

RULE 4001-1. AUTOMATIC STAY – RELIEF FROM

A. Relief from the Automatic Stay of 11 U.S.C. § 362(a). A motion for relief from the automatic stay of 11 U.S.C. § 362(a) shall be clearly designated as such in the title of the pleading. Failure to do so may be deemed by the Court to be a waiver of the benefits of an expeditious hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § 362(e).

B. Motions Seeking Relief in Addition to Relief from the Automatic Stay of 11 U.S.C. § 362(a) and Abandonment of Property.

1. Where a motion for relief from the automatic stay of 11 U.S.C. § 362(a) and abandonment of property includes a request for additional relief other than abandonment of property or adequate protection, such request shall constitute a waiver of the right to an expeditious hearing and automatic termination of the stay upon the conditions stated in 11 U.S.C. § 362(e) of the Code.
2. If a motion for relief is combined with a request for abandonment, the motion shall be served on all creditors pursuant to Bankruptcy Rule 6007 unless an order limiting notice is entered by the Court.
3. If movant seeks a waiver of the 14-day stay under Bankruptcy Rule 4001(a)(3), such request must be clearly designated in the title of the pleading and must show cause why such waiver should be granted.

C. Notice of Motions Under Bankruptcy Rule 4001. A motion filed under 11 U.S.C. §§ 362, 363(e), or 364 shall be served upon the debtor, debtor’s counsel, counsel for any official committee (or if no committee in a Chapter 11 case, upon the list of 20 largest unsecured creditors), trustee, the United States Trustee, any parties affected by the motion or having an interest in the property affected by the motion, and all parties in interest who have requested notice in the case.

D. Relief from the Codebtor Stay. A motion for relief from the codebtor stay provided by 11 U.S.C. §§ 1201(a) or 1301(a) shall be designated as “Motion for Relief from Codebtor Stay.” Failure to do so may be deemed a waiver of the benefit of automatic termination of the stay upon the conditions stated in 11 U.S.C. §§ 1201(d) or 1301(d). The motion shall be served upon the debtor, the debtor’s counsel, trustee, any individual that is liable on the debt with the debtor (i.e., a codebtor), and all parties in interest who have requested notice in the case, affording them twenty-three (23) days (which includes the three (3) days for mailing as prescribed by Bankruptcy Rule 9006(f)) within which to object.

E. Discovery. In connection with motions for relief from the automatic stay, the time within which responses to discovery requests are due is shortened from 30 to 12 days. Depositions may be taken after the expiration of seven (7) days after service of the motion for relief from the automatic stay.

F. Applicability of Local Rule 9013-1, 9014-1. Local Rules 9013-1 and 9014-1 apply to motions for relief from the automatic stay.

G. Confirmation that Automatic Stay is Terminated. A request for an order under 11 U.S.C. § 362(j), confirming that the automatic stay has been terminated, may be made by application. An application pursuant to 11 U.S.C. § 362(j) shall provide the following information, as appropriate in the circumstances for each prior case: (1) if the prior filing was in this Court, the complete case caption, date of filing and date of dismissal; and/or (2) if the prior filing was in any other court, then, in addition to the requirements of (1), the movant shall also file relevant copies of all court records reflecting the information provided in subsection (1).

H. Continuation of the Automatic Stay. A motion for continuation of the automatic stay under 11 U.S.C. § 362(c)(3)(B) shall be filed within seven (7) days of the filing of the petition. The debtor shall serve such motion on all creditors to be stayed, the United States Trustee, the trustee, counsel for any official committee (or if no committee in a Chapter 11 case, upon the list of 20 largest unsecured creditors), and all holders of liens on and interests in any property to be affected by the stay. Failure to comply with this rule may result in denial of the motion without further notice or a hearing.