

Memorandum

From: Honorable Eugene R. Wedoff
Bankruptcy Judge
United States Bankruptcy Court for the Northern District of Illinois

To: Attorneys Practicing Before the Honorable Eugene R. Wedoff

Date: December 13, 2011

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

Effective January 1, 2012, Judge Wedoff 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 and *only* to motions alleging that stay relief is warranted because the debtor has no equity in the property. The procedures *will not* apply to motions for relief from the stay in Chapter 11 or Chapter 13 proceedings or in motions in Chapter 7 cases where the request for relief is based on something other than the debtor's lack of equity in the property.

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 Wedoff on a date before the scheduled Section 341 meeting of creditors, creditor's counsel may contact Judge Wedoff's courtroom deputy, Peter Castaneda (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 case trustee has filed a report of no distribution in a case and 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, creditor's counsel does not need to appear in court on the motion. Judge Wedoff will call the case and if no party appears to object to the relief requested, he will grant the motion. If a party in interest does appear to object to the motion, the court will continue the hearing on the motion to provide

creditor's counsel the opportunity to present any arguments supporting the motion in court.

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, creditor's counsel does not need to appear in court on the motion. Judge Wedoff will call the case and if no party appears to object to the relief requested, he will grant the motion. However, the Judge will strike any language in the proposed order providing for a waiver of the 14 day stay period provided in Fed. R. Bankr. P. 4001. If a party in interest does appear to object to the motion, the hearing on the motion will be continued to provide creditor's counsel the opportunity to present any arguments supporting the motion.