

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
KROPP EQUIPMENT, INC.,) CASE NO. 09-25196 JPK
) Chapter 11
Debtor.)

ORDER DENYING MOTION TO APPROVE APPLICATION
TO EMPLOY SPECIAL COUNSEL, *INSTANTER* ("MOTION")

On February 19, 2010, the debtor, by counsel, filed an Application to Employ Special Counsel with respect to Attorney Marcos Reilly and his firm, Hinshaw & Culbertson LLP, as special counsel in relation to employment and labor law issues, and employment in labor disputes. This Application is subject to the requirements of N.D.Ind.L.B.R. B-2014-1(c), which provides for a period of 21 days following service of the application upon necessary parties as an objection period with respect to the application. The Motion was filed on February 22, 2010; it differs from the application filed on February 19, 2010 in that it apparently seeks authorization to employ counsel (as stated in paragraph 2 of the Motion) "in order to immediately file claims against two (2) former employees of the Debtor for an injunction based upon actions taken by the employees after they left the employment of the Debtor". The Motion requests waiver of the 21-day objection period provided by N.D.Ind.L.B.R. B-2014-1(c), because of some asserted "emergency basis". Motions for employment of counsel are like any other motion. They are governed by Fed.R.Bankr.P. 9013, which requires that a motion "state with particularity the grounds therefor". The only basis for the asserted "emergency" is the use of the word "emergency": This Motion, like so many others which the court has recently reviewed, asserts that certain circumstances give rise to an "emergency", but fails to provide any factual foundation for that assertion apart from the use of the term "emergency" or phrases of similar import.

The Motion states no basis for the relief which it requests. Any employment of Marcos

Reilly and/or Hinshaw & Culbertson LLP will take its course pursuant to the application filed on February 19, 2010, including the required objection period.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on March 3, 2010.

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

Distribution:
Debtor, Attorney for Debtor
US Trustee