

SO ORDERED: October 4, 2016.



James M. Carr
James M. Carr
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC.,) Case No. 16-07207-JMC-7A
)
Debtor.)

ORDER ESTABLISHING CERTAIN NOTICE, CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES AND APPROVE PROPOSED FORM 309D

This matter is before the Court on the *Trustee’s Motion to Establish Certain Notice, Case Management and Administrative Procedures and Approve Proposed Form 309D* (the “Motion”) [Doc 94], filed by Deborah J. Caruso, the duly appointed, qualified and acting chapter 7 trustee in the above-referenced bankruptcy case (the “Trustee”). In the Motion, the Trustee requests entry of an order, pursuant to 11 U.S.C. §§ 102(1), 105(a) and Rules 1015(c), 2002 and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), approving and implementing certain notice, case management and administrative procedures (collectively, the “Case Management Procedures”) and approving the proposed Form 309D (Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set) (the “341 Notice”).

The Court, having considered the Motion, and having found and determined that the relief requested in the Motion is largely in the best interests of the Affiliated Debtors,¹ their estates and creditors, and any party interest, determines the Motion should be, and hereby is partially, GRANTED with certain adjustments made in the form of order tendered. Accordingly,

IT IS THEREFORE ORDERED as follows:

1. The Motion is GRANTED.
2. The Case Management Procedures attached hereto as Exhibit “1” are hereby approved and shall be implemented in the Affiliated Debtors’ bankruptcy cases.
3. The 341 Notice attached hereto as Exhibit “2,” including the applicable Bar Dates set forth in the 341 Notice, is hereby approved. The 341 Notice shall be served by Rust Omni in accordance with Bankruptcy Rule 2002(a)(1).

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¹ Capitalized terms used but not otherwise defined herein shall have the meanings used in the Motion.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC.,) Case No. 16-07207-JMC-7A
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Debtor.)

NOTICE, CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES

To the extent the case management procedures set forth below (the “Case Management Procedures”) conflict with the Federal Rules of Bankruptcy Procedures (the “Bankruptcy Rules”), the Local Rules of the United States Bankruptcy Court for the Southern District of Indiana (the “Local Rules”) or the accompanying Administrative Policies and Procedures Manual for Electronic Filing (the “Electronic Case Files Procedures”), the Case Management Procedures shall govern and supersede such rules. The approved Case Management Procedures are as follows:

CASE MANAGEMENT PROCEDURES

I. Omnibus Hearings.

A. All Matters to be Heard at Omnibus Hearings. All motions, pleadings, applications and other requests for relief, all objections and responses and replies thereto and all other matters will be considered and/or heard at semi-monthly omnibus hearings scheduled in advance by the Court (each an “Omnibus Hearing”), unless the Court orders otherwise. Absent an order of the Court, all motions, pleadings, requests for relief or other matters that seek a hearing on a date and/or time at which no Omnibus Hearing is scheduled shall automatically and without court order be scheduled to be heard at the next Omnibus Hearing that is at least twenty (20) days after the date such motion, pleading, or request for relief was filed with the Court.

1. **First Five Omnibus Hearings.** The Court has scheduled the following dates and times as the first five Omnibus Hearings:

- (a) 2:00 p.m. on the 2nd day of November, 2016.
- (b) 1:30 p.m. on the 16th day of November, 2016.
- (c) 1:30 p.m. on the 8th day of December, 2016.
- (d) 1:30 p.m. on the 21st day of December, 2016.
- (e) 1:30 p.m. on the 11th day of January, 2017.

2. **Future Hearings.** At or before the last Omnibus Hearing scheduled in Section I.A.1 above or scheduled in any subsequent notice, the Trustee shall request that additional Omnibus Hearings be scheduled. All future Omnibus Hearings scheduled by the Court shall be posted in an order entered on the Court's CM/ECF docket.

B. Proposed Hearing Agendas. No later than 12:00 p.m. (prevailing Eastern Time) the day before each Omnibus Hearing and as soon as practicable for all other hearings, the Trustee shall submit to the Court a Proposed Hearing Agenda setting forth each matter to be heard at such hearing and the order in which such matters will be heard (the "Proposed Hearing Agenda"). The Trustee shall transmit by e-mail or facsimile or overnight delivery the Proposed Hearing Agenda to the Core Group and each entity who has filed and served a Court Filing set to be heard on the applicable hearing date.

