practicing law. Likewise, the staff at the Office of the United States Trustee is prohibited from providing legal assistance to the public. Please contact an attorney for legal advice and assistance.

#### **J. HEARING IMPAIRED**

The policy of the Bankruptcy Court is to provide reasonable accommodations to individuals with hearing impairments. The Court will provide and pay for the services of sign language interpreters or other appropriate auxiliary aids and services needed for Bankruptcy Court proceedings, **not** Section 341 meetings. If the assistance of a sign language interpreter is needed, please contact the courtroom deputy where the court proceeding is to be held at least two (2) weeks prior to ensure the attendance of the sign language interpreter.

## II. FINANCIAL MATTERS

The Bankruptcy Clerk's Office is required to collect filing and other fees. Congress and the Judicial Conference of the United States, as authorized by law, establish the fees. The Bankruptcy Clerk's Office has no control over the amount of fees or what actions require the payment of a fee.

Any fee or cost payable to the Bankruptcy Clerk may be tendered through cash, check, money order or credit card (VISA®, Mastercard®, Discover® and American Express® only). The Bankruptcy Clerk's Office has limited ability to make change for cash payments. If cash payment is to be made, exact change is requested. The Bankruptcy Clerk's Office does not accept creditor card charges via telephone. All fees are due at the time of filing or at the time the Bankruptcy Clerk's Office provides the service. When a negotiable instrument is used, the payee should be: "Clerk, U. S. Bankruptcy Court."

There is no provision for a pauper's affidavit (proceeding *in forma pauperis*) in the Bankruptcy Court. All required fees must be paid as specified by law.

### A. CASE FILING FEES

To file a bankruptcy case, payment of the filing fee is required by statute. In addition, other fees are also due and collected. Fees can and do change from time to time. The fees in effect as of the date of this publication are shown below. Up to date fee information is available on the Bankruptcy Court's website at: <http://www.insb.uscourts.gov>.

Chapter 7 <sup>1</sup> *	\$ 200.00
Chapter 9*	830.00
Chapter 11*	830.00
Chapter 11 (Railroad)*	1,030.00
Chapter 12*	230.00
Chapter 13*	185.00

\* Cases filed under all chapters require the payment of a \$30.00 administrative fee at the time of filing. This fee is in addition to the statutory filing fee. The amount listed includes the filing fee and the administrative fee.

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<sup>1</sup> Cases filed under Chapter 7 are required to pay a \$15.00 trustee surcharge. This amount is in addition to the \$30.00 administrative fee.

**B. ADDITIONAL FEES**

Except as noted, the following fees are found in the Judicial Conference Schedule of Bankruptcy Fees. The Judicial Conference of the United States promulgates this schedule under the authority of 28 U.S.C. § 1930(b).

Abandonment of Property of the Estate . . . . .	\$ 75.00
Per Fed. R. Bankr. P. 6007(b) or 11 U.S.C. § 554(b) (Motion to Compel)	
Adversary Filing Fee (Same as current District Court Civil Action) . . . . .	150.00
This fee is waived where debtor is plaintiff. There is no waiver where plaintiff is debtor-in-possession in a Chapter 11 case.	
Amendments to Creditor Schedules . . . . .	20.00
Ancillary Proceeding . . . . .	830.00
Filing a petition ancillary to a foreign proceeding under 11 U.S.C. § 304	
Appeal - Docketing Proceeding . . . . .	100.00
- Docketing Cross Appeal . . . . .	100.00
- Notice of (either of the above and only for Code cases) . . . . .	5.00
Archived Record Retrieval (per file or docket) . . . . .	35.00
Certification of Document . . . . .	7.00
<b>Plus</b> 50 cents per page copy fee <b>and</b> search fee if deputy clerk has to locate document	
Conversion/Reconversion from Chapter 7 or 13 to Chapter 11 . . . . .	645.00
(by debtor)	
Conversion/Reconversion to Chapter 7 . . . . .	15.00
( <b>All</b> motions to convert and <b>all</b> notices of conversion by debtor in Chapter 12 or 13 cases)	
Copies - By court employee (per page) . . . . .	.50
- Copies sent to printer from public terminals (per page) . . . . .	.10
- Transcript tape or CD . . . . .	20.00
Deconsolidation - Joint Debtors' Chapter 7 or 13 Estate . . . . .	77.50
- Joint Debtors' Chapter 11 Estate . . . . .	400.00
- Joint Debtors' Chapter 12 Estate . . . . .	100.00
(Deconsolidation - one-half the current filing fee for the chapter under which the joint case was commenced)	

Exemption Certificate .....	14.00
(Same copy and search fees apply as in a certification)	
Filing/Indexing a Miscellaneous Paper .....	30.00
Motion to Reopen - Chapters 7 and 13 .....	155.00
- Chapters 9 and 11 .....	800.00
- Chapter 12 .....	200.00
When a motion to reopen a case is filed, the filing fee prescribed by 28 U.S.C. § 1930(a) must be collected unless the reopening is to correct an administrative error or for actions related to the discharge. The administrative fee of \$30.00 is not collected. Where a bankruptcy case is reopened to add creditors, the added creditor fee must be paid in addition to the reopening fee.	
N.S.F. Check .....	35.00
Notice of Removal .....	150.00
Registry, Handling Charge .....	Generally 10% of the interest earned on all deposits to the account; reduced charge for deposits exceeding \$100,000,000.00 or held for more than five years
Relief from Automatic Stay .....	75.00
Per 11 U.S.C. § 362(a) (Motion) (i.e., <b>not</b> motions <b>solely</b> per § 1201 or § 1301)	
Search of Record .....	20.00
Withdraw Reference of a Case [Motion per 28 U.S.C. § 157(d)] .....	75.00
Witness Fee (per day or any portion thereof) .....	40.00
Mileage Fee .....	.36
(Automobile round trip, per mile - effective 1/1/03)	

**The above information is subject to change without further notice and only covers the most common fees charged by the Bankruptcy Court.**

### C. FEE PAYMENT POLICY

All fees are due and payable at the time of filing or request for services.

#### 1. Debtor's Checks and Debtor's Credit/Debit Cards

The Bankruptcy Court will not accept any personal checks from a debtor while the debtor's case is pending. This restriction also applies to a debtor's credit and/or debit cards.

#### 2. Returned Checks

When the Bankruptcy Court writes a receipt for any check or draft that a financial institution returns for any reason including, but not limited to, insufficient funds or a closed account, checks or drafts will no longer be accepted from that party unless the Bankruptcy Court directs the Bankruptcy Clerk, after written application by the party in each instance, to accept checks. The Bankruptcy Court assesses a \$35.00 NSF check charge on each returned check.

#### 3. Payment of Filing Fees in Installments

The required filing fees may be paid in installments only in certain situations. Only individuals are eligible to pay in installments. Non-individuals such as corporations, partnerships and municipalities are not eligible to pay filing fees in installments. In order for an individual debtor to pay filing fees in installments, an "Application to Pay Fees in Installments," along with the first installment payment<sup>2</sup>, must be filed at the time the case is commenced. The application must state the proposed terms<sup>2</sup> of the installment payments and that the debtor has not paid any money or transferred any property to an attorney or any other person for services in connection to the case, nor will any such payment be made until the filing fee is paid in full. The application shall also include a statement that the debtor understands that the case will be dismissed if any installment payment is not received by the date due. The number of installments cannot be greater than three (3). The last installment payment must be made no later than sixty (60) days after the filing of the petition. If a petition is filed without full payment of the filing fee or

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<sup>2</sup> Any application to pay filing fees in installments shall propose a payment plan in accordance with the following schedule:

<u>Chapter</u>	<u>Payment at Filing</u>	<u>One Month After Filing</u>	<u>Two Months After Filing</u>
Chapter 7	\$ 75.00	\$ 75.00	\$ 50.00
Chapter 11	430.00	400.00	
Chapter 12	105.00	75.00	50.00
Chapter 13	70.00	70.00	45.00

Payments are due, as shown, on the same day of the month as the date on which the petition was filed. If that date falls on a day that the Bankruptcy Court is closed, payment is due no later than the next business day. The initial payment for all cases includes the \$30.00 administrative fee which is due at the time of filing the petition.

without an application to pay filing fees in installments, or if such application does not conform with the requirements of Fed. R. Bankr. P.1006, the Bankruptcy Clerk shall reject the petition. In any case where a payment has not been received by the due date, the Bankruptcy Court shall issue an order of dismissal.

#### **D. COURT REGISTRY ACCOUNT**

Monies held by the Bankruptcy Clerk, pursuant to an order of the Bankruptcy Court, are placed into the Bankruptcy Clerk's registry account.

##### **1. Investment and Payment of Funds**

Monies paid into the Bankruptcy Court are governed by 28 U.S.C. § 2041. Monies paid out of the Bankruptcy Court are governed by 28 U.S.C. § 2042. Pursuant to Fed. R. Civ. P. 67 made applicable to bankruptcy cases and proceedings by Fed. R. Bankr. P. 7067, the Bankruptcy Clerk maintains an interest-bearing registry account.

Parties depositing monies into the Bankruptcy Court may petition the Court for an order of investment directing the Bankruptcy Clerk to hold funds in some form of interest-bearing investment. Any such petition, together with a proposed order, should specify:

- (a) the exact amount to be invested;
- (b) the name of the financial institution;
- (c) the type of instrument or account; and
- (d) the terms of the investment.

If the amount of any deposit exceeds the amount covered by federal deposit insurance, the Bankruptcy Court must be advised so special arrangements can be made to obtain proper collateralization of the financial institution before funds are turned over to the Bankruptcy Clerk.

Whenever an order is entered directing the investment of funds deposited or to be deposited in the registry account of the Bankruptcy Court, the party obtaining the order shall submit a copy of such order when remitting funds to be deposited with the Bankruptcy Clerk.

The Bankruptcy Clerk shall take all reasonable steps to ensure that the funds are invested no more than fifteen (15) days following the receipt of the funds. The party or parties obtaining the order directing the investment of funds at interest shall verify that the Bankruptcy Clerk has invested the funds within the fifteen-day period. Failure of the party or parties to remit the funds and attach a copy of the order or failure to verify that the funds were actually invested shall release the Bankruptcy Clerk from any liability for the loss of interest which could have been earned on those funds.

## **2. Court Registry Account Fees**

Fees shall be charged against the deposited funds. This fee is established by the Judicial Conference of the United States under the authority of 28 U.S.C. § 1930 and is collected by the Bankruptcy Clerk when funds are disbursed by order of the Bankruptcy Court.

### **III. GENERAL FILING REQUIREMENTS**

#### **A. FORMAT OF PAPERS PRESENTED FOR FILING, NUMBER OF COPIES, ORDERS AND SERVICE**

Documents not conforming to the following requirements will not be rejected by the Bankruptcy Clerk, but the Bankruptcy Court may disregard them, order them stricken or order any defect corrected.

##### **1. Form, Style and Size of Papers**

In order that the files of the Bankruptcy Clerk may be kept under the system commonly known as "flat filing," all papers presented to the Bankruptcy Clerk's Office for filing shall be flat and unfolded. All filings shall be on white paper of good quality, 8.5" x 11" in size and shall be plainly typewritten, printed or prepared by a clearly legible duplication process, and double spaced, except for quoted material. The title of each pleading must be set out on the first page. Each page shall be numbered consecutively.

##### **2. Signature**

Every pleading, motion or other paper shall bear the original signature, in ink, and shall clearly identify the name, address and telephone number of the attorney or *pro se* litigant. Any pleading, motion or other paper not signed by at least one attorney appearing of record, as required by Fed. R. Civ. P. 11 made applicable to bankruptcy cases and proceedings by Fed. R. Bankr. P. 9011, shall be stricken from the record unless such omission is promptly corrected upon notice to said attorney. A rubber stamp or facsimile signature on the original copy of such pleading shall not be acceptable.

##### **3. Number of Copies and Return of File-Stamped Copies**

Except as otherwise required in S.D. Ind. L.R. B-1002 and B-3001, and except as permitted by Fed. R. Bankr. P. 5005(b), an original and one copy for the United States Trustee of all pleadings, motions and other papers shall be submitted for filing unless ordered otherwise. If a party wishes to receive by return mail a file-stamped copy of the pleading, motion or paper, the party shall include an additional copy to be file-stamped and a self-addressed envelope of adequate size and with adequate postage.

##### **4. Form of Orders**

The filing of a pleading requiring the entry of a routine or uncontested order by the Bankruptcy Judge or the Bankruptcy Clerk shall be accompanied by a suitable tendered form of order together with at least one copy thereof. The names and addresses of those entitled to receive a copy of the order shall appear on the tendered form of order, or be listed on a separate page or pages attached to the order.

## 5. Certificate of Service of Papers

The certificate of service of all papers required or permitted to be served may be made by certificate of the person serving the same, if the person is an attorney of record in the case, or by the party, if *pro se*, by affidavit of the person serving the same or by the written acknowledgment of service, unless some other method of proof is expressly required by the Bankruptcy Court's local rules, the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure.

