BEAST OF BURDEN

HON. HARLIN D. HALE
EMMA PERSSON



BEAST OF BURDEN

- This presentation will take a closer look at burdens of proof, production, and presumptions in the Bankruptcy Code. We will also discuss the role of evidence in bankruptcy, including direct and cross examination and the effective use of proffers.

BURDENS OF PROOF

MOTION TO LIFT THE AUTOMATIC STAY

- 11 U.S.C. § 362(g)
- *"In any hearing under subsection (d) or (e) of this section concerning relief from the stay of any act under subsection (a) of this section—*
  - *(1) the party requesting such relief has the burden of proof on the issue of the debtor's equity in property; and*
  - *(2) the party opposing such relief has the burden of proof on all other issues."*

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"Beast of Burden"