

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



NOTICE TO THE BAR

**IMPLEMENTATION OF NEW PROCEDURES SCHEDULING
HEARINGS ON MOTIONS FOR RELIEF FROM THE
AUTOMATIC STAY IN CHAPTER 7, 11, AND 13 CASES IN
WHICH DEBTOR IS AN INDIVIDUAL**

Effective on July 16, 2018, the Bankruptcy Court for the Southern District of Ohio will abrogate Local Bankruptcy Rule 4001-1(a)(8). LBR 4001-1(a)(8) provides:

Procedure in Reorganization Cases. Upon the filing of a motion for relief from the stay in chapters 11, 12, or 13 or from the codebtor stay in chapters 12 or 13, the court will issue an order providing that a hearing shall be held on a date set within thirty (30) days of the filing of the motion, fixing a day for the filing of any response to the motion, providing that the stay shall be continued pending the hearing, and providing that the hearing will not be held should a timely response not be filed. In Columbus, this subsection applies only in chapter 11 cases; the Columbus procedure for chapters 12 and 13 cases is available on the court's website.

To simplify scheduling issues, the court has implemented a new procedure to set hearings on motions for relief from the automatic stay in all chapter 7, 11 and 13 cases involving individual debtors. The new procedure is that the court will schedule hearings on motions for relief from stay only after a response, objection or motion contra is filed. The hearing will be scheduled for a date not more than 60 days after the filing of the motion. If no response, objection or motion contra to the motion for relief from the automatic stay is filed, no hearing will be scheduled.

In all other instances, i.e., chapter 12 cases and chapter 7 and 11 cases where the debtor is not an individual, motions will continue to be immediately set for hearing within 30 days of the filing of a motion for relief from stay.

The new scheduling procedure applies only to motions for relief from stay filed on or after July 16, 2018.