

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

In Re:) Administrative Order No. 22-02
) Eastern Division Only
Motions to Extend and Impose Stay)

ADMINISTRATIVE ORDER REGARDING EXTEND AND IMPOSE STAY MOTIONS

All motions filed by a debtor or other interested party to extend the stay pursuant to 11 U.S.C. § 362(c)(3)(B) or impose the stay pursuant to 11 U.S.C. § 362(c)(4)(B) shall comply with Local Rule 4001-1.1 and Rule 9006(d) of the Federal Rules of Bankruptcy Procedure and shall be set for hearing in accordance with Local Rule 4001-1.1.

Limited Affidavit Option in lieu of Testimony. As to any such motion to extend stay filed in a case that was commenced on or after October 1, 2022, and only if the debtor (or each debtor in the event of a joint case) has no more than one prior case under any chapter of title 11 that was pending within the previous ten (10) years but was dismissed, then the debtor(s) shall not be required to attend the hearing on the motion provided that the motion is verified by the debtor, or supported by an affidavit or declaration made under penalty of perjury. The verified motion, or non-verified motion accompanied by the supporting affidavit or declaration, shall be filed and timely served to allow notice of the hearing thereon in accordance with Local Rule 4001.1. The verified motion, affidavit, or declaration must include the information required under Local Rule 4001-1.1.

Debtor Must Appear Otherwise. In all other instances, the debtor (at least one joint debtor) shall be required to attend the hearing on the motion to extend stay. Similarly, the debtor (at least one joint debtor) shall be required to attend the hearing on all motions to impose the stay. Motions to extend or impose the stay are not required to be verified or supported with an affidavit but must be so supported only if the debtor seeks to utilize the verification or affidavit in lieu of testimony when allowed under the limited circumstances set forth above.

Counsel for the movant must be present at the hearing on the motion to extend stay or the motion to impose stay even in instances where the verification or affidavit procedure is allowed. Local Rule 4001-1.1 shall remain in full force and effect. This Administrative Order supplants the provisions of Administrative Order No. 21-03 for cases filed in the Eastern Division on or after October 1, 2022. The effective date for this Administrative Order is October 1, 2022.

So ordered this the 1st day of September 2022.



JAMES J. ROBINSON
Chief United States Bankruptcy Judge