

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

IN RE:)
ORDER AMENDING) GENERAL ORDER 14-0001
LOCAL BANKRUPTCY RULES)
AND RESCINDING)
GENERAL ORDER 03-0011)

ORDER

Notice of proposed amendments to the local rules of this Court was given to the bar and the public on January 2, 2014. The last date for submitting comments concerning the proposed amendment was January 31, 2014. In response to the one comment received, the Court made minor edits to the proposed changes for B-1007-2(a)(2), the new subparagraph setting a deadline for filing a motion to retain a noticing, balloting or claims agent in a Chapter 11 case (when the number of creditors exceeds 300).

Effective February 10, 2014, the local rules are amended as shown in the attached document.

Because amendments to B-2081-2 eliminate the need for a separate general order concerning prepackaged chapter 11 cases, General Order 03-0011 is hereby RESCINDED.

Date: 2/3/14

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

ATTACHMENT TO GENERAL ORDER 14-0001

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

(a) Noticing, Balloting, and Claims in Chapter 11 Cases with More than 300 Creditors

(1) Requirement

Unless excused by order of the Court, if the number of scheduled creditors in any Chapter 11 case exceeds 300, the Debtor or trustee in a Chapter 11 case shall propose the retention pursuant to 28 U.S.C. §156(c) of an entity to handle noticing (the “Noticing Agent”), an entity to receive and process claims (the “Claims Agent”), and an entity to process plan ballots (the “Balloting Agent”). One entity may serve in all three capacities (the “Agent”).

(2) Motion

The motion(s) to retain noticing, claims, and balloting agent(s), or a motion to be excused from compliance with this rule, or a motion for extension of time, shall be filed within 28 days after the filing of any document or creditor list that causes the number of creditors on the case to exceed 300.

(3) Contact with Clerk

Prior to employment, the proposed Agent shall meet with the Clerk or the Clerk’s designee and agree on terms establishing the interactions between the Agent and the Clerk, which shall be incorporated in the order authorizing the employment of the Agent (“the Employment Order”) or in a written agreement between the Clerk and the Agent (“the Agreement”) that shall be made part of the record.

(b) Noticing Agent

A Noticing Agent shall distribute notices as directed by the Court and provide proof of service information to the Debtor. That information shall be filed as established by the Agreement or the Employment Order.

(c) Claims Agent

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

(1) Delivery of Claims Received by the Court

The Agreement or the Employment Order should establish procedures for handling of claims filed with the Clerk prior to and after the employment of the Claims Agent.

(2) Mailing of Proof of Claim Forms and Notice of Bar Date

Proofs of Claim with a notice of bar date should be mailed by the Claims Agent and should reflect the scheduled amount of the creditor's claim. Unless alterations are approved by the Court, after notice to any committee and the UST, the forms shall comply substantially with Official Form B10. The forms will instruct claimants to send claims to the Claims Agent and not the Court.

(3) Handling of Claims **and Transfers of Claims**

Generally, upon receipt of a claim, the Claims Agent should promptly date-stamp it, assign a claim number, scan the original, retain originals in a fire-proof safe or vault, and return a date-stamped copy to the claimant (if a self-addressed, postage paid envelope was provided). **The Claims Agent shall review the Court's docket periodically, identify notices transferring claims, and issue such notices as are required by Fed.R.Bankr.P. 3001(e).**

(4) Maintenance of the Claims Register

Usually, the Claims Register should be maintained by the Claims Agent. The Claims Agent should list the claim on the register within three (3) days of receipt, in alphabetical order, according to the name of the claimant (last name for individuals) and include the claimant's address, claim number assigned, date received, dollar amount claimed, and classification of claim.

(5) Audits of Claims Records

The Agreement or the Employment Order may provide for the periodic audit of claims information by the Clerk, a representative of the creditors' committee, or some other entity.

(6) Transmission of Claims

The Agreement or Employment Order should provide the mechanism and timing for delivery of ~~updated~~ **a final** Claims Registers to the Clerk. ~~(Example: the register may be transmitted in both an electronic and paper~~

~~format, bi-weekly, until the claims bar date and then monthly thereafter).~~

(7) Mailing List

In addition to the Claims Register, the Claims Agent should maintain a separate mailing list including the claimants' addresses, edited to reflect any notice of change of address.

