

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

In the Matter of

JOYCE E. HEISER,

Debtor.

Case No. 90-02059-D J

Chapter 13

**ORDER**

On December 21, 1990 the First National Bank of Muscatine (Bank) filed a detailed and fact specific motion for relief from stay which essentially complies with Local Rule 14 (a) . on the same date, the Bank filed a bar date for objection as required by Local Rule 14(b). The notice of the bar date indicated that any objections to the Bank's motion had to be filed within eight days of the notice in accordance with Local Rule 14(b)(2)(A).

On December 27, 1990 the bankruptcy clerk's office returned the document the debtor had submitted in response to the Bank's motion for two reasons related to automation. First, the social security number of the debtor's attorney was not included on the document as required by Local Rule 10. Second, contrary to Local Rule 14(f), the responsive document utilized the word "resistance" in the caption. The memorandum returning unfiled documents which was prepared by the clerk's office indicated that any motion to file the refused documents "shall be filed within eight (8) days of the receive date originally stamped on the document and only in circumstances in which substantial cause can be established".

On January 2, 1991 the debtor filed a motion to file refused documents which failed to set forth any ground for relief. Addi-

tionally, the objection to motion for relief from the automatic stay, which was submitted on the same date as the motion to file refused documents, requested either a hearing within 30 days of the filing of the Bank's motion or reinstatement of the stay after the 30 day period. In support of the objection the debtor only states that the Bank failed to allege grounds which would entitle it to relief from the automatic stay. That blanket assertion clearly fails to meet the "specific facts" requirement of Local Rule 14(f)(2).

The debtor's failure to allege facts that would establish substantial cause justifies denial of the motion to file without further hearing and notice. Furthermore, even if the debtor had established substantial cause to allow the filing of the refused documents, the objection to the Bank's motion also fails to comply with the letter and the spirit of the local rules and would not justify the time and expense of a hearing on the Bank's motion. See Local Rule 14 (g) (2) (A) .

THEREFORE, the motion to file refused documents is denied.

Signed and dated this 3rd day of January, 1991.

LEE M. JACKWIG  
CHIEF U.S. BANKRUPTCY JUDGE