



United States Bankruptcy Court
Middle District of Florida
Sam M. Gibbons United States Courthouse
801 North Florida Avenue
Tampa, Florida 33602

MEMORANDUM

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To: Attorneys Appearing in the Middle District of Florida, Tampa Division

From: Hon. Catherine Peek McEwen

Subject: Motions to Extend or Impose the Automatic Stay

Date: October 15, 2019

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All debtors' attorneys appearing in the Tampa Division for the Middle District of Florida are reminded that relief under both 11 U.S.C. § 362(c)(3) (to extend the automatic stay) and 11 U.S.C. § 362(c)(4) (to impose the automatic stay) requires the moving party to demonstrate that the filing of the current bankruptcy case is in "good faith as to the creditors to be stayed."

Consequently, in all cases assigned to me, motions for relief under either §§ 362(c)(3) or 362(c)(4) will not be set for hearing unless the motion includes specific facts—not mere conclusory allegations—showing that the current case is filed in good faith. For example, it is not sufficient to state that the debtor's circumstances have changed without specifically describing changed circumstances that lead counsel to believe that the current case will be successful.

If a motion cannot be set hearing for failure to comply with this requirement, the motion will be denied without prejudice to file an amended motion that includes specific facts demonstrating a good faith filing. Please note, however, that if an amended motion is necessary, the Court cannot guarantee a hearing date within the 30-day time period within which a hearing on a motion to extend the stay under § 362(c)(3) must be completed. 11 U.S.C. § 362(c)(3)(B).