

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
NEIL ROGER KLUNDER and) CASE NO. 09-21451 JPK
MARILYN S KLUNDER,) Chapter 7
Debtors.)

GORDON E. GOUVEIA,)
)
Plaintiff,)
)
v.) ADVERSARY NO. 09-2206
)
DORIS BUMGARNER,)
)
Defendant.)

ORDER CONCERNING DEFAULT JUDGMENT

This adversary proceeding came before the court on May 21, 2010 for preliminary pre-trial conference. The plaintiff appeared by counsel Catherine Molnar-Boncela; the defendant failed to appear. The defendant also failed to appear at a previous preliminary pre-trial conference held on April 9, 2010.

Pursuant to Fed.R.Bankr.P. 7016, Fed.R.Civ.P. 16(f) applies to preliminary pre-trial conferences in adversary proceedings. This latter rule provides for sanctions authorized by Fed.R.Civ.P. 37(b)(2)(A)(ii) – (vii) for the failure of a party to appear at a pre-trial conference. The court determines that the sanction provided for by Fed.R.Civ.P. 37(b)(2)(A)(vi) is appropriate, and that default judgment should be entered against the defendant. The court also determines that a hearing will be held pursuant to Fed.R.Bankr.P. 7055/Fed.R.Civ.P. 55(b)(2) at which the plaintiff shall establish the amount of the default judgment to be entered.

IT IS ORDERED, ADJUDGED AND DECREED that default judgment is entered against the defendant Doris Bumgarner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a hearing will be held on

June 11, 2010, at 10:00 A.M. to determine the amount of the judgment to be finally entered.

Dated at Hammond, Indiana on May 26, 2010.

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

Distribution:

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