

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ESI SERVICE CORP.,) Case No. 16-07208-JMC-7A
)
Debtor.)

**MOTION TO LIMIT NOTICE ON THE TRUSTEE’S
MOTION TO ESTABLISH CERTAIN NOTICE, CASE MANAGEMENT
AND ADMINISTRATIVE PROCEDURES AND APPROVE PROPOSED FORM 309D**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, pursuant to Local Rule B-9006-1(f), requests the Court enter an order limiting notice on the *Trustee’s Motion to Establish Certain Notice, Case Management and Administrative Procedures and Approve Proposed Form 309D* (the “Case Management Motion”), on the following grounds:

1. The Trustee has contemporaneously filed herewith the Case Management Motion requesting, pursuant to 11 U.S.C. §§ 102(1), 105(a) and Bankruptcy Rules 1015(c), 2002 and 9007, an order (a) approving and implementing certain notice, case management and administrative procedures (collectively, the “Case Management Procedures”) and (b) approving the proposed Form 309D (Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set) (the “341 Notice”).

2. Due to the nature and size of the Affiliated Debtors’¹ bankruptcy cases, there is an urgent need to implement the Case Management Procedures in order to alleviate the administrative burden on the Court, the Trustee and the Affiliated Debtors’ bankruptcy estates. Additionally, there is an urgent need for approval of the proposed 341 Notice. Currently, the proposed date for the first meeting of creditors under 11 U.S.C. § 341 (the “First Meeting of

¹ The Affiliated Debtors and their corresponding case numbers are as follows: ITT Educational Services, Inc., Case No. 16-07207-JMC-7A; ESI Service Corp., Case No. 16-07208-JMC-7A; and Daniel Webster College, Inc., Case No. 16-07209-JMC-7A.

Creditors”) is set for November 1, 2016. In order for the Trustee to conduct the First Meeting of Creditors on November 1, 2016, the 341 Notice must be served by no later than October 7, 2016.

3. The Trustee has conferred with representatives of Rust Consulting/Omni Bankruptcy, a division of Rust Consulting, Inc. (“Rust Omni”), the proposed notice and claims agent, and Rust Omni has indicated that it is able to meet the October 7th deadline as long as the 341 Notice is approved by October 4, 2016.

4. The Trustee has also contemporaneously filed herewith a *Motion to Shorten Notice on the Trustee’s Motion to Establish Certain Notice, Case Management and Administrative Procedures and Approve Proposed Form 309D* (the “Notice Motion”), requesting that the Court shorten the notice period on the Case Management Motion to seven (7) days and provide that in the event no objections are filed, an order approving the Case Management Motion will be issued without hearing.

5. There are approximately 200,000 creditors or parties in interest in the Affiliated Debtors’ bankruptcy cases to whom the Trustee would be required to give notice of the Case Management Motion. Service of the Case Management Motion on all 200,000 parties will take a substantial amount of time and expense, creating a significant administrative burden for the Affiliated Debtors’ bankruptcy estates.

6. Local Rule B-9006-1(f) states that “[i]f expedited service on the parties required to receive under the Federal Rules of Bankruptcy Procedure is impractical or cost-prohibitive, the movant may also seek to limit notice by filing a separate Motion to Limit Notice.” Accordingly, in order to avoid such a significant administrative burden to the Affiliated Debtors’ bankruptcy estates, the Trustee is requests that the notice of the Case Management Motion be limited to the following: (a) the Office of the United States Trustee; (b) the Affiliated Debtors’

counsel; and (c) those parties who have appeared pursuant to Bankruptcy Rule 9010 or who have requested notice pursuant to Bankruptcy Rule 2002. The request for the implementation of certain notice, case management and administrative procedures is procedural in nature and is not intended to affect the substantive rights of creditors and parties in interest.

WHEREFORE, the Trustee respectfully requests entry of an Order, pursuant to Local Rule B-9006-1(f), directing that notice of the Case Management Motion be limited to those parties listed above, and further requests all other just and proper relief.

Respectfully submitted,

Proposed counsel to the Trustee
RUBIN & LEVIN, P.C.

By: /s/ Meredith R. Theisen

Meredith R. Theisen

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John C. Hoard (Atty. No. 8024-49)
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CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2016, a copy of the foregoing *Motion to Limit Notice on the Trustee's Motion to Establish Certain Notice, Case Management and Administrative Procedures and Approve Proposed Form 309D* was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on September 26, 2016, a copy of the foregoing *Motion to Limit Notice on the Trustee's Motion to Establish Certain Notice, Case Management and Administrative Procedures and Approve Proposed Form 309D* was mailed by first-class U.S. Mail, postage prepaid, and properly address to the following:

None.

/s/ Meredith R. Theisen
Meredith R. Theisen