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2 UNITED STATES BANKRUPTCY COURT
3 EASTERN DISTRICT OF CALIFORNIA
4 SACRAMENTO DIVISION
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6
7 In re) Case No. 06-90257-A-13G
8 CLIFFORD A. ROGERS, JR., and) Docket Control No. SPS-1
9 GLENN A. ROGERS,)
10 Debtors.)
11 _____)

12 **MEMORANDUM**

13 The creditor, American General Finance, has filed an ex
14 parte motion seeking an order confirming that the automatic stay
15 has been "terminated" pursuant to 11 U.S.C. § 362(c)(3)(C). The
16 ex parte application will be dismissed without prejudice.

17 First, the ex parte motion bears the same docket control
18 number as an earlier filed objection to confirmation. This is
19 impermissible. See Local Bankruptcy Rule 9014-1(c). The purpose
20 of a docket control number is to insure that all pleadings and
21 documents filed in connection with a particular motion or
22 objection are associated with that motion or objection. By using
23 a docket control number for more than one motion or objection,
24 this purpose is frustrated and the court or a party in interest
25 is apt to be confused as to what pleadings and documents are
26 relevant.

27 Second, notice and a hearing is required. Further, the
28 proposed order appears calculated to mislead the court into

1 believing that a hearing was held on July 24, 2006. This date
2 and time is included in the caption. However, that was the date
3 and time of the hearing on the objection to confirmation that has
4 the same docket control number. There is no good reason for the
5 date and time of the hearing on the objection to confirmation
6 should be on an order regarding the automatic stay.

7 Third, and preliminarily, it does not appear that the
8 automatic stay has been "terminated" by section 362(c)(3).
9 Rather, section 362(c)(3) provides that the automatic stay
10 expires on the 30th day after the filing of the petition "with
11 respect to a debt or property securing such debt . . . with
12 respect to the debtor. . . ." This language limits only the
13 protection given the debtor and the debtor's property. See In re
14 Johnson, 335 B.R. 805 (Bankr. W.D. Tenn. 2006). Section
15 362(c)(3) has no impact on the duration of the automatic stay vis
16 a vis property of the estate. See also In re Jones, 339 B.R. 360
17 (Bankr. E.D.N.C. 2006); In re Paschal, 337 B.R. 274 (Bankr.
18 E.D.N.C. 2006).

19 It appears, then, that the debtors' interest in American
20 General's collateral is unprotected by the automatic stay but the
21 automatic stay remains viable as to the estate. Of course, the
22 court will revisit this issue when the matter is set for hearing.

23 A separate order will be entered.

24 Dated:

25 By the Court

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Michael S. McManus, Chief Judge
United States Bankruptcy Court