

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-1017-1
Dismissals for Failure to File Required Documents

1 (a) If an individual debtor in a voluntary case under Chapter 7 or Chapter 13 fails to file documents
2 containing the information required by 11 U.S.C. § 521(a)(1)(A) and (B)(i-iii, v, vi) within 45 days
3 following the date of the petition, unless that deadline has been extended or the trustee files an
4 appropriate motion, the court will issue a notice reflecting the dismissal of the case pursuant to § 521(i)(1)
5 on the 46th day after the date of the petition or as soon thereafter as may be practicable. A debtor or other
6 party in interest who contends such a notice was issued in error may seek relief under Rule 9024(a) of the
7 Federal Rules of Bankruptcy Procedure. In addition to the requirements of Local Bankruptcy Rule B-
8 9023-1, any such motion shall:

9 (1) Specifically indicate where in the record documents containing the required information may
10 be found;

11 (2) Describe how those documents provide all the information required; and

12 (3) State the date upon which they were filed.

13 (b) The absence of a notice reflecting dismissal of the case pursuant to § 521(i)(1) indicates that the
14 court believes the debtor has filed the required information, and constitutes a presumption that such a
15 dismissal has not occurred and that the case may continue to proceed. Notwithstanding the absence of
16 such a notice, a party in interest that contends § 521(i)(1) requires dismissal of the case may file a motion
17 for an order dismissing the case pursuant to § 521(i)(2). Such a motion must:

18 (1) Be filed electronically;

19 (2) Refer to § 521(i)(2) in both the title and the docket text entered by the movant; and

20 (3) Be accompanied by an affidavit from movant's counsel.

21 A motion which fails to so refer to § 521(i)(2) will be deemed to be a motion to dismiss for some
22 other cause, a waiver of the court's need to act within five days, and will be set for a hearing on notice to
23 all creditors and parties in interest.

24 (c) The affidavit accompanying the motion for an order dismissing the case pursuant to § 521(i)(2)
25 must:

26 (1) Indicate that counsel has personally reviewed the docket and every page of every document
27 filed in the case;

28 (2) Specifically identify what information required by § 521(a)(1)(A) and (B)(i-iii, v, vi) the
29 debtor has failed to file;

30 (3) Specifically describe how the information that has been filed by the debtor does not provide
31 what is required; and

32 (4) State whether the debtor has sought an extension of time to file the required documents and
33 whether the trustee has filed a motion asking the court to decline to dismiss the case.