

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

**NEW ALBANY CHAPTER 13 PRACTITIONERS:
AVAILABILITY OF MORTGAGE LOSS MITIGATION
MEDIATION PROGRAM**

New Albany Chapter 13 Practitioners: Judge Lorch has signed [General Order 14-0002](#) now posted on the Court's Website, that establishes a mortgage loss mitigation mediation program for Chapter 13 cases in New Albany that have been assigned to him. Please review that order AND this notice to understand the preliminary decisions that have been made about how the program will work in CM/ECF.

The General Order sets out various requirements the debtor should satisfy before filing a Motion to Direct Loss Mitigation ("the Motion to Direct"). A form Motion to Direct, which includes the motion and a notice, is available on the Court's website under Forms>Local>Chapter 13 or Motions and Related Notices – to access, click [here](#). The Motion to Direct should be filed using the event Motion to Direct Loss Mitigation, which is available in the "Mediation/Alternative Dispute Resolution" section of the events menu.

An order granting the Motion to Direct must be provided. The Court will not prepare an order. A form order is available on the Court's website under Forms>Local>Chapter 13 or Motions and Related Notices – to access, click [here](#).

After the entry of an order on the Motion to Direct, the only other pleading that might be filed with the Court before the Mediator's Report of Settlement/Impasse would be a motion to extend the time for completing the mediation process set by the General Order. The General Order already allows a 60-day extension without separate order from the Court. An extension of time beyond those 60 days can be sought using the generic Motion to Extend Time event.

If no extension of time is requested, the next document related to the process that gets filed with the Court after the Order granting the Motion to Direct is the Mediator's Report of Settlement/Impasse. That document must be filed electronically. So if the mediator is not an authorized ECF filer, either as an attorney or as a limited user, then the debtor's attorney should file that Report. The Mediator's Report of Settlement/Impasse event is also found in the Mediation/Alternative Dispute Resolution section of the events menu (and is on the Limited User event menu). The event will give the filer the option of filing either as "Settlement" or as "Impasse." The Report of Settlement event will be docket text only – no PDF is to be attached, because it is presumed a subsequent filing by the debtor will either seek approval of any agreement or modify the plan to bring it into compliance with the agreement. The Report of Impasse event anticipates attachment of a PDF. (This step may be altered as the Court gains more experience

with the procedure.)

After the Mediator's Report, if a settlement was reached, the debtor shall file a Motion to Approve Loss Mitigation Agreement ("Motion to Approve") or a motion to modify the Chapter 13 plan. The Motion to Approve Loss Mitigation Agreement event is found on the Mediation/Alternative Dispute Resolution events menu. (The "Motion to Modify" event has not changed.)

A Motion to Approve is not expected to be an "Agreed" or "Joint" motion, but it is expected that a signed copy of the agreement will be attached to the Motion. A Motion to Approve results in a 14-day virtual notice to the trustee only. A motion to modify the Chapter 13 plan is handled the same way as all motions to modify the plan are handled currently.

Debtor's counsel should upload an Order Granting the Motion to Approve that includes the substantive terms of the agreement. The Court will not prepare an order.

Questions about ECF events and proper filing of documents can be directed to Court staff. Questions about the program in general should be directed to the New Albany Chapter 13 trustee, Joe Black.

February 10, 2014

/s/ Kevin P. Dempsey
Clerk