

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In Re:

	)	
FORM MOTION FOR ORDER	)	General Order 08-1
CONFIRMING INAPPLICABILITY	)	
OF THE AUTOMATIC STAY	)	
PURSUANT TO	)	
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.

Pursuant to § 362(c)(4)(A)(ii) of the Bankruptcy Code, 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 hereto as Exhibit A and incorporated by this reference as if fully rewritten herein. From and after the date of entry of this 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 debtors(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 request for an emergency hearing.

IT IS SO ORDERED.

Dated: January 14, 2008

/s/ Marilyn Shea-Stonum  
Marilyn Shea-Stonum  
Chief United States Bankruptcy Judge

/s/ Richard L. Speer  
Richard L. Speer  
United States Bankruptcy Judge

/s/ Randolph Baxter  
Randolph Baxter  
United States Bankruptcy Judge

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

/s/ Russ Kendig  
Russ E. 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

**EXHIBIT A to General Order 08-1**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

IN RE: ) CASE NO. \_\_\_- \_\_\_\_\_  
 )  
 [NAME], ) CHAPTER \_\_\_\_  
 )  
 DEBTOR(S) ) HONORABLE

**MOTION FOR ORDER CONFIRMING INAPPLICABILITY OF THE  
AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(c)(4)(A)(i)**

[Movant] (the “Movant”) moves this Court, pursuant to § 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(a) 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 \_\_\_\_ bankruptcy 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 <sup>❖</sup>
____ - _____	____ / ____ / ____	_____
____ - _____	____ / ____ / ____	_____
____ - _____	____ / ____ / ____	_____

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

WHEREFORE, Movant prays for an Order from the Court confirming that, pursuant to § 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  
 E-Mail 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 pursuant to § 707(b) for Debtor’s failure to pass the means test” or “dismissal pursuant to § 521(i) for Debtor’s failure to file the following documents (\_\_\_\_\_) as required by § 521(a)(1)” or “dismissal pursuant to § 1307(c) for Debtor’s failure to timely make plan payments.”