## 6. Certificate of Mailing

If the Bankruptcy Court directs the distribution of any paper by a party, that party shall file within three (3) days of completing distribution a certificate of mailing which includes a copy of the document served and a list of the names and addresses of those to whom the document was distributed. A non-attorney may execute the certificate of mailing.

### B. WHERE TO FILE

All documents required to commence a case or proceeding should be filed at the Office of the Bankruptcy Clerk in the division of the district where the principal place of business, residence or domicile of the debtor is located for the period required by 28 U.S.C. § 1408. All papers filed after the commencement of the case or proceeding should be filed with the Office of the Bankruptcy Clerk in the division where the case file is maintained.

All papers, including the original petition for relief, are to be filed with the Bankruptcy Clerk's Office. Under no circumstances are original documents to be delivered to chambers. **A delivery to chambers is not deemed filed with the Bankruptcy Clerk.** Although not required, a courtesy copy of a document may be delivered to chambers.

### C. FILING BY FACSIMILE (FAX)

The Bankruptcy Clerk is not authorized to file papers received by facsimile transmission without specific authorization by the Bankruptcy Judge assigned to the case, granted upon a finding of compelling circumstances warranting such method of filing. Whenever facsimile filing is permitted, a substitute copy that complies with S.D. Ind. L.R. B-5005-1 shall be filed to replace the facsimile within seven (7) days.

## IV. SPECIFIC BANKRUPTCY CASE FILING REQUIREMENTS

### A. REQUIREMENTS FOR COMMENCEMENT OF A BANKRUPTCY CASE

Counsel and/or parties are strongly encouraged to present all new cases to the Bankruptcy Clerk's Office before 4:00 p.m. for opening and processing. Initial pleadings presented after 4:30 p.m. will be "filed" the day of presentment, but other processing may not be completed that day. Counsel and/or parties may be required to return the following business day to retrieve completed paperwork.

#### 1. Voluntary Petitions: Commencement of Case

##### a. Number of Copies

The number of copies of petitions, accompanying lists, schedules and statements required to be filed in voluntary Chapters 7, 11, 12 and 13 cases is as follows:<sup>3</sup>

**Chapter 7:** a signed original, plus three (3) copies thereof, containing the following pleadings, assembled and stapled in the following order:

#### **Individual**

- ▶ Filing Fee (\$200) or Application to Pay Filing Fees in Installments
- ▶ Petition
- ▶ Exhibit B - Individuals with primarily consumer debts only unless *pro se*
- ▶ Exhibit C
- ▶ Attachment to Exhibit C, if necessary
- ▶ Summary of Schedules with debtor(s) declaration
- ▶ Schedules A-J
- ▶ Statement of Financial Affairs with debtor(s) declaration
- ▶ Disclosure of Compensation (Attorney or Petition Preparer)
- ▶ Statement of Intentions
- ▶ Notice to Individual Consumer Debtor
- ▶ Mailing Label Matrix or List of Creditors on Diskette (Diskette required for fifteen or more creditors)

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<sup>3</sup>The complete bankruptcy kit, which includes the petition, accompanying lists, schedules and statements, may be purchased from most office supply stores.

## **Non-Individual**

- ▶ Filing Fee (\$200)
- ▶ Petition
- ▶ Exhibit C
- ▶ Attachment to Exhibit C, if necessary
- ▶ Summary of Schedules with debtor(s) declaration
- ▶ Schedules A-H, except C
- ▶ Statement of Financial Affairs with debtor(s) declaration
- ▶ Disclosure of Compensation (Attorney or Petition Preparer)
- ▶ Mailing Label Matrix or List of Creditors on Diskette (Diskette required for fifteen or more creditors)

**Chapter 11:** a signed original plus six (6) copies thereof, containing the following pleadings assembled and stapled in the following order:

## **Individual**

- ▶ Filing Fee (\$830.00) or Application to Pay Filing Fee in Installments
- ▶ Petition
- ▶ Exhibit C
- ▶ Attachment to Exhibit C, if necessary
- ▶ Summary of Schedules with debtor(s) declaration
- ▶ Schedules A-J
- ▶ Statement of Financial Affairs with debtor(s) declaration
- ▶ Disclosure of Compensation (Attorney or Petition Preparer)
- ▶ List of 20 Largest Unsecured Creditors
- ▶ Notice to Individual Consumer Debtor
- ▶ Mailing Label Matrix or List of Creditors on Diskette (Diskette required for fifteen or more creditors)

## **Non-Individual**

- ▶ Filing Fee (\$830.00)
- ▶ Petition
- ▶ Exhibit A, if applicable
- ▶ Exhibit C
- ▶ Attachment to Exhibit C, if necessary
- ▶ Summary of Schedules with debtor(s) declaration
- ▶ Schedules A-H, except C
- ▶ Statement of Financial Affairs with debtor(s) declaration
- ▶ Disclosure of Compensation (Attorney or Petition Preparer)
- ▶ List of 20 Largest Unsecured Creditors
- ▶ List of Equity Security Holders
- ▶ Mailing Label Matrix or List of Creditors on Diskette (Diskette required for fifteen or more creditors)

**Chapter 12:** a signed original, plus six (6) copies thereof, containing the following pleadings assembled and stapled in the following order:

**Individual**

- ▶ Filing Fee (\$230.00) or Application to Pay Filing Fees in Installments
- ▶ Petition
- ▶ Exhibit C
- ▶ Attachment to Exhibit C, if necessary
- ▶ Summary of Schedules with debtor(s) declaration
- ▶ Schedules A-J
- ▶ Statement of Financial Affairs with debtor(s) declaration
- ▶ Disclosure of Compensation (Attorney or Petition Preparer)
- ▶ Mailing Label Matrix or List of Creditors on Diskette (Diskette required for fifteen or more creditors)

**Non-Individual**

- ▶ Filing Fee (\$230.00)
- ▶ Petition
- ▶ Exhibit C
- ▶ Attachment to Exhibit C, if necessary
- ▶ Summary of Schedules with debtor(s) declaration
- ▶ Schedules A-H, except C
- ▶ Statement of Financial Affairs with debtor(s) declaration
- ▶ Disclosure of Compensation (Attorney or Petition Preparer)
- ▶ Mailing Label Matrix or List of Creditors on Diskette (Diskette required for fifteen or more creditors)

**Chapter 13:** a signed original, plus three (3) copies thereof, containing the following pleadings assembled and stapled in the following order:

- ▶ Filing Fee (\$185) or Application to Pay Filing Fees in Installments
- ▶ Petition
- ▶ Exhibit B
- ▶ Exhibit C
- ▶ Attachment to Exhibit C, if necessary
- ▶ Summary of Schedules with debtor(s) declaration
- ▶ Schedules A-J
- ▶ Statement of Financial Affairs with debtor(s) declaration
- ▶ Disclosure of Compensation (Attorney or Petition Preparer)
- ▶ Notice to Individual Consumer Debtor
- ▶ Mailing Label Matrix or List of Creditors on Diskette (Diskette required for fifteen or more creditors)

In addition to the above, a Chapter 13 plan (original and two return copies only) must also be provided. The model plan approved by the Bankruptcy Court will be the only acceptable plan or amended plan. A copy of the model plan is available in the Office of the Bankruptcy Clerk or on the Court's website at: <http://www.insb.uscourts.gov>.

The Chapter 13 trustee will be responsible for serving all Chapter 13 plans and amended plans. The debtor or debtor's attorney will be responsible for providing to the proper Chapter 13 trustee a filed-marked copy of the plan or amended plan for distribution to all creditors and parties in interest.

**(b) Additional Requirements**

In addition to complying with the Federal Rules of Bankruptcy Procedure and Official Forms, all petitions shall:

- (1) state the street address, including the full street number and zip code, of the debtor;
- (2) state the full name of the debtor and explain an initial not representing a name;
- (3) state the county of the debtor's residence, domicile or place of business;
- (4) state the debtor's social security number and any employer identification number; and
- (5) be verified as of a date not more than thirty (30) days prior to filing.

**(c) Place of Filing**

The original petition and all other required documents shall be filed with the Bankruptcy Clerk's Office for the district where the principal place of business, residence or domicile is located for such period of time as required by 28 U.S.C. § 1408.

**(d) Emergency Filing: Minimum Required**

Any voluntary petition filed without the schedules and statements required must be accompanied by the appropriate filing fee or application to pay filing fee in installments and include the petition, a certificate of emergency that conforms substantially with Local Bankruptcy Form LBF-1 (Appendix, pg. A6) and a listing of creditors with addresses (if fifteen or more creditors, a diskette is also required at the time of filing). Any request for an extension of time to file the other documents required must comply with Fed. R. Bankr. P. 1007.

## **2. Involuntary Petitions: Commencement of Case**

An involuntary case may be commenced only under Chapters 7 or 11. Involuntary petitions against both a husband and wife require the filing of two (2) separate petitions and the paying of two (2) separate filing fees. Relief is not ordered on an involuntary case at the time of filing. The forms required for an involuntary are:

- (a) Filing Fee
  - Chapter 7 (\$200)
  - Chapter 11 (\$830)
- (b) Involuntary Petition
  - Signature of petitioning creditor(s)
  - Signature of attorney(s)
- (c) Number of copies
  - For cases under Chapter 7, original plus three (3) copies
  - For cases under Chapter 11, original plus six (6) copies
- (d) Summons to Debtor in Involuntary Case, original and at a minimum, one copy (The summons will be returned to the moving party at the time of filing for service.)

## **3. Lists of Creditors**

### **a. Creditors Matrix on Diskette**

As of June 1, 2003, the Bankruptcy Court for the Southern District of Indiana requires a 3.5" diskette to be submitted for any case having fifteen (15) or more creditors. In order for creditor information to be entered properly into the Bankruptcy Court's computer system, the following guidelines have been established for the creditors matrix on diskette.

- The creditors on Schedules D, E and F should be identical to the creditors listed on the diskette.
- The addresses must be in a single column on the page.
- The same creditor with the same address should list only once on the matrix.
- Do not type attention lines, account numbers, phone numbers or amounts on any of the lines.
- Do not include the following parties on the matrix: debtor, joint debtor, attorney for debtor or United States Trustee. The Bankruptcy Court computer system will automatically add these names.

- The Bankruptcy Court accepts only 3.5" high-density diskettes.
- Include creditor addresses from only one case per diskette.
- Each address line of the address block should not exceed 35 characters.
- The creditor block should be three or four lines in length. Address blocks with one, two, five or six lines will not be accepted.
- For a three line address block, the first line should be the creditor's name. The second line should be the creditor's address. The third line should be the city, followed by a space, followed by the two letter state abbreviation in capital letters. Insert a space between the state and the zip code.
- For a four line address block, the first line should be the creditor's name. The second line should be a company, title for the creditor or the address line. The third line should be the address line or the second address line. The fourth line should be the city, followed by a space, followed by the two letter state abbreviation in capital letters. Insert a space between the state and the zip code.
- Nine digit zip codes should be typed with a hyphen ("-") and not a space or a comma separating the two groups of digits.
- All creditor address information should be saved in "ASCII DOS" text, "MSDOS" text or TEXT document (TXT).

**b. Creditors Matrix on Paper**

The Bankruptcy Court requests that a creditors matrix be submitted on a 3.5" diskette for all cases. However, if the bankruptcy petition filing is complete, including schedules, and has fourteen or less creditors, it is not necessary to submit a separate list of creditors. If the petition filing does not include Schedules D, E and F and has fourteen or less creditors and a matrix diskette will not be submitted, the creditors should be typed in a three-column format. The data format should follow the guidelines listed in the "Creditors Matrix on Diskette" listed above.

**c. Creditors Matrix on Web**

Registered PACER users can retrieve a creditors three-across matrix from the Bankruptcy Court's website. Specific and detailed instructions explain how to download and print out the matrix in a three-across mailing label format. Please note: the Bankruptcy Clerk's Office will prepare a mailing matrix. However, requesting parties will be charged a fee of 50 cents per page.

## **B. ADDITIONAL CHAPTER 11 REQUIREMENTS**

In addition to the general requirements for filings under all chapters, Chapter 11 debtors are required to file monthly operating reports with the Bankruptcy Court. The monthly operating report form must comply with the debtor-in-possession operating order and the United States Trustee operating guidelines. Copies of the reporting form are available from the Office of the United States Trustee.

## **V. ADVERSARY PROCEEDINGS**

### **A. ADVERSARY PROCEEDING CAPTION**

Although each adversary proceeding is referred to by its own distinct number, an adversary proceeding is always commenced within the framework of an underlying bankruptcy main case. Consequently, the caption of all adversary proceedings is required to contain a reference to both the underlying bankruptcy case number as well as the adversary proceeding.

### **B. REQUIREMENTS FOR FILING A COMPLAINT**

Part VII of the Federal Rules of Bankruptcy Procedure deals with adversary proceedings. For specific information about what constitutes an adversary proceeding, time limits, service requirements, etc., please refer to these rules. Compliance with the Federal Rules of Bankruptcy Procedure and the corresponding Federal Rules of Civil Procedure is required where referenced in all adversary proceedings.

