



# **Litigation in Consumer Cases**

**Explore litigation considerations before, during and after bankruptcy, including forms, tips and tactics.**

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# Common Litigation that Arises

## General Contested Matters

- Motions for Relief from Stay
- Plan Objections
- Motion to Extend Stay
- Claim Objections

## Adversaries

- Stay Violations
- Turnover Actions
- Non-Dischargeability Actions
- Appointing Special Counsel
- Settlements and 9019's



# Motion for Relief from Stay

- Who has the burden on a Motion for Relief from Stay?

It depends on the issue . . .

# Motion for Relief from Stay

## 11 U.S.C. 362(g)

- **(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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