

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) Amended General Order 08-1
)
FORM MOTION FOR ORDER)
CONFIRMING INAPPLICABILITY OF)
THE AUTOMATIC STAY UNDER)
11 U.S.C. § 362(c)(4)(A)(i))

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 amended, *inter alia*, 11 U.S.C. § 362 by adding several new subsections governing when the automatic stay will not take effect in newly filed bankruptcy cases.

Under Bankruptcy Code § 362(c)(4)(A)(ii), as amended, a party in interest may request that the court enter an order confirming that the stay imposed by 11 U.S.C. § 362(a) is not in effect in a certain case. To facilitate the efficient administration of such requests, the court requires the use of the form of motion attached as Exhibit A and incorporated by this reference as if fully rewritten here. From and after the date of entry of this Amended General Order, the use of this form will be required in all divisions of this court. Any deviation from the form shall be set forth in bold-faced type within the body of the motion.

Motions under § 362(c)(4)(A)(ii) must be served on the debtor(s), debtor(s)' counsel, any trustee appointed, the United States Trustee, all creditors, and all other parties in interest. They will be subject to the procedure for notice and response set forth in Local Bankruptcy Rule 9013-1. A party in interest with good cause for seeking expedited entry of an order under § 362(c)(4)(A)(ii) must file a motion for an emergency hearing.

IT IS SO ORDERED.

Dated: October 17, 2014

/s/ Pat E. Morgenstern-Clarren
Pat E. Morgenstern-Clarren
Chief United States Bankruptcy Judge

/s/ Russ Kendig
Russ Kendig
United States Bankruptcy Judge

/s/ Mary Ann Whipple
Mary Ann Whipple
United States Bankruptcy Judge

/s/ Arthur I. Harris
Arthur I. Harris
United States Bankruptcy Judge

/s/ Kay Woods
Kay Woods
United States Bankruptcy Judge

/s/ John P. Gustafson
John P. Gustafson
United States Bankruptcy Judge

/s/ Jessica E Price Smith
Jessica E. Price Smith
United States Bankruptcy Judge

/s/ Alan M. Koschik
Alan M. Koschik
United States Bankruptcy Judge

EXHIBIT A to Amended General Order 08-1

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re: _____) Case No.
)
) Chapter
)
 Debtor(s).) Judge

MOTION FOR ORDER CONFIRMING INAPPLICABILITY OF THE
AUTOMATIC STAY UNDER 11 U.S.C. § 362(c)(4)(A)(1)

_____ (the "Movant") moves this Court under § 362(c)(4)(A)(ii) of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") for an Order confirming that the stay imposed by § 362 of the Bankruptcy Code is not in effect in the Current Case (as defined below). In support of this motion, the Movant states:

1. That on _____, the individual(s) listed above (collectively, the "Debtor") filed this chapter ____ case (the "Current Case");
2. That within the preceding year, the following bankruptcy cases, which were filed by or against Debtor (individually, a "Prior Case"), were pending and were dismissed:

Case Number	Date of Dismissal	Basis for Dismissal*
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. That the Current Case is not a Chapter 11, 12 or 13 that has been re-filed after dismissal of a Prior Case under § 707(b) of the Bankruptcy Code.

WHEREFORE, Movant prays for an Order from the Court confirming that under § 362(c)(4)(A)(i) of the Bankruptcy Code, the stay imposed by § 362(a) of the Bankruptcy Code is not in effect in the Current Case.

Attorney & Bar Number _____
Law Firm _____
Street Address _____
City/State/Zip Code _____
Telephone Number _____
Email Address _____

* A brief explanation of the basis on which the Prior Case was dismissed must be set forth including a reference to all applicable Bankruptcy Code sections such as "dismissal under § 707(b) for Debtor's failure to pass the means test" or "dismissal under § 521(i) for Debtor's failure to file the following documents (_____), as required by § 521(a)(1)" or "dismissal under § 1307(c) for Debtor's failure to timely make plan payments."