

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA**

IN THE MATTER OF:

RULES OF PRACTICE

ORDER AMENDING LOCAL RULES

The Local Rules of the United States Bankruptcy Court for the Northern District of Indiana, as adopted on January 1, 1994, and amended on September 1, 2000 are hereby amended as set out below. This amendment is effective June 4, 2001. It is so ordered.

1. Local rule N.D. Ind. L.B.R. B-7026-2 is abrogated.

2. (a) N.D. Ind. L.B.R. B- 1007-5 shall be amended to read as follows:

Scheduling Federal and State Governmental Units

(a) If any federal or state governmental unit, department, agency or instrumentality is a creditor of the debtor or otherwise a party in interest, the schedules, statements, matrix/lists of creditors, or other document required to be filed with the court in which such indebtedness or interest is required to be disclosed shall identify the department, agency or instrumentality of the federal or state governmental unit through which the debtor became indebted, or which otherwise has an interest in the case.

(b) The address of any federal or state governmental unit, department, agency or instrumentality required to be stated in any schedule, statement of affairs, matrix/list of creditors or other document required to be filed with the court shall be the address for that governmental unit, department, agency or instrumentality as designated in the list maintained pursuant to Rule 5003(e) of the Federal Rules of Bankruptcy Procedure.

3. N.D. Ind. L.B.R. B- 5005-1 shall be amended to read as follows:

Form and Style of Papers; Number of Copies

(a) All papers presented for filing shall be flat and unfolded. All filings (except accompanying exhibits) shall be on white paper of good quality, 8½” x 11” in size, printed on one side of the paper only, and shall be plainly typewritten, printed, or prepared by a clearly legible duplication process and double spaced, except for quoted material. The filings shall have no covers or backs and shall be fastened together at the top left corner and at no other place. The title of each filing must be set out on the first page. Each page shall be consecutively numbered and shall be pre-punched with two holes at the top with sufficient top margin allowed so that

neither caption nor text is destroyed or obscured.

(b) Computer generated versions of the official forms shall be prepared so that they read from top to bottom of the page rather than laterally.

(c) (1) Except as set forth below, an original and three (3) copies of all pleadings, motions, briefs, and other papers presented for filing will be required.

Proof of claim, including attachments -	original and two (2) copies.
Matrix of Creditors -	original and one (1) copy.
Petition, Schedules and Statements -	
Chapter 7 -	original and four (4) copies.
Chapter 9 -	original and seven (7) copies.
Chapter 11, railroad -	original and seven (7) copies.
Chapter 11, non-railroad -	original and six (6) copies.
Chapter 12 -	original and four (4) copies.
Chapter 13 -	original and five (5) copies.

(2) For cases pending in the Hammond Division at Lafayette, in addition to the number of copies set forth above, one (1) additional copy of every paper presented for filing will be required.

4. N.D. Ind. L.B.R. B- 7007-1 shall be amended to read as follows:

Motion Practice; Length and Form of Briefs

(a) Any motion filed within a contested matter or an adversary proceeding (*e.g.*, motions filed pursuant to Fed. R. Bankr. P. 5011(b), 7012, 7037, and 7056) shall be accompanied by a separate supporting brief. Unless the court orders otherwise, the opposing party shall have thirty (30) days after service of the motion and initial brief within which to serve and file a response. The moving party shall have fifteen (15) days after service of any response within which to serve and file a reply. Time shall be computed as provided in Fed. R. Bankr. P. 9006. Extensions of time shall only be upon order of the court, for good cause shown. The failure to respond or reply within the time required will be deemed a waiver of the opportunity to do so and may subject the motion to a ruling without further submissions.

(b) Except by permission of the court, no brief shall exceed 25 pages in length (exclusive of any pages containing a table of contents, table of authorities, and appendices), and no reply brief shall exceed 15 pages. Permission to file briefs in excess of these page limitations will be granted only upon motion supported by extraordinary and compelling reasons.

Briefs exceeding 25 pages in length (exclusive of any pages containing the table of contents, table of authorities, and appendices) shall contain (a) a table of contents with page

references; (b) a statement of issues; and (c) a table of cases (alphabetically arranged), statutes and other authorities cited, with reference to the pages of the brief where they are cited.

(c) A party citing a decision, statute, or regulation that is not available on Westlaw or Lexis/Nexis shall furnish a copy to the Court and other parties.

