

Motions to Extend or Impose the Stay Under Section 362(c)(3) and (4)

Effective September 25, 2018

Motions under Section 362(c)(3) and (4) must be filed and served at least 10 days before the hearing date, or counsel should file a motion for an expedited hearing.

Motions should be served on all creditors affected by the requested stay.

Timely proof of service of both the Motion and Notice of Hearing is required.

All Motions should include or be accompanied by, at a minimum, the following:

1. Information regarding all previous cases filed by the debtor(s), including at a minimum for each previous case:
 - a. Case number;
 - b. Chapter number;
 - c. District in which the case was filed;
 - d. Date case was filed;
 - e. Date case was dismissed; and
 - f. Reason for dismissal or other disposition of case (“dismissed for other reasons” is not sufficient);
2. Facts or information supporting relief requested in the Motion, including, if applicable, any changed circumstances from the most recent previous case;
3. If a Motion is not filed timely pursuant to Section 362(c)(4)(B), or if the hearing will not be concluded timely pursuant to Section 362(c)(3)(B), an explanation of why the Motion was not filed or heard in a timely manner and facts and arguments supporting the imposition of an injunction; and
4. A sworn affidavit or similar sworn statement, or an unsworn declaration pursuant to 28 U.S.C. § 1746, signed by the debtor(s) setting forth facts and evidence supporting the requested relief, including, if applicable, any changed circumstances from the most recent previous case. **If an affidavit, statement, or declaration of the debtor(s) does not accompany the Motion, then the debtor(s) must be present at any hearing on the Motion ready to offer testimony in support of the Motion.**

If any of the foregoing is not included with a Motion, or if the debtor(s) fails to appear at the hearing in the absence of an affidavit, statement, or declaration, the Motion may be heard or denied with or without objection.

The Court will determine on a case by case basis, including consideration of any objections, whether any evidence provided in an affidavit, statement, or declaration of the debtor(s) alone is sufficient to warrant relief or whether any additional hearing or evidence may be warranted.