1. The Proposed Hearing Agenda shall constitute merely a proposal for the convenience of the Court and counsel and is **NOT** determinative of the matters to be heard on that day or whether there will be a settlement or continuance.

2. The Proposed Hearing Agenda is expected to include:

- (a) The docket number and title of each matter to be scheduled for hearing on the next Hearing Day;
- (b) Whether the matter has been adjourned;
- (c) Whether the matter is contested or uncontested;
- (d) The Trustee's estimate of the time required for the Applicable Hearing;
- (e) Other comments that will assist the Court in organizing its docket for the day (for example, if a request for continuance or withdrawal of the matter is expected);
- (f) A suggestion for the order in which the matters should be addressed; and
- (g) The phone number and passcode for telephonic participation for the Applicable Hearing, and the telephone number and passcode for the next scheduled Omnibus Hearing.

3. On the hearing day, the Court may, or may not, accept the Proposed Hearing Agenda.

C. Participation in Omnibus Hearings by Telephone.

1. The Trustee shall arrange with a service, to be determined by the Trustee, for the participation in the Omnibus Hearings in the Affiliated Debtors'¹ bankruptcy cases by telephone conference. Any party filing a motion, application or other pleading, including, without limitation, an objection or response thereto, may participate in an Omnibus Hearing by telephone conference. Any party not submitting a pleading, but interested in monitoring the Court's proceedings, may participate by telephone conference in "listen-only" mode. Under no circumstances, may any party record or broadcast the proceedings conducted by the Court. Any costs associated with setting up this system shall be borne by the Affiliated Debtors' bankruptcy estates as permitted by 28 U.S.C. § 156(c). For all Omnibus Hearings, the Trustee shall file an agenda including the phone number and passcode to participate by telephone conference not later than 12:00 p.m. (prevailing Eastern Time) the day before any Omnibus Hearing or as soon as possible before an emergency hearing if requested by the Trustee.

2. In the event witness testimony will be heard during any hearing, the witness(es) and any attorney questioning such witnesses may *not* participate in the hearing by telephone, but rather must appear in the courtroom.

3. Telephone participants should not operate a motor vehicle during their participation.

4. Telephone participants should use a landline (e.g., avoid using a cell phone), if at all possible.

5. Telephone participants should only talk when invited to do so by the Court in order to avoid talking over other participants.

6. Telephone participants should try to avoid significant background noise.

7. If a telephonic participant puts a call on hold, he or she should ensure background music features have been disabled

8. Any pre-hearing conversation between telephone participants may be broadcast by speaker into the courtroom. Additionally, conversations in the courtroom prior to any hearing may be picked up by courtroom microphones.

II. Emergency Hearings.

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).

A. Seeking Emergency or Expedited Relief. Notwithstanding any procedure herein, in the event that, in the reasoned determination of a movant or applicant, a motion or application of a party or entity other than the Trustee requests emergency or expedited relief:

1. Such movant or applicant shall contact counsel for the Trustee requesting that such motion or application be considered on an expedited basis.

2. In the event that counsel for the Trustee disagrees with the movant's or applicant's determination regarding the emergency or expedited nature of the relief requested, such movant or applicant, as the case may be, shall (i) inform the Court of such disagreement via telephone, and thereafter (ii) arrange for a chambers conference, telephonic or in-person, to be held among the Court, counsel for the Trustee, and such movant or applicant to discuss such disagreement. In the event that, following such chambers conference, the Court agrees with the position of such movant or applicant regarding the necessity for expedited consideration, the Court will direct such notice as may be required and set a hearing on the matter at an appropriate date and time to be determined by the Court. On the hearing day on which the matter is scheduled (the "Hearing Day"), the Court shall first consider whether adequate notice has been given and whether there has been adequate opportunity for parties to be heard. In the event that the Trustee seeks emergency or expedited relief, such request for emergency or expedited consideration shall be upon prior notice to counsel for any statutory committee and an opportunity to be heard.

