

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

ORDER AMENDING LOCAL  
BANKRUPTCY RULES

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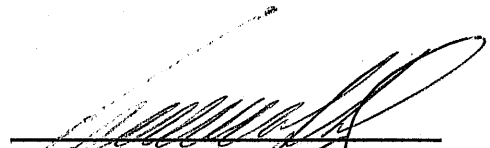
GENERAL ORDER 11-0001

ORDER

Notice of proposed amendments to the local rules of this Court was given to the bar and the public on March 24, 2011. The last date for submitting comments concerning the proposed amendment was April 29, 2011. The Court received two requests for clarification from the bar, and a comment from Clerk staff. The latter resulted in minor edits to Local Rule S.D.Ind. B-9010-1.

Effective June 1, 2011, the local rules are amended as shown in the attached document.

Date: 5/24/11

  
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ANTHONY J. METZ III  
CHIEF BANKRUPTCY JUDGE

## Attachment to General Order 11-0001

### **B-1007-1. LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS**

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(c) Extensions of Time

(1) Motions Generally

Any motion for an extension of time to file the initial lists, schedules, statements and other documents required to commence a new case shall be treated by the Court as a request for the maximum allowable extension of time for each applicable chapter and the Clerk will provide notice of the opportunity to object except as described in subparagraphs (2) and (3) below.

### **B-1007-2. NOTICING, BALLOTING AND CLAIMS AGENTS**

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(c) Claims Agent

If a Claims Agent is to be employed, then the Agreement or Employment Order shall address each of the following areas:

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(10) Effect of Conversion

The Agreement or the Employment Order shall provide for treatment and disposition of Proofs of Claim if the case is converted to Chapter 7.

### **B-1015-1. CONSOLIDATION OR JOINT ADMINISTRATION OF CASES PENDING IN SAME COURT**

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(b) Manner of Joint Administration.

Unless otherwise ordered, jointly administered cases shall be administered as follows:

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(2) Caption

All papers, except for the petition, schedules, statement of financial affairs, Proofs of Claim and notices of meetings of creditors pursuant to 11 U.S.C. §341, shall be captioned under the Lead Case name and number followed by the words “Jointly Administered” unless one of those cases is for an individual Debtor; then the caption shall include the Lead Case and the case name and number for any individual Debtor. A proof of claim shall indicate only the case name and number of the case in which the claim is asserted. The caption shall not include the word “Consolidated” to refer to joint administration.

**B-1017-1. CONVERSION AND DISMISSAL**

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(c) Obtaining Relief from Dismissal Order

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(2) Requirement of Motion for Relief from Dismissal Order

If the dismissed case has not been closed or it has been reopened, then the party shall file the motion for relief from dismissal order (unless it was filed with the motion to reopen). If the case was dismissed because of a failure to file required documents, contemporaneously with the motion(s), the movant must submit the documents required, or file a motion seeking an extension of time for submitting those documents. If the case was dismissed for failure to pay the filing fee or an installment, then the movant must, contemporaneously with the motion for relief from dismissal order, pay the filing fee or any missed fee installment, or file a motion seeking an extension of time to pay the fees. If the movant fails to comply with these requirements the motion for relief from dismissal order will not be considered.

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(d) Conversion

A Debtor seeking to convert from Chapter 12 or 13 to Chapter 7 shall file a notice of conversion pursuant to Fed.R.Bankr.P. 1017(f)(3). A Debtor’s motion to convert pursuant to Fed.R.Bankr.P. 1017(f)(2) shall be served on the trustee, if any, and the UST.

## **B-2002-1. NOTICES TO CREDITORS, EQUITY SECURITY HOLDERS, AND UNITED STATES TRUSTEE**

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### (b) Notices Prepared and Distributed by Parties

A notice prepared and distributed by a party shall be signed by the party, not the Clerk or the Judge, unless its form has been approved by a Courtroom Deputy. Notices in a Chapter 11 case shall be docketed separately.

### (c) Limited Notice in Chapter 7 Cases

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### (d) Authorization for Chapter 13 Trustees to Recover Noticing Costs from Estate

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### (e) Returned and Undeliverable Mail

#### (2) Duty to Provide Accurate Address

The Debtor shall file a Notice of Change of Address for any creditor or party in interest whose address appears undeliverable based either on the Debtor's receipt of returned mail or information received from the Court's noticing agent. In addition, the Debtor shall serve the documents required by S.D.Ind. B-1009-1(b)(2). If the Debtor is unable to determine a correct address for a creditor or party in interest, the Debtor shall file a Notice of Unavailable Address specifying the creditor's name and reporting that a correct address cannot be located. Upon the filing of such a notice, the Clerk shall code the address so that no further notices or orders are sent to that creditor or party in interest.

## **B-2016-1. APPLICATIONS FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES**

### (a) Generally

Applications for compensation and reimbursement of expenses shall comply with the national fee guidelines promulgated by the Executive Office for United States Trustee pursuant to 28 U.S.C. § 586(a)(3)(A)(i) and any Policy of the United

States Trustee for Region 10 for Implementation of Fee Guidelines. Applications for compensation and reimbursement of expenses shall be filed separately for the trustee and each professional.

