

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
ANTHONY J. MANUEL,) CASE NO. 07-23364 JPK
) Chapter 13
Debtor.)

ORDER FOR HEARING TO SHOW CAUSE REGARDING SANCTIONS

Pursuant to the Court's Order and Notice Scheduling Hearing on Confirmation of Chapter 13 Plan and Fixing Time to Object Thereto ("Confirmation Hearing Order"), a confirmation hearing was held on October 6, 2008. Attorney Rosalind G. Parr appeared on behalf of debtor. Attorney Amy Godshalk appeared on behalf of the Chapter 13 Trustee. Attorney Robert E. Stochel, who filed an Objection to Chapter 13 Plan on behalf of Master Transmission on September 12, 2008, failed to appear.

The Confirmation Hearing Order requires the attendance at the confirmation hearing of a counsel for an objecting creditor and of counsel for the debtor when an objection to confirmation of the plan is filed in advance of the confirmation hearing. The purposes of this requirement are to ascertain from both counsel detailed information as to the nature of the objection so as to limit further proceedings on the objection if possible, and to provide counsel for both the objectant and the debtor with an opportunity to seek to resolve the objection immediately in advance of, or at, the confirmation hearing. When an attorney for either the objectant or the debtor does not attend the confirmation hearing, these purposes are completely thwarted. The Confirmation Hearing Order also specifically states that a pre-hearing conference on an objection will be held at the confirmation hearing; N.D.Ind.L.B.R. B-9014-2(b) states that the "provisions of Rule 16(f) of the Federal Rules of Civil Procedure shall apply to all contested matters". Fed.R.Civ.P. 16(f) provides sanctions in the event a party's attorney fails to appear at a pre-trial conference, including those stated in Fed.R.Civ.P. 37(b)(2)(B), (C) and (D).

IT IS ORDERED that Robert E. Stochel shall appear before the Court on **November 17, 2008, at 1:00 P.M.** to show cause, if any he has, why sanctions should not be imposed upon him for failure to attend the confirmation hearing held on October 6, 2008 – including the imposition of a sanction of payment of the reasonable attorney's fees and expenses incurred by both the Trustee and counsel for the debtor as a result of counsel for those parties preparing for and attending the confirmation hearing.¹

Dated at Hammond, Indiana on October 20, 2008.

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

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

Revised 09/16/2008

¹ Fed.R.Civ.P. 16(f)(2) provides for the mandatory award of such attorney's fees and expenses unless the non-attending party establishes that non-compliance was substantially justified or other circumstances make such an award unjust.