

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
RICHARD NORMAN and) CASE NO. 08-20831 JPK
ARLENE NORMAN,) Chapter 13
)
Debtors.)

ORDER DENYING MOTION TO COMPEL VALUATION
OF THE VEHICLE ("MOTION")

The Motion, filed on July 9, 2008, requests that the court enter an order "compelling the debtor to produce the vehicle for appraisal". The appraisal of this vehicle was provided for by the court's order entered on June 16, 2008, paragraph 5 of which states the following:

Any dispute regarding inspection of the subject property shall be deemed a discovery dispute with respect to a matter within the scope of Rule 34(a) of the Federal Rules of Civil Procedure (made applicable to this contested matter by Bankruptcy Rules 9014 and 7034) and the parties shall then follow the procedures required by applicable law and applicable Local Rules to seek to resolve that dispute or to properly bring it before the Court for resolution.

Fed.R.Bankr.P. 9014(c) causes Fed.R.Bankr.P. 7037 to be applicable to the court-ordered inspection, which then makes Fed.R.Civ.P. 37(a)(2)(B) applicable. Included within this latter rule is the requirement of a certification by the movant as to attempts made to resolve the discovery dispute before submitting it to the court. The Motion lacks the certification, and for that reason it must be denied.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on July 31, 2008.

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

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee
Attorney for Creditor