

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL , ILLINOIS
MCHENRY COUNTY ILLINOIS

EDWARD GIL, Jr., and)
MARY McCELLAN) Case #2019 MR 000953
v.)
)
MCHENRY COUNTY, MCHENRY)
COUNTY BLOG, CAL SKINNER JR.)
JANE DOE AND JOHN DOE AND)
UNKNOWN RESPONDENTS)

EMERGENCY MOTION TO STAY PROCEEDINGS

NOW COMES Defendants, Cal Skinner, Jr., and McHenry County Blog LLC by and through their attorney, ROBERT T. HANLON of the LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, PC, with their combined Emergency Motion to stay and in support thereof state as follows:

1. At the time that Defendants counsel appeared in this case and filed its response to the emergency Motion of Mary McClellan there had been no knowledge that Mary McClellan is a debtor in Bankruptcy.
2. Attached hereto and incorporated herein is a copy of a printout from the United States Bankruptcy Court showing Mary E. McClellan with the same address as the plaintiff as a debtor in bankruptcy. See Exhibit A.
3. This is the fourth Bankruptcy petition of the Debtor, Mary McClellan.
4. The bankruptcy court Docket (Exhibit A) shows no relief form the automatic stay to pursue this action and it was not advanced by the bankruptcy estate's trustee.
5. For Defendants to assert their rights in this case, would violate the Automatic Stay, especially in light of the likely filing of a sanction motion.

6. Plaintiffs Filing also violates the automatic stay as no relief has been granted by the Bankruptcy court for pursuing this action by the Debtor and not the Bankruptcy Estate.

7. In light of the bankruptcy filing, Plaintiff has knowingly falsely pled in this case where she alleged she was a person of good credit. This is her fourth bankruptcy and there have been motions by secured creditors for relief for non-payment of her home mortgage payment. The action in pleading in violation of the automatic stay is sanctionable by not only the bankruptcy court but also this court.

Wherefore, Defendants pray for the following relief:

- a) Immediately stay this proceeding until relief is granted from the automatic stay by the bankruptcy court or until such time that the Bankruptcy proceeding is completed.
- b) For such other and further relief as this court deems just and equitable.

Respectfully submitted,

/s/Robert T. Hanlon

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EXHIBIT A

**U.S. Bankruptcy Court
Northern District of Illinois (Western Division)
Bankruptcy Petition #: 19-81045**

Assigned to: Honorable Judge Thomas M. Lynch
Chapter 13
Voluntary
Asset

Date filed: 04/30/2019
Plan confirmed: 09/26/2019
341 meeting: 06/10/2019
Deadline for filing claims: 07/09/2019
Deadline for filing claims (govt.): 10/28/2019

Debtor 1

Mary E. McClellan
3014 South Bergman Drive
Holiday Hills, IL 60051
MCHENRY-IL
SSN / ITIN: xxx-xx-5627

represented by **Daniel A Springer**
Springer Law Firm
5301 E State Street
Suite 105
Rockford, IL 61108
815.312.4725
Fax : 815.226.3583
Email: spr03001@gmail.com

Trustee

Lydia Meyer
Lydia Meyer - 13 Trustee
P.o. Box 14127
Rockford, IL 61105-4127
815-968-5354

represented by **Lydia Meyer**
Lydia Meyer - 13 Trustee
P.o. Box 14127
Rockford, IL 61105-4127
815-968-5354
Fax : 815-968-5368
Email: ecf@lsm13trustee.com

Fiona M. Whelan

Lydia S. Meyer, Trustee
308 W. State Street, Suite 212
Rockford, IL 61101
815-968-5354
Fax : 815-968-5368
Email: ch13@lsm13trustee.com

U.S. Trustee

Patrick S Layng
Office of the U.S. Trustee, Region 11
780 Regent St.
Suite 304
Madison, WI 53715
608-264-5522

Filing Date	#	Docket Text
04/30/2019	<u>1</u> (72 pgs; 2 docs)	Chapter 13 Voluntary Petition for an Individual Fee Amount \$310, Filed by Daniel A Springer on behalf of Mary E. McClellan Chapter 13 Plan due by 05/14/2019. (Attachments: # <u>1</u> Signature Pages) (Springer, Daniel) (Entered: 04/30/2019)

