

Memorandum

From: Honorable Deborah L. Thorne
Bankruptcy Judge
United States Bankruptcy Court for the Northern District of Illinois

To: Attorneys Practicing Before the Honorable Deborah L. Thorne

Date: January 12, 2016

Re: Judge Thorne's Procedure for Scheduling and Conducting Hearings on Certain Motions for Relief From the Stay in Chapter 7 Cases

Effective February 1, 2016, Judge Thorne will employ a new procedure for scheduling and conducting hearings on certain motions for relief from the automatic stay. The procedures will apply *only* in Chapter 7 cases. The procedures *will not* apply to motions for relief from the stay in Chapter 11 or Chapter 13 proceedings.

Hearings on motions scheduled to be heard before the 341 meeting

If a creditor's motion for relief from the stay is scheduled to be heard by Judge Thorne on a date before the scheduled Section 341 meeting of creditors, creditor's counsel may contact Judge Thorne's courtroom deputy, Lester Smith (312-435-5645), requesting that the hearing on the motion for relief from the stay be continued to a date after the scheduled 341 meeting. If a creditor's counsel requests such a continued hearing date, the motion will still be called in open court on the originally scheduled date but the Judge will announce and the record will reflect that the motion has been continued by agreement to the requested date.

Creditor's counsel does not need to appear in court on the date that the motion for relief from the stay was originally scheduled to be heard.

Hearings on motions scheduled to be heard after the 341 meeting, if the trustee has filed a report of no distribution

If a creditor's motion for relief from the stay is scheduled to be heard on a date after the report of no distribution has been filed, Judge Thorne will grant the motion if there is no equity in the property and no one objects.

Hearings on motions scheduled to be heard after the 341 meeting, if the trustee has *not* filed a report of no distribution

If a case trustee has not filed a report of no distribution in a case after concluding the 341 meeting and a creditor's motion for relief from the stay is scheduled to be heard after the 341 meeting has concluded and no party appears to object to the relief requested, Judge Thorne will grant the motion. However, she will strike any 14 day waiver language (provided in Fed. R. Bankr. P. 4001).