3. In the event that counsel for the Trustee does not disagree with the movant or applicant's determination regarding the emergency or expedited nature of the relief requested, such movant or applicant may, with the consent of the Trustee, notify the Court and request a hearing to be held on a Hearing Day prior to the next applicable Omnibus Hearing. The Court shall then direct the requisite notice and shall set a hearing date and time. On the Hearing Day on which the matter is scheduled, the Court may first consider whether adequate notice has been given, and whether there has been adequate opportunity for parties to be heard.

B. Participation in Emergency Hearings by Telephone. The Trustee is responsible for arranging telephonic conference participation for any emergency hearing requested by the Trustee. The moving party is responsible for arranging telephonic conference participation for any emergency hearing not requested by the Trustee. All other rules for telephonic hearings shall remain the same as during non-emergency hearings.

III. Requests for Service by E-mail and Facsimile.

A. Request for Notice. A request for notice pursuant to Bankruptcy Rule 2002 (a "Request for Notice") filed with the Court shall be deemed proper if and only if it: (a) provides an address at which documents filed with the Court by the Trustee may be served by e-mail by the Trustee unless accompanied by the certification described in Section III.D; (b) provides an address at which all documents filed with the Court and served by all entities may be served by (i) U.S. mail, (ii) hand delivery, (iii) overnight delivery and/or (iv) facsimile; (c) provides the

telephone number of each entity; and (d) specifies the entity's counsel primarily responsible for matters before the Court. A Request for Notice need not be in the form of a motion accompanied by a draft order, nor must the Request for Notice allege facts justifying the added expense to parties that is caused by expanding the notice list.

B. Appearance. Interested parties or their counsel who, pursuant to Local Rule B-9010-1(a), wish to receive copies of all documents (other than proofs of claim) filed in these cases shall file an appearance (an “Appearance”). An Appearance filed with the Court shall be deemed proper if and only if it: (a) provides an address at which documents filed with the Court by the Trustee may be served by e-mail by the Trustee unless accompanied by the certification described in Section III.D; (b) provides an address at which all documents filed with the Court and served by all entities may be served by (i) U.S. mail, (ii) hand delivery, (iii) overnight delivery, and/or (iv) facsimile; (c) provides the telephone number of each entity; and (d) specifies the entity's counsel primarily responsible for matters before the Court.

C. Filing Requests for Documents Requires E-mail Address. All Request for Notice and Appearance filed after the date of the entry of these Case Management Procedures shall be deemed insufficient unless such Request for Notice and Appearance comply with the procedures set forth herein (including without limitation the requirement that all Request for Notice and Appearance must include an available e-mail address to receive notice), unless accompanied by the certification described in Section III.D. All such Request for Notice and Appearance filed prior to the entry of these Case Management Procedures must be brought into compliance with these requirements within thirty (30) days of the entry of these Case Management Procedures. The Trustee is responsible for notifying those parties that may need to correct their Request for Notice and Appearance.

D. Certification Opting Out of E-mail Service. Any individual or entity filing a Request for Notice or Appearance who does not maintain (and cannot practicably obtain) an e-mail address and thereafter cannot receive service by e-mail must include on the Request for Notice or Appearance a certification to that effect (the “Certification”). The Certification shall include a statement certifying that the individual or entity (a) does not maintain an e-mail address, and (b) cannot practicably obtain an e-mail address at which the individual or entity could receive service by e-mail.

E. Email Address Required. If a Request for Notice or an Appearance fails to include an e-mail address or the Certification, the Trustee shall forward a copy of the Case Management Procedures to such party within five (5) business days requesting an e-mail address. If neither an e-mail address nor the Certification is provided in response to such request, such party shall not be added to the Request for Notice List or the Appearance List (as each term is defined below), as applicable, or served with copies of Court Filings unless such Court Filings directly affect such party.

F. Request for Notice List and Appearance List. The Trustee or a Court-appointed notice agent shall be responsible for maintaining an updated list of those who have submitted a Request for Notice (the “Request for Notice List”) and an Appearance (the “Appearance List”). It is the responsibility of each entity submitting a Request for Notice or Appearance to file an updated Request for Notice or Appearance as necessary to reflect changes

of e-mail address, contact person or otherwise. No person or entity will be removed from the Request for Notice List or Appearance List prior to the filing of a document by the person or entity requesting such removal or the Court entering an order directing such removal.

