UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:	)	
	)	
LOUIS A. LENGACHER	)	CASE NO. 12-12512
MARY LENGACHER	)	
	)	
Debtors	)	

ORDER

On October 6, 2015.

Springleaf Financial Services has filed a motion to dismiss the trustee's objection to its claim or, alternatively, to consolidate or stay proceedings. That motion has not been accompanied by a separate brief in support thereof as required by N.D. L.B.R. B-7007-1(a). Although it appears that something resembling a brief is incorporated in the motion, it has not been filed separately as the rule requires. Strictly applying the court's local rules may seem overly stringent to some, but doing so eliminates confusion and provides clarity to all involved as to what should happen next and when. See, In re Cross, 442 B.R. 681, 683-84 (Bankr. N.D. Ind. 2010); In re Fort Wayne Foundry Corp., 2009 WL 2524493 (Bankr. N.D. Ind. 2009).

Anyone wanting to oppose a motion filed within an adversary proceeding or a contested matter has thirty days after service of the motion and initial brief to file a response. N.D. Ind. L.B.R. B-7007-1(a). Whether additional information placed in a motion rises to the level of a brief can be a debatable proposition; so without a separately filed brief it is not clear when or if the response time begins to run. If the opponent believes the time has not started because of the absence of a brief and does not respond, do they risk the court thinking otherwise and ruling on the motion unopposed? If they do respond, but the court believes no response was needed because of the absence of a

separate brief, do they risk wasting their time and their client's money by doing something unnecessary? See, In re GT Automation, Inc., 320 B.R. 671 (Bankr. N.D. Ind. 2005). Can they file a motion to strike or oppose the motion based on the failure to file a separate brief? Should the court take the initiative and enter an order setting a deadline for a response? That should not be necessary; furthermore, a primary purpose of the rule was to eliminate the court's need to do that kind of thing on a case by case basis. No one, not the court and not the opponents, should be left to speculate as to what to do in response to a motion such as the one Springleaf has filed.

Because of the failure to observe this court's local rules, Springleaf's motion to dismiss invites unnecessary confusion as to who should do what and when. In order to eliminate this confusion, the motion will be denied, without further notice, unless movant files a separate brief in support thereof, as required by N.D. Ind. L.B.R. B-7007-1(a), within seven (7) days of this date.

SO ORDERED.

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