**B-4001-1. MOTIONS FOR RELIEF FROM STAY AND MOTIONS TO EXTEND OR IMPOSE THE STAY**

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(2) Notice; Disposition

(A) Chapters 7, 12, and 13

In cases pending under any chapter except Chapter 11, notice of the motion shall be served by the movant on the Debtor, parties that have entered an appearance, any trustee, and the UST, except as otherwise provided by S.D.Ind. B-2002-1(b). If the motion also seeks abandonment, notice must be sent to all creditors and parties in interest. The notice shall allow fourteen (14) days from the date of service to file objections. Along with the notice, the moving party shall file a copy of the motion and a certificate of service listing the name and address of each entity served and the date and manner of service. A sample notice is available at the Court's website. If no proper response to the motion is filed the Court may grant relief from the stay without further notice or hearing. At any hearing on the motion the Debtor or objecting party has the burden of establishing any payment alleged to have been made but not set forth in the payment history.

(B) Chapter 11

In cases pending under Chapter 11, unless the Court has previously entered a case management order covering preparation and distribution of notices, movant should contact the Courtroom Deputy to discuss who will prepare and issue the notice and determine if a hearing is needed. Hearing date and time will be provided by the Courtroom Deputy. Notice of the motion shall be served on the Debtor, parties that have entered an appearance, any creditors committee or if no committee has been appointed, the twenty largest unsecured creditors, any trustee, and the UST. If the motion also seeks abandonment, notice must be sent to all creditors and parties in interest. After distribution, the movant shall file a certificate of service in accordance with S.D.Ind. B-9013-2. The certificate of service must be filed prior to any hearing the Court

has set on the motion.

### **B-4001-3. OBTAINING CREDIT IN CHAPTER 13 CASES**

(a) Dollar Limits

(1) \$1000 or Less.

The Debtor may incur non-emergency consumer debt up to one thousand dollars (\$1,000.00), including the refinancing of real property debt, without written approval of the trustee or order of the Court.

(2) Greater than \$1000.

The debtor must seek approval of the trustee or an order from the Court before incurring non-emergency consumer debt of more than one thousand dollars (\$1,000) using the procedures set out in subparagraphs (b) through (d) of this Rule.

### **B-4003-2. LIEN AVOIDANCE MOTIONS**

(a) Requirements: All Motions

Any Debtor seeking to avoid a lien pursuant to either 11 U.S.C. §§ 522(f) or 1322(b) shall file a separate written motion as to each alleged lien holder. The motion may be combined with the notice required by subparagraph (d). A sample motion and notice are available on the Court's website. The motion shall identify:

- (1) the lien to be avoided, and its amount,
- (2) the amount, listed separately, of all other liens on the property and a notation if any other lien is sought to be avoided or eliminated;
- (3) if applicable, the amount of the impaired exemption; and
- (4) the value of the subject collateral.

(b) Judicial Liens.

Motions to avoid judicial liens shall also include:

- (1) the case number and the Court where the underlying judgment was entered:

(2) the date of the judgment; and

(3) list the common address of any real property affected by the lien.

(c) Nonpossessory, Nonpurchase Money Security Interests in Household Goods

Motions to avoid a nonpossessory, nonpurchase money security interest in household goods under 11 U.S.C. § 522(f)(1)(B) must, in addition to the requirements in paragraph (a):

(1) specifically identify the household goods that are subject to the security interest sought to be avoided, referring to the definition of “household goods” provided in 11 U.S.C. § 522(f)(4); and

(2) state the date the debt that the lien secures was incurred.

(d) Service and Notice

(e) Filing and Certificate of Service

(f) Orders

An order avoiding a lien on real estate shall include both the common address and a legal description of that real estate.

## **B-7006-1. EXTENSIONS OF TIME**

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(b) Other Extensions

Any other request for an extension of time, unless made in open Court or at a telephonic pre-trial conference, shall be made by written motion.

## **B-9010-1. APPEARANCES**

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(c) Withdrawal of Appearance

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(2) Successor Counsel Has Appeared

No advance notice to client is required if an Appearance by co-counsel, who will remain in the case, or if an Appearance by successor counsel, is filed prior to or concurrently with a motion to withdraw. However, the attorney being replaced must file a motion to withdraw before that attorney will be removed as a counsel of record in the case unless a substitution of appearance is filed by new counsel.

**B-9010-2. BAR ADMISSION**

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- (c) In order to obtain leave of this Court to appear in a specific action, the attorney seeking to be admitted must file with the Court a Motion to Appear *pro hac vice*. A separate motion for each attorney shall be filed, shall be in a form that complies substantially with the form available on the Court's website, and shall be accompanied by:

**B-9013-2. CERTIFICATE OF SERVICE**

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- (b) Requirements

In addition to identifying the pleading or paper served, certificates of service shall conform substantially to the certificate of service form adopted with the Administrative Policies and Procedures Manual and available on the Court's website.

**B-9027-1. REMOVAL**

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- (b) Removal When Bankruptcy Case Pending in a Different 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.

**B-9029-1. LOCAL RULES: GENERAL**



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(f) Conflicts Between S.D.Ind. L.R., Local and National Bankruptcy Rules

To the extent that any provision of the Local Rules for the United States District Court for the Southern District of Indiana (S.D.Ind. L.R.) differs from any provision of the Local Rules of the United States Bankruptcy Court for the Southern District of Indiana or the Federal Rules of Bankruptcy Procedure, then that provision of the S.D.Ind. L.R. shall not apply.

**B-9037-1. PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT**

The Court may rule upon a motion for a protective order filed pursuant to Fed.R.Bankr.P. 9037(d) or a motion to remove a document without notice or hearing.