IV. Filing and Notice Procedures.

A. Procedures Established for All Court Filings. All documents filed in the Affiliated Debtors' bankruptcy cases, including but not limited to all notices, motions, applications and other requests for relief, all briefs, memoranda, affidavits, declarations, and other documents filed in support of such papers seeking relief (collectively, the "Requests for Relief") and all objections and responses to such Requests for Relief (collectively, the "Objections," and together with the Requests for Relief and all other filed documents, the "Court Filings") shall be filed with the Court and served in accordance with the notice procedures set forth herein; provided, however, that the notice procedures set forth herein shall not apply to Court Filings listed in Section IV.G below.

B. Definition of Entities Entitled to Service. All Court Filings shall be served on the Core Group, the Request for Notice List, the Appearance List (each as defined herein, collectively, the "Service List") and the Affected Entities (as defined herein), according to the notice procedures described herein. A Court Filing is deemed not to have been properly served until served on at least all of the parties on the Core Group.

1. **Core Group.** The following entities shall comprise the core group of entities in the Affiliated Debtor's bankruptcy cases (collectively, the "Core Group"): (i) the Affiliated Debtors; (ii) the Affiliated Debtors' counsel; (iii) the Office of the United States Trustee; (iv) the Trustee; and (v) the Trustee's counsel.

2. **Request for Notice List.** This group shall be comprised of all entities who have filed a Request for Notice pursuant to Bankruptcy Rule 2002 and these Case Management Procedures.

3. **Appearance List.** This group shall be comprised of all entities who have filed an Appearance. An entity added to the Appearance List must serve a copy of the revised Appearance List on all parties appearing on the list.

4. **Affected Entity.** This group shall be comprised of all entities with a particularized interest in the subject matter of the particular Court Filing (each, an "Affected Entity").

5. **Updating and Maintenance of the Service List.** The Trustee or a Court-appointed notice agent shall update the initial service list within fifteen (15) days of an order approving the Case Management Procedures; thereafter the Service List shall be updated every thirty days (30) for the six months following the petition date (September 16, 2016). Each updated Service List shall be filed with the Clerk and posted on the Court's ECF system.

C. Notice and Service of Filings for Relief, Objections thereto, Replies thereto and Orders.

1. **Notice of Filing for Relief.** Any entity filing a Request for Relief shall file and serve a notice of such Request for Relief that complies with the procedures set forth herein. Consistent with the Court's procedures, any entity filing a Request for Relief may combine the notice and certificate of service with the Request for Relief.

2. **Contents of Notice of Request for Relief.** Each notice of Request for Relief shall conspicuously state: (i) the title of the Request for Relief; (ii) the time and date of any deadline to object thereto (which deadline shall be in accordance with Section IV.C.2(a) below); (iii) the Omnibus Hearing (or other hearing as ordered by the Court) for which the Request for Relief (the "Applicable Hearing") is set to be considered by the Court; and (iv) a statement that the relief requested in the Request for Relief may be granted by the Court without a hearing if no Response thereto is timely filed and served in accordance with these Case Management Procedures.

(a) **Deadline for Objections.**

- (i) The deadline to file Objections to Requests for Relief (the "Objection Deadline") shall be (a) 4:00 p.m. (prevailing Eastern Time) on the seventh (7th) calendar day before the Applicable Hearing, or (b) such day otherwise ordered by the Court.
- (ii) The Objection Deadline may be extended with the consent of the entity filing the Request for Relief to a date and time that is no later than three (3) days before the Applicable Hearing.

(b) **Setting the Applicable Hearing.** Except as otherwise provided herein, in the Bankruptcy Code, or the Bankruptcy Rules, the relief requested in a Request for Relief shall not be considered by the Court unless the Request for Relief is filed and served in accordance with the Case Management Procedures at least twenty (20) calendar days prior to the Applicable Hearing, unless otherwise ordered by the Court; provided, however, that if the Request for Relief is served by U.S. Mail, the Request for Relief shall not be considered by the Court unless the Request for Relief is filed and served in accordance with the Case Management Procedures at least twenty-three (23) calendar days prior to the applicable hearing, unless otherwise ordered by the Court.

3. **Manner of Service.**

- (a) Pursuant to the Electronic Case Files Procedures, those parties who have registered for the Electronic Case Filing

System shall be deemed to have consented to the electronic service of documents. Any entity required to serve a "registrant" as such is defined in the Electronic Case Files Procedures shall be deemed to have served such registrant upon filing the document with the Court.

