

RULE 4001-2 AUTOMATIC STAY – EXTENSION OR IMPOSITION

A. Scope of Rule

This rule applies to motions to extend the automatic stay, pursuant to § 362(c)(3) or to impose the automatic stay pursuant to § 362(c)(4).

B. Contents of Motion

A motion to extend or impose the automatic stay filed pursuant to this rule shall include the following information: the number of previous cases under the Bankruptcy Code involving the debtor and pending within the one-year period preceding the filing of the current case; the jurisdiction and case number of each such case; the date and reason for dismissal of each such previous case; whether any presumption of lack of good faith arises pursuant to § 362(c)(3)(C) or § 362(c)(4)(D); and the facts upon which the movant relies to rebut any such presumption.

C. Service of the Motion

The motion shall be served by the debtor (or other party in interest filing the motion) upon each party against whom the movant seeks to extend or impose the stay in the manner required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and these rules.

D. Notice of Motion and Hearing

Upon the filing of a motion subject to this rule, the Court shall issue a notice setting a hearing on the motion (to be held regardless of whether a response is filed) on the next available docket after the 15-day period subsequent to the filing of the motion. Movant shall serve the notice in the same manner as required for service of the motion and file a certificate of such service with the Court. If the movant requires an earlier hearing, it shall file with the motion a request to expedite the hearing, which the Court may grant or deny in its discretion. A response to the motion may be filed no later than 24 hours prior to the hearing.