#### **1. Complaint**

The original and two (2) copies of the complaint must be submitted. One copy of the complaint will be returned if a self-addressed, stamped envelope of proper size is included.

#### **2. Cover Sheet**

Only the original of the cover sheet is required. It must be fully and accurately completed. The adversary cover sheet can be downloaded from the Court's website at: <http://www.insb.uscourts.gov>.

#### **3. Filing Fee**

The statutory filing fee must be paid at the time of filing. There is no filing fee for Chapter 7 and 13 debtors and for United States governmental agencies. The filing fee **may** be deferred for interim trustees and Chapter 11 debtors.

#### **4. Summons**

The original and all copies of the summons are signed, sealed and prepared by a deputy clerk. A copy of the summons is placed in the Bankruptcy Court's file and the original and remaining copies are returned to the moving party for service. A single summons may be issued for multiple defendants in the same case. Utilizing this procedure can result in considerable savings of time and paper.

A copy of the complaint (or other pleading) must be included with each summons being served. The serving party must submit a return of service to establish when and how service was

effected within ten (10) days from the issuance of the summons. If service is made by any authorized form of mail, the summons and complaint shall be deposited in the mail within ten (10) days following the issuance of the summons. If a summons is not timely delivered or mailed, another summons shall be issued and served.

Anyone 18 years of age or older who is not a party to the suit may serve the summons and complaint. A person specially appointed to serve process may also do so. The United States Marshal no longer serves summonses or other civil process except:

- (1) on behalf of the United States;
- (2) on behalf of a person who has been granted leave to proceed *in forma pauperis*;
- (3) on behalf of a person authorized to proceed as a seaman under 28 U.S.C. § 1916; and
- (4) when otherwise ordered by the Bankruptcy Court.

— Fed. R. Bankr. P. 7004; Fed. R. Civ. P. 4 —

### **C. PROCEDURES FOR FILING NOTICE OF REMOVAL**

When a civil case is removed from a state court to the Bankruptcy Court, some of the basic requirements for filing an original adversary apply (i.e., payment of \$150.00 filing fee and completed adversary cover sheet). Parties filing a notice of removal should follow the requirements of 28 U.S.C. § 1452 and Fed. R. Bankr. P. 9027.

In addition, the following guidelines should be observed:

- (1) The caption of the notice of removal must be the same as the caption of the original case filed in the state court. All parties must be listed in the caption of the case. The use of “et al” is not acceptable.
- (2) Copies of all state court papers, excluding discovery matters, should be attached to or included with the notice of removal.
- (3) Exhibits to pleadings must be stapled or bound.
- (4) Copies of the notice of removal must be served on all parties and on the state court clerk.

### **D. WITHDRAWAL OF REFERENCE**

In matters in which a statute provides for trial before a District Court Judge, counsel may request that the case be heard in District Court. If such action occurs, the following procedures apply:

- (1) The application or motion and \$75.00 filing fee should be filed with the Bankruptcy Court, which will transmit the matter to the District Court.
- (2) A cause number will be assigned and a District Judge will be chosen by random draw to rule on the application.
- (3) If the District Court grants the motion to withdraw the reference, the case will be removed from the Bankruptcy Court to the District Court. All original pleadings or any pleadings so designated (S.D. Ind. L.R. 5011) will be transmitted to the District Court. The case will then be heard in District Court in the usual manner.

Once the reference is withdrawn, the Bankruptcy Clerk will have no further duties to perform relating to the matter withdrawn; although under special circumstances, the District Court may request that the Bankruptcy Court transmit notices, if necessary.

#### **E. PRETRIAL AND TRIAL PROCEDURES**

Parties should refer to S.D. Ind. L.R. B-7016 and the Bankruptcy Court's website (<http://www.insb.uscourts.gov>) for the details regarding pretrial procedures.

The Bankruptcy Court relies on S.D. Ind. L.R. 16.1 to facilitate the orderly and efficient management of cases. One of its principal policies is that parties can and should conduct many phases of litigation without the direct involvement or supervision of the Bankruptcy Court, thereby giving greater flexibility to the parties as well as conserving judicial resources.

Very often the Bankruptcy Court will enter either a preliminary pretrial order or pretrial order in a particular case (Appendix, pgs. A7-20). Deadlines set out in an order place significant responsibilities on parties to adhere diligently to pretrial or trial schedules.

The pretrial order requires parties to confer (preferably in person) and give thoughtful consideration to the merits at issue in a case at the initial stages, rather than waiting until immediately before trial. The pretrial order may give specific deadlines for discovery issues and dispositive motions as well as a trial date. The parties are then able to consider a realistic time frame and mechanisms for resolution of the dispute, whether through alternative dispute resolution or by the Bankruptcy Court.

— S.D. Ind. L. R. 16.1 (District Court)—

#### **F. DISCOVERY**

S.D. Ind. L.R. B-7005-2 specifically provides that S.D. Ind. L.R. 26.2 applies in adversary proceedings, unless otherwise ordered by the Bankruptcy Judge.

Because of the considerable cost to the parties in furnishing additional copies of discovery materials and the serious problems encountered with storage, the Bankruptcy Court has

directed, through S.D. Ind. L.R. 26.2, that certain discovery materials not be filed with the Bankruptcy Clerk's Office.

Particular attention should be given to S.D. Ind. L.R. 26.2 in this regard. That is, even as to the written discovery and depositions parties anticipate utilizing at trial or in support of a dispositive motion, only the portions directly relevant to the resolution of the issues presented should be filed. For example, if only four pages of a deposition are necessary to support a motion for summary judgment, only those pages, excerpted from the whole, should be included as an exhibit supporting the motion.

Motions to publish depositions are not required under the Federal Rules of Civil Procedure or the Bankruptcy Court's local rules.

In furtherance of the policy of the Bankruptcy Court that discovery matters be conducted without the unnecessary intervention of the Court, parties are required in most circumstances, before filing a motion pursuant to Fed. R. Civ. P. 26(c) or 37, to meet and confer with a goal of reaching agreement on the matter(s) set forth in the motion. An exception to this requirement exists for: (1) problems requiring and permitting immediate resolution during a deposition; (2) motions filed pursuant to Fed. R. Civ. P. 26(c); and (3) motions brought by a person appearing *pro se*.

— Fed. R. Civ. P. 26 and 37; S.D. Ind. L.R. 26.2(b) and 37.1 (District)—

## **G. DEFAULT JUDGMENTS**

A default may be entered when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend within twenty days (sixty days for the United States) following service. Proof of adequate service must be on file with the Bankruptcy Clerk's Office. It may also be entered where a defendant has waived service of summons under Fed. R. Civ. P. 4(d) but has not responded within the applicable time period under that rule. Before a default judgment can be entered, an entry of default must be made against the party by the Bankruptcy Clerk. It should be noted, however, that attorney fees and special damages can only be awarded by the Bankruptcy Court. For sample forms, visit the Court's website at: <http://www.insb.uscourts.gov>.

### **1. Entry of Default**

The first step in securing a default is to apply to the Bankruptcy Clerk for the entry of Default. The party seeking entry of default should tender an appropriate entry for the Bankruptcy Clerk's signature.

## **2. Default Judgment**

### **a. By the Clerk**

When seeking a default judgment for a sum certain or for a sum which can by computation be made certain (*e.g.*, suit on a note, on open account), such request should be supported by an affidavit setting forth that the party to be defaulted is not an infant, an incompetent person nor in military service; that the default is for failure to appear; and that the disbursements, if any, sought to be taxed as costs have been or must be made in the action.

### **b. By the Court**

In all other cases where a default judgment is sought, the party seeking the default judgment must apply to the Bankruptcy Court for relief.

— *Fed. R. Civ. 55; Fed. R. Bankr. P. 7055*—

## **VI. POST JUDGMENT MATTERS**

### **A. WRIT OF EXECUTION**

The following documents are required to obtain a writ of execution:

- (1) Writ of Execution to the United States Marshal (original) (A sample form can be found on the Court's website: <http://www.insb.uscourts.gov>.)
- (2) Praecipe (original and three copies)
- (3) Certified copy of Judgment (one copy)
- (4) Process Receipt and Return (one set)

A fee for the certification of documents is payable at the time of filing.

### **B. REGISTRATION OF FOREIGN JUDGMENT IN BANKRUPTCY COURT**

The registration of a judgment obtained in another court with the Bankruptcy Court for this district requires the following documentation and payment of a filing fee:

- (1) Certified copy of the judgment from the other court (one copy)
- (2) Certification of Judgment for Registration in another district (one copy)

### **C. PROCEEDINGS SUPPLEMENTAL**

Process to enforce a judgment of the Bankruptcy Court is by writ of execution. The procedure on execution in proceedings supplementary to and in aid of a judgment are in accordance with the practices of the State of Indiana. Unless the judgment will benefit the bankruptcy estate, bankruptcy judgments should be collected in state courts.

### **D. POST JUDGMENT INTEREST RATES**

Interest on judgments entered in the Bankruptcy Court are determined pursuant to 28 U.S.C. § 1961(a). This statute provides that interest is "calculated from the date of the entry of the judgment at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment."

Current and past interest rates are available at the following internet address: <http://www.federalreserve.gov/releases/H15/current/h15.pdf>. (Please note: from the website, utilize the "1-Year" weekly average interest rate under "Treasury Constant Maturities 11." The correct rate to use is for the "Week Ending" the previous Friday, effective the following Monday for that upcoming week. The weekly average one-year constant maturity yield rate changes are posted to this web page every Monday after 4:00 p.m. EST. (If Monday falls on a holiday, then it is posted on Tuesday.)

## **VII. CLAIM FILING REQUIREMENTS**

### **A. FILED IN TRIPLICATE**

A proof of claim, including attachments, should be filed in triplicate. The Bankruptcy Court will retain the original as part of the official record in the case. One copy will be sent to the trustee serving in the case or to the attorney for the debtor, as appropriate in the case. Another copy will be filed-marked and returned to the party submitting the claim. For claims filed by mail, the Bankruptcy Court will return a filed-marked copy to the party submitting it **only** when the claimant provides a self-addressed stamped envelope. Claims should be filed within the time limits specified by the Court.

### **B. PROOF OF CLAIM FORMS**

The proof of claim form, Official Form 10, is available from the Bankruptcy Clerk's Office and on the Court's web page (<http://www.insb.uscourts.gov>). All proof of claims are required to conform substantially to Official Form 10. Supporting documents, if submitted, should be attached to the original proof of claim and all copies of the claim.

## **VIII. TRANSFER AND REASSIGNMENT OF CASE**

### **A. RELATED CASES - TRANSFER**

The Bankruptcy Clerk shall examine all petitions filed and communicate in writing to the Bankruptcy Judges affected any information provided by counsel concerning related cases.

Cases may be transferred from one Bankruptcy Judge to another when it is determined that a case is related to another case pending in the district. The Bankruptcy Judge assigned the later filed case may transfer that case to the Bankruptcy Judge assigned to the prior related proceeding by making a written request to the Bankruptcy Clerk that the matter should be transferred. Upon receipt of such written request, the Bankruptcy Clerk shall transfer the matter to the appropriate Bankruptcy Judge and shall record the transfer in the Bankruptcy Clerk's record.

### **B. TRANSFER RECORD**

The Bankruptcy Clerk shall prepare and keep a transfer record which shall contain the following information:

- (1) the names of the Bankruptcy Judges;
- (2) the case or adversary proceeding numbers of all cases transferred to and from each Bankruptcy Judge;
- (3) the total number of all cases and adversary proceedings transferred from each Bankruptcy Judge;
- (4) the total number of all cases and adversary proceedings transferred to each Bankruptcy Judge; and
- (5) the number of cases and adversary proceedings by which a Bankruptcy Judge's docket has been decreased or increased as a result of such transfer.

### **C. CONTROL OF CASE AFTER ASSIGNMENT**

After any matter has been assigned or transferred to a Bankruptcy Judge, that Bankruptcy Judge shall have complete charge of the matter.

#### **D. REASSIGNMENT OF CASES**

Whenever it becomes necessary to reassign any case, such as when a Bankruptcy Judge recuses himself or herself, the Bankruptcy Judge who seeks to have the case reassigned shall refer the case to the Bankruptcy Clerk for reassignment. The Bankruptcy Clerk shall record such reassignment in the transfer record. When reassigning a case, the Bankruptcy Clerk shall use a random system.

## **IX. JOINT ADMINISTRATION AND/OR SUBSTANTIVE CONSOLIDATION**

A motion for joint administration and/or to consolidate must be filed in each of the cases to be jointly administered and/or consolidated.

### **A. JOINT ADMINISTRATION**

If a joint petition or two or more petitions are pending in the same court by or against (1) a husband and wife, (2) a partnership and one or more of its general partners, (3) two or more general partners or (4) a debtor and an affiliate, the Bankruptcy Court may order a joint administration of the estates. [Fed. R. Bankr. P. 1015(a)] Upon motion of a party in interest, a joint case commenced pursuant to 11 U.S.C. § 302(a) shall be jointly administered unless otherwise ordered by the Bankruptcy Court. The separate estates of debtors in a joint case will only be consolidated upon motion and notice.

