

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JERRY FRANKLIN MOORE and) CASE NO. 03-64226 JPK
DEBRA SUSAN MOORE,) Chapter 7
)
Debtors.)

ORDER

On November 17, 2005, the debtors, by counsel, filed an amended Schedule F which was not in compliance with applicable local rules, as was stated in the Court's administrative order entered on November 18, 2005. The potential sanction for non-compliance was stated in the order to be striking the document. However, striking of the document removes it completely from consideration in the Court's record, both with respect to any affirmative action which the debtors may deem necessary in the case in light of the amendments made by the document, and further with respect to its evidentiary effect in matters which relate to the administration of the case by the Trustee, other creditors, or the Court. As a result, in most contexts, the striking of documents which amend schedules or statements of affairs or other substantive documents filed in a case is not deemed by the Court to be an effective solution for non-compliance with applicable local rules with respect to the amendments sought to be made by a document.

The consequence for failing to comply with applicable rules of procedure, especially when those rules are noted by an administrative order issued by the Court in response to a document which seeks to amend a substantive document previously filed in the case, should be borne by the filer exclusively. Thus, the document should remain effective for whatever evidentiary value it may have in relation to matters in the debtor's case, but it should provide no basis for any substantive affirmative relief which may be later sought by the debtor, as based upon that document.

IT IS ORDERED that the amended Schedule F filed by the debtors on November 17,

2005, shall have no substantive effect in this case with respect to any creditor or party-in-interest sought to be added by that amendment as a creditor or party-in-interest in this case, and in addition shall not provide the debtors with a basis for any requested affirmative relief with respect to that creditor in this case, including any motions which might be filed pursuant to 11 U.S.C. § 522(f) – until such time as the debtors have complied with the procedural rules previously addressed with respect to the document in administrative orders of the Court.

Dated at Hammond, Indiana on December 21, 2005.

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

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee