

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**IMPORTANT NOTICE TO THE BAR AND PUBLIC
CONCERNING COURT ISSUANCE OF ORDERS TO SHOW CAUSE**

To streamline the processing of cases, the Board of Judges for the Bankruptcy Court for the District of New Jersey has modified the process for the issuance of Orders to Show Cause in the following instances:

- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to File Documents,
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Comply with D.N.J. LBR 1006-1, Payment of Filing Fees in Installments,
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Make Installment Payment(s) or Pay Miscellaneous Filing Fees,
- Order to Show Cause Why Case Should Not be Dismissed for Debtor's Failure to Meet Credit Counseling Requirements,
- Order to Show Cause Why Case Should Not be Dismissed for Corporate Debtor's Failure to Obtain Counsel,
- Order to Show Cause Why Case Should Not be Converted or Dismissed Due to Debtor's Ineligibility to be a Debtor under Chapter 13 of the Bankruptcy Code.

Effective June 3, 2019, the process is modified to require that a hearing be scheduled on a single motion date for all outstanding Orders to Show Cause. The hearing will be set for the first available motion date 21 days after the filing of the petition. Each Order to Show Cause can be resolved by complying with the underlying requirements. If all required documents and/or fees are filed with the Clerk before the hearing date, no appearance is required. A Debtor who files a motion to extend time or an objection to an Order to Show Cause must appear at the date and time indicated.

A sample of each *Order to Show Cause* is attached.

Date: May 22, 2019

Jeanne A. Naughton, Clerk

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Judge: _____

Chapter: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE
DISMISSED FOR FAILURE TO FILE DOCUMENTS**

The debtor filed a petition on _____ but failed to file the following documents required by Fed. R. Bankr. P. 1007:

[list of missing documents]

It is hereby ORDERED that:

The debtor or debtor's attorney must appear at a hearing before the Honorable _____ on: *[first available date that is 21 days or more from the date of filing]*

Date:

Time:

Location:

to show cause why the case should not be dismissed.

If **all** required documents are filed with the Clerk before the hearing date, this Order to Show Cause will be vacated and no appearance is required.

Any motion or other objection that is filed will be considered a Motion for Extension of Time to File Schedules, Statements, and Other Documents under Fed. R. Bankr. P. 1007(c), and will be scheduled by the court to be heard on the same date and time as this Order to Show Cause.

Unless all required documents are filed before the hearing date on this Order to Show Cause, you **must** appear at the hearing. FAILURE TO APPEAR AT THE HEARING WILL RESULT IN DISMISSAL OF THE CASE.

Dated: _____

United States Bankruptcy Judge

IMPORTANT: Any document filed must be the most recent version of the applicable Official or Local Form. Please check www.njb.uscourts.gov to find updated forms.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Hearing Date: _____

Judge: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD
NOT BE DISMISSED FOR DEBTOR'S FAILURE TO
MEET CREDIT COUNSELING REQUIREMENTS**

The debtor filed a petition on _____, and failed to comply with the credit counseling requirements of the Bankruptcy Code as indicated below,

- The debtor joint debtor did not file a Certificate of Credit Counseling with the petition and has not requested an exemption from the credit counseling requirement and has not filed a request for a temporary waiver of the credit counseling requirement,
- The debtor joint debtor filed a Certificate of Credit Counseling after filing the petition that indicates that the debtor(s) participated in credit counseling after filing their petition, and has not filed a request for a temporary waiver of, or exemption from the credit counseling requirement,
- The debtor joint debtor filed a Certificate of Credit Counseling indicating that the debtor(s) participated in credit counseling more than 180 before the filing of the petition.

It is hereby

ORDERED that the debtor joint debtor shall file with the Clerk at the address above, a Certificate of Credit Counseling indicating that they participated in a credit counseling briefing within the 180 days prior to the filing of their petition by _____ or the case will be dismissed.

The debtor or debtor's attorney must appear at a hearing to be held before the Honorable _____ on:

Date:

Time:

Location:

to show cause why the case should not be dismissed.

If **all** required documents are filed with the Clerk before the hearing date, this Order to Show Cause will be vacated and no appearance is required.

Any motion or other objection that is filed will be considered a Motion for Extension of Time to File Schedules, Statements, and Other Documents under Fed. R. Bankr. P. 1007(c), and will be scheduled by the court to be heard on the same date and time as this Order to Show Cause.

Unless all required documents are filed before the hearing date on this Order to Show Cause, you **must** appear at the hearing. **FAILURE TO APPEAR AT THE HEARING WILL RESULT IN DISMISSAL OF THE CASE.**

Dated: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____
Hearing Date: _____
Judge: _____
Chapter: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE
DISMISSED FOR FAILURE TO COMPLY WITH
D.N.J. LBR 1006-1, PAYMENT OF FILING FEES IN INSTALLMENTS**

The debtor filed a petition on _____, and has failed to comply with the Court's local rule, D.N.J. LBR 1006-1, Payment of filing Fees in Installments as noted below:

- Debtor has not paid the filing fee in the amount of _____ in full at the time of the filing of the petition.
- Debtor has not submitted an Application for Individuals to Pay the filing Fee in Installments.
- Debtor has submitted an Application for Individuals to Pay the filing Fee in Installments, but has not paid with the petition the first installment payment in an amount equal to at least 25% of the filing fee.