If the Bankruptcy Court orders joint administration in two or more cases, the caption of all documents, pleadings and claims filed in any of the jointly administered cases shall list the names of all of the cases subject to joint administration and only the lowest case number of the jointly administered cases (Appendix, pg. A21). Unless otherwise ordered by the Bankruptcy Court, documents, pleadings and claims filed in any of the consolidated cases will be docketed on a single docket **under the lead case only**. If a pleading is filed under one of the non-lead cases, it will be docketed on the lead case with reference to the non-lead case on the docket. If a claim is filed under a non-lead case, it will also be docketed on the lead case.

— *S.D. Ind. L.R. B-1015-1(a),(c); Fed. R. Bankr. P. 1015(a)* —

### **B. SUBSTANTIVE CONSOLIDATION**

If, after motion and notice, the Bankruptcy Court orders the substantive consolidation of two or more cases, the caption of all documents, pleadings and claims filed in the consolidated case shall list only the name of the consolidated case and that case number, which shall be the name and number of the first case filed. Unless otherwise ordered by the Bankruptcy Court, documents, pleadings and claims will be docketed on a single docket **under the lead case only**. If a pleading is filed under one of the non-lead cases, it will be docketed on the lead case with reference to the non-lead case on the docket. If a claim is filed under a non-lead case, it will also be docketed on the lead case.

## **X. AMENDMENTS**

### **A. PETITIONS**

Amendments to a voluntary petition list, schedule or statement may be filed by the debtor as a matter of course at any time before the case is closed. The debtor shall give notice of the amendment to the case trustee and to any entity affected thereby.

#### **1. Amendments to Schedules D, E or F**

The original of any amendment to Schedules D, E or F shall be filed with the Bankruptcy Clerk's Office and must be accompanied by a \$20.00 filing fee. The attorney for the debtor or the debtor (if *pro se*) will serve any amendment to Schedules D, E or F upon any added creditor filed after the notice of meeting of creditors (§ 341 meeting) is sent. All documents sent to creditors including the notice of 341 meeting, plans and/or modified plans, if appropriate on Chapters 11, 12 and 13 cases, must accompany the amendment(s).

The original certificate of service shall be filed with the Bankruptcy Clerk's Office and certify that the amendment and appropriate documents were served upon the added creditor(s), case trustee and United States Trustee. The certificate of service shall include the date of service of the amendment(s). All certificates of service must bear an original signature of the attorney for the debtor or the debtor (if *pro se*).

### **B. ADVERSARY AND OTHER PLEADINGS**

Fed. R. Civ. P. 15 (a) applies in adversary proceedings and other pleadings which states:

- (1) a party may amend its pleading "once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served;" and
- (2) "otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party."

Notwithstanding the first of the foregoing statements, a new party may be brought into a case only with leave of the Bankruptcy Court.

When an amended complaint (or other amended pleading) is submitted but not filed as a right under Fed. R. Civ. P. 15(a) or pursuant to court order, the following procedures should be observed:

- (1) A motion for leave to file an amended complaint is filed, accompanied by an original of the proposed amended complaint and one extra copy. A proposed order granting the motion with sufficient copies for all parties must also be submitted.
- (2) If an order granting the motion is entered, the **original** of the amended complaint (offered with the motion) will be filed and docketed and the extra copy will be file-stamped and returned to the moving party for service on the other parties.

## **XI. BANKRUPTCY MATTERS IN DISTRICT COURT**

### **A. APPEALS**

The District Court's jurisdiction over appeals from decisions of the Bankruptcy Court is created by 28 U.S.C. § 158 (a).

The notice of appeal must be filed with the Bankruptcy Court accompanied by the \$105.00 filing fee and appeal cover sheet (Appendix, pg. A22-23). The Bankruptcy Clerk will transmit the record to the District Court, where it will be assigned to a District Court Judge by random draw and given a District Court case number.

Other documents on the appeal filed in the Bankruptcy Court are:

- (1) Designation of Items and Statement of Issues
- (2) Requests for Transcripts

All other pleadings should be filed directly with the District Court.

### **B. MOTIONS FOR STAY PENDING APPEAL**

Motions for stay pending appeal of Bankruptcy Court orders are filed with the Bankruptcy Court and then transmitted to the District Court Clerk, who assigns the motion a civil case number. When an appeal is later transmitted to the District Court, it is assigned the same case number as the previously filed motion for stay.

### **C. MOTION FOR LEAVE TO APPEAL INTERLOCUTORY ORDER**

A motion for leave to appeal an interlocutory order or decree of the Bankruptcy Court is also filed with the Bankruptcy Court and, if granted, is transmitted to the District Court Clerk, who assigns the motion a civil case number. When the bankruptcy appeal is transmitted to the District Court, it is assigned the same cause number.

## **XII. COURT PROCEDURES**

### **A. IN COURT**

Each Bankruptcy Judge has specific, individual requirements of decorum and procedure in the courtroom. In general, all Bankruptcy Judges require the following:

- (1) punctuality;
- (2) pre-marked exhibits (exhibit and witness lists should be provided to the Judge, court recorder and courtroom deputy clerk);
- (3) witnesses present and ready to testify; and
- (4) advance formulation, if possible, of all objections to witnesses, exhibits, etc.

Parties are encouraged to confer with the assigned courtroom deputy clerk before the scheduled proceeding to ensure that their presentation will be handled in the most efficient, effective and productive manner. Any specific questions concerning the handling of exhibits, witnesses, etc., may be answered by the courtroom deputy clerk.

### **B. COURTROOM STAFF**

#### **1. Courtroom Deputy Clerks (CRD)**

Each Bankruptcy Judge has an assigned courtroom deputy clerk (CRD). The duties of the CRD vary somewhat. However, in general, the CRD is appropriately viewed as the administrative assistant to the Judge. For instance, the CRD manages and schedules the cases assigned to the Bankruptcy Judge and conforms and causes to be distributed all of the Court's orders and entries. It can be of great benefit to direct questions to the CRD concerning a particular Judge's preference as to procedure, decorum, schedule and so forth. A CRD may be contacted as follows:

<b>Judge Otte's CRD</b>	<b>(317) 229-3831</b>
<b>Judge Lorch's CRD</b>	<b>(812) 542-4572</b> (New Albany)
	<b>(812) 434-6474</b> (Evansville)
	<b>(317) 229-3808</b> (Indianapolis)
<b>Judge Metz's CRD</b>	<b>(317) 229-3834</b>
<b>Judge Coachys' CRD</b>	<b>(317) 229-3837</b>

## **2. Electronic Court Recorders (ECR)**

Each Bankruptcy Judge has an assigned court recorder (ECR). The function of each ECR is to record all court proceedings for the respective Judge. An ECR may be contacted as follows:

<b>Judge Otte's ECR</b>	<b>(317) 229-3835</b> <b>(812) 434-6480</b> (Terre Haute)
<b>Judge Lorch's ECR</b>	<b>(812) 542-4550</b> (New Albany) <b>(812) 434-6480</b> (Evansville) <b>(317) 229-3835</b> (Indianapolis)
<b>Judge Metz's ECR</b>	<b>(317) 229-3942</b>
<b>Judge Coachys' ECR</b>	<b>(317) 229-3822</b>

### **C. CUSTODY OF FILES AND EXHIBITS**

After being marked for identification, models, diagrams, exhibits and material offered or admitted into evidence in any cause pending or tried in the Bankruptcy Court shall be placed in the custody of the Bankruptcy Clerk, unless otherwise ordered by the Court, and shall not be withdrawn until after the time for appeal has run. In the event of an appeal, such items shall not be withdrawn until the final mandate of the reviewing Court is filed in the office of the Bankruptcy Clerk and until the case is disposed of as to all issues. Attorneys may request return of exhibits at the conclusion of an appeal time. Once a case is closed, any remaining files are disposed of by the Bankruptcy Clerk.

### **D. REQUESTS FOR TRANSCRIPTS**

When ordering a transcript, the requesting party should make initial, direct telephone contact with the electronic court recorder who will advise the amount of the required deposit. The request for transcript should be in writing and filed with the Bankruptcy Clerk's Office. Checks should accompany the request and be made payable to "GCI Transcription Service."

Parties may also order a copy of the compact disk of a proceeding by contacting the electronic court recorder. No written request is necessary. The cost is \$20.00 per compact disk.

## **E. MOTIONS PRACTICE**

Parties should be aware of the applicability of the District Court Local Rules to Bankruptcy cases and proceedings regarding motions practice (S.D. Ind. L.R. B-7056-1 which incorporates S.D. Ind. L.R. 56.1) for summary judgment motions (S.D. Ind. L.R. B-9014-1 which incorporates S.D. Ind. L.R. 7.1), including the requirement of filing a separate supporting brief. When a party filing a motion has contacted the opposing parties, a practice which is encouraged, and there is no objection to the relief sought in the motion, that fact should be recited in the motion.

## **F. ALTERNATIVE DISPUTE RESOLUTION**

Pursuant to S.D. Ind. L.R. B-9019-2, the Bankruptcy Court may refer any contested matter or adversary proceeding to mediation or upon motion of any party. If the motion certifies that all parties of the controversy consent to mediation, the Bankruptcy Court may grant the motion without further notice or hearing. Motions should outline, with as much specificity as possible, the preferred procedures and anticipated timetables, the issues to be considered and the anticipated effect of the outcome of the pending litigation. Motions that are not certified will be subject to the procedures for contested matters.

Any person may be selected to serve as a mediator subject to the approval of the Bankruptcy Court. Before serving as a mediator, each person designated will be required to take the oath or affirmation prescribed by 28 U.S.C. § 453 (Appendix, pg. A24).

Parties seeking to resort to alternative dispute resolution should consult S.D. Ind. L.R. B-9019-2 for additional information and guidelines.

### **XIII. COMMON ERRORS TO AVOID**

Several common errors and omissions in documents submitted to the Bankruptcy Clerk's Office occur that can prevent timely action or cause delays in processing cases. Complete and accurate information on all forms can eliminate such problems. Some of the more common errors are described below.

#### **A. VOLUNTARY PETITION (OFFICIAL FORM 1)**

The "Information Regarding Debtor" section is often not completed. This portion of the form must be filled out completely and accurately. Failure to supply the information required by the form prevents the Bankruptcy Court from properly processing the bankruptcy case.

The information needed to complete the "Statistical/Administrative Information" section is often overlooked. The debtor must provide estimates for the number of creditors, the dollar amount of assets and the dollar amount of liabilities by checking the appropriate boxes.

#### **B. ADVERSARY PROCEEDINGS**

The information on an adversary cover sheet (See the Court's website at: <http://www.insb.uscourts.gov>) is used to maintain the Bankruptcy Court's automated case processing system. When cover sheets are submitted, it is important that information contained therein be correct and accurate. The following list describes some adversary cover sheet errors and/or omissions.

- (1) The listing of plaintiff(s) and defendant(s) at the top of the form must conform exactly to the listing of the parties in the complaint.
- (2) When a defendant's attorney is known, the attorney should be listed on the cover sheet. Counsel for a defendant is often omitted even when the suit is against a debtor represented by an attorney. It is important to remember that an adversary proceeding is separate from the underlying bankruptcy case. All information in the bankruptcy case is not automatically included in adversary proceeding records. Unless relevant information is listed on the cover sheet, the processing of the adversary proceeding will be delayed.
- (3) The information contained in the Cause of Action and Nature of Suit sections is related and therefore must agree. For example, if the Cause of Action is marked as an objection to discharge, the Nature of Suit would not be 426 (dischargeability). An objection to discharge is not the same as an action to determine the dischargeability of a particular debt.

- 4) The Cause of Action section should list all grounds for relief. However, only one box in the Nature of Suit section should be checked. If several causes of action (grounds for relief) are contained in a complaint, only the primary cause box in the Nature of Suit section should be checked.
- (5) All information below the heading “Bankruptcy Case in Which This Adversary Proceeding Arises” is necessary. The correct bankruptcy case number and other information requested in this section must be included. This information permits the court records to show a connection between the adversary proceeding and main bankruptcy case.
- (6) The information requested in the “Related Adversary Proceeding” section is also necessary, but often omitted. Although each adversary proceeding is separate, there may be some connection between the proceedings.

### **C. CREDITOR ADDRESSES (IN GENERAL)**

Bankruptcy laws require that the debtor lists complete and accurate creditor addresses in the schedules and statements of the bankruptcy petition. The debts to creditors who do not receive notice of the bankruptcy may not be discharged. When a debtor signs a list of creditors, that debtor is verifying under penalty of perjury that the addresses are accurate.

When preparing bankruptcy schedules and the creditor list, it is important to use the mailing information from return addresses on statements or invoices received from creditors. Accurate addresses may also be obtained from telephone directories. If a creditor is listed as “address unknown” in the initial filing, the payment of an amendment fee will be required if the creditor’s address is added at a later date.

