

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
RODRIGO REX PANARES and) CASE NO. 08-20471 JPK
MAUREEN ANN PANARES,) Chapter 13
Debtors.)

ORDER REGARDING MOTION TO REINSTATE("MOTION")

This Chapter 13 case was dismissed by order entered on November 3, 2008. On November 13, 2008, counsel for the debtor filed the Motion.

Fed.R.Bankr.P. 9013 requires that any motion seeking relief from a Federal Bankruptcy Court "shall state with particularity the grounds therefore." The grounds required include a reference to the statutory authority upon which the motion is based. In the instant case, the motion apparently seeks to set aside or alter a final order of the court which dismissed the debtor's case. The motion was filed within 10 days of the date of entry of that order, and thus might be a motion pursuant to Fed.R.Bankr.P. 9023/Fed.R.Civ.P. 59 or pursuant to Fed.R.Bankr.P. 9024/Fed.R.Civ.P. 60(b). The motion does not designate its grounds.

Liberal construed, the motion apparently seeks relief pursuant to either Fed.R.Bankr.P. 9023 or Fed.R.Bankr.P. 9024. Either way, the motion is subject to N.D.Ind.L.B.R. B-9023-1, which requires that the motion be "accompanied by a separate supporting brief and any appropriate affidavits or other materials in support thereof." There is no supporting brief.

Finally, on November 13, 2008, debtors by their counsel filed documents which appear to be an attempt to implement the "drop-dead" procedures of N.D.Ind.L.B.R. B-2002-2 with respect to the motion. Motions in the nature of the Motion are not within the purview of N.D.Ind.L.B.R. B-2002-2, and therefore the notice filed on November 13, 2008 is ineffective for any purpose with respect to the Motion.

IT IS ORDERED that the Notice filed on November 13, 2008 with respect to the Motion

is ineffective for any purpose.

IT IS FURTHER ORDERED that the Motion is DENIED, without prejudice to the filing of a motion in accordance with applicable law and rules.

Dated at Hammond, Indiana on December 11, 2008.

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

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee