

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: :
: General Order Amending M-315
PROCEDURES RELATING TO THE :
IMPLEMENTATION OF 11 U.S.C. § 521. : M-382
:

WHEREAS, on April 20, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the “Act”) was enacted into law, and became fully effective on October 17, 2005; and

WHEREAS, 11 U.S.C. § 521(a)(1)(B), as amended by the Act, requires a debtor to file certain information “unless the court orders otherwise,” and 11 U.S.C. § 521(i) requires the dismissal of the case if this information is not filed within forty-five (45) days after the commencement of the case, it is hereby

ORDERED that effective as to cases filed on or after October 17, 2005, and unless the Court orders otherwise:

1. Copies of all payment advices or other evidence of payment received by an individual debtor within sixty (60) days before the date of the filing of the petition from any employer of the debtor (a) shall not be filed with the Court, and (b) shall be provided to the chapter 7 or 13 case trustee no later than the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341(a).
2. If a party in interest requests an order of dismissal under 11 U.S.C. § 521(i) (2), the following procedures shall apply:
 - a) The party in interest will serve a copy of the request on the debtor’s attorney and the debtor at the same time that the party in interest sends the request to the Court.
 - b) If the debtor objects to the request within seven (7) days of service, the debtor’s objection will be treated as a request for a hearing, which the Court shall schedule promptly.
 - c) No order of dismissal will be entered until the debtor’s objection has been resolved, except that nothing herein shall affect the right of any party in interest to seek dismissal, or the authority of the Court to dismiss the case,

pursuant to any other provision of applicable bankruptcy law.

3. This order becomes effective on December 1, 2009, and will apply to all petitions filed after that date.

Dated: New York, New York
November 18, 2009

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
Chief United States Bankruptcy Judge