### **D. CREDITOR MATRIX (LIST OF CREDITORS)**

Problems with notices can be avoided by following the directions in this publication for the creditor matrix. If inaccurate or illegible information is contained on the matrix, notices will not be deliverable. Insufficient notice can result in serious consequences. A written verification of matrix is required for each matrix, whether submitted on paper or on diskette.

It is also important that a diskette with the creditors matrix be supplied when required. When a required diskette is not submitted, a notice of deficient filing is issued and the bankruptcy petition may be dismissed. Please refer to the section on Lists of Creditors in this publication for information about required diskettes.

### **E. NOTICE OF AMENDMENT**

If a debtor makes an amendment to the bankruptcy petition, list, schedules or statements, the Bankruptcy Court’s local rules require a separate notice of amended document. The notice of amendment must identify the document(s) amended, the purpose of the amendment and any

entity affected by the amendment. The local rules require that the amended document(s) and the notice of amendment be sent to affected parties with a certificate of service filed with the Bankruptcy Court.

**F. CERTIFICATE OF SERVICE**

The Bankruptcy Court requires a certificate of service for any pleading, objection, motion or other document. If a certificate of service is not filed, the Court may take no action regarding the matter. In addition, the Court may strike the document when there is no certificate of service.

**G. CAPTIONS: JOINTLY ADMINISTERED/CONSOLIDATED CASES**

The captions for jointly administered and consolidated cases should be consistent with S.D. Ind. L.R. B-1015-1.

**H. DECONSOLIDATED CASES**

At the request of a debtor in a joint case to be converted or dismissed, the case will be deconsolidated. The following fee schedule applies to deconsolidation of cases:

Chapters 7 and 13	\$ 77.50
Chapter 11	400.00
Chapter 12	100.00

**I. NOTICING**

Notices on motions to abandon require legal property descriptions. Notices on motions to avoid judicial liens also require legal descriptions of the property on which the lien is attached. Such notices will be deemed deficient if the property description is not included.

**J. RETURNED MAIL**

The Bankruptcy Clerk's Office does not process any return mail. All return mail is sent to the debtor's attorney or the *pro se* debtor for appropriate action.

## **XIV. MISCELLANEOUS MATTERS**

### **A. SIGNATURES**

The debtor or debtor-in-possession must sign the petition and verifications *exactly* as the case is captioned or styled. For example, if the caption of the case lists the debtor as “John Henry Smith,” the debtor should sign as “John Henry Smith,” not as “John Smith” or “John H. Smith.”

Every pleading or other paper filed with the Bankruptcy Court must bear an original signature of the attorney of record. Copies may be photocopied or may be conformed. All pleadings and other papers must list the office address and telephone number of the attorney of record. If a party is not represented by an attorney, the party must sign all papers and state the party’s address and telephone number.

### **B. ATTORNEY ADMISSION TO PRACTICE**

The procedure for the admission to practice before the Bankruptcy Court is the same as for admission to practice before the District Court for the Southern District of Indiana. Admission to practice before the District Court constitutes admission to practice before the Bankruptcy Court. The Bankruptcy Court does not maintain a separate roll of attorneys. The District Court keeps all attorney admission records for this district.

### **C. MOTIONS TO APPEAR *PRO HAC VICE***

Attorneys admitted to practice in any other United States court or the highest court of any state may apply for leave to appear in a specific action *pro hac vice*. All motions to appear *pro hac vice* must be accompanied by: (1) a check made payable to “Clerk, United States District Court” in the amount of \$30.00 and (2) a proposed form of order granting the motion to appear. The Clerk of the Bankruptcy Court will forward the moving party’s check to the Clerk of the United States District Court for the Southern District of Indiana.

### **D. APPEARANCES**

#### **1. Entry of Appearance**

All pleadings or papers filed with the Bankruptcy Court must identify clearly the name and address of the individual or attorney filing the document. Unless the party filing the document is the debtor, the trustee assigned to the case or the plaintiff in an adversary proceeding, a formal written appearance must be filed. Separate appearances must be filed for the main bankruptcy case and any adversary proceedings.

In all proceedings and matters before the Bankruptcy Court, only individuals may appear and represent themselves. Any other entity, such as corporations, partnerships, unincorporated associations and governmental units, must be represented by an attorney admitted to practice in

the Southern District of Indiana. However, for purposes of filing a proof of claim or participation at a Section 341 meeting of creditors, an appearance need not be by an attorney. Paraprofessionals may not appear at a Section 341 meeting on behalf of a debtor. However, paraprofessionals may appear and question a debtor on behalf of a creditor at a Section 341 meeting.

## **2. Withdrawal of Appearance**

Counsel desiring to withdraw an appearance in any action shall file a motion for leave to do so. Such motion shall fix a date for such withdrawal and moving counsel shall file with the Bankruptcy Court satisfactory evidence of written notice to his or her client at least five (5) days in advance of such withdrawal date. A withdrawal of appearance, when accompanied by the appearance of other counsel, shall constitute a waiver of the provisions stated above.

— *S.D. Ind. L.R. B-9010-1, S.D. Ind. L.R. 83.7 (District Court)* —

## **E. COMPLAINTS AGAINST ATTORNEYS**

The Bankruptcy Court does not have jurisdiction over complaints and grievances against attorneys. The Indiana Supreme Court has jurisdiction over the admission to practice law in this state and the discipline or disbarment of those admitted to practice law. The Office of the Supreme Court Disciplinary Commission handles all complaints against attorneys. All complaints and grievances should be directed to the Disciplinary Commission at the following address and telephone number:

**Indiana Supreme Court Disciplinary Commission**  
115 West Washington Street, Suite 1060  
Indianapolis, Indiana 46204-3417  
(317) 232-1807

## **F. MISCELLANEOUS TELEPHONE NUMBERS**

The following is a list of telephone numbers for various courts, government agencies, etc. Please note that telephone numbers for government agencies occasionally change.

**Clerk, United States District Court  
for the Southern District of Indiana**  
(317) 229-3700

**Clerk, United States Court of  
Appeals for the Seventh Circuit**  
(312) 435-5850

**United States Court Library**  
(317) 229-3925

**United States Marshal**  
(317) 226-6571

**Indiana State Bar Association**  
(317) 639-5465  
(800) 266-2581

**Indianapolis Bar Association**  
(317) 269-2000

**Consumer Credit Counseling Service**  
(317) 632-4501

## **XV. SECTION 341 MEETING OF CREDITORS**

Section 343 of the United States Bankruptcy Code requires the debtor(s) in all bankruptcy cases to appear personally at the Section 341 (§ 341) meeting of creditors held in all cases. Panel trustees appointed and supervised by the United States Trustee conduct the § 341 meetings in Chapter 7 cases (liquidations). Standing trustees appointed and supervised by the United States Trustee conduct the § 341 meetings in Chapter 12 cases (family farmer debt adjustments) and Chapter 13 cases (individual debt adjustments). Members of the United States Trustee's staff conduct the § 341 meetings in Chapter 11 cases (individual and business reorganizations). The Bankruptcy Judge cannot preside at or attend the meeting of creditors.

At a § 341 meeting of creditors, indenture trustees and the case trustee or the United States Trustee may examine the debtor(s) under penalty of perjury. The meeting permits creditors and the trustee, or a representative of the United States Trustee's Office, to review the debtor's petition and schedules and speak face-to-face with the debtor. They may ask questions concerning the debtor's acts, conduct, property, liabilities, financial condition and any other matter that may affect the administration of the estate or the debtor's right to discharge.

### **A. SCHEDULE AND LOCATION**

The meeting of creditors is usually scheduled between twenty and sixty days after the filing of the case. Any request to reschedule or relocate the § 341 meeting should be addressed to the case trustee assigned to the case. If no case trustee is assigned, requests should be directed to the United States Trustee Office. Requests to reschedule a § 341 meeting are not to be directed to the Bankruptcy Judge or Clerk's Office.

The following is a list of addresses for the § 341 meeting sites located in the Southern District of Indiana.

**Indianapolis Division:**

101 West Ohio Street, 10th Floor  
Indianapolis, Indiana 46204

Madison County Government Center  
Hearing Room B, 4<sup>th</sup> Floor  
16 East 9th Street  
Anderson, Indiana 46016

Howard County Government Building  
120 East Mulberry, Rm. 101  
Kokomo, Indiana 46901

Delaware County Courthouse  
100 West Main, Rm. 309  
Muncie, Indiana 47305

City Council Room, 3<sup>rd</sup> Floor  
50 North 5th Street  
Richmond, Indiana 47374

**New Albany Division:**

Federal Building  
121 West Spring Street, Rm. 115  
New Albany, Indiana 47150

**Evansville Office:**

Federal Building, Rm. 348  
101 N.W. Martin Luther King, Jr. Blvd.,  
Evansville, Indiana 47708

**Terre Haute Office:**

Hulman Center  
200 North 8th Street, Rm. 200 Main Level  
Terre Haute, Indiana 47808

Federal Building  
30 North 7th Street, Rm. 203 (or 308)  
Terre Haute, Indiana 47708

**B. ATTENDANCE**

While creditors frequently do not appear at the § 341 meeting, in general they are not considered to have waived any of their rights by failing to appear. If the debtor fails to appear and provide the information requested at the meeting, the trustee or representative of the United States Trustee's Office may request that the bankruptcy case be dismissed or that the debtor be ordered to cooperate or be held in contempt of court for willful failure to cooperate.

**C. DRESS CODE REQUIREMENTS**

To promote the proper decorum at § 341 meetings, the Office of the United States Trustee for the Southern District of Indiana, with the assistance of the panel of Chapter 7 trustees, has promulgated a dress code for § 341 meetings of creditors.

## **1. Attorneys**

Attorneys should appear at § 341 meetings in the same type of attire that would be worn when appearing before the Bankruptcy Court. Although the § 341 meeting is not a judicial proceeding, it is often the only contact the debtors have with the bankruptcy system. As officers of the court, attorneys should conduct themselves so that the bankruptcy system is reflected favorably.

## **2. Debtors**

Debtors should appear at § 341 meetings in the same type of attire that would be worn for appearing in a court proceeding. All hats should be removed prior to entering the § 341 meeting room. Proper courtroom demeanor and decorum must be maintained.

Attorneys should advise their clients of these requirements. Failure to comply with the United States Trustee's dress code justifies action by the interim trustee to ensure compliance with the dress code requirements. Such action may include continuing the § 341 meeting and/or, in the most egregious cases, filing motions to dismiss or motions to compel attendance.

## **VI. TRUSTEES**

### **A. UNITED STATES TRUSTEE**

The Office of the United States Trustee is the component agency of the United States Department of Justice that supervises the administration of Chapters 7, 11, 12 and 13 bankruptcy cases and the trustees assigned to those cases pursuant to 28 U.S.C. § 586(a)(3). The United States Trustee program is responsible for monitoring the progress of bankruptcy cases and preventing fraud, dishonesty and overreaching in the bankruptcy arena.

The United States Trustee program divides the country into 21 administrative regions, each of which a United States Trustee administers. Region 10 consists of the Northern and Southern Districts of Indiana and the Central and Southern Districts of Illinois. The Office of the United States Trustee for the Southern District of Indiana is located in Indianapolis. This office serves all divisions of the Bankruptcy Court for the Southern District of Indiana. The office address and telephone number for the United States Trustee are as follows:

**Office of the United States Trustee  
101 West Ohio Street, Ste. 1000  
Indianapolis, Indiana 46204  
Telephone: (317) 226-6101  
FAX: (317) 226-6356**

## B. CASE TRUSTEES

The United States Trustee for this region has the duty to appoint and supervise case trustees who are responsible for the administration of individual cases. The case trustees are private parties. They are not employees of the United States Courts or of the Department of Justice. Questions concerning the status of the administration of a particular case should be directed to the case trustee assigned to the case. Below is a listing of the trustees serving in the Southern District of Indiana, along with the division where they serve, the chapter under which the United States Trustee appoints them and their office address and telephone numbers. **(Please note: This list is subject to change.)**

---

<u>Division</u>	<u>Chapter</u>	<u>Name</u>	<u>Address/Telephone No.</u>
Indianapolis	7	Philip Boberschmidt	111 Monument Circle, Ste. 482 Indianapolis, Indiana 46204-5195 (317) 632-5892
		Richard Boston (Richmond Subdivision)	27 North 8 <sup>th</sup> Street Richmond, Indiana 47374 (765) 962-7527
		Deborah Caruso	9100 Keystone Crossing, Ste. 400 Indianapolis, Indiana 46240 (317) 844-7400
		Richard L. Darst	888 Keystone Crossing, Ste. 800 Indianapolis, Indiana 46240 (317) 573-8888
		Edward P. Dechert (Kokomo Subdivision)	217 North Main Street P.O. Box 667 Kokomo, Indiana 46903-0667 (765) 459-0764
		Jenice Golson Dunlap	One Virginia Avenue, Ste. 850 Indianapolis, Indiana 46204 (317) 263-3580
		Gregory S. Fehribach	50 South Meridian Street, Ste. 700 Indianapolis, Indiana 46204 (317) 638-2400
		Joanne Friedmeyer	135 North Pennsylvania Street, Ste. 2000 Indianapolis, Indiana 46204-2456 (317) 264-5000
		Ellen K. Fujawa	P.O. Box 526 Greenwood, Indiana 46142 (317) 888-4555