It is hereby

ORDERED that the following document and/or fee must be submitted to the clerk or the case will be dismissed:

- Filing fee in the amount of \$_____.
- Application for Individuals to Pay the Filing Fee in Installments.
- Initial installment payment in the amount of \$_____.
- Balance of initial installment payment in the amount of \$_____.

The debtor or debtor's attorney must appear at a hearing to be held before the Honorable

_____ on:

Date:

Time:

Location:

to show cause why the case should not be dismissed.

If **all** required documents and/or fees are filed with the Clerk before the hearing date, this Order to Show Cause will be vacated and no appearance is required.

Unless all required documents and/or fees are filed before the hearing date on this Order to Show Cause, you **must** appear at the hearing. FAILURE TO APPEAR AT THE HEARING WILL RESULT IN DISMISSAL OF THE CASE.

IMPORTANT: Any document filed must be the most recent version of the applicable Official or Local Form. Please check www.njb.uscourts.gov to find updated forms.

Dated: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Judge: _____

Chapter: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE
DISMISSED FOR DEBTOR'S FAILURE TO MAKE INSTALLMENT
PAYMENT(S) OR PAY MISCELLANEOUS FILING FEES**

The Court having noted that:

An order directing the payment of filing fees in installments was entered in the above case, and that the payment due on _____ in the amount of \$_____ has not been received by the Clerk,

The debtor filed a _____ on _____ that requires the payment of a fee in the amount of \$_____, and that the fee has not been received by the Clerk,

It is hereby ORDERED that:

The debtor or debtor's attorney must appear at a hearing that will be held before the Honorable _____ on:

Date:

Time:

Location:

to show cause why the case should not be dismissed.

If **all** required fees are filed with the Clerk before the hearing date, this Order to Show Cause will be vacated and no appearance is required.

Any motion or other objection that is filed will be considered a Motion for Extension of Time to File Schedules, Statements, and Other Documents under Fed. R. Bankr. P. 1007(c), and will be scheduled by the court to be heard on the same date and time as this Order to Show Cause.

Unless all required fees are filed before the hearing date on this Order to Show Cause, you **must** appear at the hearing. FAILURE TO APPEAR AT THE HEARING WILL RESULT IN DISMISSAL OF THE CASE.

Dated: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Hearing Date: _____

Judge: _____

Chapter: 13

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE CONVERTED
OR DISMISSED DUE TO DEBTOR'S INELIGIBILITY TO BE A
DEBTOR UNDER CHAPTER 13 OF THE BANKRUPTCY CODE**

The Court having noted that the debtor is a corporation, or other form of legal entity, and that it has filed a petition under Chapter 13 of the Bankruptcy Code, and that the debtor is ineligible to be a debtor under Chapter 13, it is hereby

ORDERED that the debtor must file with the Clerk the documents necessary to convert this case to chapter 7 or 11 or the case will be dismissed.

The debtor or debtor's attorney must appear at a hearing to be held before the Honorable _____ on:

Date:

Time:

Location:

to show cause why the case should not be dismissed.

If **all** required documents are filed with the Clerk before the hearing date, this Order to Show Cause will be vacated and no appearance is required.

Any motion or other objection that is filed will be considered a Motion for Extension of Time to File Schedules, Statements, and Other Documents under Fed. R. Bankr. P. 1007(c), and will be scheduled by the court to be heard on the same date and time as this Order to Show Cause.

Unless all required documents are filed before the hearing date on this Order to Show Cause, you **must** appear at the hearing. FAILURE TO APPEAR AT THE HEARING WILL RESULT IN DISMISSAL OF THE CASE.

Dated: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

SAMPLE

Case No.: _____

Hearing Date: _____

Chapter: _____

Judge: _____

**ORDER TO SHOW CAUSE WHY CASE SHOULD
NOT BE DISMISSED FOR CORPORATE
DEBTOR'S FAILURE TO OBTAIN COUNSEL**

The Court having noted that the debtor is a corporation or other form of separate legal entity and is not represented by an attorney, it is hereby

ORDERED that the Debtor must file with the Clerk proof that they have retained counsel, including any application and/or disclosures required in connection with the retention of such counsel, or the case will be dismissed.

The debtor or debtor's attorney must appear at a hearing to be held before the Honorable

_____ on:

Date:

Time:

Location:

to show cause why the case should not be dismissed.

If **all** required documents are filed with the Clerk before the hearing date, this Order to Show Cause will be vacated and no appearance is required.

Any motion or other objection that is filed will be considered a Motion for Extension of Time to File Schedules, Statements, and Other Documents under Fed. R. Bankr. P. 1007(c), and will be scheduled by the court to be heard on the same date and time as this Order to Show Cause.

Unless all required documents are filed before the hearing date on this Order to Show Cause, you **must** appear at the hearing. FAILURE TO APPEAR AT THE HEARING WILL RESULT IN DISMISSAL OF THE CASE.

Dated: _____

United States Bankruptcy Judge