

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

IN RE:)
ORDER AMENDING) GENERAL ORDER 13-0004
LOCAL BANKRUPTCY RULES)
AND RESCINDING CERTAIN)
GENERAL ORDERS)

ORDER

Notice of proposed amendments to the local rules of this Court was given to the bar and the public on July 9, 2013. The last date for submitting comments concerning the proposed amendment was July 29, 2013. No substantive comments were received.

After review, the Court decided not to proceed with amendments to B-1007-1, B-7001-1, or B-9006-1. In addition, the Court decided to make stylistic changes to other rules not included in the notice of proposed amendments. Specifically, the Court has changed the words "paper" or "papers" to "document" or "documents" where appropriate. The rules affected are shown on the attachment.

Effective September 23, 2013, the local rules are amended as shown in the attached document.

Because the local rules will now include them or cover the same subject area, the following general orders are rescinded effective the same date:

- 09-0003, requiring electronic filing by attorneys (will be in B-5005-1)
- 09-0004, concerning wage assignment orders in Chapter 13 (will be B-3070-1)
- 09-0006, requiring proof of identification from pro se filers (will be in B-5005-1)
- 09-00011, requiring electronic filing by non-attorneys (will be in B-5005-4)

Date:

8/29/13


JAMES K. COACHYS
CHIEF BANKRUPTCY JUDGE

B-1006-1. PAYMENT OF FILING FEE IN INSTALLMENTS

(e) Requirement to Pay Installments Electronically

~~Unless the Court has authorized payment of fees in amounts other than as required in subparagraph (b),~~ If the Debtor is represented by counsel then all payments must be made by counsel, and counsel shall pay ~~all fee installments~~ electronically.

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

(b) Manner of Joint Administration

(2) Caption

All ~~documents~~ papers, except those which are to be filed in the Member Case pursuant to subparagraphs (b)(4) and (5) of this rule,....

(5) Documents to be Filed in Member Cases Separately

Even if filed after the entry of the order for joint administration, the following documents shall be filed on the dockets of the Member Case as to which the document applies, and the caption of these documents shall have the name and case number of the Member Case:

- (A) schedules, statements of financial affairs, and amendments thereto;
- (B) in Chapter 11 cases, plans and disclosure statements and objections or other pleadings related thereto, and ballot reports;
- (C) trustee final reports and accounts and related notices.

(c) Substantive Consolidation

(2) Caption

All ~~papers~~ **documents** in substantively consolidated cases shall contain in the caption.....

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

(3) Returned Mail Received by the Clerk, Undeliverable Addresses Identified by Clerk's Noticing Agent and Duty to Correct

Unless otherwise ordered, the Clerk shall docket any returned ~~paper~~ notices of the meeting of creditors received by the Court in an open case.

B-3070-1. WAGE ASSIGNMENT ORDERS IN CHAPTER 13 CASES

(a) Trustee's Authority to Require Wage Assignment Order.

Under 11 USC §1325(c), the Chapter 13 Trustee may, in any case in which he or she has been appointed, at any time request an order directing the Debtor's employer to remit funds needed to fund the plan.

(b) Procedure

The trustee may:

(1) Submit an order ("the Wage Assignment Order" or "Order to Pay") directing a Debtor's employer to remit to the trustee the payment stated in Debtor's plan (including amended plans and motions for post-confirmation modification) or in a confirmation order; or

(2) Notify the Debtor's counsel or, if *pro se*, the Debtor, that he or she is to submit the Wage Assignment Order. Such notice shall be provided in writing, or orally at the meeting of creditors.

(c) Effect of Failure to Provide Order

If the Chapter 13 Trustee proceeds under subparagraph (b)(2), then the Debtor's counsel or Debtor shall submit such an order to the Court within seven (7) days of the notice from the trustee. Failure to do so is, in itself, grounds for the trustee to move to dismiss the case.

(d) Service of Orders

The party who tendered the order shall serve a copy of the signed order on the entity to which the order is directed, the trustee, and the Debtor.

(e) Amended Orders Required

Debtor or Debtor's counsel must advise the Chapter 13 Trustee if the Debtor's employer changes before plan payments have been completed. If the Chapter 13 Trustee has given notice that the Debtor's counsel or *pro se* Debtor should submit a Wage Assignment Order, that obligation continues throughout the case, unless rescinded by the Chapter 13 Trustee. Debtor or Debtor's counsel must submit a new order whenever the Debtor's employer or the plan payment changes.