<u>Division</u>	<u>Chapter</u>	<u>Name</u>	<u>Address/Telephone No.</u>
Indianapolis	7	Paul D. Gresk	950 North Meridian Street, Ste. 410 Indianapolis, Indiana 46204 (317) 237-7911
		Joseph W. Hammes	One Indiana Square, Ste. 1900 Indianapolis, Indiana 46204 (317) 639-5444
		Michael Hebenstreit	151 North Delaware Street, Ste. 2000 Indianapolis, Indiana 46204 (317) 638-5555
		Rex M. Joseph, Jr.	5150 East Stop 11 Road, Ste. 12 Indianapolis, Indiana 46237 (317) 859-0000
		Robert S. Koor (Muncie Subdivision)	215 West Main Street P.O. Box 428 Muncie, Indiana 47308 (765) 282-5592
		Thomas A. Krudy	236 East 15 <sup>th</sup> Street Indianapolis, Indiana 46202 (317) 635-4428
		Elliott D. Levin	342 Massachusetts Avenue, #500 Indianapolis, Indiana 46204 (317) 634-0300
		Merrill Moores	244 North College Indianapolis, Indiana 46202 (317) 639-3315
		John J. Petr	P.O. Box 44941 Indianapolis, Indiana 46244-0941 (317) 692-9000
		Gregory K. Silver	342 Massachusetts Avenue, Ste. 400 Indianapolis, Indiana 46204 (317) 263-9417
		David J. Theising	P.O. Box 2850 Indianapolis, Indiana 46206 (317) 635-9000
		William J. Tucker	429 North Pennsylvania Street, Ste. 400 Indianapolis, Indiana 46204 (317) 833-3030

<u>Division</u>	<u>Chapter</u>	<u>Name</u>	<u>Address/Telephone No.</u>
Indianapolis	7	Randall L. Woodruff (Anderson Subdivision)	115-A East 9 <sup>th</sup> Street Anderson, Indiana 46016 (765) 644-6464
	12	Joseph M. Black, Jr.	P.O. Box 846 Seymour, Indiana 47274 (812) 524-7211
	13	Robert A. Brothers	151 North Delaware Street, #1400 Indianapolis, Indiana 46204 (317) 636-1062
		Ann M. DeLaney	P.O. Box 441285 Indianapolis, Indiana 46244 (317) 829-7360
Evansville	7	Dennis J. Dewey	107 State Street Newburgh, Indiana 47630 (812) 853-3357
		R. Stephen LaPlante	P.O. Box 3326 Evansville, Indiana 47732-3326 (812) 421-1911
		Stacy Wissel	P.O. Box 68 Decker, Indiana 47524-0068 (812) 886-6452
	12	Joseph M. Black, Jr.	P.O. Box 846 Seymour, Indiana 47274 (812) 524-7211
	13	Donald Decker (Alternate)	P.O. Box 90 Terre Haute, Indiana 47808-0090 (812) 234-2600
		Robert Musgrave	P.O. Box 972 Evansville, Indiana 47706-0972 (812) 424-3029
New Albany	7	Donald Henderson	P.O. Box 909 Bedford, Indiana 47421-0909 (812) 275-5644
		Kathryn Pry	P.O. Box 6771 New Albany, Indiana 47151 (812) 944-2646

<u>Division</u>	<u>Chapter</u>	<u>Name</u>	<u>Address/Telephone No.</u>
New Albany	7	Michael Walro	426 East Main Street Madison, Indiana 47250 (812) 265-3617
	12	Joseph M. Black, Jr.	P.O. Box 846 Seymour, Indiana 47274 (812) 524-7211
	13	Joseph M. Black, Jr.	P.O. Box 846 Seymour, Indiana 47274 (812) 524-7211
		Donald Decker (Alternate)	P.O. Box 90 Terre Haute, Indiana 47808-0090 (812) 234-2600
<hr/>			
Terre Haute	7	Richard W. Lorenz	10 South Main Street Spencer, Indiana 47460 (812) 829-2221
		William Tabor	P.O. Box 328 Terre Haute, Indiana 47808 (812) 877-3750
		Stacy Wissel	P.O. Box 68 Decker, Indiana 47524-0068 (812) 886-6452
	12	Joseph M. Black, Jr.	P.O. Box 846 Seymour, Indiana 47274 (812) 524-7211
	13	Donald Decker	P.O. Box 90 Terre Haute, Indiana 47808-0090 (812) 234-2600
	Robert Musgrave (Alternate)	P.O. Box 972 Evansville, Indiana 47706-0972 (812) 424-3029	

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### **C. ASSIGNMENT OF CASE TRUSTEES**

The Bankruptcy Clerk shall assign case trustees on the United States Trustee's panel of trustees in accordance with the procedures established by the United States Trustee in consultation with the Bankruptcy Clerk.

No clerk, deputy clerk or other employee of the Bankruptcy Court or Bankruptcy Clerk's Office shall reveal to any person other than the United States Trustee or authorized representative

thereof the order of assignment of cases. After cases have been filed and assigned, only the name of the case trustee shall be revealed. No person other than the United States Trustee or authorized representative thereof shall directly or indirectly cause or attempt to cause any clerk, deputy clerk or other employee of the Bankruptcy Court or Bankruptcy Clerk's Office to reveal to any person the order of assignment of cases until after the cases have been filed and assigned in accordance with this procedure. In no instance shall the formula for assignment of trustees be revealed. No person shall directly or indirectly cause or attempt to cause any clerk, deputy clerk or other employee of the Bankruptcy Court or Bankruptcy Clerk's Office to assign any case other than as provided herein.

## APPENDIX

### MAPS

INDIANAPOLIS .....	A1
NEW ALBANY .....	A2
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<b>RECEIPT FOR EXHIBITS .....</b>	<b>A5</b>
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### PRETRIAL ORDERS

JUDGE OTTE .....	A7
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JUDGE METZ .....	A11
JUDGE COACHYS .....	A18

<b>ORDER GRANTING MOTION FOR JOINT ADMINISTRATION .....</b>	<b>A21</b>
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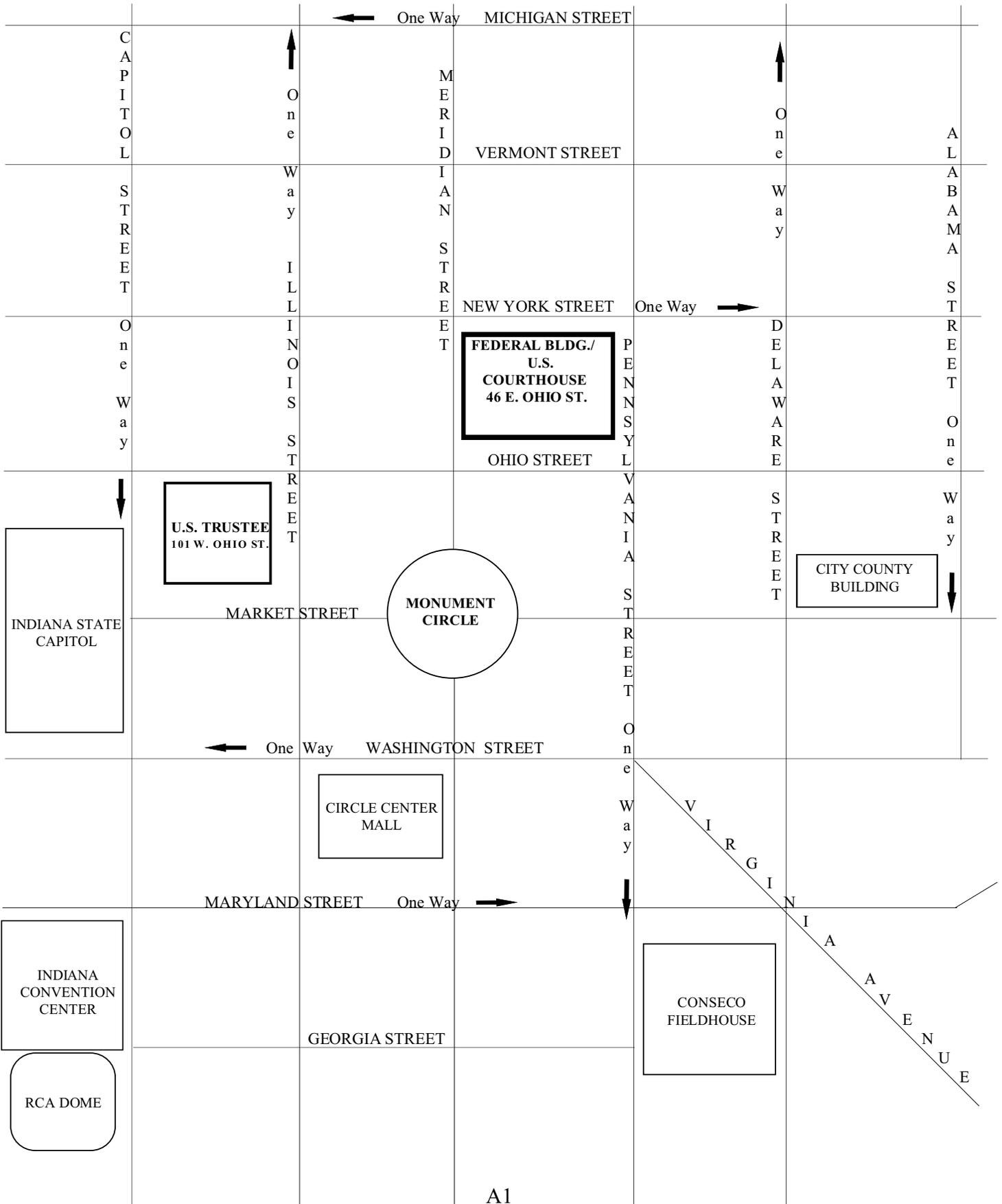
<b>APPEAL COVER SHEET .....</b>	<b>A22</b>
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<b>MEDIATOR'S OATH .....</b>	<b>A24</b>
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# U. S. BANKRUPTCY COURT - INDIANAPOLIS

