

Not Intended for Publication

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)	
)	
TIMOTHY GRANT GILLUM)	CASE NO. 14-10343
)	
Debtor)	

DECISION AND ORDER DENYING MOTION TO REINSTATE PROCEEDING

The debtor’s petition was stricken and this case dismissed on March 3, 2014, as a result of the failure to file a scanned copy of the originally signed signature page, as required by the court’s order authorizing electronic case filing. Sixth Amended Order Authorizing Electronic Case Filing ¶ 10(c). Debtor’s counsel then filed a motion asking the court to vacate the order of dismissal and to reinstate the case. The motion was not accompanied by a brief in support thereof. N.D. Ind. L.B.R. B-9023-1. That is unfortunate. Had counsel bothered to look into the issue, and to prepare the required brief, he would have learned that the court’s requirement for scanned copies of signature pages is not (as his motion seems to suggest) something new, as well as the reasons for the court’s rigorous enforcement of that policy. See, In re King, 2006 WL 1994679 *4 (Bankr. N.D. Ind. 2006). He would also have learned that the excuse of regularly practicing in the Southern District of Indiana, which does not have such a requirement, is not an acceptable one. Id. Furthermore, on the same day he filed this case, counsel submitted his application for an Attorney Password for ECF System. In that application he acknowledged, under oath, that he had read and understood the court’s order authorizing electronic case filing. Apparently, that may not have been the case; nonetheless, Mr. Dick may not legitimately claim to have been surprised by the requirements of that order. The court also notes that the dismissal was without prejudice, so there is no obstacle to a

proper refiling. See, Rodriguez v. Washington, 1995 WL 593081 (N.D. Ill. 1995) (dismissal without prejudice gives no just cause to complain)

Debtor's Motion to Reinstate Proceeding is DENIED.

SO ORDERED.

Dated: March 7, 2014

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