B-5005-1. FILING OF PAPERS DOCUMENTS: GENERAL REQUIREMENTS

(a) Method of Filing

Except as provided by S.D. Ind. B-5005-4 and the Electronic Case Filing Administrative Policies and Procedures Manual (available on the Court's website), ~~which requires electronic filing by attorneys and certain limited users~~ any other entity that filed more than ten (10) documents on paper in the previous calendar year are required to file electronically. All other parties may file documents on paper. ~~, the Court will accept for filing paper documents that comply with the Rules.~~

(b) Form

All petitions, pleadings and other ~~papers~~ documents offered submitted for filing shall meet the following requirements of form:

(1) Legibility

~~Papers~~ Documents shall be plainly and legibly typewritten, printed, or reproduced on one side of the paper only.

(2) Caption: Official Forms

The caption and form of all petitions, pleadings, schedules and other ~~papers~~ documents shall be in substantial compliance with the Federal Rules of Bankruptcy Procedure, Official Forms, or Local Rules for the Southern District of Indiana. Each ~~paper~~ document or set of ~~papers~~ documents filed shall bear the name of the Debtor and chapter of the case. Each ~~paper~~ document other than the original petition shall also have the case number.

(3) Signature

Every pleading, whether filed electronically or on paper, shall be signed. Any pleading lacking a signature shall be stricken from the record, if not corrected after notice to the filer.

(c) Filing Non-Electronically: Original And Copy Required

(1) Over the Counter

A party filing a document over the counter shall provide a signed original and a copy (or two originals). The file-marked original will be returned to the filer, and shall be retained by the filer as required by the Court's Electronic Case Filing Administrative Policies and Procedures Manual available on the Court's website.

(2) Proof of Identification for Initial Pleadings.

A *pro se* party filing a voluntary petition, an involuntary petition, or an adversary proceeding over the counter must appear in person and shall be required to provide a valid photo driver's license or other government-issued photo identification before the petition or complaint will be accepted for filing. For *pro se* joint cases filed under 11 U.S.C. §302, only one spouse ~~must~~ need be present. An exception may be granted if the Debtor, creditor, or plaintiff has executed a power of attorney, and the holder of the power of attorney has presented ~~the power of attorney~~ that document and sufficient identification.

(23) By Mail

For documents submitted by mail, the filer shall provide a signed original, a copy (or two originals), and a self-addressed, stamped envelope. A file-marked original will be returned to the filer and shall be retained by the filer as required by the Electronic Case Filing Administrative Policies and Procedures Manual, available on the Court's website.

(34) Failure to Provide Copy or Self-Addressed, Stamped Envelope

A party who fails to provide a copy (or second original) or a self-addressed, stamped envelope for pleadings submitted by mail shall be presumed to have retained an original as required by the Electronic Case Filing Administrative Policies and Procedures Manual (available on the Court's website). The Clerk shall not

return the original to the filer. Documents that are not returned to the filer will be discarded by the Clerk after scanning.

B-5005-4. ELECTRONIC FILING

The Court has adopted Electronic Case Filing Administrative Policies and Procedures to permit filing, signing, service, and verification of documents by electronic means. These Administrative Policies and Procedures, as described in the Manual [available on the Court's website](#), are incorporated into this Local Rule.

B-9010-1. APPEARANCES

(c) Withdrawal of Appearance [in a Bankruptcy Case](#)

(1) Successor Counsel Has Not Appeared

Counsel [for a Debtor](#) desiring to withdraw his/her appearance in any ~~action~~-[case](#) shall file a motion requesting leave to do so. Such motion shall fix a date for such withdrawal and shall include satisfactory evidence of either a written request to withdraw by counsel's client or a written notice regarding the withdrawal from counsel to counsel's client at least seven (7) days in advance of the withdrawal date. [Counsel for a creditor or other non-debtor party who no longer has any issue pending in the case may file a notice of withdrawal.](#)

(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 [or a notice of withdrawal, pursuant to subparagraph \(c\)\(1\)](#), before that attorney will be removed as a counsel of record in the case unless a substitution of appearance is filed by new counsel.

(d) [Withdrawal of Appearance in an Adversary Proceeding](#)

(1) [Successor Counsel Has Not Appeared](#)

[Counsel for any plaintiff or defendant in an adversary proceeding desiring to withdraw his/her appearance shall file a motion](#)

requesting leave to do so. Such motion shall fix a date for such withdrawal and shall include satisfactory evidence of either a written request to withdraw by counsel's client or a written notice regarding the withdrawal from counsel to counsel's client at least seven (7) days in advance of the withdrawal date.

(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-9013-2. CERTIFICATE OF SERVICE

(a) Filing

All pleadings and ~~documents papers~~ filed in a bankruptcy case pursuant to Fed.R.Bankr.P. 9013 or 9014 shall comply with Fed.R.Bankr.P. 7005(d).

(b) Requirements

In addition to identifying the pleading or ~~document 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.

(c) Failure to Comply

On its own motion, the Court may refuse consideration of or strike any pleading or ~~document paper~~ for which a certificate of service has not been filed or which lacks the information required by the Court's forms.