

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JOHNNY REUBEN GAUGHT,) CASE NO. 10-24432 JPK
) Chapter 7
Debtor.)

ORDER ON MOTION TO EXTEND TIME TO FILE A
COMPLAINT OBJECTING TO DISCHARGE OF THE
DEBTOR OR TO DETERMINE DISCHARGEABILITY OF
CERTAIN DEBTS ("MOTION")

The Motion was filed on December 17, 2010 by 37th Avenue Center, LLC, by counsel. The Motion does not comply with N.D.Ind.L.B.R. B-4004-1(b) both with respect to its failure to state a date to which time is to be extended, and its failure to "contain a statement that any objections to the motion must be filed within fourteen (14) days of the date the motion was served". The Motion is deniable in its present form. However, the rather liberal rules of amendment of pleadings evidenced by decisions by the United States Court of Appeals for the Seventh Circuit direct that the movant should be provided with an opportunity to amend the motion, rather than having the motion merely denied.

IT IS ORDERED that 37th Avenue Center, LLC shall file an amended motion, in complete conformity with N.D.Ind.L.B.R. B-4004-1(b), within 7 days of the date of entry of this order.

IT IS FURTHER ORDERED that if an amended motion in complete conformity with the above-designated rule is so filed, the motion shall be deemed to have been filed prior to the expiration of the bar date to be extended. If such a motion is not timely filed, the motion will be denied without further notice or hearing.

Dated at Hammond, Indiana on January 11, 2011.

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

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
Attorney for Creditor