

Fed.R.Bankr.P. 9006(f) provides that “[w]hen there is a right or requirement to act or undertake some proceedings within a prescribed period after being served and that service is by mail . . . three days are added after the prescribed period would otherwise expire under Rule 9006(a).” Historically, the Court has not formally applied Rule 9006(f), as the Court’s caseload created a built-in delay in the processing of routine orders. However, with the decrease in filings in recent years, the Court has determined that procedural changes are now warranted.

Beginning on November 6, 2023 the Court will hold orders for an additional three days on those events for which a S.D. Ind. Local Rule directs the filer to provide a notice that includes an objection or response deadline stated as a “prescribed period,” *e.g.*, S.D. Ind. B-6004-2 (21-day Objection Notice for private sale motions), B-4003-2 (21-day Objection Notice for lien avoidance motions), and B-3007-1 (30-day Objection Notice for objections to claims). A complete list of the affected events is found below. Note that orders will be held for an additional three days pursuant to Fed.R.Bankr.P. 9006(f) on these events even if the filer expressed the objection deadline as an exact date.

To that end, the Local Forms found on the Court’s website shall be revised to provide the following notice language, which movants are strongly encouraged to use within their own notices:

If you do not want the court to grant/sustain the [application/motion/objection], or if you want the court to consider your views on the [application/motion/objection], then the deadline for you or your attorney to file with the court a written objection explaining your position is [14/21/30] days after the date of service. However, *if you were served by mail*, your deadline for filing a written objection is extended for 3 additional days. The date of service was [date]. If you mail your objection to the court, you must mail it early enough so the court will receive it on or before the applicable deadline stated above.

Exceptions to this policy include expedited motions (assuming service is effectuated by expedited means) and motions directed only to the case trustee, *e.g.*, certain motions to modify and motions to incur debt. Unless one of these exceptions applies, the Court asks that you not inquire as to the status of an order until after the three-day period has expired.

Based on existing caselaw, the Court has determined that a three-day hold will generally *not* be required for court-prepared notices as these notices typically express the objection deadline either as an exact date without reference to the date of service or by counting backwards from a scheduled hearing. Similarly, Rule 9006(f) will not apply if the Court specifically instructs the movant to file a notice

with an objection deadline stated either as an exact date or by counting backwards from a scheduled hearing.

Please contact Lori Stuckwisch, Courtroom Services Supervisor, at (812) 434-6474 should you have any questions about the above policy.

Fed.R.Bankr.P. 9006(f) Affected Events*

- Application for Compensation and/or Reimbursement of Expenses Pursuant to Sec. 330 (only when filed by Chapter 7 trustees)
- Applications to Employ in 11s
- Claim Objections
- Motion (and Corrected Motion) for Abandonment
- Motion to Approve Settlement Distribution
- Motion to Assume or Reject
- Motion to Avoid Lien/Non-PMSI
- Motion to Compromise and Settle
- Motion to Deem Mortgage Current
- Motion to Direct Loss Mitigation
- Motion to Dismiss
- Motion to Modify Plan
- Motion to Redeem
- Motion (and Corrected Motion) for Relief from Stay and Co-Debtor Stay
- Motion (and Corrected Motion) to Sell
- Motion for Turnover
- Motion to Withdraw Claim

* The list of Affected Events is subject to change at the Court's discretion.