46 EAST OHIO STREET

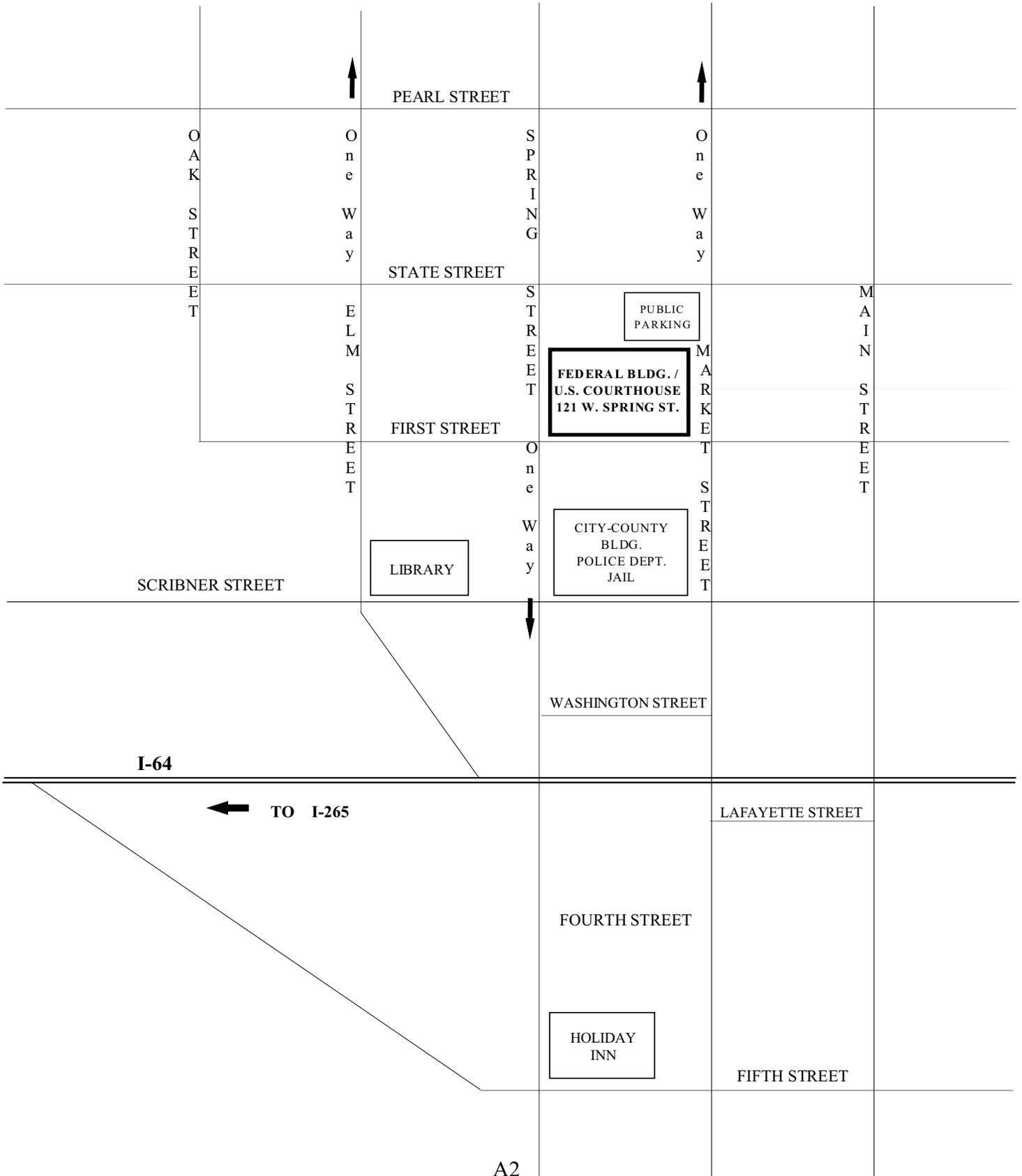




NORTH

# U. S. BANKRUPTCY COURT - NEW ALBANY

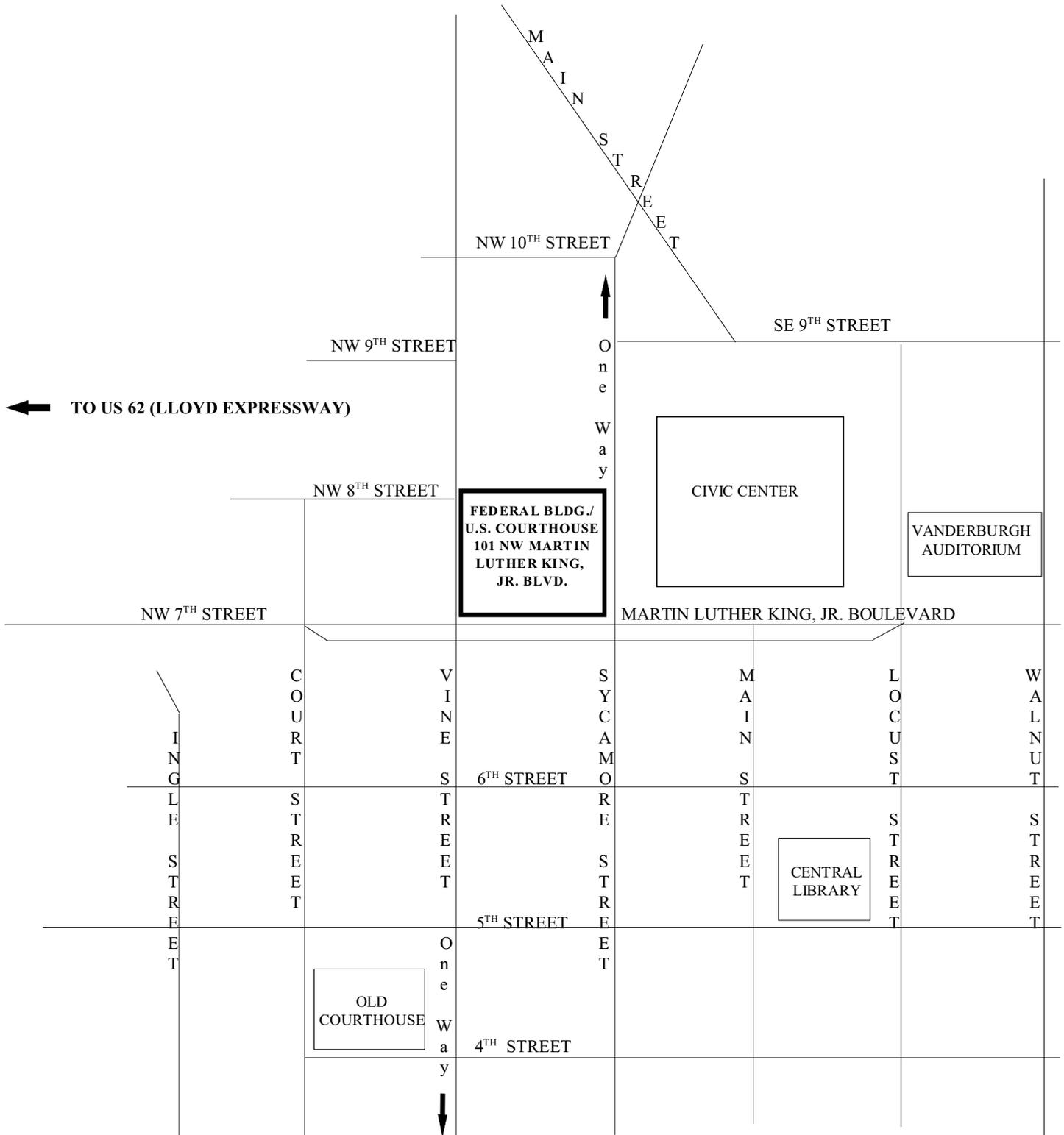
121 WEST SPRING STREET





# U. S. BANKRUPTCY COURT - EVANSVILLE

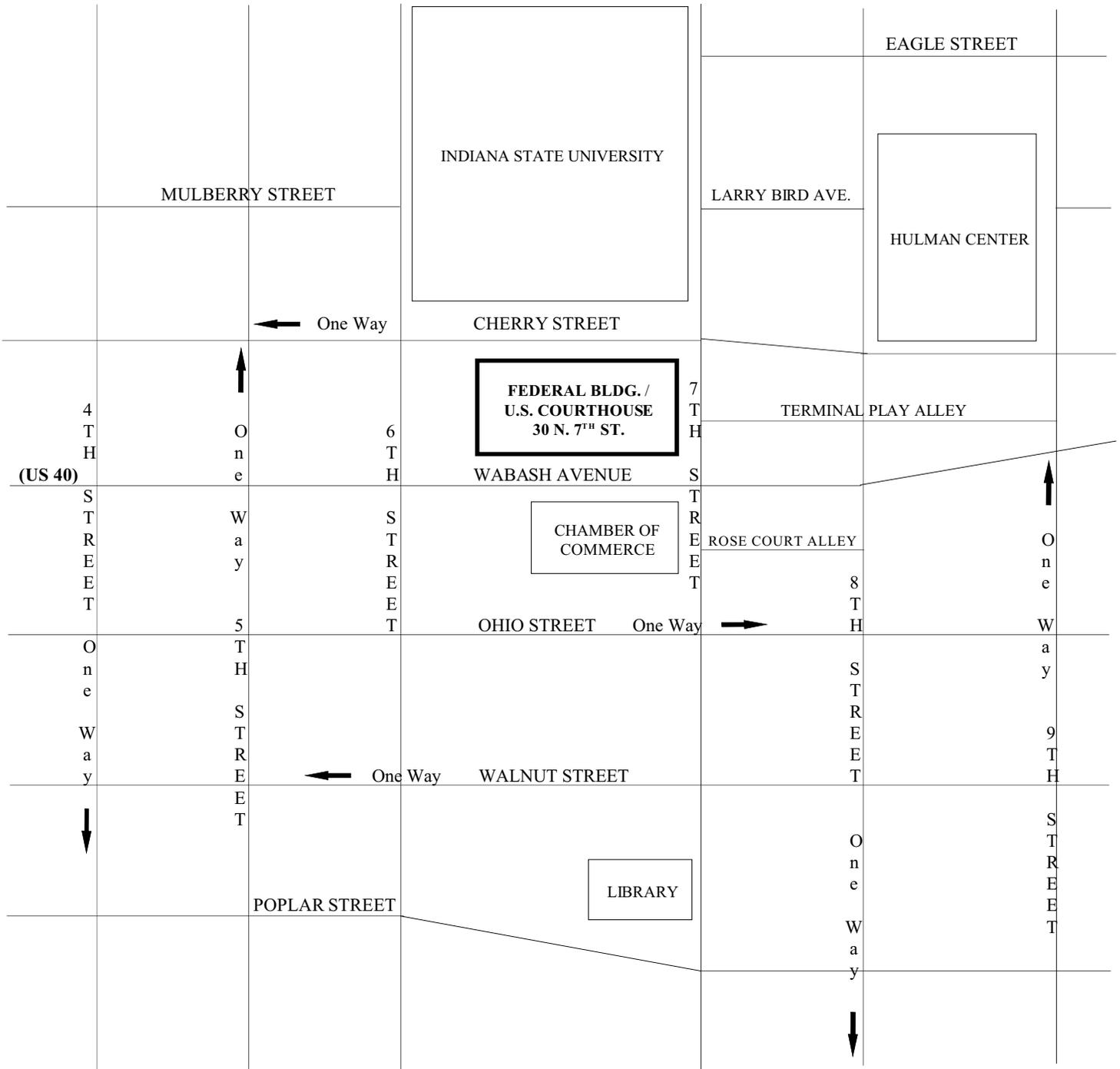
101 N.W. MARTIN LUTHER KING, JR. BOULEVARD





# U. S. BANKRUPTCY COURT - TERRE HAUTE

30 NORTH 7<sup>TH</sup> STREET



← TO US 41

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
\_\_\_\_\_ DIVISION

IN RE:

)  
) CASE NO.  
)  
)  
)  
) ADVERSARY PROC. NO.  
)  
)  
)

**RECEIPT FOR EXHIBITS**

I am in receipt of exhibits (see list below) in the above-captioned cause of action from the proceedings held on \_\_\_\_\_.

\_\_\_\_\_  
Attorney/Agent

Dated: \_\_\_\_\_

Parties to this action have been contacted to retrieve exhibits from proceedings held on \_\_\_\_\_. No party has contacted the Clerk to pick up the exhibits and same have now been discarded.

\_\_\_\_\_  
Deputy Clerk

Dated: \_\_\_\_\_

LBF-1

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

IN RE: )  
 ) CASE NO.  
 )  
Debtor(s) )

CERTIFICATE OF EMERGENCY

Pursuant to S.D.Ind. B-1002-1(d) or S.D.Ind. B-5005-1(d), the undersigned hereby certifies that an emergency exists and that the petition filed concurrently herewith is not being filed for an improper purpose, such as to harass, to cause delay, or to increase the cost of litigation, and there is insufficient time to complete the filing.

The undersigned further certifies that the emergency which exists is:

\_\_\_\_\_  
\_\_\_\_\_

(specificity required)

The undersigned further certifies that the necessity of the emergency filing has not been caused by any lack of due diligence on the part of the undersigned, but has been brought about by circumstances beyond the control of the undersigned or the undersigned's client. The undersigned further certifies that this matter is filed with full understanding of Fed.R.Bankr.P. 9011 and the consequences of noncompliance therewith.

Date: \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(typed name)

\_\_\_\_\_  
(telephone number)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
)  
)  
) Case No.  
Debtor )  
\_\_\_\_\_)  
)  
)  
Plaintiff )  
vs. ) Adversary Proceeding  
) No.  
)  
Defendant ))  
)

**PRE-TRIAL ORDER AND  
ORDER SETTING TRIAL**

This Court now ORDERS as follows:

1. All discovery, including the production of documents and the deposition of any witnesses, shall be completed **no later than 10 days before the trial date.**

2. The parties shall mark and exchange exhibits and shall file a list of exhibits **no later than five (5) business days before the trial date.** Plaintiff's exhibits shall be designated by letters of the alphabet, and Defendant's exhibits shall be designated by numbers.

3. The parties shall exchange preliminary witness lists by 60 days before the trial date and file final lists of witnesses 30 days before trial.

4. If discovery disputes arise, the parties are required to attempt to resolve the disputes before filing any pleadings with

the Court. If the parties are in a deposition, and the dispute arises and immediate intervention by the Court is necessary, please contact the Court at #229-3890.

5. Summary judgment motions or other dispositive motions shall be filed with the Court no later than 45 days before the trial date.

6. Trial of this matter shall be conducted on \_\_\_\_\_ at \_\_\_\_\_, Indianapolis time, in Room 329, United States Court House, 46 E. Ohio Street, Indianapolis, Indiana and continue every business day thereafter until completed.

7. In the event the case is settled and trial is not necessary, please notify the Court as soon as possible so that the Court may schedule other hearings in place of the trial. If this matter is settled prior to trial, the parties must submit settlement pleadings prior to trial date or the parties will be required to attend the trial to report to the Court the status of their settlement.

Date: \_\_\_\_\_

---

FRANK J. OTTE  
BANKRUPTCY JUDGE

Distribution:  
Attorney for Plaintiff  
Attorney for Defendant  
United States Trustee



Unless otherwise ordered, filing of brief is optional and will be due by\_\_\_\_\_

**Motions for continuances must be filed as soon as the cause for continuance or delay is discovered by the party requesting the continuance, and no later than seven (7) days before the date of the trial.** Motions for continuances filed less than seven (7) days before the trial date will be granted only upon a showing of good cause. Every motion for continuance shall state whether opposing counsel objects to the continuance, or the efforts made to contact opposing counsel to make such an inquiry.

