

## **Rule 7055-2**

### **Dismissal for Want of Prosecution**

**(a) Grounds.** In any adversary proceeding in which no action has been taken by any party during the preceding six (6) months, the Clerk will mail notice to all persons who have entered their appearance that the adversary proceeding will be dismissed thirty (30) days from the date that the notice is mailed, subject to the provisions of subsection (c) of this LBR.

**(b) Dismissal.** Subject to the provisions of subsection (c) of this LBR, after the thirtieth (30<sup>th</sup>) day following the mailing of the notice, the Clerk will enter an order of dismissal without prejudice and serve the order upon the appearing parties.

**(c) Avoiding Dismissal.** The Clerk will not dismiss an adversary proceeding for want of prosecution under this LBR if a party to the proceeding initiates either of the following actions within thirty (30) days of the mailing of the notice:

- (1)** Files a motion, discovery request, or takes some other action in the matter; or,
- (2)** Files a motion opposing the dismissal.

**(d) Effect of Dismissal.** The dismissal of an adversary proceeding pursuant to this LBR is without prejudice and without the imposition of costs, unless the court orders otherwise, or on motion of a party.