

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

ORDER DIRECTING INFORMAL )  
DISPUTE RESOLUTION IN ) GENERAL ORDER NO. 10-0003  
CHAPTER 13 CASES )  
(INDIANAPOLIS DIVISION ONLY) )

**ORDER**

This order replaces General Order 09-0002, and modifies the consultation requirement and related procedures established by that order.

To facilitate the prompt processing of Chapter 13 cases, the Court now ORDERS that, effective March 15, 2010:

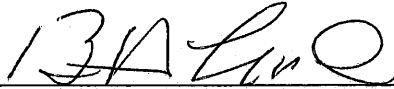
1. With the filing of a motion to dismiss by the Chapter 13 trustee, the trustee shall provide notice of the deadline for objecting to the motion and notice of the debtor's obligation to make contact with the trustee upon the filing of any objection, as described below.
2. If the debtor objects to the trustee's motion to dismiss, then the debtor's attorney, or, if the debtor does not have an attorney, the debtor shall contact the trustee. (Contact information will be provided in the trustee's motion.) That consultation must occur by the deadline for filing the objection. At the time of contact, debtor or debtor's attorney shall (a) identify to the trustee any allegations in the motion that are disputed; (b) propose a resolution; and (c) negotiate in good faith towards a settlement of the motion and objection. If no contact occurs by the deadline, then upon the filing of a notice of that failure to make contact by the Chapter 13 trustee the Court may cancel any hearing on the motion to dismiss, and may dismiss the case without further notice or hearing.
3. If the debtor and the trustee resolve the trustee's motion to dismiss, the trustee shall file a report of that settlement. If the report of settlement is filed at least seven days before any scheduled hearing on the motion to dismiss, then the debtor and debtor's attorney need not appear at the hearing. If the report of settlement is filed less than seven days before any scheduled hearing, then the debtor or the debtor's attorney must appear at the hearing, unless: (a) the trustee will be withdrawing the motion; (b) the trustee will be reporting that an agreement has been reached but that the failure to file the agreement seven days' before the hearing was beyond the control of the debtor; or (c) the trustee will be asking for a continuance of the hearing, because the trustee and the debtor are awaiting action by some third party before determining if an agreement can be reached.
4. If the debtor fails to abide by the terms of the settlement, then upon the filing by the

trustee of a notice of such failure the case shall be dismissed without further notice or hearing.

5. Objections to confirmation are no longer subject to the consultation requirement, and will be set for hearing upon filing. If the trustee and debtor or debtor's counsel file an amended plan, a report of settlement, or other documentation resolving the objection more than seven days before the scheduled hearing, then the debtor and debtor's attorney need not appear at the hearing. If documentation of any settlement is filed less than seven days before the scheduled hearing, then the debtor or the debtor's attorney must appear at the hearing, subject to the exceptions listed in paragraph 3, above.

6. If the objection to confirmation is resolved by a report of settlement, and if the debtor fails to abide by the terms of the settlement, then upon the filing by the trustee of a notice of such failure the case shall be dismissed without further notice or hearing.

Date: *March 2<sup>nd</sup>, 2010*

  
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BASIL H. LORCH III  
CHIEF BANKRUPTCY JUDGE