NOT FOR PUBLICATION OR CITATION

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 09-15314	)	
	)	
INDIANA TROOPERS ASSOCIATION, INC.	)	
	)	
Debtor	)	
	)	
	)	
INDIANA TROOPERS ASSOCIATION, INC.	)	
	)	
Plaintiff	)	
	)	
vs.	)	PROC. NO. 09-1214
	)	
CAMPAIGN RESOURCES, INC.	)	
JAK PRODUCTIONS, INC.	)	
	)	
Defendants	)	

DECISION AND ORDER
DENYING DEFENDANTS' MOTION TO RECONSIDER

At Fort Wayne, Indiana on October 12, 2010

On September 13, 2010, the court denied the defendants' motion for sanctions because it had not been accompanied by a brief in support thereof as required by the local rules of this court. See, N.D. Ind. L.B.R. B-7007-1(a). See also, N.D. Ind. L.R. 7.1(b). The defendants have filed a motion to reconsider that order. The motion advances three points: first, that their sanctions motion was accompanied by a brief; second, that the motion had been filed in state court and that court's rules did not require a supporting brief; finally, that they have now filed the required brief, submitting it in connection with the motion to reconsider.

Courts have broad discretion to manage their dockets and to enforce their local rules. This is particularly so when it comes to enforcing rules and practices which are designed to allow the

court to manage its docket as quickly and efficiently as possible. See, A. Bauer Mechanical, Inc. v. Joint Arbitration Bd. of Plumbing Contractors' Association, 562 F.3d 784, 790 (7th Cir. 2009). (This includes rules concerning filing briefs and briefing schedules. See, Tobel v. City of Hammond, 94 F.3d 360 (7th Cir. 1996). See also, U.S. v. Sosa, 55 F.3d 278 (7th Cir. 1995)). Local bankruptcy rule B-7007-1(a) is just such a rule. Requiring a supporting brief to be filed along with a motion speeds the motion's disposition, by eliminating the delay that would come from establishing a briefing schedule after a hearing, and eases the court's workload, by eliminating the need to issue separate orders establishing briefing schedules for every motion. The rule also helps to improve the quality of motions, and avoid ill-considered ones, by requiring counsel to give greater thought to the legal requirements of their filings and to the facts supporting them. See, In re King, 2006 WL 1994679, 2006 Bankr. LEXIS 1416 (Bankr. N.D. Ind. 2006).

A motion to reconsider, such as that now before the court, is appropriate only in a limited number of situations: where there has been a change in either the law or the facts since the decision was rendered, the court has misunderstood a party's arguments or decided the matter based on issues not presented to it, and to correct a manifest error of law or fact. It is not opportunity to do something that should and could have been done before. See, Lock Realty Corp. v. US Health, LP, 2010 WL 148296 (D. N.D. Ind. 2010). The defendants' motion does not satisfy these criteria. It is, instead, an attempt to do something that could and should have been done before, i.e. file the required brief.

Defendants did not, as they contend, file a brief in connection with their sanctions motion. They filed that motion in state court on October 28, 2009. The "briefs" they identify all predate that

submission and, as such, could hardly constitute a brief in support of something yet to be filed.[1] Furthermore, those filings were briefs in opposition to other motions. There is a significant difference between a brief opposing a particular request and a brief (seeking independent relief) arguing that the request was so meritless as to be sanctionable. See e.g., Fed. R. Civ. P. Rule 11(c)(1)(A) (a motion for sanctions must be separate from other motions or requests).

As for the argument that since the sanctions motion was filed in state court and no brief was required, the court addressed that issue in its original decision. It observed: "Even if the state court's local rules did not require the submission of a supporting brief when the sanctions motion was originally filed, this court's rules do, and so a brief should have been filed when the defendants asked this court to rule upon it." Order dated Sept. 13, 2010, p. 2. See also, Fed. R. Bankr. Rule 9027(g) (federal rules and procedure govern following removal). Indeed, the change in courts actually increases the need to file a brief. Did that change have any impact on the issues raised? And, since this court does not usually deal with the state court's rules of procedure, what are the standards for sanctions under the state court's equivalent of rule 11? These are questions that necessitate briefing. Furthermore, it is not as though the defendants did not have time to prepare such a brief before renewing the motion for sanctions in this court – the motion had originally been filed months before and, despite pretrial proceedings following removal, had not previously been brought to this court's attention. See, Order for Pretrial Conference dated Dec. 11, 2009, p.2, ¶ D. (requesting information concerning pretrial motions, which the parties have filed or anticipate filing); Pretrial Statement of Campaign Resources, §IV, Pretrial Motions, Discovery and Mediation. There was no urgency

[1]The court does not believe that either Judge Levine's order of October 13, 2009 or the disciplinary commission's response to a grievance constitute a brief in support of defendants' motion for sanctions.

associated with renewing the request and no pending deadline by which that had to be done. The defendants could very easily have waited a short time to prepare the required brief before renewing their sanctions request. The fact that they were able to prepare and file such a brief, in connection with their motion to reconsider, indicates that the task was not particularly daunting and that the requirements of the local rule are not onerous.

Under these circumstances, the defendants should not be allowed to (in effect) automatically obtain an extension of time to file the required brief by failing to comply with the court's local rules. Sosa, 55 F.3d at 279-80. Defendants' motion to reconsider is DENIED.

SO ORDERED.

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