04/30/2019	2 (4 pgs)	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period for 3 Years (Form 122C-1) Disposable Income Is Not Determined Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 04/30/2019)												
04/30/2019	3	Statement About Your Social Security Numbers Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 04/30/2019)												
04/30/2019	4 (1 pg)	Certificate of Credit Counseling Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 04/30/2019)												
04/30/2019	5	Meeting of Creditors with 341(a) meeting to be held on 06/10/2019 at 12:30 PM at Stewart Square, 308 West State Street, Rm. 40, Rockford, Illinois 61101. Confirmation hearing to be held on 07/11/2019 at 10:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. Proof of Claim due by 07/09/2019. Government Proof of Claim due by 10/28/2019. Objection to Dischargeability due by 08/09/2019. (Springer, Daniel) (Entered: 04/30/2019)												
04/30/2019	6	Receipt of Voluntary Petition (Chapter 13)(19-81045) [misc,volp13a] (310.00) Filing Fee. Receipt number 39641161. Fee Amount \$ 310.00 (re:Doc# 1) (U.S. Treasury) (Entered: 04/30/2019)												
05/01/2019	7	<p>Notice of Debtor's Prior Filings</p> <table border="1"> <thead> <tr> <th>Debtor</th> <th>Case No</th> <th>Note</th> </tr> </thead> <tbody> <tr> <td>Mary E. McClellan</td> <td>09-75259</td> <td>Ch7 filed in Illinois Northern Bankruptcy on 11/25/2009, Standard Discharge on 03/02/2010</td> </tr> <tr> <td></td> <td>99-51203</td> <td>Ch7 filed in Illinois Northern Bankruptcy on 04/15/1999</td> </tr> <tr> <td></td> <td>96-52526</td> <td>Ch13 filed in Illinois Northern Bankruptcy on 09/30/1996, Dismissed for Other Reason on 04/09/1999</td> </tr> </tbody> </table> <p>(Admin) (Entered: 05/01/2019)</p>	Debtor	Case No	Note	Mary E. McClellan	09-75259	Ch7 filed in Illinois Northern Bankruptcy on 11/25/2009, Standard Discharge on 03/02/2010		99-51203	Ch7 filed in Illinois Northern Bankruptcy on 04/15/1999		96-52526	Ch13 filed in Illinois Northern Bankruptcy on 09/30/1996, Dismissed for Other Reason on 04/09/1999
Debtor	Case No	Note												
Mary E. McClellan	09-75259	Ch7 filed in Illinois Northern Bankruptcy on 11/25/2009, Standard Discharge on 03/02/2010												
	99-51203	Ch7 filed in Illinois Northern Bankruptcy on 04/15/1999												
	96-52526	Ch13 filed in Illinois Northern Bankruptcy on 09/30/1996, Dismissed for Other Reason on 04/09/1999												
05/01/2019	8 (2 pgs)	Notice of Chapter 13 Bankruptcy Case . (Gossett, Valerie) (Entered: 05/01/2019)												
05/01/2019	9 (1 pg)	Statement Requesting Confirmation Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 05/01/2019)												
05/01/2019	10 (4 pgs; 2 docs)	Notice of Motion and Application for Compensation for Daniel A Springer, Debtor's Attorney, Fee: \$4000, Expenses: \$0. Filed												

