

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
PAUL KEVIN BARKAL,) CASE NO. 08-20663 JPK
) Chapter 13
Debtor.)

ORDER DENYING MOTION IN OPPOSITION TO
APPLICATION FOR ALLOWANCE OF ATTORNEYS FEES
AND EXPENSES TO BE PAID BY TRUSTEE AS AN
ADMINISTRATIVE EXPENSE ["MOTION"]

On July 29, 2008, Daniel L. Freeland & Associates, P.C. filed an Application for Allowance of Attorneys Fees And Expenses to Be Paid by Trustee as an Administrative Expense. The Motion was filed by the debtor, *pro se*, on August 18, 2008. By order entered on August 21, 2008, the court scheduled a hearing for September 5, 2008 with respect to the Application and the Motion. The debtor called the chambers of the court on September 4, 2008, and through conversation with Susan Harrison, the court's Judicial Assistant, requested continuance of that hearing, a request which the court granted by docket order entered as record entry #143 on September 8, 2008. The hearing was re-scheduled for October 10, 2008 at 9:00 A.M., and the record establishes that proper notice of this hearing was sent to the debtor. At the hearing conducted on October 10, 2008, the applicant appeared by Attorney Sheila Ramacci; the debtor failed to appear.

The Motion states conclusory assertions in opposition to the Application. The court, having reviewed the Motion and the Application, finds that the grounds stated in the Motion in opposition to the Application should be denied.¹

¹ The court further notes that pursuant to N.D.Ind.L.B.R. B-9014-2(b), the provisions of Rule 16(f) of the Federal Rules of Civil Procedure apply to all contested matters. Rule 16(f)(1) provides that in the event a party fails to appear at a scheduling or other pre-trial conference, the court may impose any just order, including those authorized by certain provisions of Rule 37(b)(2)(A). Based upon the circumstances, in which the originally scheduled hearing was continued at the express request of the debtor, the court determines that the appropriate sanction is that stated in Rule 37(b)(2)(A)(v), which results in dismissal of the contested matter

IT IS ORDERED that the Motion is denied.

IT IS FURTHER ORDERED that the Application is approved by separate order.

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

arising from the Motion. The court's independent review of the Application then results in its determination that the requested compensation is in accord with applicable provisions of law.