

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

**NOTICE OF LOCAL RULES CHANGES**  
**[B-3018-1 Ballots; Voting on Plan and B-9010-1 Appearances]**

Pursuant to 28 U.S.C. §2071(e) and Rule 83 of the Federal Rules of Civil Procedure, the United States Bankruptcy Court for the Southern District of Indiana hereby gives public notice that Local Rules B-3018-1 and B-9010-1 are amended effective June 1, 2007. The text of those rules is attached. Unless otherwise indicated redline text is added and struck text is deleted. "Clean" versions of the amended rules will be posted in the Local Rules section of the Website on or before the effective date.

Comments concerning the rule amendments are welcome. Comments must be submitted in writing on or before 30 days from the notice date, and should be sent to:

Local Rule Comments  
Office of the Bankruptcy Clerk  
P.O. Box 44978  
Indianapolis, IN 46244

E-mail: [Local\\_Rules\\_Comments@insb.uscourts.gov](mailto:Local_Rules_Comments@insb.uscourts.gov)

Date: May 21, 2007

Kevin P. Dempsey  
Bankruptcy Clerk

**B-9010-1. Appearances and Withdrawal of Appearances.**

(a) Appearances

(i) Requirement in Bankruptcy Cases. ~~Interested parties or their counsel who wish to receive copies of all documents (other than proofs of claim) filed in a case shall file an appearance with the Clerk and serve a copy of the appearance upon the debtor and debtor's counsel.~~ Each attorney representing a party, whether in person or by filing any document (other than a proof of claim), must file a separate Appearance for such party. Only those attorneys who have filed an Appearance in a pending action shall be entitled to receive service of case documents. An attorney who files a case for a debtor using the Court's electronic filing system and is designated as counsel for the debtor in that process need not file a separate appearance for that case. The filing of a petition on behalf of a debtor constitutes counsel's appearance for that debtor.

(ii) Requirement in Adversary Proceedings. Counsel for the plaintiff shall file an appearance with the complaint. Counsel for a defendant, including debtor's counsel, shall file an appearance before filing any other pleading.

(iii) Content of Appearance; Service. ~~Parties shall give their~~ The appearance shall include the attorney's address, telephone, and fax numbers, and ~~are encouraged to provide an e-mail address and to authorize service by e-mail for~~ electronic service. Any change to or withdrawal of an appearance shall be filed with the Clerk and served upon the ~~debtor and debtor's counsel~~ all counsel of record, and the debtor if not represented by counsel.

(b) Removed and Transferred Cases

~~S.D.Ind. L.R. 83.7 applies in bankruptcy cases and proceedings, unless otherwise ordered by the Court.~~

Any attorney of record whose name does not appear on this Court's docket following the removal of a case must file an Appearance or a copy of the appearance as previously filed

in the other venue.

Within 20 days of removal or transfer of a case to this Court, any attorney of record who is not admitted to practice before this Court must either comply with this Court's admission policy, as set forth in B-9010-2, or withdraw his/her appearance, as permitted under section (c) of this rule.

(c) Withdrawal of Appearance

Counsel desiring to withdraw his/her appearance in any action shall file a motion requesting leave to do so. Such petition shall fix a date for such withdrawal, and petitioning counsel shall file with the Court satisfactory evidence of written notice to his/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 of paragraph (c) of this Rule.

S.D. Ind. B-3018-1

**B-3018-1.    BALLOTS; VOTING ON PLAN**

(a) Filing Submission of Ballots and Balloting Report

Except as otherwise ordered, all ballots shall be filed in the office of the Clerk delivered to the plan proponent. The Clerk shall forward the original ballots to the plan proponent and retain copies of the ballots as part of the official record of the Court. Any original ballots received by the Clerk shall be forwarded to the plan proponent. The plan proponent shall establish an appropriate method for noting the date the ballot was received. The plan proponent shall retain copies of the ballots in accordance with the Court's Administrative Procedures for Electronic Filing in the Case Management/Electronic Case Filing System. The attorney for the plan proponent shall tabulate the ballots and shall file the balloting report with the Court three (3) days before the confirmation hearing. A sample report form is available at [www.insb.uscourts.gov](http://www.insb.uscourts.gov). The balloting report shall be certified by the plan proponent. A sample certification form is available at [www.insb.uscourts.gov](http://www.insb.uscourts.gov). Copies of the report shall be served on the UST, the Service List, and parties filing objections to the plan. The tabulation shall list for each

class the total number of claims voting, total dollar amount of claims accepting, and percentages of claims voting that accept the plan. The report shall also state for each class whether it is impaired or unimpaired and whether or not the requisite vote has been attained in each class.

(b) Form of Ballot

The form of ballot approved by the Court and available at [www.insb.uscourts.gov](http://www.insb.uscourts.gov) will be distributed to creditors, shall include the address of the Clerk plan proponent or the party designated to receive ballots, and shall indicate that ballots should be received by the Clerk no later than the deadline established by order of the Court.

(c) Rules for Tabulating Ballots

In tabulating the ballots, the following rules shall apply:

- (1) Ballots that are not signed will not be counted either as an acceptance or a rejection.
- (2) Where the amount shown as owed on the ballot differs from the schedules and a proof of claim has been filed, the amount shown on the proof of claim will be used for the purpose of determining the amount voting.
- (3) Ballots that do not show a choice of either acceptance or rejection will not be counted either as an acceptance or rejection.
- (4) Ballots that are filed received after the last date set for submitting ballots will not be counted as either an acceptance or rejection, unless leave of Court is granted.