

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA

**TO: THE BAR AND PUBLIC**

The United States Bankruptcy Court for the Northern District of Indiana is seeking public comment concerning proposed changes to the Court's Local Rules. The changes involve the following rules:

- B-4004-3 Discharge in Chapter 11 Cases for Individual Debtors, *adding a new rule relating to the issuance of a discharge in Chapter 11 cases for individual debtors.*
- B-2002-2 Notice of Opportunity to Object to Motions, *adding a corresponding paragraph relating to motions for discharge in Chapter 11 cases.*

The proposed amendments are available online at the court's website, <http://www.innb.uscourts.gov/>, or in hard copy at the clerk's office. Send comments and suggestions by **March 19, 2009**, to:

Christopher M. DeToro  
Clerk of Court  
United States Bankruptcy Court, Northern District of Indiana  
401 South Michigan Street  
South Bend, IN 46601-2365  
(574) 968-2100

*Dated: February 17, 2009*

Proposed change to the local rules for the United States Bankruptcy Court for the Northern District of Indiana. New material is indicated by redline, and deleted material is indicated by ~~strikeout~~.

**B-4004-3**  
**Discharge in Chapter 11 Cases for Individual Debtors**

1        (a) If the debtor is an individual, in order to receive a discharge in a case under Chapter 11  
2 the debtor must file an appropriate motion. The motion may be filed either before or after  
3 confirmation of a plan in accordance with the provisions of this rule.

4        (b) Prior to confirmation, if the debtor would like the court to consider issuing a discharge  
5 upon confirmation of a proposed plan it shall file a “Motion for Discharge Upon Confirmation.”  
6 The motion shall state, with particularity, the reason or reasons for issuing a discharge before  
7 payments under the plan have been completed and shall be filed prior to the hearing to consider  
8 the adequacy of the disclosure statement or at the same time the debtor files a motion under local  
9 bankruptcy rule B-3017.1-1 to dispense with such a hearing. The court will hold a hearing on the  
10 debtor’s motion for discharge, upon notice to all creditors and parties in interest, at the same time  
11 it considers confirmation of the proposed plan. Any objections to the motion must be filed within  
12 the time required by local bankruptcy rule B-9014-1(b) (no later than seven days prior to the  
13 hearing).

14        (c) After confirmation, when the debtor would like the court to consider issuing a discharge  
15 it shall file a “Motion for Discharge.” The motion shall state how the debtor has satisfied the  
16 requirements for the entry of discharge, see, 11 U.S.C. § 1141(d)(5), by alleging, with  
17 particularity:

18        (1) that all the payments required by the confirmed plan have been completed; or,

19 (2) if all the payments required by the confirmed plan have not been completed, which  
20 payments have yet to be made, and

21 (A) the reason or reasons for issuing a discharge before payments have been completed;

22 or

23 (B) how the distribution actually made on account of each allowed unsecured claim has  
24 satisfied the best interest of creditors test and why modification of the plan is not  
25 practicable.

26 Debtor shall serve all creditors and parties in interest with notice of a motion for discharge, in  
27 accordance with local bankruptcy rule B-2002-2, giving at least twenty (20) days notice of the  
28 opportunity to object thereto. Unless a creditor or other party in interest files a timely objection,  
29 the court will consider the motion and may issue a discharge without holding a hearing.

30 (d) In addition to satisfying the requirements of paragraph (b) or (c), any motion for  
31 discharge, whether filed before or after confirmation, must also state that there is no proceeding  
32 pending in which the debtor might be found guilty of a felony of the kind described in 11 U.S.C.  
33 § 522(q)(1)(A), or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B), and there  
34 is no reason to believe that 11 U.S.C. § 522(q)(1) might apply to the debtor (11 U.S.C.  
35 §1141(d)(5)(C).

36 (e) This rule applies only to cases filed on or after October 17, 2005.

**B-2002-2**  
**Notice of Opportunity to Object to Motions**

1 (a) Except as otherwise ordered, the court will consider the following matters without  
2 holding a hearing, unless a party in interest files a timely objection to the relief requested:

3 (1) Motions to approve agreements relating to relief from the automatic stay; providing  
4 adequate protection; or prohibiting or conditioning the use, sale or lease of property.

5 (2) Motions to approve agreements relating to the use of cash collateral.

6 (3) Motions for authority to obtain credit.

7 (4) In cases pending under Chapter 7, motions for relief from the automatic stay.

8 (5) Motions to avoid liens on exempt property.

9 (6) Motions to redeem personal property from liens.

10 (7) Applications for administrative expenses, including compensation for services  
11 rendered and reimbursement of expenses.

12 (8) Motions to extend the time for filing claims.

13 (9) Motions to extend the exclusivity periods for filing a Chapter 11 plan.

14 (10) Motions to extend the time to assume or reject executory contracts and unexpired  
15 leases.

16 (11) Motions filed by a trustee or debtor-in-possession to assume or reject executory  
17 contracts and unexpired leases.

18 (12) Motions to approve a modification to a confirmed Chapter 11, Chapter 12 or Chapter  
19 13 plan.

20 (13) Motions to approve a compromise or settlement.

21 (14) Motions to transfer a case to another district or to another division in this district.

22 (15 ) Motions to approve transactions outside the ordinary course of business, except  
23 motions for the sale or lease of personally identifiable information.

24 (16) Motions to sell property free and clear of liens, except motions to sell or lease  
25 personally identifiable information.

26 (17) Motions to abandon property of the estate.

27 (18) Motions for relief from the co-debtor stay of 11 U.S.C. § 1201 or § 1301.

28 (19) Motions for the substantive consolidation of cases.

29 (20) Motions to compel the debtor to turnover or deliver property to a trustee.

30 (21) In cases under Chapter 12 and 13, motions for a discharge prior to the completion of  
31 payments under a confirmed plan (motions for hardship discharge).

32 (22) Motion of a party in interest to enter a final decree in a case under Chapter 11.

33 (23) Trustees' Applications to Employ Professionals after Notice to Creditors filed  
34 pursuant to N.D. Ind. L.B.R. B-2014-2(b).

35 (24) Applications to employ professionals nunc pro tunc.

36 (25) Motions for discharge in individual Chapter 11 cases.