SO ORDERED: \_\_\_\_\_

ENTERED BY ORDER OF THE COURT:  
B.H. LORCH, III  
UNITED STATES BANKRUPTCY JUDGE

BY: \_\_\_\_\_  
Relief Courtroom Deputy

cc:

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
)  
) Case No. 03-0000-AJM-7  
)  
Debtor )  
)  
\_\_\_\_\_)  
)  
)  
Plaintiff )  
)  
vs. ) Adversary Proceeding 03-000  
)  
)  
)  
Defendant )

**ORDER SETTING PRE-TRIAL CONFERENCE**

Cause set for pre-trial conference on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
in Room #311, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana.  
Counsel shall present to the Court no later than five (5) business days before the  
pre-trial conference, the following:

- (1) A statement of jurisdiction;
- (2) An agreed statement of undisputed facts;
- (3) An agreed statement of facts at issue;
- (4) An agreed statement of issues of law to be resolved;
- (5) A list of names and addresses of witnesses whom each party intends to call to testify at trial, including the names of expert witnesses.

In the event the parties cannot agree upon a joint pre-trial statement as provided for in this order, then each counsel shall file with the Court his or her individual statement.

At the time of the pre-trial conference, counsel shall assist the Court in forming a discovery calendar and scheduling the pending matter for trial.

**IF THE PARTIES FAIL TO COMPLY IN ANY RESPECT WITH THE TERMS OF THIS ORDER, THE COURT, IN ITS DISCRETION, MAY VACATE THE PRE-TRIAL CONFERENCE WITHOUT NOTICE.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Anthony John Metz, III, Judge  
United States Bankruptcy Court

cc: Attorney for Plaintiff  
Defendant  
United States Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
 )  
 ) Case No. 03-0000-AJM-7  
 )  
 Debtor )  
 \_\_\_\_\_ )  
 )  
 Plaintiff )  
 vs. ) Adversary Proceeding No. 03-000  
 )  
 )  
 Defendants )  
 \_\_\_\_\_ )

**ORDER SETTING TRIAL AND PRELIMINARY PRE TRIAL ORDER**

This adversary proceeding was commenced by the filing of the Complaint by Plaintiff on \_\_\_\_\_, 2003. The Court has reviewed the Complaint and now ORDERS as follows:

1. **Trial** of this matter shall be held before the Honorable Anthony J. Metz, III, Bankruptcy Judge, on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in Courtroom #311, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204. A pre trial conference will **not** be held in this matter unless a written request for one is filed by one or more parties. The Court has allocated **one hour** for the trial of this cause. If parties believe that more time will be needed to try this case, please advise the Court immediately.

2. In conjunction with Rule 7016 of the Federal Rules of Bankruptcy Procedure, the parties shall file **no later than five (5) days before trial a joint pre trial order which sets forth:**

- (a) the parties' position with respect to this Court's jurisdiction to try this case;
- (b) joint stipulations of facts;
- (c) joint stipulations as to the authenticity and the admissibility of exhibits;
- (d) joint stipulations of issues to be tried; and
- (e) their specific statements of contentions with respect to the issues to be tried.

The parties shall be bound for purposes of trial by the stipulations entered into and filed with the Court pursuant to this paragraph. In the event the parties cannot agree upon a joint pre-trial statement as provided for in this order, then each counsel shall file with the Court his or her individual statement.

3. The parties shall appear at least 15 minutes prior to the time of trial in order to mark and exchange exhibits. The parties shall provide originals of exhibits to be retained by the Court and a sufficient number of copies for opposing counsel and all other parties appearing at trial.

Additionally, each party shall prepare an **Exhibit List (form attached)** and submit prior to the commencement of trial with copies for the Court, Law Clerk, Courtroom Deputy, and Court Reporter.

4. Each party shall submit on the day of trial its proposed findings of fact and conclusions of law, and deliver a file marked copy to chambers.

5. Motions for continuances must be filed as soon as the cause for continuance or delay is discovered by the party requesting the continuance, and no later than seven (7) days before the date of the trial. Motions for continuances filed less than seven (7) days before the trial date will be granted **only** upon a showing of good cause. Any motion for continuance shall denominate whether it is the first, second, third, etc. motion for continuance. Every motion for continuance shall state whether opposing counsel objects to the continuance, or the efforts made to contact opposing counsel to make such an inquiry.

**6. IF PARTIES FAIL TO COMPLY IN ANY RESPECT WITH THE TERMS OF THIS ORDER, THE COURT, IN ITS DISCRETION, MAY VACATE THE TRIAL DATE WITHOUT NOTICE.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
ANTHONY JOHN METZ, III, Judge  
United States Bankruptcy Court  
Southern District of Indiana

Distribution:

Attorney for Plaintiff  
Defendant  
United States Trustee

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

IN RE:	)	
	)	
	)	Case No. 03-0000-AJM-7
	)	
Debtor	)	
_____	)	
	)	
Plaintiff	)	
	)	
vs.	)	Adversary Proceeding No. 03-
	)	
	)	
Defendant	)	

**PRE TRIAL ORDER**

Counsel for Plaintiff:  
Counsel for Defendant:

Case called for Pre Trial Conference on \_\_\_\_\_. Parties appear by counsel.

Pre-trial conference held and the following is ordered:

1. The parties are to file preliminary witness lists on or before \_\_\_\_\_. Parties' lists shall designate which are fact witnesses and which are expert witnesses.
2. All discovery shall be completed by \_\_\_\_\_.
3. The parties shall exchange final witness lists on or before \_\_\_\_\_. Parties' lists shall designate which are fact witnesses and which are expert witnesses.
4. The case is scheduled for trial on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.. Trial is to be held in Room #311, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. No further notice of trial setting will be given.
5. The parties shall mark all exhibits prior to trial and shall prepare sufficient copies of the exhibits for all parties to refer to at trial, plus one copy each for the Judge and Law Clerk. Additionally, each party shall prepare an Exhibit List (**form attached**) and submit prior to

the commencement of trial with copies for the Court, the Law Clerk, Courtroom Deputy, the Court Reporter, and opposing parties.

The parties shall exchange all exhibits at least five (5) days prior to trial. Each party shall prepare and submit at the time of trial a written statement as to each exhibit indicating whether the party objects to the exhibit and, if so, the nature of the objection.

6. The parties shall prepare and submit at least five (5) days prior to trial proposed findings of facts, conclusions of law, and briefs in support of their respective positions. The briefs shall contain a statement which outlines the burden of proof on each issue, who has the burden of proof, and why the burden of proof has or has not been sustained. **The parties shall also deliver chambers copies of any pre-trial briefs submitted.**

7. \_\_\_\_\_ hr/day estimated for trial.

8. Motions for continuance must be filed as soon as the cause for continuance or delay is discovered by the party requesting the continuance, and no later than seven (7) days before the date of the trial. Motions for continuance filed less than seven (7) days before the trial date will be granted **only** upon a showing of good cause.

Any motion for continuance shall denominate whether it is the first, second, third, etc. motion for continuance. Every motion for continuance shall state whether opposing counsel objects to the continuance, or the efforts made to contact opposing counsel to make such an inquiry.

9. Dispositive motions are to be filed by \_\_\_\_\_. If dispositive motions are filed, parties are ORDERED to submit proposed Findings of Fact and Conclusions of Law five (5) days before the date of the hearing. Parties are also ORDERED to deliver chambers copies of all pleadings filed with respect to dispositive motions.

10. **If the parties fail to comply in any respect with the terms of this Order, the Court, in its discretion, MAY vacate the trial date without notice.**

Entered: \_\_\_\_\_

\_\_\_\_\_  
ANTHONY JOHN METZ, III, JUDGE  
United States Bankruptcy Court

Distribution:  
Counsel for Plaintiffs  
Counsel for Defendants  
Nancy J. Gargula, United States Trustee

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

IN RE:	)	
	)	
	)	Case No.
	)	
Debtor(s)	)	
	)	
	)	
	)	
Plaintiff(s)	)	Adv. Pro. No.
vs.	)	
	)	
Defendant(s)	)	

**ORDER SETTING PRE-TRIAL CONFERENCE**

Pre-Trial Conference is set on \_\_\_\_\_ in Room #325, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Counsel shall file, no later than seven (7) business days before the pre-trial conference, a **Pre-Trial Report** which contains the following:

- (1) Statement of jurisdiction;
- (2) Agreed statement of undisputed facts;
- (3) Agreed statement of facts at issue;
- (4) Agreed statement of issues of law to be resolved;
- (5) List of names and addresses of witnesses whom each party intends to call to testify at trial, including expert witnesses.

In the event the parties cannot agree upon a Joint Pre-Trial Report as provided for in this order, then each counsel shall file with the Court his or her individual statement.

At the time of the pre-trial conference, counsel shall assist the Court in forming a discovery and trial schedule.

Date: \_\_\_\_\_

\_\_\_\_\_  
James K. Coachys, Judge  
United States Bankruptcy Court

DISTRIBUTION:

Counsel for Plaintiff  
Counsel for Defendant

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
)  
) Case No.  
)  
Debtor(s) )  
\_\_\_\_\_)  
)  
Plaintiff(s) )  
) Adversary Proceeding No.  
)  
vs. )  
)  
)  
)  
Defendant(s) )

SCHEDULING ORDER

Counsel for Plaintiff:

Counsel for Defendant:

The Court enters the following scheduling order:

1. A Pre-trial Conference will not be held. However, within 20 days from the date of this order the parties shall file a **Pre-Trial Report** which includes:

- (a) Statement of Jurisdiction;
- (b) Statement of disputed and undisputed facts;
- (c) Statement of legal issues to be resolved.

In the event the parties cannot agree upon a Joint Pre-Trial Report as provided for in this order, then each counsel shall file with the Court his or her individual statement.

2. Trial is scheduled on \_\_\_\_\_, Room #325, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Trial time allotted is one hour. If parties

believe more time is needed, then immediately notify the Court. Parties and counsel shall appear at least 15 minutes prior to the time of trial.

3. Discovery shall be completed by \_\_\_\_\_.

4. Parties shall exchange and file final witness and exhibit lists by \_\_\_\_\_.

5. Parties shall file any dispositive motions by \_\_\_\_\_.

6. Parties shall exchange all potential exhibits at least five (5) days prior to trial. Parties shall pre-mark all exhibits, plaintiff using numbers and defendant using letters. Original shall be submitted to the Court Reporter at the time an exhibit is offered into evidence, and sufficient copies shall be available for all parties, Judge, Staff Attorney, and Courtroom Deputy.

7. At the conclusion of trial the Court may instruct the parties to submit a computer diskette and hard copy containing proposed Findings of Facts, Conclusions of Law, and Judgment Entry.

8. Motions for continuance must be filed as soon as cause for a continuance is discovered. The motion shall denominate whether it is the first, second, third, etc. motion for continuance. Every motion shall state whether opposing counsel objects to the continuance, or shall state what reasonable efforts were made to contact opposing counsel to make such an inquiry.

9. Failure to abide by the above orders without just cause may result in motions being summarily ruled upon or evidence being excluded at trial.

DATE: \_\_\_\_\_

\_\_\_\_\_  
James K. Coachys, Judge  
United States Bankruptcy Court

DISTRIBUTION:

Counsel for Plaintiff  
Counsel for Defendant  
United States Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
 )  
John Doe ) CASE NO. 00-00000-XXX-11  
Debtor ) (Under Joint Administration)  
 )  
John Doe and Associates, Inc. )  
Debtor )

**ORDER GRANTING MOTION FOR JOINT ADMINISTRATION**

John Doe and John Doe and Associates, Inc filed Motion for Order for Joint Administration and the Court being duly advised in the premises, therefore finds that joint administration is appropriate. It is, therefore,

ORDERED, ADJUDGED AND DECREED as follows:

1. John Doe, Case Number 00-00000-XXX-11 and John Doe and Associates, Inc, Case Number 00-50000-XXX-11 are hereby ordered jointly administered under Case Number 00-00000-XXX-11.

2. The caption of all documents, pleadings, and claims filed in any of the jointly administered cases shall list the names of all of the cases and bear the following caption:

IN RE: )  
John Doe ) CASE NO. 00-00000-XXX-11  
Debtor ) (Under Joint Administration)  
John Doe & Assoc. )  
 ) Chapter 11

3. One original pleading shall be filed and maintained in the jointly administered file and one legal docket maintained for the recording of all pleadings filed in these cases and one claims docket will be maintained for the recording of all claims filed in these cases.

2. The clerk of the court is directed to maintain one mailing matrix for the purpose all notices and distribution in these jointly administered proceedings.

DATED:

\_\_\_\_\_  
BANKRUPTCY JUDGE





UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE:

) Case No.

)  
)  
) Debtor  
)

\_\_\_\_\_

) Adv. No.

)  
)  
) Plaintiff  
)

vs.

)  
)  
)  
) Defendant  
)

MEDIATOR'S OATH

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer Justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all duties incumbent upon me as **Mediator** under the Constitution and laws of the United States. So help me God.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mediator