

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE

IN RE: CASE NO. 05-42430 )  
 )  
RONALD EUGENE MILLER )  
ROBIN KAY MILLER )  
 )  
Debtors )  
 )  
 )  
KIMBERLY A. GILBERT )  
 )  
Plaintiff )  
 )  
vs. ) PROC. NO. 07-4005  
 )  
HARLEY DAVIDSON CREDIT )  
 )  
Defendant )

**DECISION AND ORDER DENYING MOTION FOR EXTENSION OF TIME**

At Fort Wayne, Indiana on April 12, 2007.

The defendant in this adversary proceeding has asked the court to grant it a sixty (60) day extension of time to answer plaintiff's complaint. The only cause for this substantial extension is that the parties have agreed to it. Yet such an agreement is only effective if the extension does not exceed thirty (30) days. See, N.D.Ind.L.B.R. B-9006-1(a). To obtain more than that requires the court's approval and getting that approval requires a demonstration of some type of cause or necessity for the additional time. Here, defendant states no cause at all beyond the parties' agreement, which is not sufficient. Furthermore, a review of the plaintiff's complaint leaves the court wondering why the defendant would need any additional time whatsoever in order to respond to its rather simple allegations.

The entire complaint is all of six paragraphs long. Defendant should be able to respond to

the first paragraph simply by reading the docket in the underlying bankruptcy case in order to determine the truth or falsity of that allegation. The next three paragraphs are based upon the fact that the defendant has filed a proof of claim in the underlying bankruptcy case and the information contained in that claim. As a result, it should not be too difficult for the defendant to admit or deny those facts. The fifth paragraph of the complaint essentially alleges that the value of the defendant's collateral may exceed the amount due it. Given the nature of that collateral it should not be too difficult for counsel to investigate the truth or falsity of the allegation in order to frame an appropriate response. In fact, the defendant has already gone on record, in its proof of claim, as to its opinion of the value of its collateral – \$12,560.00. The remainder of paragraph five and paragraph six essentially lay out the legal theory behind the plaintiff's claim and the relief she seeks. While it might require a small effort on counsel's part to research the trustee's theory, the court suspects that the defendant already plans to deny those allegations and oppose the relief the trustee seeks. Remember, the defendant has already had at least thirty days to consider the plaintiff's demands and, given their nature, if it was willing to accede to them it would have come to that conclusion by now.

The defendant has not articulated sufficient cause for needing an additional sixty days within which to answer the plaintiff's complaint and the court can not imagine any reason why it would need such additional time. The motion for an extension of time is therefore DENIED.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court