		by Daniel A Springer. Hearing scheduled for 7/11/2019 at 10:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. (Attachments: # 1 Proposed Order) (Springer, Daniel) (Entered: 05/01/2019)
05/02/2019	11 (9 pgs)	Chapter 13 Plan Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 05/02/2019)
05/03/2019	12 (1 pg)	Notice of Appearance and Request for Notice Filed by Samantha C San Jose on behalf of Carrington Mortgage Services, LLC. (San Jose, Samantha) (Entered: 05/03/2019)
05/03/2019	13 (4 pgs)	BNC Certificate of Notice - Meeting of Creditors. (RE: 8 Notice of Chapter 13 Bankruptcy Case). No. of Notices: 13. Notice Date 05/03/2019. (Admin.) (Entered: 05/03/2019)
05/07/2019	14 (2 pgs)	Notice of Filing Filed by Daniel A Springer on behalf of Mary E. McClellan (RE: 11 Chapter 13 Plan/Amended Plan). (Springer, Daniel) (Entered: 05/07/2019)
06/06/2019	15 (15 pgs; 3 docs)	Notice of Motion and Motion for Relief from Stay as to 2018 Chevrolet Equinox. Fee Amount \$181, Filed by Caroline Hasten on behalf of Corporate America Family Credit Union. Hearing scheduled for 6/20/2019 at 09:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. (Attachments: # 1 Statement Accompanying Relief From Stay # 2 Proposed Order) (Hasten, Caroline) (Entered: 06/06/2019)
06/07/2019	16	Receipt of Motion for Relief from Stay(19-81045) [motion,mrlfsty] (181.00) Filing Fee. Receipt number 39904764. Fee Amount \$ 181.00 (re:Doc# 15) (U.S. Treasury) (Entered: 06/07/2019)
06/13/2019	17 (5 pgs; 2 docs)	Objection to Confirmation of Plan Filed by Lydia Meyer on behalf of Lydia Meyer (RE: 11 Chapter 13 Plan/Amended Plan). (Attachments: # 1 Proposed Order)(Meyer, Lydia) (Entered: 06/13/2019)
06/17/2019	18 (8 pgs)	Amended Schedules A / B, Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 06/17/2019)
06/17/2019	19 (3 pgs)	Amended Schedules I, Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 06/17/2019)
06/20/2019	20 (5 pgs; 2 docs)	Notice of Motion and Motion to Incur Debt Filed by Daniel A Springer on behalf of Mary E. McClellan. Hearing scheduled for 7/11/2019 at 09:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. (Attachments: # 1 Proposed Order) (Springer, Daniel) (Entered: 06/20/2019)

06/20/2019	21	(E)Hearing Continued (RE: 15 Relief from Stay). hearing scheduled for 06/27/2019 at 09:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 06/20/2019. (Kuczynski, Mimi) (Entered: 06/20/2019)
06/27/2019	22 (2 pgs)	Response to (related document(s): 20 Obtain Credit/Incur Debt) Filed by Lydia Meyer on behalf of Lydia Meyer (Meyer, Lydia) (Entered: 06/27/2019)
06/27/2019	23 (1 pg)	(E)Order Granting Motion for Relief from Stay (Related Doc # 15). Signed on 06/27/2019. (Kuczynski, Mimi) (Entered: 06/27/2019)
07/11/2019	24	(E)Confirmation Hearing Continued. Confirmation Hearing to be held on 08/15/2019 at 10:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 07/11/2019. (Kuczynski, Mimi) (Entered: 07/11/2019)
07/11/2019	25	(E)Hearing Continued (RE: 10 Compensation WITH Notice of Motion). hearing scheduled for 08/15/2019 at 10:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 07/11/2019. (Kuczynski, Mimi) (Entered: 07/11/2019)
07/11/2019	26 (1 pg)	(E)Order Granting Motion To Obtain Credit/Incur Debt (Related Doc # 20). Signed on 07/11/2019. (Kuczynski, Mimi) (Entered: 07/11/2019)
07/17/2019	27 (3 pgs; 2 docs)	Objection to Confirmation of Plan Filed by Paul B. Fichter on behalf of Credit Union 1 (RE: 11 Chapter 13 Plan/Amended Plan). (Attachments: # 1 Proposed Order)(Fichter, Paul) (Entered: 07/17/2019)
07/17/2019	28 (1 pg)	Notice of Filing Filed by Paul B. Fichter on behalf of Credit Union 1 (RE: 27 Objection to Confirmation of the Plan). (Fichter, Paul) (Entered: 07/17/2019)
08/15/2019	29	(E)Confirmation Hearing Continued. Confirmation Hearing to be held on 09/12/2019 at 10:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 08/15/2019. (Clarke, Jody) (Entered: 08/15/2019)
08/15/2019	30	(E)Hearing Continued (RE: 10 Compensation WITH Notice of Motion). hearing scheduled for 09/12/2019 at 10:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 08/15/2019. (Clarke, Jody) (Entered: 08/15/2019)
08/20/2019	31 (10 pgs)	Amended Schedules A / B,J, Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 08/20/2019)

