

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
IRENA KUZMANOVA, ) CASE NO. 07-22795 JPK  
 ) Chapter 7  
Debtor. )

ORDER FOR HEARING

On January 11, 2008, Attorney Robert D. McIntosh, as counsel for DCFS Trust, filed a document designated as "Motion for Entry of Order Confirming Termination of Automatic Stay Pursuant to 11 U.S.C. § 362(j)". The debtor, by counsel, filed an objection to this motion.

As the Court has previously ruled with respect to similar motions, filed by Attorney McIntosh, 11 U.S.C. § 362(j) provides for issuance of an order under "subsection (c)" of 11 U.S.C. § 362. The factual statements in the motion make it absolutely clear that the assertion of termination of the automatic stay is premised upon 11 U.S.C. § 362(h), and not at all upon 11 U.S.C. § 362(c). However, paragraph 3 of the motion states that it is made "pursuant to 11 U.S.C. § 362(c)", and the prayer for relief again mentions that statute as a premise for the requested relief. Perhaps the debtor has been involved in a case in another District which was dismissed within the one year period prior to the filing of the petition in this case, but as far as the Court's records disclose, she has not been a debtor in a previous case filed in the United States Bankruptcy Court for the Northern District of Indiana. Therefore, Attorney McIntosh's reference to § 362(c) is incomprehensible, if not in fact in violation of Fed.R.Bankr.P. 9011.

IT IS ORDERED that a hearing will be held on **February 25, 2008, at 1:00 P.M.** in open court at which Attorney Robert McIntosh shall personally appear before the Court and explain the basis for the foregoing motion, including its references to 11 U.S.C. § 362(c). The debtor's objection to the motion will also be addressed at that time.

Dated at Hammond, Indiana on February 7, 2008.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor, Trustee, US Trustee, Attorney for Creditor