- (b) **Service by All Entities.** All entities are authorized to serve Court Filings by U.S. mail, hand or overnight delivery, or facsimile.
- (i) **Service by All Entities to Core Group.** All entities (except for the Trustee) shall serve all Requests for Relief on the Core Group by hand or overnight delivery or facsimile, subject to the Electronic Filing Order.
- (ii) **Service by All Entities to Request for Notice List, Appearance List and Affected Entities.** All entities (except for the Trustee) shall serve all Requests for Relief on the Request for Notice List, Appearance List and Affected Entities (a) by U.S. Mail, hand, or overnight delivery if the Request for Relief is filed and served at least twenty three (23) days prior to the Applicable Hearing, and (b) by hand or overnight delivery if the Request for Relief is filed and served less than twenty three (23) days but at least twenty (20) days prior to the Applicable Hearing, subject to the Electronic Filing Order.
- (c) **Service by E-mail.**
- (i) Only the Trustee, her counsel, and the Court-appointed notice agent (at the direction of the Trustee) are authorized to serve documents by e-mail. Unless otherwise provided for in these Case Management Procedures, any Court Filings served by the Trustee via e-mail shall be deemed to constitute proper service for all parties who are sent such e-mail service. This section shall not apply for service of documents upon a "registrant" as such is defined in the Electronic Case Files Procedures. Service of documents upon a "registrant" shall be deemed to have been served upon the filing of the document with the Court.
- (ii) All documents served by e-mail shall include access to an attached computer file or weblink containing the entire document, including the proposed form(s) of order and any exhibits, attachments or other materials in the following format: (i) in ".pdf" format, readable by Adobe Acrobat or other equivalent document reader program commonly

available without cost, or (ii) in ASCII or "text only" format, readable by commonly used word processing programs.

4. **Service of Requests for Relief.** Except as described below or as authorized by the Court, all Requests for Relief shall be served upon the Service List and on each Affected Entity.

- (a) **Service of Requests for Relief for Which Particular Notices are Required by Bankruptcy Rules 2002(a)(3), 4001, 6004, 6006, 6007 or 9019.** All Court Filings for which particular notices are required by Bankruptcy Rules 2002(a)(2), 2002(a)(3), 4001, 6004, 6006, 6007 or 9019, shall be served on those entities on the Service List and each Affected Entity, except as modified herein and unless otherwise authorized by the Court.
- (b) **Service of Requests for Relief Pursuant to 11 U.S.C. §§ 363(b), 554, and 725.** Notwithstanding Bankruptcy Rule 2002(a)(2) or 6007, Requests for Relief related to the use, sale, lease or abandonment of property other than in the ordinary course of business shall be served only on those entities on the Service List and each entity asserting an interest in such property; provided however, that if the Request for Relief relates to the sale of substantially all of the Affiliated Debtors' assets, the movant shall seek authority to limit notice from that which the Bankruptcy Code, the Bankruptcy Rules and the Local Rules require.
- (c) **Service of Other Filings for Relief Described in Bankruptcy Rule 2002.** Except as set forth herein or as otherwise authorized by the Court, notice of contested matters and adversary proceedings described in Bankruptcy Rule 2002 shall be served in accordance thereof.

5. **Service of Objections.** All Objections shall be filed with the Court and served *so as to be actually received* prior to the Objection Deadline upon the entity filing the Request for Relief, those entities on the Service List, and each Affected Entity, with such Affected Entities to be determined based on the particular court filing being served.

6. **Service of Replies.** If a Court Filing is a reply (a "Reply") to an Objection or an Omnibus Reply to several Objections, such Reply shall be filed with the Court and served so as to actually be received by the Core Group and each Affected Entity, in all cases by 12:00 p.m. (prevailing Eastern Time) on the day prior to the Applicable Hearing Date.

7. **Service of Orders.** Entities drafting orders that are entered by the Court shall be required to serve such orders on those entities on the Service List and each Affected Entity, unless the Court orders otherwise.

8. **Granting the Request for Relief Without a Hearing.** After the Objection Deadline has passed for a Request for Relief (provided that the notice filed with a Request for Relief includes a statement that the Request for Relief may be granted and an order entered without a hearing unless a timely objection is made) the Court may grant the Request for Relief without further pleading, hearing or request, and once an order granting such Request for Relief is entered, no further hearing on the Request for Relief may be held.

