

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
STACY GLOVER,) CASE NO. 07-23300 JPK
) Chapter 13
) Debtor.)

STACY GLOVER,)
)
Plaintiff,)
)
v.) ADVERSARY NO. 09-2070
)
STATE OF INDIANA, OFFICE OF)
THE SECRETARY OF STATE,)
SECURITIES DIVISION, et al.,)
)
Defendants.)

ORDER REGARDING MOTION FOR AN ORDER OF CONTEMPT (“MOTION”)

The Motion was filed on April 29, 2009, by counsel for the plaintiff in the above-designated adversary proceeding. The Motion seeks an “order for contempt against the State of Indiana, and Mr. Bill Cady” with respect to an alleged violation of Fed.R.Civ.P. 26 (Fed.R.Bankr.P. 7026). In order for the remedy of contempt to be utilized, the court must have issued a definite order.

The Court concurs with the reasoning of *In re Rimsat, Ltd*, 208 B.R. 910 (Bankr. N.D.Ind., Ft. Wayne Div. 1997), in which it was held that under applicable Seventh Circuit cases, the remedy of contempt may only be utilized for the violation of a court order.¹

¹As stated in *United States v. Dowell*, 257 F.3d 694, 699 (7th Cir. 2001):
“A court’s civil contempt power rests in its inherent limited authority to enforce compliance with court orders and ensure judicial proceedings are conducted in an orderly manner.” *Jones v. Lincoln Electric Co.*, 188 F.3d 709, 737 (7th Cir. 1999). For Morano to be held in civil contempt, he must have violated an order that sets forth in specific detail an unequivocal command from the court. See *id.* (quotations omitted).

Based upon the foregoing, the Motion fails to provide a basis for the relief requested, and must be denied.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on May 15, 2009.

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

Distribution:
Attorneys of Record