

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

IN RE:)
ORDER AMENDING) GENERAL ORDER 13-0006
LOCAL BANKRUPTCY RULE)
B-9027-1)

ORDER

Notice of the proposed amendment to Local Rule B-9027-1, concerning removal, was given to the bar and the public on November 13, 2013. The last date for submitting comments concerning the proposed amendment was December 16, 2013. No comment was received.

Effective December 17, 2013, B-9027-1 is amended as shown in the attached document.

Date: December 17, 2013

/s/ James K. Coachys
JAMES K. COACHYS
CHIEF BANKRUPTCY JUDGE

ATTACHMENT TO GENERAL ORDER 13-0006

B-9027-1. REMOVAL

- (a) Removal When Bankruptcy Case Pending in this District **Claim or Cause of Action Filed or Pending in a State Court within the Jurisdiction of the Southern District of Indiana**

If the bankruptcy case is filed or pending in the Southern District of Indiana, ~~Removal of a matter pending in state Court or in a District other than the Southern District of Indiana~~ is accomplished by filing a notice of removal as an adversary proceeding in the bankruptcy case. If the ~~matter~~ **bankruptcy case** is filed or pending **in another jurisdiction, contact the Clerk of the Bankruptcy Court to open a miscellaneous proceeding. (After the filing with the Bankruptcy Court, a copy of the notice of removal should be filed in the state court where the matter is pending.)** ~~before the District Court for this District, then a request to refer the matter to the Bankruptcy Court should be filed with the District Court.~~

- (b) Removal When Bankruptcy Case Pending in a Different District **Claim or Cause of Action Filed or Pending in the District Court for the Southern District of Indiana and the Bankruptcy Case is Pending in this District**

~~A party seeking to remove a matter related to a bankruptcy case pending in another District should provide telephonic notice to the Bankruptcy Clerk of Court for the Southern District of Indiana to receive instructions on how the removal should be filed.~~ **A motion for a directed reference to the Bankruptcy Court may be filed with the District Court.**

- (c) Required Statement in Notice of Removal Regarding Consent to Entry of Orders or Judgment in Core Proceeding

In addition to the statements required by Fed.R.Bankr.P. 9027(a), the notice of removal shall contain a statement that upon removal of the claim or cause of action the party filing the notice does or does not consent to the entry of final orders or judgment by the Bankruptcy Judge.

- (d) Required Statement Regarding Consent to Entry of Orders or Judgment in Core Proceeding

The statement filed pursuant to Fed.R.Bankr.P. 9027(e)(3) by a party who files a pleading in connection with a removed claim or cause of action shall contain a statement that the party does or does not consent to the entry of final orders or judgment by the Bankruptcy Judge.

(e) Court Review of Removal

The Bankruptcy Court may set a hearing, upon notice to the parties, to determine the propriety of the removal and whether the Court should abstain or remand.