9. **Filing Certificates of Service.** The Trustee shall file a certificate of service as soon as practicable, but in all events prior to the Applicable Hearing.

D. Requests for Relief to Modify the Automatic Stay under Section 362 or for a Determination that the Automatic Stay is Inapplicable. Unless the Court orders otherwise, (a) if a motion filed to lift the automatic stay of Section 362 of the Bankruptcy Code or seeking a determination that the automatic stay does not apply (a "Lift Stay Motion") is filed more than twenty (20) days before the next Omnibus Hearing, the date of the "request" to modify the stay (or determine it to be inapplicable) with respect to such Lift Stay Motion shall be the next Omnibus Hearing, and (b) if a Lift Stay Motion is filed twenty (20) or fewer days before the next Omnibus Hearing, the date of "request" to modify the stay (or determine it to be inapplicable) with respect to such Lift Stay Motion shall be the Omnibus Hearing following the next Omnibus Hearing. Unless the Court orders otherwise, the objection deadline shall be seven (7) days prior to the date of the Applicable Hearing. If a duly scheduled Lift Stay Motion is adjourned, on the consent of the Trustee and the moving party, to a date at least thirty (30) days after the Request for Relief was made, the moving party shall be deemed to have consented to the continuation of the automatic stay pending a final hearing and determination under section 362(d) of the Bankruptcy Code, and shall be deemed to have waived its right to assert the termination of the automatic stay under section 362(e) of the Bankruptcy Code. If a hearing in connection with a Lift Stay Motion requires the presenting of evidence, the movant shall inform, in writing, the Court, counsel for the Trustee of any such intention, the manner of presentation, the number of potential witnesses and the expected length of such presentation, no later than three (3) business days prior to the date of the Applicable Hearing.

E. Motions to Compromise and Settle Claims, Disputes and Causes of Action Pursuant to Bankruptcy Rule 9019 and Motions to Confirm the Proposed Use, Sale or Lease of Property in an Ordinary Course of Business Transaction. The Objection Deadline to a Request for Relief pursuant to Bankruptcy Rule 9019 or section 363 of the Bankruptcy Code shall be twenty-one (21) days from the date of filing of such Request for Relief, unless otherwise ordered by the Court. In the event of an objection to a Request for Relief pursuant to Bankruptcy Rule 9019 or section 363 of the Bankruptcy Code, a hearing on such Request for Relief and objection thereto shall be scheduled for the next Omnibus Hearing, unless otherwise ordered by the Court.

F. Serving Adversary Pleadings. All initial pleadings or other Court Filings in any adversary proceeding commenced in the Affiliated Debtors' bankruptcy cases shall be served upon the Core Group, each Affected Entity, and any entities required to be served under any applicable Bankruptcy Rule or Local Rule.

G. Filings for Relief Not Affected by these Notice Procedures. Unless otherwise ordered by the Court, the Case Management Procedures specifically described herein shall not supersede the requirements for notice of the matters or proceedings described in the following Bankruptcy Rules:

1. Bankruptcy Rule 2002(a)(1) and (4); and
2. Bankruptcy Rule 2002(f)(1), (2), (3), (6), (8).

H. Right to Request Special Notice Procedures. Nothing herein shall prejudice: (a) the right of any entity to move the Court to further limit or expand notice of contested matters and adversary proceedings upon a showing of good cause, including without limitation the right to file a motion seeking emergency *ex parte* relief or relief upon shortened notice; or (b) the right of any entity to request an enlargement or reduction of any time period under Bankruptcy Rules 9006(b) or 9006(c).

V. Computation of Time.

Except as otherwise set forth in these Case Management Procedures, Bankruptcy Rule 9006 shall be used to compute any period of time prescribed or allowed by these Case Management Procedures.

VI. Automatic Extension of Certain Periods.

If a Request for Relief to extend the time to take any action is filed prior to expiration of the period described by the Bankruptcy Code, the Bankruptcy Rules, the Local Rules or an order of the Court, the time to so act shall automatically be extended until the Court considers and rules upon the Request for Relief, without the necessity for the entry of an “interim” order extending such period until such time as the Court can consider and rule upon such Request for Relief.

