

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN RE: CASE NO. 08-13109 )  
)  
JUSTIN LEE STUCKEY )  
TERESA ROSE STUCKEY )  
)  
Debtors )  
)  
)  
)  
JAMES CRAVER )  
JANE CRAVER )  
)  
Plaintiffs )  
)  
vs. ) PROC. NO. 09-1046  
)  
)  
JUSTIN LEE STUCKEY )  
TERESA ROSE STUCKEY )  
)  
Defendants )

**DECISION AND ORDER**

At Fort Wayne, Indiana, on December 7, 2009.

By this adversary proceeding, the plaintiffs seek to have the debtors' discharge denied, pursuant to § 727(a)(4) of the United States Bankruptcy Code, as the result of a materially false oath. The matter is before the court on the plaintiff's motion for summary judgment and the debtors' response thereto.

Summary judgment is proper "if the pleadings, depositions, answers to interrogatories, and admissions on file . . . show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Bankr. P. Rule 7056(c); Fed. R. Civ. P. Rule 56(c). To facilitate this inquiry, the local rules of this court require the motion to "be accompanied by a 'Statement of Material Facts' which . . . shall identify those facts as to which the

moving party contends there is no genuine issue. . . .” N.D. Ind. L.B.R. B-7056-1. As the Seventh Circuit has noted, such statements are

not merely superfluous abstracts of the evidence. Rather, they are intended to alert the court to precisely what factual questions are in dispute and point the court to the specific evidence in the record that supports a party’s position on each of these questions. They are, in short, roadmaps, and without them the court should not have to proceed further, regardless of how readily it might be able to distill the relevant information from the record on its own. Waldrige v. American Hoechst Corp., 24 F.3d 918, 923 (7th Cir. 1994).

When viewed with those goals in mind, the plaintiffs’ Statement of Material Facts falls short. It contains little more than vague generalities concerning the conduct complained of. For instance, it states that the debtors’ original petition and schedules “omit[ted] several material items,” Statement of Material Facts ¶ 3, “contained several omissions,” Statement of Material Facts ¶ 6, and that amended schedules “omit[ted] several items of information required to be disclosed.” Statement of Material Facts ¶ 8. None of these statements tells the court what information was missing. Rather than referring to unidentified omissions, movant’s statement of material facts should tell the court precisely what was missing from debtors’ statements and schedules.<sup>1</sup>

Local rules, such as the one adopted by this court, concerning the requirements for submitting and opposing motions for summary judgment are not uncommon.<sup>2</sup> In order to more quickly identify any meaningful factual disputes, these rules usually require the moving party to submit a statement of material facts in which it identifies the critical facts upon which its motion is based. If the non-

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<sup>1</sup>Admittedly, the court might be able to page its record in order to figure out what was supposedly missing, but it should not have to, Waldrige, 24 F.3d at 923. See also, United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991); Van Brouck & Assocs., Inc. v. Darmik, Inc., 327 F. Supp. 2d 924, 933 (E.D. Mich. 2004) (the court should not be required to root through the record or exhibits, like a pig hunting for truffles, to find the information it needs).

<sup>2</sup>This court’s rules on the issue have been derived from those adopted by the District Court for the Northern District of Indiana. See, N.D. Ind. L.R. 7.1; L.R. 56.1.

moving party disputes the those facts, it is required to file a statement of genuine issues specifically identifying the contested facts. When the party opposing a motion for summary judgment fails to fulfill its obligations under such rules, it often finds that they are rigorously enforced – much to its regret. See, Ciomber v. Cooperative Plus, Inc., 527 F.3d 635, 643 (7th Cir. 2008); Koszola v. Board of Educ. of City of Chicago, 385 F.3d 1104 (7th Cir. 2004); Midwest Imports Ltd. v. Coval, 71 F.3d 1311 (7th Cir. 1995); Wienco, Inc. v. Katahn Assoc., Inc., 965 F.2d 565 (7th Cir. 1992); Bell, Boyd & Lloyd v. Tapy, 896 F.2d 1101 (7th Cir. 1990). The court sees no reason why the result should be any different when the moving party fails to observe the requirements imposed upon it.

Plaintiffs’ motion for summary judgment is, therefore, DENIED.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court