5. N.D. Ind. L.B.R. B- 7026-1 shall be amended to read as follows:

**Form of Interrogatories, Requests for
Production and Requests for Admission**

(a) The party propounding written interrogatories, requests for production of documents or things, or requests for admission, shall number each such interrogatory or request sequentially. The party answering, responding or objecting to such interrogatories or requests shall quote each such interrogatory or request in full immediately preceding the statement of any answer, response or objection thereto, and shall number each such response to correspond with the number assigned to the request.

(b) No party shall serve on any other party more than thirty (30) requests for admission without leave of court. Requests relating to the authenticity or genuineness of documents are not subject to this limitation. Any party desiring to serve additional requests for admission shall file a written motion setting forth the proposed additional requests for admission and the reason(s) for their use.

6. N.D. Ind. L.B.R. B- 7026-3 shall be renumbered as B-7026-2.

7. N.D. Ind. L.B.R. B- 7026-4 shall be renumbered as B-9014-2 and amended to read as follows:

**Applicability of Rule 26 (a) and (f) of the Federal Rules of
Civil Procedure to Contested Matters**

Except as otherwise ordered by the court or agreed to by the parties, the requirements of Rule 26(a) and 26(f) of the Federal Rules of Civil Procedure shall not apply to any contested matter under Rule 9014 of the Federal Rules of Bankruptcy Procedure.

8. N.D. Ind. L.B.R. B- 7037-1 shall be amended to read as follows:

Informal Conference to Settle Discovery Disputes

The court may deny any discovery motion (except those involving pro se litigants) unless the motion is accompanied by the certification required to be made under Rules 26(c), 37(a)(2)(A), 37(a)(2)(B), and 37(d) of the Federal Rules of Civil Procedure. The certification shall be filed as a separate document and shall, in addition to the information required under the

appropriate Federal Rule, also recite the date, time, and place of the conference or attempted conference and the names of all persons participating therein. If counsel for any party advises the court in writing that opposing counsel has refused or delayed meeting and discussing the problems covered in this Rule, the court may take such action as is appropriate to avoid unreasonable delay.

9. N.D. Ind. L.B.R. B- 9010-1 shall be amended to read as follows:

Attorneys

(a) The bar of this court shall consist of those persons admitted to practice by the District Court for the Northern District of Indiana.

(b) The chair of any committee established pursuant to 11 U.S.C. § 705 or § 1102 may appear and speak for the committee at any non-evidentiary hearing in a contested matter. Such a committee must be represented by an attorney at any evidentiary hearing and in all adversary proceedings.

(c) A person not a member of the bar of this court shall not be permitted to practice in this court or before any officer thereof as an attorney, unless (1) such person appears on his or her own behalf as a party, or (2) such person is admitted to practice in any other United States Court or the highest court of any state and is, on application to this court, granted leave to appear in a specific action and tenders the required fee (which is one-half of the fee required for admission to the bar of the United States District Court for the Northern District of Indiana) by a check payable to the “Clerk, United States District Court” or (3) such person appears as attorney for the United States.

(d)-(g) The provisions of N.D. Ind. L.R. 83.5 (d)-(g) are applicable to all matters pending in the Bankruptcy Court.

(h) In all matters and proceedings before this court, only natural persons may appear and represent themselves. All other entities shall be represented by an attorney. For the purposes of filing a proof of claim, participating in a meeting conducted pursuant to 11 U.S.C. § 341 or a reaffirmation agreement, a creditor need not be represented by or appear through an attorney.

(i) Paraprofessionals may not appear at a § 341 meeting on behalf of a debtor but may appear and question a debtor on behalf of a creditor.

10. N.D. Ind. L.B.R. B- 9013-1 shall be amended to read as follows:

Motions Initiating Contested Matters and Other Requests for Relief

(a) Every application, motion, or other request for an order from the court, including motions initiating contested matters, shall be filed separately, except that requests for alternative relief may be filed together. All such requests shall be named in the caption, shall state with particularity the order or relief sought and contain a short and plain statement concerning the

factual basis or grounds for the motion.

(b) Motions seeking relief from the automatic stay or adequate protection may not be joined with any other request or objection except abandonment.

(c) For the purposes of paragraph (a), “requests for alternative relief” shall mean motions, applications and other requests which are subject to identical notice and hearing procedures (*see, e.g.,* Fed. R. Bankr. P. 2002).

(d) The application, motion, or other request should be accompanied by a proposed form of order.

Dated this 30th day of April, 2001.

/s/

Kent Lindquist, Chief Judge
United States Bankruptcy Court

/s/

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

/s/

Robert E. Grant, Judge
United States Bankruptcy Court