(8) Transfers of Claims

The Agreement or the Employment Order should establish responsibility and method for processing transfers of claims.

(9) Retention/Destruction of Documents

The Agreement or Employment Order should provide for ~~delivery of a final Claims Register and~~ for the retention or destruction of documents received by the Claims Agent.

(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.

(d) Balloting Agent

The Balloting Agent will receive, record and tabulate ballots. The Agreement or Employment Order should provide for filing of a declaration showing the results of balloting and provide for the retention or destruction of original ballots.

B-2081-2. PREPACKAGED CHAPTER 11 CASES

~~“Prepackaged” Chapter 11 cases are governed by General Order 03-11, as it may be subsequently amended or superseded.~~

(a) Definition

A “Prepackaged Chapter 11 Case” is a Chapter 11 case in which the Debtor, substantially contemporaneously with the filing of the Chapter 11 petition, files a Prepackaged Scheduling Motion, a proposed plan, a disclosure statement (or other solicitation document), and a voting certification with respect to votes solicited pre-petition that the Debtor contends may be counted to achieve confirmation of the proposed plan pursuant to 11 U.S.C. § 1126(b).

(b) Scheduling Procedures

A Prepackaged Scheduling Motion shall be included under Local Rule B-9013-3(f) and treated as a First Day Motion under S.D. Ind. B-9013-3. If a Prepackaged Scheduling Motion is properly filed and served in accordance with Local Rule B-9013-3, the Court will consider expedited scheduling of a hearing on confirmation of a proposed “prepackaged plan” (without the prior approval of a disclosure statement) when confirmation of such a plan is supported by pre-petition acceptances of the proposed “prepackaged plan” in accordance with 11 U.S.C. § 1126(b) and Fed.R.Bankr.P. 3018(b). To obtain such expedited scheduling, counsel for the Debtor shall contact the courtroom deputy for the Chief Judge.

B-7001-1. ADVERSARY PROCEEDING COVER SHEET

(a) Cover Sheet Required.

A party filing an adversary proceeding non-electronically shall also file a cover sheet using Official Form 104. Failure to provide the adversary proceeding cover sheet may result in dismissal of the complaint.

(b) Addresses for Defendants Required.

A plaintiff filing an adversary proceeding without counsel is required to provide the addresses of all defendants, to facilitate service of the summons by the Clerk.

B-9010-1. APPEARANCES

(a) Appearances

(2) Requirement in Adversary Proceedings

Counsel for the plaintiff, including Debtor’s counsel, shall file an appearance with the complaint. Counsel for a defendant, including Debtor’s counsel, shall file an appearance before filing any other pleading.

(c) Withdrawal of Appearance in a Bankruptcy Case

(1) Successor Counsel Has Not Appeared

(i) Counsel for a Debtor desiring to withdraw his/her appearance in

any 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 and shall provide the Court with the client's last known telephone number.

- (ii) 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. If counsel is involved in a pending issue, then counsel shall file a motion requesting leave to do so, complying with the requirements for such motions in the preceding subparagraph.

(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 and shall provide the Court with the client's last known telephone number.

B-9022-1. NOTICE OF ENTRY OF JUDGMENT

(a) Clerk's Duty to Provide Notice

The Clerk shall mail or deliver by electronic means to the contesting parties a copy of a judgment or order showing the date the judgment or order was entered. The certificate of notice docketed by the Bankruptcy Noticing Center or other agent qualifies as the notice required by Fed.R.Bankr.P. 9022.

(b) Notice to Electronic Filers

Immediately upon entry of an order or judgment in a case or adversary proceeding the Clerk shall transmit electronically to the registered users in the case or adversary proceeding a "Notice of Electronic Filing." Electronic transmission of that Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022.

(c) Notice to Other Parties

The Clerk shall give notice in paper form to contesting parties who have not consented, or are not permitted to consent, to electronic service.