

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
DW&P, LLC, ) CASE NO. 07-22434 JPK  
 ) Chapter 11  
Debtor. )

ORDER REGARDING SUBSTITUTION OF COUNSEL

On May 15, 2008, Attorney Karen Price Boswell, previously approved as counsel for the debtor-in-possession, filed a Verified Motion to Withdraw Appearance on Behalf of the Debtor-in-Possession. Also on May 15, 2008, an Application for Order Approving Employment of Attorney was filed which requests the approval of Attorney Rosalind G. Parr as counsel for the debtor-in-possession. Various documents have subsequently been filed in this case which proceed on the apparent assumption that representation of a debtor in a Chapter 11 case is parallel to substitution of counsel for the debtor in cases under other Chapters of the Bankruptcy Code. Unfortunately, that is not the case. N.D.Ind.L.B.R. B-2014-1 provides specific procedures for employment of professionals by a debtor-in-possession, including counsel for the debtor-in-possession. Until there has been compliance with those procedures, an attorney is not authorized to appear or otherwise represent a debtor-in-possession in a Chapter 11 case. The debtor's application with respect to Attorney Parr appears to be in proper form; however, before that application can be approved, the deadlines for objections thereto provided by N.D.Ind.L.B.R. B-2014-1(c) must pass. The Court notes that Attorney Parr has sought to utilize the "drop dead" provisions of N.D.Ind.L.B.R. B-2002-2 with respect to the application to employ her; that rule has no application to this procedure, and the notice filed as docket record entry #93 on May 15, 2008 is of no effect. The applicable objection period will expire at midnight on June 5, 2008, and until that time, Attorney Rosalind Parr is not in any manner authorized to represent the debtor in this case, and the Court cannot approve the

application for her to do so.

Pursuant to N.D.Ind.L.B.R. B-9010-2(b), the appearance of an attorney on behalf of a debtor in a case remains effective until withdrawn by order of the Court. The attempted withdrawal as counsel for the debtor-in-possession by the application filed by Karen Price Boswell on May 15, 2008 – also ineffectively noticed pursuant to N.D.Ind.L.B.R. B-2002 – will not be granted until the Court has approved Attorney Rosalind Parr as counsel for the debtor-in-possession. Therefore, until approval of Attorney Parr, Attorney Boswell remains as counsel for the debtor-in-possession.

IT IS ORDERED that until the Court has approved the Application for Order Approving Employment of Attorney filed on May 15, 2008 with respect to Attorney Rosalind G. Parr, Attorney Karen Price Boswell shall be deemed to be counsel for the debtor-in-possession in this case; if no objections to that application have been filed by midnight on June 5, 2008, the Court will approve the application for employment of Attorney Rosalind G. Parr and will approve the withdrawal as counsel for the debtor-in-possession of Attorney Karen Price Boswell.

Dated at Hammond, Indiana on June 4, 2008.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor  
US Trustee  
Rosalind G. Parr