

Motions to Continue or to Impose Stay Under §362(c)(3) or (4)

- Parties should contact chambers to request a hearing date before filing the motion. The motion should be accompanied (at the time of filing) by one or more declarations (see 28 U.S.C. §1746) or affidavits signed by debtors or other persons with knowledge of facts supporting the motion.
- In the event there are no objections to the motion, the court *may* cancel the hearing if the supporting declarations or affidavits establish that the debtors have met their burden to show that they filed the current case in good faith.
- If the court is not satisfied that the debtors have met this burden, the time to object has not passed, a party has objected to the motion, or the debtors have not submitted an affidavit of no objection and proposed order, then the court will hold a hearing at the scheduled time.
- If the court holds a hearing, it generally anticipates that the debtor will present testimony or other evidence in support of the motion.