Information to identify the case:		36-2061311 (ITT Educational Services, Inc.) 35-2062117 (ESI Service Corp.) 26-4555980 (Daniel Webster College, Inc.)
Debtor	ITT Educational Services, Inc., ESI Service Corp. & Daniel Webster College, Inc. <small>Name</small>	EIN
United States Bankruptcy Court for the:	Southern District of Indiana <small>(State)</small>	[Date case filed for chapter 7] 09/16/2016 <small>MM / DD / YYYY</small>
Case number:	16-07207-JMC-7A (ITT Educational Services, Inc.) 16-07208-JMC-7A (ESI Service Corp.) 16-07209-JMC-7A (Daniel Webster College, Inc.)	

Official Form 309D (For Corporations or Partnerships)

Notice of Chapter 7 Bankruptcy Case — Proof of Claim Deadline Set 12/15

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.


The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

***For case information please refer to the case website at www.ittchapter7.com or call the toll-free number 1-888-857-4008.**

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	ITT Educational Services, Inc.; ESI Service Corp. & Daniel Webster College, Inc.		
2. All other names used in the last 8 years	DBA Center for Professional Development, Breckinridge School of Nursing and Health Sciences, Benchmark Learning, Early Career Academy, Daniel Webster College		
3. Address	ITT Educational Services, Inc. 13000 N. Meridian Street Carmel, IN 46032	ESI Service Corp. 13000 N. Meridian Street Carmel, IN 46032	Daniel Webster College, Inc. 20 University Drive Nashua, NH 03063 
4. Debtor's attorney	Jay Jaffe Faegre Baker Daniels LLC 600 E. 96th Street, Suite 600 Indianapolis, IN 46240	Contact phone	317-569-9600
Name and address		Email	jay.jaffe@faegrebd.com
5. Bankruptcy trustee	Deborah J. Caruso Office of Deborah J. Caruso 135 N. Pennsylvania Street, Suite 1400 Indianapolis, IN 46240	Contact phone	317-634-0300
Name and address		Email	trusteecaruso@rubin-levin.net
6. Bankruptcy clerk's office	United States Bankruptcy Court Southern District of Indiana 46 E. Ohio Street, Room 116 Indianapolis, IN 46204	Hours open	Weekdays 8:30 a.m. - 4:30 p.m. (Eastern)
Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .		Contact phone	317-229-3800
		*For information about filing proofs of claim, please see Section 8, on page 2.	
7. Meeting of creditors	November 1, 2016 at 1:30 p.m. EDT	Location:	The meeting will be held at the auditorium of the Indiana Government Center South, 302 W. Washington Street, Indianapolis, Indiana.
The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	Date Time		
	The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.		

For more information, see page 2 ►

ITT Educational Services, Inc. (Case No. 16-07207-JMC-7A)
 ESI Service Corp. (Case No. 16-07208-JMC-7A)
 Daniel Webster College, Inc. (Case No. 16-07209-JMC-7A)

Debtor

Name

8. Deadlines

Proofs of claim must be sent to the following address:

Rust Consulting/Omni Bankruptcy
 Attn: Claims Processing
 5955 DeSoto Ave., Suite 100
 Woodland Hills, CA 91367

Do not file proofs of claim with the bankruptcy clerk's office. Proofs of claim may also be electronically submitted at ITTclaims@omnimgt.com or at www.itchapter7.com.

Deadline for all creditors to file a proof of claim (except governmental units):

Deadline for governmental units to file a proof of claim:

Filing deadline: January 30, 2017

Filing deadline: March 15, 2017

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

A proof of claim form may also be obtained at www.itchapter7.com

9. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Liquidation of the debtor's property and payment of creditors' claims

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To ensure you receive any share of that money, you must file a proof of claim, as described above.

11. Information Regarding Notice via U.S. Mail

Creditors and Former Students, please note that no further notice will be provided in these bankruptcy cases via U.S. Mail, except for the required notices under Bankruptcy Rule 2002(a)(1) and (4) and Bankruptcy Rule 2002(f)(1), (2), (3), (6) and (8). Those who wish to receive notice can file a Request for Notice, under Bankruptcy Rule 2002, or have an attorney enter an appearance.