08/21/2019	32 (9 pgs)	Amended Chapter 13 Plan Filed by Daniel A Springer on behalf of Mary E. McClellan. (Springer, Daniel) (Entered: 08/21/2019)
08/21/2019	33 (2 pgs)	Notice of Filing Filed by Daniel A Springer on behalf of Mary E. McClellan (RE: 32 Chapter 13 Plan/Amended Plan). (Springer, Daniel) (Entered: 08/21/2019)
08/26/2019	34 (5 pgs; 2 docs)	Objection to Confirmation of Plan Filed by Fiona M. Whelan on behalf of Lydia Meyer (RE: 32 Chapter 13 Plan/Amended Plan). (Attachments: # 1 Proposed Order)(Whelan, Fiona) (Entered: 08/26/2019)
09/12/2019	35	(E)Confirmation Hearing Continued. Confirmation Hearing to be held on 09/26/2019 at 10:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 09/12/2019. (Clarke, Jody) (Entered: 09/12/2019)
09/12/2019	36	(E)Hearing Continued (RE: 10 Compensation WITH Notice of Motion). hearing scheduled for 09/26/2019 at 10:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 09/12/2019. (Clarke, Jody) (Entered: 09/12/2019)
09/26/2019	37 (1 pg)	(E)Order Confirming Chapter 13 Plan (RE: 32 Chapter 13 Plan/Amended Plan). Signed on 09/26/2019. (Kuczynski, Mimi) (Entered: 09/26/2019)
09/26/2019	38 (1 pg)	Order Granting Application For Compensation (Related Doc # 10). Daniel A Springer, fees awarded: \$4000.00, expenses awarded: \$0.00. Signed on 9/26/2019. (Clarke, Jody) (Entered: 09/27/2019)
09/27/2019	39 (40 pgs; 4 docs)	Notice of Motion and Motion for Relief from Stay as to 3317 Atlantis Dr, Holiday, FL 34691. Fee Amount \$181, Filed by Kinnera Bhoopal on behalf of SunTrust Bank. Hearing scheduled for 10/10/2019 at 09:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. (Attachments: # 1 Statement Accompanying Relief From Stay # 2 Proposed Order # 3 Mortgage Documents) (Bhoopal, Kinnera) (Entered: 09/27/2019)
09/27/2019	40 (38 pgs; 2 docs)	Affidavit Filed by Kinnera Bhoopal on behalf of SunTrust Bank (RE: 39 Motion for Relief from Stay). (Attachments: # 1 Mortgage Documents) (Bhoopal, Kinnera) (Entered: 09/27/2019)
09/27/2019	41	Receipt of Motion for Relief from Stay(19-81045) [motion,mrlfsty] (181.00) Filing Fee. Receipt number 40667915. Fee Amount \$ 181.00 (re:Doc# 39) (U.S. Treasury) (Entered: 09/27/2019)

