

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF ILLINOIS

235 U.S. COURTHOUSE
600 EAST MONROE STREET
SPRINGFIELD, ILLINOIS 62701

CHAMBERS OF
MARY P. GORMAN
CHIEF JUDGE

TELEPHONE
(217) 492-4848

March 18, 2019

Ms. Nancy J. Gargula
United States Trustee
101 West Ohio, Suite 1000
Indianapolis, Indiana 46304

RE: Chapter 11 Procedures - Springfield and Urbana

Dear Ms. Gargula:

I am writing to inform you of changes that I am making in the internal handling of Chapter 11 cases assigned to me in the Springfield and Urbana divisions. I wanted to give you and your staff attorneys notice of the changes that are effective immediately. A separate notice regarding the changes will also be posted on our website.

With respect to all new Chapter 11 filings in Springfield and Urbana, our Clerk's office staff will review the filings only to verify that the documents required to commence a case have been filed. The Clerk's office will no longer send a missing documents order notifying debtors and their attorneys of the additional documents that must be filed and of the dates those documents are due. Further, the Clerk's office will no longer docket the notice reminding debtors' attorneys of the requirement to file an application to be employed.

There are a number of reasons for the changes. Attorneys who agree to represent debtors in bankruptcy cases should know what documents are required and when those documents are due. Likewise, practitioners should know in what types of cases applications to employ are required. This is particularly true in Chapter 11 cases where the fees charged are often quite significant. Our resources are limited, and it seems wasteful for us to continue to review and monitor cases in the way that we have been doing.

I have also considered that Rule 2002(a)(4) requires a 21-day notice for dismissal of Chapter 11 cases. Our missing documents order that provides for dismissal after 14 days may run afoul of that Rule. It also seems that *sua sponte* dismissal for the failure to file all documents may be an unnecessarily harsh result. That thought has been reinforced recently in Chapter 11 cases filed in the Urbana division. On several occasions, when I have set in-court status hearings on missing documents, your staff attorneys have not appeared. This suggests that your office may well be able to monitor the cases without all documents being timely filed and that cases should be dismissed for

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the failure to file documents only after a motion is brought by your office, a creditor, or another party in interest. I no longer believe that the one-size-fits-all missing documents order we have been using is appropriate in Chapter 11 cases. Whether it remains appropriate in cases filed under other chapters is under consideration.

Obviously, these changes in no way serve to waive the requirements of the Code or Rules identifying what documents are required to be filed or when they are due. I am simply stopping the *sua sponte* enforcement of those provisions of the Code and Rules in Chapter 11 cases assigned to me.

To maintain transparency, a copy of this letter will be posted with my procedures on our website.

Sincerely,



Mary P. Gorman
U.S. Bankruptcy Judge

cc: Judge Thomas Perkins
Adrienne Atkins
Sabrina Petesch
Mark Skaggs