

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JACK WEICHMAN,) CASE NO. 08-23482-jpk
) Chapter11
Debtor.)

ORDER FOR HEARING REGARDING DEBTOR'S MOTION FOR EXTENSION OF
PERIOD IN WHICH THE DEBTOR HOLDS THE EXCLUSIVE RIGHT TO OBTAIN
ACCEPTANCES OF PLAN ["MOTION"]

The Motion was filed on September 4, 2009, and counsel for the debtor chose to utilize a form of "drop-dead" notice in the manner of that provided by N.D.Ind.L.B.R. B-2002-2. There is no provision in that rule for the utilization of a "drop-dead" notice with respect to a motion seeking the relief requested by the Motion. The debtor has filed a Chapter 11 plan, which has not been presented as a "pre-packaged" plan with acceptances of all necessary creditors and parties-in-interest; thus, the debtor's indication of 11 U.S.C. § 1121(c)(3). However, N.D.Ind.L.B.R. B-2002-2(a)(9) provides for the utilization of a "drop-dead" procedure with respect to motions pursuant to 11 U.S.C. § 1121(c)(2)/(d)(1). The notice is thus unauthorized, and is ineffective for any purpose. It is necessary that a hearing be held on the motion.

IT IS ORDERED that the notice filed of record as docket record entry No. 212 on September 4, 2009, is ineffective for any purpose.

IT IS FURTHER ORDERED that a hearing will be held on the motion **November 18, 2009, at 3:00 P.M.**

Dated at Hammond, Indiana on October 29, 2009.

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

Distribution:
Debtor, Attorney for Debtor, US Trustee
All Creditors, All Parties-in-Interest