

**CHANGE IN “ORDERS DUE” PROCEDURE
FOR WICHITA DIVISION**

Counsel are advised, that effective immediately, the Wichita Division’s method of dealing with past due orders and journal entries will be changed. This change is in response to the failure of some counsel to appear on the Show Cause docket, thus frustrating the process of tracking “absent” orders and journal entries. Henceforth, the procedure will be as follows:

1. Orders Due:

As specified in D. Kan. L.B.R. 9074.1 orders and journal entries are due within 14 days after the hearing or announcement. If the parties involved cannot agree to the substance of the orders, I encourage counsel to utilize the objection process specified in the Local Rule.

2. Notice to Dismiss:

If orders or journal entries are not filed within the 14 days specified above, the Clerk will, at its convenience, issue a “Notice of Deadline for Submission of Order Due.” This Notice will state a date certain by which an order must be submitted ready for the Court’s signature. If an order is not submitted by that date, the Clerk will be instructed to enter an order dismissing the matter or adversary proceeding in question for lack of prosecution. Please note that relief from such an order dismissing may be granted upon notice and a hearing as set forth below.

3. Relief from Dismissal for Lack of Prosecution:

The Court may, in its sole discretion, allow a matter dismissed for lack of prosecution to be reinstated or re-filed upon notice and a hearing and **THE PERSONAL APPEARANCE OF AT LEAST ONE OF COUNSEL** involved. Such motion should be noticed to the appropriate motions docket. Counsel are advised, however that the Court is unlikely to reinstate or allow the re-filing of a matter more than once. “Second” orders of dismissal may be construed as adjudications on the merits pursuant to Fed. R. Civ. P. 41(b) and Fed. R. Bankr. P. 7041.

**/s/ Robert E. Nugent III
UNITED STATES BANKRUPTCY JUDGE
DISTRICT OF KANSAS**

August 31, 2016