

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

**GENERAL ORDER No. 16-1
REGARDING PROCEDURES FOR RESTRICTED FILERS
Effective January 1, 2017**

The following requirements and procedures are being imposed pending approval of a proposed Local Bankruptcy Rule by the District Court:

RESTRICTED FILERS

A. Restricted Filers

Any party who has abused the processes of the bankruptcy court may be prohibited, after notice and an opportunity to be heard, from filing any documents with the clerk, including petitions, claims, and adversary complaints, unless permission is granted under section F of this order.

B. Procedure

(1) Request for Restriction

Any judge or judges of the bankruptcy court, any judge or judges of the district court, or the United States Trustee for this region may submit a written request to the chief judge of the bankruptcy court asking the bankruptcy court to declare a party a restricted filer and prohibit that party from filing documents.

(2) Initial Decision

Upon receiving a request, the chief judge must submit the request to the bankruptcy court for consideration. After considering the request, the bankruptcy court must decide by majority vote either (a) that the request merits no action, or (b) that the request may merit action, and a response is warranted.

(3) Request for Response

If the bankruptcy court decides that a response is warranted, the chief judge must notify the party in writing. The notice must

(a) state that the bankruptcy court has been asked to restrict the party's right to file documents;

(b) give the reasons why the restriction has been requested; and

(c) state that the party has the right to respond to the request in writing within 30 days.

(4) **Final Decision**

After receiving the response, or after the time to respond has expired, the chief judge must submit the request and any response to the bankruptcy court. After considering the request and any response, the bankruptcy court must decide by majority vote either (a) that the request merits no action, or (b) that the party should be declared a restricted filer. If the bankruptcy court determines that the party should be declared a restricted filer, the bankruptcy court must also determine the terms of the restriction.

C. Terms of Restriction

The terms of the restriction must include the length of the restriction, which may not be longer than ten (10) years. The terms must give the restricted filer the opportunity to ask for the restriction to be lifted. The terms must state how such a request may be made, when such a request may first be made, and how frequently such requests may be made.

D. Order

(1) The determination that a party has been declared a restricted filer must be set forth in an order signed by the chief judge. The order must set forth the terms of the restriction. The order must also describe how the restricted filer can request permission to file a document.

(2) The signed order must be submitted to the clerk of the court who must docket the order as a separate miscellaneous proceeding under the restricted filer's name. A copy of the order must be sent to the restricted filer by regular mail.

E. Restricted Filers List

The clerk of the court must maintain a current list of parties declared restricted filers under this order.

F. Documents filed by Restricted Filers

(1) **Refusal of Document Unless Accompanied by Motion.**

(a) Any document a restricted filer submits for filing must be returned unfiled unless accompanied by a written motion requesting permission to file the document.

- (b) If a restricted filer submits a document for filing along with a written motion requesting permission to file the document, the clerk must not file the document or the motion but must stamp them "received" and deliver them to the chief judge, or some other judge as the restricting order designates, for decision.

(2) Decision on Motion

- (a) If the motion requesting permission is granted, the judge must sign an order to that effect. The clerk must docket the order in the miscellaneous proceeding, file the documents submitted in the bankruptcy case or adversary proceeding, as applicable, and mail to the restricted filer a copy of the order and a stamped copy of the documents.
- (b) If the motion is denied, the judge must sign an order to that effect. The clerk must docket the order in the miscellaneous proceeding and must mail the order to the restricted filer along with the documents submitted for filing.

G. Appeal

Orders under section D of this order declaring parties restricted filers and under section F(2) of this order denying motions of restricted filers requesting permission to file documents are final orders appealable as of right to the Executive Committee of the district court. Part VIII of the Fed. R. Bankr. P. governs all appeals from orders under this Rule, except that Fed. R. Bankr. P. 8006 does not apply.

H. Effect on Other Powers

Nothing in this order is intended to restrict in any way the powers of a judge under Local Rules, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, or the Bankruptcy Code.

ENTERED:


Bruce W. Black
Chief Judge

Dated: December 22, 2016