

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

IN THE MATTER OF:)
)
LOCAL RULES OF PRACTICE)
)
)

ORDER AMENDING LOCAL BANKRUPTCY RULES

Notice of proposed amendments to the local rules of this court was given to the bar and the public on March 21, 2011. The last date for submitting comments concerning the proposed amendments was April 20, 2011, and the court has considered all comments received. Effective immediately, the local rules of the court are amended as follows.

1. The court adopts a new Local Bankruptcy Rule, B-3002-1, titled "Filing and Allowance of § 503(b)(9) Administrative Claims" which reads:

(a) A creditor whose claim may include amounts entitled to priority under 11 U.S.C. § 503(b)(9) (value of goods delivered during the 20 days prior to the commencement of the case) may file a proof of claim within the claims deadline established by the court. The amount of the claim entitled to priority, and the basis for the claimed priority, shall be stated on the proof of claim.

(b) Unless the Court orders otherwise, a motion for the allowance of a § 503(b)(9) administrative expense must be filed no later than the expiration of the claims deadline. This motion shall state, with particularity, the goods delivered to the debtor during the 20 days prior to the petition, the date or dates of delivery, and their value. Movant shall be responsible for serving all creditors and parties in interest with notice of the motion, in accordance with Local Bankruptcy Rule B-2002-2(a)(7), and making due proof thereof. Absent objection within the time required by that rule, *see*, N.D. Ind. L.B.R. B-2002-2(b), the court will consider the motion without a hearing.

2. Local Bankruptcy Rule B-3007-1 is amended to read as follows:

(a) Except as otherwise authorized by Rule 3007 of the Federal Rules of Bankruptcy Procedure regarding omnibus claim objections, an objection to a proof of claim shall be limited to the claim or claims filed by a single creditor, unless the objection is directed to a claim which has been filed jointly by more than one creditor.

(b) An objection to a proof of claim shall identify the creditor by name and the claim number as assigned by the court, and shall state with specificity the basis for disallowance or allowance in an amount or with a priority other than that claimed.

(c) Local Bankruptcy Form 2 (LBF-2) shall be used to give the claimant notice of the claim objection and the opportunity to respond thereto, instead of Official Bankruptcy Form 20(B).

(d) The objector shall be responsible for completing LBF-2 and serving it, along with the claim objection, and making due proof thereof, in accordance with Rule 7004 of the Federal Rules of Bankruptcy Procedure upon:

- (1) the claimant, and claimant's attorney if an appearance has been filed;
- (2) any trustee; and
- (3) the debtor and debtor's counsel.

(e) Unless a response to the objection is filed within thirty (30) days following service of the notice of objection, the court may disallow or modify the claim in accordance with the objection, without further hearing.

3. Local Bankruptcy Rule B-5005-2 is re-titled as "Form and Style Requirements" and is amended to read as follows:

(a) The following format requirements apply to all papers submitted for filing, whether in paper or electronic format:

(1) They shall be plainly typewritten or printed and double spaced, except for quoted material.

(2) The title must be set out on the first page.

(3) Each page shall be consecutively numbered.

(4) All papers must be clearly legible.

(b) For filings submitted in paper format:

(1) They shall be flat and unfolded.

(2) They shall be on white paper of good quality, 8½" x 11" in size, printed on one side of the paper only.

(3) They shall have no covers or backs and shall be fastened together at the top left corner and at no other place.

(4) If the filer wishes to receive a file-stamped copy of any paper document which is not presented for filing in person, they shall provide a self-addressed, stamped envelope of adequate size and postage.

(c) For filings submitted electronically:

(1) No paper submitted electronically may contain any watermarks, embedded links or hyperlinks relating to websites promoting commercial products except when

relevant to the matter addressed in the filing. The failure to comply with this prohibition may result in the imposition of appropriate sanctions.

(2) All papers submitted electronically shall comply with the technical requirements of the court's Electronic Case Filing system.

(d) The originally signed paper copy of all documents submitted under oath or penalties of perjury shall be retained by the filing attorney for at least three years following the closing of the case by the court. Examples of such documents include, but are not limited to, affidavits, bankruptcy petitions, lists, schedules, statements, and amendments thereto. Such originally signed documents shall be produced upon request. The failure to do so may result in the imposition of sanctions, on the court's own initiative or upon the motion of the case trustee, United States trustee, United States Attorney, or other appropriate party.

(e) Fax and email filings are not permitted and will not be accepted. If such transmissions are received, they shall be of no effect and will be ignored.

4. Local Bankruptcy Rule B-5005-3 is abrogated.

5. Local Bankruptcy Rule B-7024-1 is abrogated.

SO ORDERED.

Dated: May 5, 2011

/s/ Robert E. Grant

Robert E. Grant, Chief Judge
United States Bankruptcy Court

/s/ Harry C. Dees, Jr.

Harry C. Dees, Jr., Judge
United States Bankruptcy Court

/s/ J. Philip Klingeberger

J. Philip Klingeberger, Judge
United States Bankruptcy Court

/s/ Kent Lindquist

Kent Lindquist, Judge
United States Bankruptcy Court