10/10/2019	42	(E)Hearing Continued (RE: 39 Relief from Stay). hearing scheduled for 10/24/2019 at 09:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 10/10/2019. (Kuczynski, Mimi) (Entered: 10/10/2019)
10/23/2019	43 (37 pgs)	Notice of Motion and Motion for Relief from Stay as to 3014 South Bergman Drive, McHenry, IL 60051. Fee Amount \$181.,, Notice of Motion and Motion for Relief from Co-Debtor Stay as to 3014 South Bergman Drive, McHenry, IL 60051. Filed by Samantha C San Jose on behalf of Carrington Mortgage Services, LLC. Hearing scheduled for 11/14/2019 at 09:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. (San Jose, Samantha) (Entered: 10/23/2019)
10/23/2019	44	Receipt of Motion for Relief from Stay(19-81045) [motion,mrlfsty] (181.00) Filing Fee. Receipt number 40841986. Fee Amount \$ 181.00 (re:Doc# 43) (U.S. Treasury) (Entered: 10/23/2019)
10/23/2019	45 (1 pg)	Proposed Order - Order Terminating the Automatic Stay and Co-Debtor Stay Filed by Samantha C San Jose on behalf of Carrington Mortgage Services, LLC (RE: 43 Motion for Relief from Stay, Motion for Relief from Co-Debtor Stay). (San Jose, Samantha) (Entered: 10/23/2019)
10/24/2019	46	(E)Hearing Continued (RE: 39 Relief from Stay). hearing scheduled for 11/07/2019 at 09:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 10/24/2019. (Kuczynski, Mimi) (Entered: 10/24/2019)
10/30/2019	47 (3 pgs; 2 docs)	Transfer of Claim. Transferor: SunTrust Bank (Claim No. 2, Amount 43,057.84) To Specialized Loan Servicing LLC Fee Amount \$25 Filed by Specialized Loan Servicing LLC. Objections due by 11/20/2019. (Lea, Natalie) (Entered: 10/30/2019)
10/30/2019	48	Receipt of Transfer of Claim(19-81045) [claims,trclm] (25.00) Filing Fee. Receipt number 40889707. Fee Amount \$ 25.00 (re:Doc# 47) (U.S. Treasury) (Entered: 10/30/2019)
11/02/2019	49 (2 pgs)	BNC Certificate of Notice - Notice to Assignor of Assignment of Claim (RE: 47 Transfer of Claim). No. of Notices: 2. Notice Date 11/02/2019. (Admin.) (Entered: 11/02/2019)
11/07/2019	50	Hearing Set (RE: 39 Motion for Relief from Stay). Evidentiary hearing scheduled for 11/21/2019 at 11:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. (Kuczynski, Mimi) (Entered: 11/07/2019)
11/08/2019	51	Final Pre Trial Order (RE: 39 Motion for Relief from Stay).

	(1 pg)	Witness List due by 11/19/2019. Exhibit List due by 11/19/2019. Stipulation due by 11/19/2019. Trial date set for 11/19/2019 at 11:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. Signed on 11/8/2019 (Clarke, Jody) (Entered: 11/08/2019)
11/08/2019	52 (1 pg)	Amended Final Pre Trial Order (RE: 43 Motion for Relief from Stay, Motion for Relief from Co-Debtor Stay). Witness List due by 11/19/2019. Exhibit List due by 11/19/2019. Stipulations due by 11/19/2019. Trial date set for 11/21/2019 at 11:00 AM at U.S. Court House, 327 South Church Street, Rm. 3100, Rockford, Illinois 61101. Signed on 11/8/2019 (Clarke, Jody). Related document(s) 39 Notice of Motion and Motion for Relief from Stay as to 3317 Atlantis Dr, Holiday, FL 34691. Fee Amount \$181, filed by Creditor SunTrust Bank. Modified on 11/12/2019 to correct relationship to entry # 39 (Gossett, Valerie). (Entered: 11/08/2019)
11/12/2019	53	CORRECTIVE ENTRY to correct relationship to entry #39 (RE: 52 Trial Order). (Gossett, Valerie) (Entered: 11/12/2019)
11/14/2019	54 (3 pgs)	Notice of Withdrawal Filed by Toni Townsend on behalf of SunTrust Bank (RE: 39 Motion for Relief from Stay). (Townsend, Toni) (Entered: 11/14/2019)
11/14/2019	55	(E)Hearing Continued (RE: 43 Relief from Stay (Co-Debtor)). hearing scheduled for 11/21/2019 at 09:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 11/14/2019. (Kuczynski, Mimi) (Entered: 11/14/2019)
11/14/2019	56	(E)Order Withdrawing Motion for Relief from Stay (Related Doc # 39). Signed on 11/14/2019. (Kuczynski, Mimi) (Entered: 11/14/2019)
11/21/2019	57	(E)Hearing Continued (RE: 43 Relief from Stay (Co-Debtor)). hearing scheduled for 12/19/2019 at 09:00 AM at Courtroom 3100 327 South Church Street, Rockford, IL, 61101.. Signed on 11/21/2019. (Kuczynski, Mimi) (Entered: 11/21/2019)